



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Monday, April 29, 2019  
CPM 2019-15

**MEMORANDUM FOR: CHIEF HUMAN CAPITAL OFFICERS**

FROM: MARGARET M. WEICHERT, ACTING DIRECTOR

Subject: Compensatory Time Off for Religious Observances Final Regulations

I am pleased to announce that the U.S. Office of Personnel Management (OPM) is issuing final regulations to amend its current regulations on compensatory time off for religious observances, located at subpart J of part 550 of title 5, Code of Federal Regulations, which can be found at <https://www.federalregister.gov/documents/2019/04/29/2019-08533/compensatory-time-off-for-religious-observances-and-other-miscellaneous-changes>.

These regulations support the President's Management Agenda by clarifying the rules governing religious compensatory time off that in turn help agencies to become careful stewards of taxpayer dollars. The final rule provides information on employee coverage, employee and agency responsibilities, scheduling time to earn and use religious compensatory time off, accumulation and documentation, and employee separation or transfer. These regulations also serve to highlight an important flexibility that can be used to help agencies recruit and retain employees that want to attend religious observances.

The attached "Key Features" document provides a summary of new and clarifying provisions contained within the final rule.

cc: Deputy Chief Human Capital Officers, and Human Resources Directors

Attachment: **Key Features of the Final Regulations on Religious Compensatory Time Off**

## **Summary**

- The religious compensatory time off authority permits an employee to rearrange work hours when the employee's personal religious beliefs require an absence from work to meet personal religious requirements.
- An employee earns religious compensatory time off hours by performing overtime work. (See definition of "overtime work" in 5 CFR 550.1003.) Those hours are used to cover an approved absence. Thus, the overtime work does not generate entitlement to premium pay or other pay.
- OPM's new final regulations clarify provisions on employee coverage, employee and agency responsibilities, scheduling time to earn and use religious compensatory time off, documentation, accumulation, and employee separation or transfer.

## **Employee Requests**

- When religious compensatory time off is requested, the employee must provide the agency with the name and/or description of the religious observance, dates and times of absence, and dates and times the employee plans to earn religious compensatory time off.

## **Agency Responsibilities**

- To the extent that modifications in work schedules do not interfere with the efficient accomplishment of an agency's mission, an employee must be permitted upon request to take time off for a religious observance as required by the employee's personal religious beliefs.
- Agency officials are not charged with determining whether an employee's belief is the correct interpretation of a religious creed. It is sufficient that the employee's sincerely held personal religious beliefs cause the employee to feel an obligation that he or she should be absent from work for a religious purpose.
- To the maximum extent practical, the agency must require the employee make a written request. If the agency accepts an oral request, the agency must document all the information required in 5 CFR 550.1004(b) and must require the employee submit written documentation containing all the information as soon as practicable.
- The agency must provide the employee with an opportunity to earn religious compensatory time off (to offset absences) by performing overtime work within the time limits described in the next section. The specific timing of the overtime work is a matter of agency discretion based on the needs of the agency.

## **Time Limits**

- The new regulations include time limits that control when religious compensatory time off hours may be earned (before and/or after the religious observance).
- Religious compensatory time off may be earned within 13 pay periods in advance of the pay period in which it is intended to be used, or within 13 pay periods following the pay period in which it was used.
- If an employee fails to earn religious compensatory time off within 13 pay periods after the pay period in which it was used, an agency may take corrective action to eliminate or

reduce the negative balance by making a corresponding reduction in the employee's balance of annual leave, credit hours, compensatory time off in lieu of regular overtime pay, compensatory time off for travel, or time-off awards.

- Any remaining negative balance must be resolved by charging the employee leave without pay, which will result in an indebtedness that is subject to the agency's internal debt collection procedures.

### **Accumulation of Religious Compensatory Time Off Hours**

- When an employee performs overtime work to earn religious compensatory time off, the hours may be applied to cover a past absence due to a religious observance or they may accumulate to cover a future absence.
- An employee may accumulate only the amount of religious compensatory time off needed to cover an approved absence for a religious observance.
- Earned religious compensatory time off that has not been used as planned may be applied toward a future religious observance.
- There is no time limit on using accumulated religious compensatory time off hours. If the earned hours are not used as planned, they remain to the employee's credit until used or the employee's separation or transfer.

### **Separation or Transfer**

- For employee with a positive balance of earned but unused religious compensatory time off who is separating from Federal service or transferring to another Federal agency, the losing agency pays the employee at the hourly rate of basic pay in effect when the religious compensatory time off was earned. (Unused religious compensatory time off hours is not paid at the overtime premium pay hourly rate.)
- Unused religious compensatory time off cannot be forfeited, nor can it be converted to another type of paid time off.
- For employee with a negative balance of religious compensatory time off who is separating from Federal service or transferring to another Federal agency, the negative balance of hours represents a debt owed to the losing agency by the employee.
- Repayment of the debt for unearned but used religious compensatory time off hours may be repaid by making a corresponding reduction in the employee's balance of annual leave, credit hours, compensatory time off in lieu of regular overtime pay, compensatory time off for travel, or time-off awards; or resolved by charging the employee leave without pay, which would result in an indebtedness subject to the agency's internal debt collection procedures (see 5 CFR 550.1008(b)).

### **Transitional Provisions**

- A new section 550.1010 provides transitional rules for employees who have either a negative or positive balance of religious compensatory time off as of the effective date of the final regulations.
- An employee who has a **negative balance** (i.e., debt) of used but not-yet-earned religious compensatory time off hours as of the effective date of the final regulations, the 13 pay period limitation in 5 CFR 550.1006(c) is applied as if the effective date were the date on

which all the hours of religious compensatory time off (represented in the negative balance) were used. Thus, the employee will have a full 13 pay periods to earn the needed number of religious compensatory time off hours from the date of the final regulations effective date (see 5 CFR 550.1010(b)).

- An employee who has a **positive balance** of earned but unused religious compensatory time off hours as of the effective date of the final regulations, the employing agency must confirm and document that the hours are connected to one or more specific religious observances requiring the employee's absence from work based on the employee's personal religious beliefs (see 5 CFR 550.1010(c)). The agency must give the employee an opportunity to direct all unused hours to such a future religious observance. If the employee does not so direct all of those unused hours, the employee may not earn any additional religious compensatory time off hours until the employee establishes a need to earn such time off hours, consistent with § 550.1007(c)(2).