DATE: August 11, 2017

From: Labor Relations
Workforce Relations Division

To: Anthony Reardon, NTEU National President

SUBJECT: Updates to Travel Staff Manual Guides (SMG)-SMG 2340.2 Other Than Coach Class Travel

1. Pursuant to Article 3 of the Department of Health and Human Services/Consolidated Collective Bargaining Agreement (CBA), Revised March 6, 2014, this serves as official notice FDA will be implementing a revised update to Staff Manual Guide 2340.2 Other Than Coach Class Travel.

2. A summary of the major changes are below.
   - Title change from “Business Class Air Travel” to “Other Than Coach Class Travel”.
   - It adds justification for use of Other Than Coach Class Travel Memo and Reasonable Accommodation Travel Exception sections to the appendix materials.
   - It includes definitions aligned with DHHS Travel Manual and other related DHHS policies, including business class, coach class, first or premium class, gateway city, healthcare professional, rest stop, Senior Travel Official (STO), Travel Authorization (Order), and Travel Management Center (TMC).
   - It provides descriptions of rules and regulations surrounding use of Other Than Coach Class Travel-clarifying the documents required for Other than Coach Class Travel and the policy for flight upgrades when scheduled actual flying time is in excess of 14 hours in accordance with DHHS Travel Manual Section 6.4.3.
   - It contains updated language regarding use of Other Than Coach Class Travel necessary to accommodate a medical disability or special need, including the certification for lifelong conditions.

3. Management is also prepared to deliver a briefing to the union concerning the update. Please see the attached updated Staff Manual Guide documents for more information.
In accordance with the CBA, Article 3, NTEU has 5 work days from receipt of this notice to request to negotiate or request a briefing regarding the proposed changes. If no such request from NTEU is received in our office by close of business (5:00 p.m. EST), on the fifth workday, FDA will implement the above mentioned change in accordance with the CBA, Article 3, Section 2.

4. A request to negotiate or questions regarding this notice should be directed to Peggy Lansbach O'More, Labor Relations Officer at 301/348-1842 or via email at Peggy.Lansbachomore@fda.hhs.gov.

Peggy Lansbach O'More
Labor Relations Officer (LRO)

cc: Jennifer Harling, NTEU National Office
1. PURPOSE.

This guide provides Food and Drug Administration (FDA) policy and reimbursement procedures for the use of other than coach class (premium/first and business class) for domestic and international travel by train, air or vessel by employees of the FDA, while on official government travel.

2. BACKGROUND.

Due to the high cost of other than coach class travel, it is crucial for Federal travelers to understand and adhere to Federal travel policies surrounding the use of other than coach class travel while on official business. Managers should discourage other than coach class travel whenever possible. Agency components engaged in travel have the primary responsibility to ensure any travel is consistent with the Department of Health and Human Services’ (DHHS) and the Government’s mandate to operate efficiently and effectively.

3. REFERENCE/AUTHORITY.

FDA policy is consistent with guidance set forth by the Government Accounting Office, the General Services Administration, and the DHHS regarding the use of other than Coach Class travel while on official business. These include:


C. Air Transportation Fair Competitive Practices Act of 1974 (P.L. 93-623), also known as the “Fly America Act” (http://www.gsa.gov/portal/content/103191)


4. DEFINITIONS.

A. **Business class** - A class of accommodation offered by common carrier service (air, rail, etc.) that is higher than coach class and lower than first class, in both cost and amenities. This class of accommodation may be referred to as Business, Business Elite, Business First, World Business, Connoisseur, or Envoy, etc. depending on the carrier.

B. **Coach class** - The basic class of accommodation by common carrier (air, rail, etc.) that is normally the lowest fare offered regardless of terminology used.

C. **First or Premium class** - The highest class of accommodation offered by the common carrier in terms of cost and amenities. This is generally termed “First Class” by airlines and reservation systems.

D. **Gateway city** - A city that serves as a departure or arrival point for international flights. A city that serves as an airline’s entry or departure point to or from a country.

E. **Healthcare professional** - An appropriate professional, such as a doctor, social worker, or rehabilitation counselor.

F. **Rest stop** - A stop-over point during travel; of up to 24 hours; typically midway in the journey or as near to the destination as the schedule permits.

G. **Senior Travel Official (STO)** - A full time Federal employee at the SES level or equivalent and who, for purposes of serving as the STO, reports directly to the FDA Head on all matters of travel policy, programs, and practices.

H. **Travel Authorization (Order)** - Written permission to travel on official business. There are three basic types of travel authorizations (orders): Unlimited-open; Limited-open; and Trip-by-trip.

I. **Travel Management Center (TMC)** - A commercial travel firm under contract with the Government that provides reservations, tickets, and related travel management services for official travel.
5. **POLICY.**

A. **General Policy**

All FDA employees are required to use coach class for all domestic segment(s) of their trips. FDA employees in certain circumstances may be allowed to travel on other than coach class travel. When requesting other than coach class travel, premium/first class will only be approved if business class is not available. A cost estimate and justification is required from the TMC if requesting premium/first class.

Should an FDA employee request other than coach class accommodation via train, vessel or air travel, then the justification provided must fall under one of the following circumstances and be approved in advance of the travel by the STO:

1. There is no seat available in coach class, and the trip cannot be scheduled on other flights/carriers or routing in time to accomplish the purpose of travel, and the travel cannot be postponed.

2. The physical condition of the traveler requires the use of other than coach class accommodations, as documented by a letter signed by a healthcare professional, in accordance with the reasonable accommodation policy. See Section 5.B. below for additional details about using this circumstance for other than coach class travel.

3. Other than coach class accommodations are required for security purpose(s), as documented by a letter from the Chief of Security of the DHHS.

4. Travel by coach class on foreign carrier does not provide adequate sanitation, and the use of foreign-flag carrier service is approved in accordance with the “Fly America Act” and the Open Skies Agreement.

5. Use of other than coach class accommodations would result in an overall cost savings to the Government. For example, an employee with a special need for wider seat capacity may be required by an airline to purchase two coach class tickets, but could purchase only one business-class ticket. Cost analysis to this effect must accompany the travel authorization.

6. The scheduled actual flying time, not including a domestic lay over or actual domestic segment(s) flying time is in excess of 14 hours, and the traveler cannot take a rest stop because of the urgency of the mission. For example: an unplanned inspection where the employee is required to depart immediately due to the severity and coach class is unavailable. See Section 5.C. below for additional details about using this circumstance for other than coach class travel.
In addition, travelers may choose to use frequent-traveler benefits which permit an upgrade in the class of service, either through the use of frequent-flyer miles or by virtue of the traveler's advanced frequent-flyer status, at no cost to the Government. Travelers may also use frequent traveler benefits or promotional materials earned on official travel to obtain travel services for a subsequent official travel assignment(s). Travelers may not select or choose a travel service or travel carrier based on whether it provides frequent traveler benefits nor to gain frequent traveler benefits for personal use.

B. Reasonable Accommodation Policy

In the event that other than coach class travel is necessary to accommodate a medical disability or other special need, a letter from the traveler's healthcare professional or a specialist is required in order to obtain approval by the Office of Equal Employment Opportunity (OEO) for reasonable accommodations.

A disability must be certified annually in a written statement by a competent medical authority. However, if the disability is a lifelong condition (e.g., blindness), then a one-time certification statement is required. Certification statements must include at a minimum: a written statement by a competent medical authority stating that special accommodation is necessary; an approximate duration of the special accommodation; and a recommendation as to the suitable class of transportation accommodations based on the disability.

The letter must include when special accommodations are needed (e.g., on flights that exceed five (5) hours) and what level of accommodation is required (e.g., leg room beyond what coach class provides on the aircraft involved). The healthcare professional must clearly state on the medical justification why a rest stop is not a viable option. The traveler's healthcare professional who attests to the medical condition must not be within the traveler's chain of command (either up or down).

Approvals granted to accommodate a temporary condition will expire six (6) months from the date of approval, unless the medical documentation indicates the need for accommodation will cease at an earlier date. In cases in which the temporary medical condition is chronic or unlikely to change, an approval can be granted for a period not to exceed one (1) year from the date of the healthcare professional's letter. The healthcare professional's letter should attest to the medical condition. Each trip must be approved regardless of how many trips occur within the medical condition approval window. Under no circumstance should a traveler with a temporary condition be granted an extension beyond the one-year limit. The traveler may, however, request an updated approval based upon new documentation provided by the healthcare professional.
If, after a reasonable amount of time, the traveler’s healthcare professional has not provided sufficient information to demonstrate that the individual has a disability and requires reasonable accommodation, then the traveler may consult with OEEO to determine the appropriate next step.

C. Scheduled Actual Flying Time Policy

When requesting other than coach class travel because the scheduled actual flying time is in excess of 14 hours, approval must be limited to the flight segment(s) between the gateway city and the foreign destination. Coach class shall be used for all domestic segment(s) of the trip using this exception. For example, if a traveler is flying from Washington, D.C. to Tokyo, Japan with a stopover in Chicago, then the flight from Washington, D.C. to Chicago is not eligible for business class because the flight segment is domestic only. If the flight from Chicago to Tokyo is more than 14 hours, it may be eligible for other than coach class accommodation.

In most instances, the rationale supporting the “urgency of the mission” criterion will only be satisfied on the outbound flight, unless specific mission urgency demands the employee’s return without a rest stop. Travel should be urgent because of the nature of the task, not because the employee is delayed for personal reasons.

In order for FDA employees to be authorized to travel under this regulation, the traveler must be included in the current Memorandum of Understanding (MOU) between the FDA and the National Treasury Employees Union (NTEU), regarding mandatory foreign travel assignments. This MOU covers only employees traveling for foreign travel.

6. RESPONSIBILITIES.

The primary roles and responsibilities for the policy directives and required procedures within this chapter are as follows:

A. Responsibilities of the DHHS Agency Senior Travel Official (ASTO)

1. Review and approve request and supporting documentation for requests for other than coach class travel over $25,000

B. Responsibilities of the FDA Senior Travel Official (STO)

1. Develops, promulgates, and administers policy directives and required procedures and coordinates travel and transportation activities for the FDA

2. Reviews and approves request and supporting documentation for other than coach class travel to ensure that the conditions surrounding the request for and use of any upgrade to other than coach class
accommodations are reasonable and necessary given the circumstances for the travel and/or the cost of the travel.

3. Submit request and supporting documentation to the DHHS ASTO if the request for other than coach class travel is above $25,000.

C. Responsibilities of the FDA Office of Equal Employment Opportunity (OEEO)

1. Reviews requests and supporting documentation for a reasonable accommodation to ensure that the conditions surrounding the request for reasonable accommodation is reasonable and necessary.

2. Issues letter of approval for request of a reasonable accommodation to the traveler.

D. Responsibilities of Office of Financial Management (OFM)

4. Reviews request and supporting documentation from traveler for other than coach class travel to ensure that the conditions surrounding the request for and use of any upgrade to other than coach class accommodations are reasonable and necessary given the circumstances for the travel and/or the cost of the travel.

5. Provide recommendation to the STO on request and supporting documentation for other than coach travel.

E. Responsibilities of the Traveler

1. Prepare a travel authorization prior to departing on travel for other than coach class travel.

2. Prepare documents if requesting reasonable accommodation and submit to OEEO for approval a minimum of 60 days prior to the travel occurring, unless extenuating circumstances or emergencies make advance authorization impossible.

3. Prepare request and supporting documentation for the need of other than coach class travel and submit to OFM for approval a minimum of 30 days prior to the travel occurring.

4. Ensure all necessary travel expenses are properly pre-approved on the travel authorization.

5. Review the travel itinerary or invoice for accuracy and receive the ticketed itinerary or invoice from the TMC at least two days prior to departure. The traveler cannot travel without a ticketed itinerary.
7. **PROCEDURES.**

Official domestic and international travel is authorized when the travel is essential to the needs of the FDA and these needs cannot be satisfied by a more economical means. Teleconferencing and video conferencing should be used in lieu of travel whenever feasible.

**A. Review and Approval Process**

Requests for each trip requiring other than coach class must be submitted separately to OFM a minimum of 30 days in advance of the travel occurring for approval. All other than coach class travel requests for personnel, including senior level executives must receive final approval by the FDA’s STO or their designee in advance of the travel taking place. Requests for other than coach class travel not submitted prior to the travel occurring will not be approved.

Any requests for other than coach class travel which exceed $25,000, for a single trip, per traveler, will be reviewed by the DHHS ASTO after the STO has approved the travel.

If the traveler is requesting reasonable accommodations due to a physical condition, the traveler should complete the documents necessary to receive a confirmation of request for reasonable accommodations to the OEO prior to submitting the request to the OFM for review. Requests for reasonable accommodations must be submitted to OEO a minimum of 60 days in advance of the traveler’s departure date, unless extenuating circumstances or emergencies make advance authorization impossible.

**B. Documentation Required for All Requests**

The following documents must be submitted to OFM for all requests regardless of the circumstances under which the other than coach class travel is being requested:

- Justification for Use of Other than Coach Class Travel memo (see Appendix A)
- Travel authorization
- Itinerary

**C. Documentation Required for Requests Based on Circumstances**

In addition to the documents outlined in Section 7.B., other documents may also be necessary based on the circumstances under which the other than coach class travel is being requested.
1. Documentation Required for Requests Based on Reasonable Accommodation

When requesting other than coach class travel due to reasonable accommodations, communicate with OEEO and refer to Appendices B, C, and D to determine which documents to submit to OEEO. The approval letter from the OEEO will be sent to OFM.

Documentation to be submitted to OFM includes the travel itinerary, travel authorization, and “Justification for Use of Other than Coach Class Travel” (Appendix A). For more information, see the certification time frame section of “Justification for Use of Other than Coach Class Travel.” If a traveler has received a one-time certification statement for a lifelong condition, the traveler will not need to re-obtain the certification, but will need to submit appropriate documentation with each request for other than coach class travel.

2. Documentation Required for Requests Based on Other Circumstances

When requesting other than coach class travel because no space is available on coach class, a letter from the TMC should be attached stating no coach class seats are available and the price of the new travel itinerary for the date and time of travel.

When requesting other than coach class accommodations for security purposes, a letter from the Chief of Security of the DHHS is required.

When requesting other than coach class accommodations because it would result in an overall cost savings, a cost analysis should be attached.

When requesting other than coach class travel because the scheduled actual flying time is in excess of 14 hours and the traveler cannot take a rest stop because of the urgency of the mission, the traveler must provide a justification letter to the STO for why the travel cannot be postponed to another date, time and travel carrier.

When requesting premium/first class, a cost estimate and justification must be provided from the TMC.

8. EFFECTIVE DATE.

This policy was signed by Peter Kelchner, Acting Director of the Office of Financial Management, effective MM/DD/YYYY.

9. DOCUMENT HISTORY – SMG 2340.2, Other than Coach Class Travel
10. APPENDIX A – Justification for Use of Other than Coach Class Travel Memo

Here is the URL for the Justification for Use of Other than Coach Class Travel Memo: (http://inside.fda.gov:9003/downloads/Administrative/Travel/TravelInformation/UCM375437.docx).

11. APPENDIX B – Reasonable Accommodation Travel Exception

Here is the URL for the Reasonable Accommodation Travel Exception: (http://inside.fda.gov:9003/downloads/Administrative/Travel/TravelInformation/UCM404454.doc).

12. APPENDIX C – FDA Staff Manual Guide 3130.2 Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

Here is the URL for SMG 3130.2 Procedures for Providing Reasonable Accommodation for Individuals with Disabilities: (http://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/ucm201324.htm)

Here is the URL for the FDA Office of Equal Employment Opportunity Reasonable Accommodations and Accessibility Intranet Page: