

MEMORANDUM OF AGREEMENT
On
Civilian Physical Fitness
and
Wellness Activities

1. The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC), hereafter referred to as the Union and Management, hereby enter into this Memorandum of Agreement regarding physical fitness as it applies to bargaining unit members covered by the Master Labor Agreement (MLA) between the parties.

2. In accordance with the AFMC civilian fitness and wellness initiatives, Air Force full and part-time civilian employees will be allowed to voluntarily participate in physical fitness and wellness programs. Fitness activities suitable for excused absence should address cardiovascular/aerobic endurance, muscular strength, endurance, flexibility and body composition. Wellness program activities include AFMC Civilian Health Promotion Services (CHPS) offered at each AFMC installation. These services include, but are not limited to, an annual physical health assessment, health education classes for nutrition, exercise, stress and weight management, and tobacco cessation. Full-time employees will be excused with no charge to leave, for up to 3 hours (recommend 1 hour minimum to 1½ maximum per session) per week, for these activities. However, the supervisor may make the ultimate determination as far as the minimum and maximum per session. Use of time for fitness/wellness activities by part-time employees should be pro-rated to correspond with the number of hours worked per pay period, applying the following formula:

- Number of hours worked bi-weekly (part-time schedule) divided by 80 hours (full-time schedule) = % of (maximum 3 hours per week) time allowed for part-time employees
- Example 1: part-time employee working 32 hours per week/64 hours per pay period
 $64 / 80 = 80\%$ 80% of 3 hours per week = 2.4 hours per week,
Rounded to the nearest timekeeping increment (15 minutes/.25 hrs) = 2.5 hrs/week
- Example 2: part time employee working 24 hours per week/48 hours per pay period
 $48 / 80 = 60\%$ 60% of 3 hours per week = 1.8 hours per week,
Rounded to the nearest timekeeping increment (15 minutes/.25 hrs) = 1.75 hrs/week

3. Unused periods cannot be banked and carried over to the next week. Periods used per week include time for changing clothes, showering, and travel to/from the fitness/wellness program location. On base facilities should be utilized. However, alternate arrangements may be worked at the local level for employees located off the installation. Fitness/wellness periods can be combined with authorized breaks or in conjunction with the regularly scheduled lunch period.

4. Employee must initiate a request sheet to the first level supervisor containing the doctor's certificate from his/her primary care provider/physician certifying which physical fitness activities are permitted and there exists no limiting physical conditions unless otherwise noted on

the doctor's certificate (Atch). The request form is not necessary for participation solely in wellness activities, but is required for participation in fitness activities. Request sheets must be filed in the employee's Supervisory Record (AF Form 971). Individuals serving in Performance Improvement Periods (PIP) or identified with sick leave abuse (IAW MLA 24.03) are ineligible to participate in the program. Exceptions may be granted by management for wellness activities if/when appropriate. Scheduling for participation in the fitness/wellness program must be accomplished through the employee's first level supervisor. However, participation for short periods of time may be disallowed by the Wing CC/Director or two digit staff director during periods of mandatory overtime. This disallowance provision, in the preceding sentence, could be satisfied by any CC/Director where they are a direct report to the Center CC. Management also has the option to establish specific/structured times for participation at the local level; however, approval authority will be no lower than the Squadron CC/Director. Management may revoke participation privileges if abuse is identified.

5. Employee must maintain a diary of all fitness activity goals and progress. Employee must provide time keeper and/or supervisor with information necessary to appropriately code timesheets for excused absence ("LX") along with remark "Physical Fitness/Wellness." Usage of the LX code will be reviewed 1 year from the signing of this agreement to determine its effectiveness in tracking usage of excused absence for Fitness/Wellness activities.

6. In the spirit of partnership, the Union and Management agree to keep each other informed and to work together to address unforeseen issues that may arise over compliance with this MOA. Either party may open this agreement for clarification or modification by written notice to the other party no sooner than thirty days prior to the anniversary date of the agreement. All remedies available under the MLA or 5 U.S.C. 71 will remain available to the Parties if concerns cannot be cooperatively resolved.

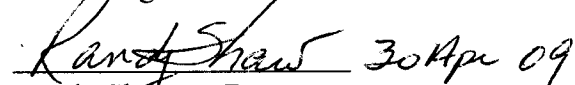
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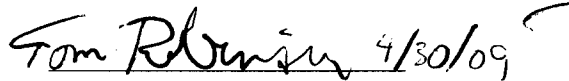
This agreement supersedes MOA, Physical Fitness, signed Jan/Feb 06


For the Union


Scott Blanch Date
President, AFGE Council 214

For Management


Randy Shaw Date
Chief, Employee/Labor Relations


Tom Robinson Date
Executive Assistant, AFGE Council 214


Reggie Butts Date
Employee/Labor Relations Specialist

Attachments

1. Request Sheet/Doctor's Certificate
2. Frequently Asked Questions, 30 April 2009

**REQUEST FOR APPROVAL OF EXCUSED ABSENCE
FOR PHYSICAL FITNESS ACTIVITIES**

EMPLOYEE:

I, _____, request approval of excused absence, not to exceed three (3) hours per week, for the sole purpose of participating in physical fitness/wellness activities.

I understand (employee must initial each line):

_____ I may only participate in physical fitness/wellness activities using base facilities during any period of excused absence for such activities.

_____ My participation is subject to supervisory scheduling and approval. I understand that periods of participation for short periods of time may be disallowed by the Wing CC/Director or two digit staff director during workload surges to include periods of mandatory overtime.

_____ I must provide time keeper and/or supervisor with information necessary to appropriately code timesheets for excused absence (LX) along with remark "Physical Fitness/Wellness."

_____ That in order to enhance mission effectiveness, I must make every effort to improve my health and well-being during any period of excused absence for the purpose of physical fitness/wellness.

_____ That I am responsible for any expenses required to obtain a doctor's statement (below) certifying that physical fitness activities are permitted and any limiting conditions are identified.

_____ That should my ability to participate in physical fitness activities become limited in any manner, I will notify my supervisor immediately.

Employee's Signature

Date

.....
PHYSICIAN CERTIFICATION: I certify the above named employee has received a physical fitness assessment and is fit and able to participate in an **UNRESTRICTED/RESTRICTED (circle one)** physical fitness program. Any restrictions are documented below.

Employee Restrictions

Physician's Signature

Phone Number

Date

.....
FIRST LEVEL SUPERVISOR:

Excused absence is **Approved/Disapproved (circle one)**.

Supervisor's Signature

Date

APR 30 2009

CIVILIAN FITNESS/WELLNESS FREQUENTLY ASKED QUESTIONS

1. What is considered an appropriate fitness/wellness activity?

Response: Activities suitable for fitness excused absence should address cardiovascular/aerobic endurance, muscular strength, flexibility and body composition. Supervisors should refer to the Civilian Fitness Promotion Criteria at Attachment 1. Wellness program activities include AFMC Civilian Health Promotion Services (CHPS) offered at each AFMC installation. These services include, but are not limited to, an annual physical health assessment, health education classes for nutrition, exercise, stress and weight management, and tobacco cessation. In addition, services provided by the Health and Wellness Center (HAWC), the Employee Assistance Program (EAP), and the Family Support Center are included.

2. What is a structured program?

Response: A structured program is one that lays out a specific plan, has a starting point, shows progress and establishes a fitness goal.

3. Am I required to maintain a diary or log of my training?

Response: Bargaining unit members covered by AFGE Council 214 must maintain a diary of all activities. Bargaining unit members covered by local unions other than those represented by C214 should check with their local Labor Relations Specialist at the servicing civilian personnel office to determine requirements of this provision. All non-bargaining unit employees (BUE) should maintain a diary of all activities, goals and progress. All employees must provide timekeepers and supervisors information necessary to appropriately code timesheets for excused absence ("LX" –Physical Fitness).

4. Can supervisors have unlimited access to log/diary – under what circumstances?

Response: Under normal circumstances. i.e., where there is no indication of abuse of official time used for physical fitness activities, supervisors do not have access to the log/diary.

5. Who is covered by this program?

Response: The program covers full-time, part-time and appropriated fund employees only – NAF employees and contractors are not covered in this program. Working Capital Fund employees (DMAG, SMAG, etc.) are appropriated fund employees.

6. What about temporary employees? Co-ops, Students? What about part-time employees – can they receive pro-rated time?

Response: Full-time, part-time and appropriated fund employees are allowed to participate in this program, even if on temporary (not-to-exceed) appointments. Part-time employees time should be pro-rated to correspond with the number of hours worked per pay-period, applying the formula as outlined in the MOA.

7. Could you please provide a more thorough explanation of the participation/denial language in the Memorandum of Agreement?

Response: Scheduling for participation in the fitness/wellness program must be accomplished through the employee's first level supervisor. In other words, first-level supervisors and employees should work towards mutually agreeable times for program participation during the work week. However, a supervisor may disapprove a specific period on a given day due to mission requirements. For instance, if an employee is needed to be present at the worksite to attend/present a meeting/briefing and that meeting/briefing conflicted with the employee's scheduled fitness period, the first-level supervisor could disapprove that specific period of time for fitness. The supervisor and employee would then attempt to re-schedule an alternate fitness period on either that day or during the remaining workweek. Permanent denial of participation is not allowed. However, participation for short periods of time may be disallowed during periods of mandatory overtime by the Wing CC/Director or any CC/Director where they are a direct report to the Center CC.

8. Can organizations establish specific times for civilian participation?

Response: Employees must coordinate and receive approval for fitness activity participation with the first-level supervisors. If a mutually agreed-upon time is requested and approved by the first-level supervisor, employees may participate as a group. Further, there is no prohibition against establishing specific/structured times for participation at the local level. For example, Monday, Wednesday and Friday for one group to participate in Fitness/Wellness activities, Tuesday and Thursday for the remainder of the group; utilizing an appropriate rotation to ensure equitable distribution. Any set times for participation will be approved not lower than the Squadron CC/Director level.

9. Can excused absence for fitness activities be used in conjunction with personal leave?

Response: Yes. If otherwise in a duty status for a portion of the day, before or after the excusal. The employee is required to participate in fitness activities during this period of time, use base facilities, and have first-level supervisory approval.

10. Does the 3 hours include travel time?

Response: Yes. The 3 hours per week includes ALL time away from the work area. This includes changing clothes, showering, travel, and exercise time.

11. If I go the gym and it is too crowded, does this count as part of the 3 hours?

Response: Yes. The 3 hours includes ALL time away from the work area.

12. Can I use three hours at one time? Can I use the time twice in one day?

Response: Normally, the time should be used in increments of 1 to 1.5 hours based on first-level supervisory approval. You may only use the time once a day.

13. Can the time be used in conjunction with lunch and breaks? At the beginning or end of the day/shift? Do I have to report to my office before or after my fitness period?

Response: Yes; yes; and no unless mission requirements are such supervisor needs employees to be at office/duty-site at start/end of shift for turnover reporting or for job assignments for day. Excused absence for fitness activities may be used in conjunction with the lunch period or scheduled breaks, or prior to or at the end of your duty day, subject to

approval from your first-level supervisor. AFMC policy does not require an employee to report to duty before or after the fitness period if such a period occurs at the beginning or end of a duty day.

14. Can fitness/wellness activities be performed on telecommuting days?

Response: Base facilities must be used if an employee's normal duty station is on the base-proper, which is generally the case for those who are telecommuting. Telecommuting employees can participate on their scheduled telecommuting day(s) if they utilize base facilities.

15. Must I provide a doctor's certificate to participate in the fitness program?

Response: Yes. All employees are required to provide certification from their private doctor prior to being allowed to participate in the fitness program. The certification will be filed in the employee's 971 file (Reference Question #17 below). The doctor's certificate is not necessary for participation solely in wellness activities.

16. How often and when should a doctor's certificate be renewed?

Response: When an employee experiences a significant change in his/her condition or has experienced a prolonged period of non-participation in fitness activities due to illness, injury, or injury compensation, a new doctor's certificate should be provided by the employee.

17. Can the Request for Approval of Excused Absence for Physical Fitness Activities Form which contains the physician's certification be properly filed in the employee's Supervisory Record (AF Form 971) in light of the recent Equal Employment Opportunity Commission (EEOC) case decision (Higgins v. AF)?

Response: The EEOC has published a regulation regarding medical inquiries about employees. See 29 C.F.R. Section 1630.14(c). Per direction we have received from Central Labor Law Office (CLLO), the report from the employee's physician must be treated as a separate medical record and accorded confidential treatment. Placing the report in a sealed envelope, marking it as a confidential medical record, and storing it in a separate part of the 971 folder (that are to be kept in a locked storage space) would satisfy the requirements of the regulation.

18. Can I use duty time for physical fitness at an off-base (private) gym if I am already a member?

Response: No. On-base facilities must be used for physical fitness activities on duty time unless the employee's normal duty station is not on the base proper.

19. Can I earn credit hours/overtime/compensatory time on days when I use time for fitness/wellness activities?

Response: Yes. However, all rules and procedures for requesting and approving use/earning of comp time/overtime/credit hours apply.

20. Can participation be denied for abuse/disciplinary reasons?

Response: Management may revoke participation privileges if abuse is identified. If someone is misusing the program, their ability to participate should be stopped. Disciplinary action may also be proposed.

21. Can I participate in the fitness/wellness program if I am on a Performance Improvement Plan (PIP) or Sick Leave Abuse Letter?

Response: No. Employees on a PIP or Sick Leave Abuse Letter are excluded from participating in the Fitness Program. Exceptions may be granted by management for wellness activities if/when appropriate.

22. Can I use fitness/wellness time if I am in a training class for an entire day/shift or full-time class for a week?

Response: No. Training classes are structured time and missing class would disrupt the training environment.

Attachment 1

**CIVILIAN FITNESS PROMOTION
CRITERIA**

Fitness Fundamentals: A complete fitness program should address cardiovascular/aerobic endurance, muscular strength/endurance, flexibility, and body composition.

- For an activity to be considered aerobic, the heart rate should be elevated into the age and physical condition-specific training zone for at least 20 minutes. Walking, jogging, and biking are examples of activities that can give this result if accomplished with enough vigor
- Muscular strength and endurance exercises increase lean body mass, protect joints, and increase the body's metabolism. Machines, free weights, and general calisthenics are activities that provide these results.
- Flexibility exercises involve stretching all major muscles in the body, help reduce injury risk, and promote flexibility and mobility at each joint. Stretching sequences at the beginning and end of exercise sessions promote this result.
- Body composition relates to the amount of muscle tissue and fat tissue in the body. High levels of body fat should be reduced through a combined program of aerobic activity and strength training.

The following government/non-profit websites provide basic guidance for fitness activities/programs:

- To start an exercise program:
www.cdc.gov/nccdphp/dnpa/physical/index.htm

www.smallstep.gov
- To start a walking program:

www.pbs.org/americaswalking

- For monitoring individual progress:

www.healthierfeds.gov