

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

Action Date: July 6, 1998

For Information Only

DEPARTMENTAL PERSONNEL MANUAL

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DPM Letter NO. 610-4

DATE: May 28, 1998

SUBJECT: Participation of Departmental Employees in Volunteer Activities

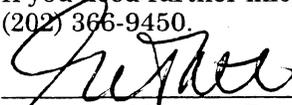
This DPM Letter provides the Department of Transportation's policy on the President's April 22, 1998, initiative to promote volunteer service from Federal employees (copy attached).

In his memorandum for Heads of Executive Departments and Agencies, the President directs Federal departments and agencies to review their work scheduling practices and to make maximum use of existing flexibilities, when possible, to allow Federal employees to plan and take time off to perform community service. Currently, managers have the authority to grant employees annual leave, leave without pay, credit hours under flexible work schedules, and compensatory time off, where appropriate, to perform community service. These flexibilities must be publicized to the Department's employees so they are aware of the options available to assist them in participating in volunteer activities.

The Department supports the President's initiative, and Operating Administrations are asked to develop internal plans concerning absence for volunteer service, based on the attached guidance. Draft plans should be forwarded to the Departmental Director of Human Resource Management (M-10) no later than July 6, 1998, for review. Based on the information contained in your plans, the Office of the Secretary will compile a departmental report on volunteer service, as required by the President, to the Office of Personnel Management by July 21, 1998. Please note that labor-management obligations at the level of exclusive recognition must be fulfilled prior to implementing this policy. This policy does not modify the terms of any collective bargaining agreement.

This policy and guidance represent the Department's effort to establish a co-partnership with employees on volunteerism. The new policy demonstrates the Departments' commitment and support for volunteer activities. In the spirit of mutual cooperation, employees are encouraged to use annual leave, leave without pay, compensatory time off, or credit hours in any amount the employees deem appropriate to participate in such activities.

If you need further information, please contact Maxcine Sterling (202) 366-1291 or Jan Karicher (202) 366-9450.

  
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Director of Human Resource Management

Attachments

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**Bulletin Expires:** Upon Notification

**Distribution:** All Departmental Personnel Manual Recipients, Personnel Council, FAA/APN-100, FAA/AMZ-500, OST/B-30

**OPI:** M-13/JKARICHER/202-366-9450

# DEPARTMENTAL VOLUNTEER SERVICE POLICY

## SECTION 1 - PURPOSE

This directive establishes the Department of Transportation's (DOT) policy on granting excused absence for employees to participate in any volunteer program, as addressed by the OPM guidance provided with its April 23, 1998 Memorandum for Heads of Executive Departments and Agencies. It results from the President's initiative to promote volunteer service from within the Federal workforce, as outlined in the President's April 22, 1998, Memorandum for Heads of Executive Departments and Agencies.

This policy and guidance demonstrate the Department's commitment and support for volunteer activities and the President's volunteer initiative.

## SECTION 2 - SCHEDULING WORK AND TIME OFF

### 1. General.

- (a) Time off to perform volunteer service is not an employee right, and approval or denial may be based, among other things, on operational requirements. Employees who represent the Department in an official capacity, regardless of the location or setting, are considered to be performing agency business during normal working hours. No charge to leave is appropriate in such situations
- (b) The Federal personnel system provides considerable flexibility in scheduling hours of work and time off. Operating Administrations are urged 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.

### 2. Alternative Work Schedules.

Operating Administrations have the flexibility to approve a variety of work arrangements for employees seeking to engage in volunteer activities during normal work hours. These flexibilities include:

- (a) **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 Department and the exclusive representative." (See 5 U.S.C. 6130(a)(2).) To review the extent to which AWS programs have already been applied, Operating Administrations should review their internal AWS policies and practices and collective bargaining agreements. To determine how additional AWS flexibilities may be implemented, Operating Administrations 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; the Handbook on Alternative Work Schedules, and applicable Departmental Personnel Manual Bulletins and Letters. Information is also available in the Labor-Management Relations Guidance Bulletin: Negotiating Flexible and Compressed Work Schedules.
- (b) **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 an Operating Administration 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.

### 3. 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.)

- (a) **Annual Leave** -- When employees request annual leave to perform volunteer service, Operating Administrations should be as accommodating as possible in reviewing and approving such requests consistent with regulations in 5 CFR part 630, subpart C, Annual Leave, applicable Departmental policies, and applicable collective bargaining agreements.

- (a) **Leave Without Pay** -- At the discretion of the Operating Administration, leave without pay (LWOP) may be granted to employees who wish to engage in volunteer activities during normal working hours. As with annual leave, the Office of the Secretary encourages Operating Administrations, 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. Operating Administrations should review their internal policies on LWOP and applicable collective bargaining agreements.
- (c) **Compensatory Time Off** -- Operating Administrations 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, OAs may approve employee requests for compensatory time off for both regularly scheduled and irregular or occasional overtime work.
- (d) **Excused Absence (administrative leave)** -- Each Operating Administration 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's mission; (2) the absence is officially sponsored or sanctioned by the Secretary and/or Heads of Operating Administrations; (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 Department. Ultimately, it is the responsibility of the head of each Operating Administration to balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that internal operations are conducted efficiently and effectively. Operating Administrations should review their internal guidance on excused absence and applicable collective bargaining agreements.
- (e) **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.

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### **SECTION 3 - CERTIFICATION**

In order for an employee to participate in the volunteer service program, an employee must submit a letter and/or official notification from the volunteer organization that the employee is participating in that program. The letter should specify the number of hours the employee will be expected to participate.

### **SECTION 4 - PROCESSING REQUESTS**

1. Before an employee may be permitted to perform volunteer service, he/she must submit a SF-71, or its approved equivalent, to the official designated to approve/deny leave for the employee within a reasonable period of time before the service is to be performed.
2. If the request is denied, the approving official must document the reason for the denial in the remark section of the SF-71.

### **SECTION 5 - LABOR-MANAGEMENT RELATIONS**

Operating Administrations are reminded that conditions of employment (such as work schedules) of bargaining unit employees may not be changed without notifying the exclusive representative and, if requested, bargaining on the matter to the extent required and/or permitted by law. 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. 6103(a)(2).) A broad range of issues may also be addressed through a labor-management partnership council, where applicable. For further information on collective bargaining obligations, Operating Administrations should consult with their labor relations officers. Operating Administrations may also consult departmental labor relations officers and OPM's Labor-Management Relations Guidance Bulletin: *Negotiating Flexible and Compressed Work Schedules*.

### **SECTION 6 - PROHIBITION OF COERCION**

While managers, supervisors, and other departmental 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.)

## **SECTION 7 - CONFLICT OF INTEREST AND HATCH ACT RESTRICTIONS**

Departmental managers 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.

## **SECTION 8 - 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 ethics officials or Office of General Counsel for information about what facilities and/or use equipment may be authorized.

## **SECTION 9 - RESPONSABILITY FOR WORK-RELATED INJURIES**

Operating Administrations 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.

## **SECTION 10 - AWARDS FOR VOLUNTEERISM**

Operating Administrations are encouraged to recognize their employees who volunteer their skills 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 pin or mug, would demonstrate pride in the various beneficial services its employees render to the community. In addition, Operating Administrations can publicize employee volunteer activities in internal publications, such as newsletters, bulletins, and magazines. Operating Administrations should make the effort to acknowledge those whose personal efforts make their communities a better place to live and work and who contribute something extra to the well being of others.

## THE WHITE HOUSE

### Office of the Press Secretary

April 22, 1998

#### MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

##### **SUBJECT: Strengthening Our Commitment to Service**

Citizen service is one of the most important ways we demonstrate that we care for and are responsible for one another. It is also an American tradition that we meet our challenges as members of a true community, with all of us working together. Thus, citizen service should not just be a temporary pursuit of only a week or a month. The ethic of service must extend throughout a lifetime.

Over the years, great numbers of Federal employees have been generous with their time and talents and have made positive contributions to their local communities, even as they have fulfilled their official responsibilities. At the same time, as the Nation's largest employer, the Federal Government has a responsibility to set an example by helping to make it possible for its employees to dedicate time to serve others.

Therefore, I am today directing Federal departments and agencies to explore additional measures to expand service opportunities for Federal employees. Each department and agency should review its work scheduling practices and make maximum use of existing flexibilities to allow Federal employees to plan and take time off to perform community service as the public business permits. Each department and agency should also inform its employees of the various flexibilities available to them to participate in volunteer activities. The Office of Personnel Management should provide information to departments and agencies in support of this effort. Each department and agency should then report to the Office of Personnel Management within 90 days on the measures taken to implement this memorandum.

WILLIAM J. CLINTON

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