



OFFICE OF THE DIRECTOR

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT

WASHINGTON, D.C. 20415

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MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: KAY COLES JAMES
Director *K.C. James*

SUBJECT: Participation of Federal Employees in Volunteer Activities

To recognize America's proud tradition of volunteer service and the many people who work to help their neighbors and communities, April 18-24, 2004, has been designated as National Volunteer Week. Additionally in his 2002 State of the Union Address, President George W. Bush has challenged all Americans to give 2 years or 4,000 hours over the course of their lives to volunteer service.

To further his call to service, in 2003, President Bush established the President's Council on Service and Civic Participation to recognize the valuable contributions that volunteers make in our Nation and to encourage greater civic participation. The Council created the President's Volunteer Service Award as a way to recognize Americans who contribute a significant amount of time to volunteer service. The Award is given to individuals, families, and groups who have demonstrated outstanding volunteer service and civic participation over the course of a 12-month period.

Federal employees have a history of generously giving of their time and talents to make positive contributions to their local communities. Given their ongoing service activity, many Federal employees and their families may already have met the requirements to earn the President's Volunteer Service Award. Therefore, I strongly encourage agencies to consider adding the President's Volunteer Service Award to their current public service recognition programs. The President's Council on Service and Civic Participation has enlisted more than 2,600 certifying organizations throughout the country to help the Council distribute the awards. These include businesses; non-profit, community, and faith-based organizations; school districts; national service programs; membership organizations; and Federal, State, or local government agencies. I urge you to consider enlarging your agency's role in support of volunteer activities by becoming a certifying organization and recognizing the valuable contributions your employees are making to their communities. Further information on the President's Volunteer Service Award and on becoming a certifying organization can be found at the President's Volunteer Service Award Web site at <http://www.presidentialserviceawards.gov>.

In addition, I would like to take the occasion of the 30th anniversary of National Volunteer Week to encourage agencies to support the volunteer efforts of their employees by ensuring that all employees are aware of the various work scheduling and leave flexibilities available to enable them to participate in volunteer activities. (See the attached "Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities.") Each department and agency should review the extent to which alternative work schedules are authorized and encouraged to allow Federal employees to participate in volunteer activities. Likewise, each department and agency should review its policies and practices for granting employees annual leave, leave without pay, credit hours under flexible work schedules, and compensatory time off, where appropriate, to perform community service.

As we approach National Volunteer Week, I ask that you support the President's call to service by encouraging employees to participate in volunteer activities and making employees aware of the President's Volunteer Service Award. Through their direct involvement in local community activities, Federal employees have become an invaluable resource to our citizens. I encourage you to honor their proud tradition of service. To help your employees find volunteer opportunities, please visit the USA Freedom Corps Volunteer Network, located at www.usafreedomcorps.gov. The network allows individuals to search among more than 75,000 organizations, according to interest and geographic location, to find volunteer opportunities locally, across the country, and around the world.

For additional guidance, agency Chief Human Capital Officers and Human Resources Directors may contact their assigned OPM Human Capital Officers. Employees should contact their agency human resources offices for assistance.

cc: Chief Human Capital Officers
Human Resources Directors

Attachment

Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities

The Office of Personnel Management (OPM) has prepared the following guidance to support the efforts of departments and agencies to encourage employee participation in volunteer activities. Departments and agencies should also review any applicable regulations or policies and collective bargaining agreements before making determinations on these matters.

SCHEDULING WORK AND TIME OFF

- **GENERAL.** The Federal personnel system provides departments and agencies with considerable flexibility in scheduling hours of work and time off. Departments and agencies are encouraged to make appropriate use of this flexibility in responding to requests for changes in work schedules or time off to allow employees to engage in volunteer activities, while giving due consideration to the effect of the employee's absence or change in duty schedule on work operations and productivity.
- **ALTERNATIVE WORK SCHEDULES.** Departments and agencies have the flexibility to approve a variety of work arrangements for employees seeking to engage in volunteer activities during normal work hours.

Alternative Work Schedules (AWS) -- Flexible or compressed work schedules may be established for employees who wish to engage in volunteer activities during normal working hours. Employees represented by an exclusively-recognized union may participate in a flexible or compressed work schedule "only to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative." (See 5 U.S.C. 6130(a)(2).) To review the extent to which AWS programs have already been applied, departments and agencies should review their internal AWS policies and practices and collective bargaining agreements. To determine how additional AWS flexibilities may be implemented, departments and agencies may also consult subchapter II of chapter 61 of title 5, United States Code; regulations in 5 CFR part 610, subpart D, Flexible and Compressed Work Schedules; and the Handbook on Alternative Work Schedules (<http://www.opm.gov/oca/aws/index.htm>) and OPM's Labor-Management Relations Guidance Bulletin: Negotiating Flexible and Compressed Work Schedules (<http://www.opm.gov/cplmr/html/flexible.asp>).

Credit Hours -- Credit hours are those hours within a flexible work schedule that an employee elects to work in excess of his or her basic work requirement (e.g., 80 hours in a pay period for a full-time employee) so as to vary the length of a workweek or workday. Employees may use credit hours to fulfill their basic work requirement, thereby gaining time off from work to pursue volunteer activities and

for other purposes. If a department or agency authorizes credit hours under its flexible work schedules program, the maximum amount of credit hours that may be carried over from one pay period to another is 24 hours.

- **SCHEDULING TIME OFF FROM WORK.** Employees seeking to participate in volunteer activities during basic working hours may be granted annual leave, leave without pay, compensatory time off, or, in very limited and unique circumstances, excused absence, as discussed below. (Employees may also be permitted to use accumulated credit hours under flexible work schedules, as discussed above.)

Annual Leave -- When employees request annual leave to perform volunteer service, departments and agencies should be as accommodating as possible in reviewing and approving such requests consistent with regulations in 5 CFR part 630, subpart C, Annual Leave, and applicable collective bargaining agreements.

Leave Without Pay -- At the discretion of the agency, leave without pay (LWOP) may be granted to employees who wish to engage in volunteer activities during normal working hours. As with annual leave, OPM encourages departments and agencies, whenever possible, to act favorably upon requests by employees for LWOP to perform volunteer services. However, LWOP is appropriate for extended periods only if the employee is expected to return to his or her job at the end of the LWOP. Agencies should review their internal policies on LWOP and applicable collective bargaining agreements.

Compensatory Time Off -- Departments and agencies may approve requests from employees for compensatory time off in exchange for performing an equal amount of time in irregular or occasional overtime work. For employees under flexible work schedules, departments and agencies may approve employee requests for compensatory time off for both regularly scheduled and irregular or occasional overtime work.

Excused Absence (administrative leave) -- Each department or agency has discretion to excuse employees from their duties without loss of pay or charge to leave. OPM advises that the granting of excused absence for volunteer activities should be limited to those situations in which the employee's absence, in the department's or agency's determination, is not specifically prohibited by law and satisfies one or more of the following criteria: (1) the absence is directly related to the department or agency's mission; (2) the absence is officially sponsored or sanctioned by the head of the department or agency; (3) the absence will clearly enhance the professional development or skills of the employee in his or her current position; or (4) the absence is brief and is determined to be in the interest of the agency. Ultimately, it is the responsibility of each department or agency head to balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that agency operations are conducted efficiently and effectively. Agencies should review their internal guidance on excused absence and applicable collective bargaining agreements.

- **PART-TIME EMPLOYMENT AND JOB SHARING.** Part-time employment or job-sharing may also be appropriate for employees who request such arrangements in connection with performing volunteer service. Regulations in 5 CFR part 340 provide additional information on part-time employment and job-sharing.

AWARDS FOR VOLUNTEERISM

Departments and agencies are encouraged to recognize their employees who volunteer their skills to help others. A department or agency may wish to become a Certifying Organization for the President's Volunteer Service Award (<http://www.presidentialserviceawards.gov>). Certifying Organizations agree to perform the following roles:

- Verify that the volunteer(s) has completed the number of service hours required to earn a President's Volunteer Service Award.
- Nominate verified volunteers by completing and submitting an order form to purchase the award(s).
- Pay the nominal cost for the award package and its shipping, either directly or through local sponsorship.
- Receive the award package and distribute the award to each recipient.

In addition, agencies may wish to establish internal programs to reward employees who donate their time and talents to help others. However, providing cash or paid time off undermines the volunteer spirit in which these individuals donate their personal time and efforts for the benefit of others. Nevertheless, granting appropriate citations and letters of appreciation, or small mementos such as a "You Make a Difference" pin or mug, would demonstrate the agency's pride in the various beneficial services its employees render to the community.

LABOR-MANAGEMENT RELATIONS

Agency officials are reminded that conditions of employment (such as work schedules) of bargaining unit employees may not be changed without notifying the exclusive representative of those employees and, upon timely request, bargaining on the matter to the extent required and/or permitted by laws, regulations, and collective bargaining agreements. Moreover, bargaining unit employees may participate in flexible or compressed work schedules "only to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative." (See 5 U.S.C. 6130(a)(2).) For further information on an agency's collective bargaining obligations, agency officials should consult with their labor relations officers. Departments and agencies should also consult OPM's Labor-Management Relations Guidance Bulletin: Negotiating Flexible and Compressed Work Schedules (<http://www.opm.gov/cplmr/html/flexible.asp>).

PROHIBITION OF COERCION

While managers, supervisors, and other agency officials may encourage employees to become more involved in volunteer activities, 5 U.S.C. 6132 provides that employees may not be coerced for the purpose of interfering with their legal rights under flexible and compressed work schedules. (Also see 5 U.S.C. 2302, Prohibited Personnel Practices.)

CONFLICT OF INTEREST AND HATCH ACT RESTRICTIONS

Departments, agencies, and employees are reminded that conflict of interest laws and related regulations governing outside employment for compensation also apply to Federal employees who engage in volunteer activities. Hatch Act restrictions apply to employees who are on duty, as well as to those on paid or unpaid leave.

USE OF GOVERNMENT FACILITIES AND EQUIPMENT

Employees may not use Government facilities and equipment for other than authorized purposes. (See 5 CFR 2635.704.) Employees may consult their agency ethics officials or Office of General Counsel for information about what may be authorized by their agency or department.

LIABILITY FOR WORK-RELATED INJURIES

Departments and agencies need to be aware of liability issues related to employee participation in volunteer activities. The Department of Labor advises that, in most instances, employees who perform mission-related agency sponsored/sanctioned, or skills-enhancing volunteer activities while they are on excused absence are covered by 5 U.S.C. chapter 81, Compensation for Work Injuries. Other kinds of absences would most likely not be covered.