A.  PURPOSE: This policy establishes work schedules that provide an optimum level of service and promote workplace satisfaction; and that are consistent with the Judiciary Leave and Attendance Policy found in the Guide to Judiciary Policy (Guide), Volume 12, Chapter 9, §§ 910-930, unless superceded by this Panel Policy. It is the responsibility of each employee to be familiar with these provisions. A current copy of the Guide, Vol 12, Ch 9, is available on the J-Net under the “Human Resources” tab. Included in this sub-chapter is legislation under the Family and Medical Leave Act (FMLA) of 1993 and the Federal Employees Family Friendly Leave Act (FEFFLA).

B.  APPLICABILITY, INTENT AND SUPERVISING AUTHORITY

1. This work schedule and leave policy applies to all employees of the United States Judicial Panel on Multidistrict Litigation.

2. The supervising authority is as follows:

   a. for the Panel Executive, the Panel Chairman or designee;
   
   b. for the Clerk of the Panel and Attorney Staff, the Panel Executive;
   
   c. for the Chief Deputy Clerk, the Clerk of the Panel or designee;
   
   d. for Administrative and Operations staff, the Chief Deputy Clerk or designee; and
   
   e. for Automation staff, the Systems Manager or designee.

3. The Panel Executive is the approving authority for all work schedules.

C.  WORK SCHEDULE (For Summary of Options, see Exhibit 1)

1. A traditional work schedule is an 80-hour basic bi-weekly work requirement Monday through Friday, during official business hours (8:00 a.m. - 4:30 p.m.). All employees are on this schedule, unless otherwise approved by the appropriate supervising authority.

2. A standard work schedule is eight continuous regularly scheduled working hours per day, plus 30 minutes of unpaid time for lunch, for the ten days of a pay period, Monday through Friday. This schedule must be approved by the supervising authority and documentation approving the schedule is maintained in the employee’s personnel folder. (Exhibit 2)
3. The following **two alternative work schedules** (AWS) – flexible and compressed – are also available. An AWS must be approved by the appropriate supervising authority and documentation approving the schedule is maintained in the employee’s personnel folder. (Exhibit 2)

a. A **flexible work schedule** is eight regularly scheduled working hours per day, plus 30 minutes of unpaid time for lunch, in which the employee is required to be at the Panel Office during the core work hours of 9:30 a.m. - 3:00 p.m. The earliest arrival time is 6:30 a.m. and the latest departure time is 7:00 p.m.

b. A **compressed work schedule** (CWS) is 8 - 9.0 hour days, 1 - 8.0 hour day and one flex day off during each two-week pay period. The flex day will generally be Monday or Friday. Employees may move their flex day to any day within the same pay period, but may not cross pay periods. Requests to move a flex day must be submitted in writing to the supervising authority or designee. Leave will be charged as 8- or 9-hour days, depending on the schedule. If a CWS flex day falls on a holiday, the flex day will be moved to the working day immediately preceding or following the holiday, or the employee may select an alternative date.

4. Participation in a work schedule other than the traditional work schedule is a privilege that depends on an employee’s performance and conduct. The appropriate supervising authority will grant, deny, or adjust work schedules for each employee. Employees may request to participate in an AWS schedule if they have a minimum combined balance of 40 hours of annual and sick leave. Once on an AWS schedule, it is not necessary to maintain this minimum balance. All employees are strongly encouraged, however, to maintain sufficient leave balances to accommodate unanticipated events.

5. Telework is available for any of the work schedule options, in accordance with the U.S. Judicial Panel on Multidistrict Litigation Telework Policy.

6. Adherence to the agreed upon work schedule is required, unless excused by the supervising authority or designee. Employees should be at their desks, ready to work at their specified time, unless otherwise scheduled by their supervisors. Regular attendance and punctuality are expected.

7. Tardiness and/or early departure from duty under one hour may be excused by the supervisor by requiring the employee to make up the lost time. If the tardiness and/or early departure is one hour or more, appropriate leave in 30-minute increments will be used. *(See Section D.III. LEAVE APPROVAL for additional information.)*
8. Time and attendance shall be certified by the supervising authority in accordance with procedures established by the Panel.

D. LEAVE PROGRAM

The following leave categories are most commonly used for Panel purposes. (Certain additional types of leave are also available. See Vol 12, Ch. 9 § 920.20 of the Guide.)

I. TYPES OF LEAVE:

1. **Annual Leave:** Requests for annual leave must be submitted in advance. Approval of annual leave requests is not automatic, although whenever possible such requests will be granted. If the approval of a request for annual leave conflicts with work schedules, appropriate consideration will be given to the operating requirements of the Panel. The maximum amount of annual leave that may be carried over into a new leave year is 240 hours. Employees must be conscientious, therefore, in planning their use of leave to avoid losing leave at the end of the year.

2. **Sick Leave:** When an employee is too ill to report for duty, the employee is required to call in daily or notify the leave approving official of an estimated return to duty date. Though normally a doctor's excuse is required for sick leave in excess of 24 hours, your supervisor may require a doctor's excuse for less than 24 hours, if circumstances seem to warrant such action.

3. **Administrative Leave/Excused Absence.** Administrative leave is an absence from duty without loss of pay or charge to leave, sometimes referred to as excused absence. In certain situations the Panel may excuse employees for brief periods of time without charge to leave or loss of pay, generally for emergency/disaster closures, national interests, civil defense, civic, charitable, or community support activities such as voting and blood drives. Excused absence will be limited to relatively short periods of time not exceeding more than three consecutive work days in a single period of excused absence. Granting excused absence for purposes that are entirely personal to the employee or in situations covered by leave provisions is inappropriate. The Panel may grant time-off awards to employees for job performance or special acts or service, which they may use (at their discretion subject to supervisory approval) for such personal purposes. Any such award must be granted in accordance with the Panel’s Employee Recognition Program.
4. **Compensatory Leave:** The Panel’s compensatory leave policy is informed by the policy approved by the Judicial Conference (see the Guide, Vol. 12, Ch. 9 § 940 et seq.). The Judiciary is not subject to provisions of the Fair Labor Standards Act (FLSA) of 1938, as amended, nor to the premium pay provisions found in Title 5, United States Code. Pursuant to the Panel’s policy, compensatory time:

   a. is available to all Panel Staff;

   b. may be earned only for work ordered or approved by the supervising authority in advance of the extra time being worked;

   c. may be credited only for hours worked in excess of an employee's normal daily work schedule or in excess of the normal administrative work schedule of 80 hours per pay period, or when an employee is required to work on a holiday;

   d. is not creditable for travel on official business outside of normal work hours;

   e. must be used within three (3) months of being accrued or is automatically forfeited;

   f. must be used before using any accrued annual leave that may be available;

   g. use requires the approval of the supervisor in the same manner as annual leave;

   h. is subject to the same internal controls and record keeping as other time, attendance, and leave records;

   i. only one hour of compensatory time may be earned for each hour of approved additional time worked, and compensatory time shall be accrued, recorded, and used in one-half hour increments;

   j. payment of monetary compensation for unused compensatory time is prohibited.

5. **Religious Compensatory Time:** In addition to the provisions listed above, any Panel employee whose personal religious beliefs require abstention from work during certain recurring or occasional periods of time may elect to use compensatory time for time spent in meeting those religious requirements.

   a. To the extent that such schedule modifications do not interfere with the efficient accomplishment of the Panel’s mission, the supervising authority shall afford the employee the opportunity to earn compensatory time on an hour-for-hour basis and shall grant compensatory time off for religious observances when
requested. The employee may earn this compensatory time before or after the grant of compensatory time off.

b. A grant of advanced compensatory time off should be repaid by the appropriate amount of compensatory overtime work within a reasonable amount of time.

c. Monetary compensation for unused religious compensatory time is prohibited.

6. Leave Without Pay: This type of leave is used with approval by the supervising authority. The employee will be placed on non-pay status for the number of hours approved.

7. Absence Without Leave (AWOL): An employee who fails to return to duty from a period of approved leave, or is absent without prior approval and fails to notify a supervising authority within a reasonable amount of time (e.g., one hour) from the beginning of the workday, may be charged AWOL. If it is later determined by management that the absence was excusable and the employee submits a leave slip, the AWOL may be changed to annual, sick or LWOP as appropriate.

II. LEAVE CALENDARS: The Panel Executive, Clerk and the Chief Deputy Clerk will coordinate leave for all staff as needed. A calendar of approved leave for all Panel employees will be kept by the Time and Attendance Clerk.

III. LEAVE APPROVAL

A supervisor's approval must be obtained in advance for planned absences (annual leave or sick leave for doctor’s appointment). Other than for illness, late arrivals of more than one hour after an employee’s start time require verbal approval of a supervisor. If a call to the office is not possible, explanation of tardiness along with a leave slip is required upon arrival. Leave slips for sick leave are to be submitted to the supervisor upon return to the office.

All leave is chargeable in increments of one-half hour. Approved leave slips are given to the Time and Attendance Clerk by the approving official. Approving officials for all leave are as follows:

a. for the Panel Executive, the Panel Chairman or designee;

b. for the Clerk of the Panel and Attorney Staff, the Panel Executive or designee;

c. for the Chief Deputy Clerk, the Clerk of the Panel or designee;

d. for Administrative and Operations staff, the Chief Deputy Clerk or designee; and

e. for Automation staff, the Systems Manager or designee.

If it is not feasible or practical for the Chairman to approve each individual leave request of the Panel Executive, the Chairman may issue a memorandum that approves, in advance, work and telework schedules and/or leave for the Panel Executive as long as there is a positive leave balance in the appropriate leave category (annual or sick leave) to cover the absence involved. For each leave request made by the Panel Executive, the Panel’s Time and Attendance Clerk may be designated to effect administratively any such advance approval by the Chairman. (Samples: Exhibit 3)

E. INCLEMENT WEATHER AND ADMINISTRATIVE CLOSING

a. Before Workday Begins

All employees should presume, unless otherwise notified, that the Panel will be open each regular workday regardless of weather. Employees are expected to be prepared to cope with difficult driving conditions and minor disruptions of public transportation.

The Panel will generally follow OPM guidance in weather or other emergency closure or dismissal situations. One of the following announcements is typically made in the media, or can be found on the Office of Personnel Management website (www.opm.gov/status) when an emergency or inclement weather develops before the workday begins.

(1) Federal agencies are open; employees should report to work on time. OPM frequently does not make an announcement when no changes are required in federal operations.

(2) Federal agencies are open with option for unscheduled leave or unscheduled telework; Employees should report to work on time unless they notify their supervisor of their intent to:

- take unscheduled leave; or
- perform unscheduled telework (assuming the employee has a telework agreement in place).

Employees scheduled to telework on the day of the announcement are expected to begin telework on time or request unscheduled leave.

Reasonable tardiness will be excused for those employees experiencing commuting delays.
(3) Federal agencies are on XX hour delayed arrival – with option for unscheduled leave or unscheduled telework. Employees should plan to report to work no more than xx hours later then they would normally arrive. Administrative leave will be granted for up to the designated number of hours past an employee’s normal arrival time.

Employees must notify their supervisor of their intent to:

- take unscheduled leave; or
- perform unscheduled telework (assuming the employee has a telework agreement in place).

Employees scheduled to telework on the day of the announcement are expected to begin telework on time or request unscheduled leave.

(4) Federal agencies are closed to the Public. Panel employees will be granted administrative leave for the number of hours they were scheduled to work unless covered by the following exception:

- depending on the needs of the Panel, employees who have a telework agreement in place, and who are capable of teleworking, may be asked to telework to maintain regular business activities to the extent possible.

Workdays on which a federal activity is closed are nonworkdays for leave purposes.

b. Early Dismissal

For administrative reasons, or in the event an emergency develops during normal work hours (e.g., OPM announces XX hour early departure), the Panel Executive, or the Clerk or Chief Deputy Clerk, if delegated, may grant early dismissal to all Panel employees. Employees will be granted administrative leave for the number of hours remaining in their workday beyond their designated early departure time.

Employee’s Leave Status Upon Dismissal. Leave charged for an absence depends upon an employee’s duty or leave status at the time of dismissal or weather closure, as outlined in the following:

(1) If the employee is in a duty status and is then excused, there is no charge to leave for the remaining hours following the early dismissal, even if the employee was scheduled to take leave later in the day.
(2) When an employee leaves after receiving official word of the pending dismissal, but before the time set for dismissal (with supervisory approval) in a situation not involving a hardship, leave is charged for only the period remaining before the time set for dismissal. When an employee leaves before official word of the pending dismissal is received, leave is charged for the entire remainder of the workday.

(3) When an employee is scheduled to return from leave during the period of the dismissal, leave will be charged until the time set for dismissal.

(4) When an employee is absent on approved leave for the entire work shift, the entire absence is charged to the type of leave approved.

(5) If the employee is on his/her regular AWS day off, the employee is not entitled to an additional “in lieu of” day off.

### Exhibit 1

**WORK SCHEDULES REFERENCE CHART**

| Traditional Work Schedule | Official business hours.  
Monday through Friday, 8:00 a.m. - 4:30 p.m. (includes .5 hr unpaid lunch) |
|---------------------------|-------------------------------------------------------------------------|
| **Standard Work Schedule**| Ten 8-hour days (bi-weekly)  
Monday through Friday (**plus .5 hr unpaid lunch**) |
| **Alternative Work Schedules (AWS)** | Clerks Office:  
Core Hours: 9:30 a.m. - 3:00 p.m. (**includes .5 hr unpaid lunch**)  
Flexible Hours: 6:30 - 9:30 a.m. AND 3:00 p.m. - 7:00 p.m.  
Legal Staff:  
Core Hours: 10:00 a.m. - 3:30 p.m. (**includes .5 hr unpaid lunch**)  
Flexible Hours: 6:30 - 10:00 a.m. AND 3:30 p.m. - 7:00 p.m.  
Two basic types of AWS - flexible and compressed worked schedules - both allow varying arrival and departing times within the flexible hours listed above. However, the earliest arrival time is 6:30 a.m. and the latest departure time is 7:00 p.m. regardless of the type of schedule worked.  
----------------------------------  
Daily arrival and departing times which must be consistent with the flexible work schedule approved for the employee.  
8-hour days (**plus .5 unpaid lunch**).  
----------------------------------  
Bi-weekly: eight 9-hour days, and one 8-hour day, (**plus .5 hr unpaid lunch on work days**), and one flex day. |
| **Leave** | Leave will be charged according to the hours an employee was scheduled to work on a particular day.  
E.g., if an employee is off on a 9-hour day, he/she will be charged 9 hours of leave; if off on an 8-hour day, 8 hours of leave will be charged. |
TO: _________________________
FROM: _________________________
RE: Request for Work Schedule
DATE: _________________________

I request the following work schedule:

[ ] Traditional Work Schedule (M-F, 8:00 a.m. - 4:30 p.m.)

[ ] Standard Work Schedule (M-F, 8 hr day plus .5 hr unpaid lunch)
    Hours: ________________________

[ ] Alternative Work Schedule
    [ ] Flexible
        Hours requested: ________________________________

    [ ] Compressed
        Hours for 9.5 hr days: ________________________.
        Hours for 8.5 hr day: ________________________ during ___ (1st or 2nd) week.
        [day of week]
        Flex day off: ________________________ during ___ (1st or 2nd) week.
        [day of week]

**********************************
Supervisor action: [ ] approved OR [ ] disapproved (see me).
Supervisor Signature _______________________________ Date __________
Approving Official Signature _______________________________ Date __________

Copy to: Panel Files; Panel Executive; Employee

[Form Adopted: February 15, 2011]
[SAMPLE] Memorandum for Advance Leave Approval

To: _______________________, Panel Executive

From: _____________________, Chairman

Subject: Advance Leave Approval for _______________________, Panel Executive

I hereby approve, in advance, all leave requests made by you, as long as you maintain a leave balance in the appropriate leave category (annual or sick leave) sufficient to cover the absence involved.

__________________________________ ______________________________
Chairman Date

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[SAMPLE] Memorandum for Appointment of Time and Attendance Clerk

To: ____________________________, Time and Attendance Clerk

From: ___________________________, Chairman

Subject: Time and Attendance Accounting for ______________, Panel Executive

I hereby appoint you as the time and attendance clerk responsible for maintaining a record of the Panel Executive’s leave and time and attendance for each bi-weekly pay period.

__________________________________ ______________________________
Chairman Date