



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Office of Indian Education Programs  
Human Resources Office  
P. O. Box 769  
Albuquerque, New Mexico 87103

IN REPLY REFER TO:  
Employee/Labor Relations  
(505) 248-6359  
(505) 248-6986 Fax

FEB 13 2003

OIEP Human Resources Bulletin: 03-01

Memorandum

To: Office of Indian Education Program Employees  
From: Human Resources Officer *Joann J. Deere*  
Subject: **Policy Statement Regarding Adjustment of Work Schedules for Religious Observances**

**References:**

62 BIAM 11.53.D(3), 5 U.S.C. 5550a, and 5 CFR part 550, subpart J

**Description:**

It is the policy of the Office of Indian Education Programs (OIEP) to reasonably accommodate the religious practices, beliefs, or observances of our current and prospective employees unless to do so would create an undue hardship on the efficient operation of the OIEP mission or programs.

**Coverage:**

Adjustments of work schedules for religious observances may be approved for all employees, both GS and Contract.

**Documenting an Adjusted Work Schedule:**

An employee who desires adjustment of his or her work schedule to meet a religious observance must submit a written request to his or her supervisor prior to the adjustment of the work schedule and/or commencing to work any requested compensatory time. The request must specifically state that the employee is requesting that his or her work schedule be adjusted to meet a religious observance. The employee must also include acceptable documentation of the need to abstain from work on the day(s) of the religious observance.

The employee's request must be approved in advance of any adjustment of the work schedule or working any requested compensatory time. The request should not be approved without simultaneously scheduling the hours during which the employee will work to make up the time. This provides a clear record of the employee's adjusted work schedule. If the request is approved, the supervisor may determine whether the alternate work hours will be scheduled before or following the date(s) of the religious observance.

A supervisor may disapprove an employee's request for adjustment of a work schedule if the adjustment would interfere with the efficient accomplishment of the OIEP mission or programs.

**Documenting an Employee Absence During Scheduled Compensatory Time:**

An employee who is approved for an adjusted work schedule to meet a religious observance and is scheduled to work compensatory time but is then absent when he or she is scheduled to work the compensatory time must take leave to cover the absence. This can be paid leave, requested leave without pay, or be charged as absent without approved leave, as appropriate. These are the same options that apply to any other absence from an employee's basic work schedule.

**Impact on Pay:**

Overtime pay provisions of Title 5 of the U.S. Code and the Fair Labor Standards Act do not apply to employees who work different hours or days in order to meet a religious observance even if the employee voluntarily works in excess of forty (40) hours per week or eight (8) hours per day for this purpose. If an employee is transferred or separated before using the time set aside for the religious observance, any hours not used must be paid at the employee's rate of basic pay in effect when the extra hours or work were performed.