



# AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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September 17, 2024

The Honorable James Comer  
Chair  
House Oversight and Accountability  
Committee  
United States House of Representatives  
Washington, DC 20515

The Honorable Jamie Raskin  
Ranking Member  
House Oversight and Accountability  
Committee  
United States House of Representatives  
Washington, DC 20515

Dear Chair Comer, Ranking Member Raskin and Members of the Committee:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents over 750,000 federal and District of Columbia employees I write urging you to oppose the “Protecting Taxpayers Wallet Act” that would significantly restrict the use of official time available to certain federal employees when the Oversight and Accountability Committee considers it tomorrow.

## **What is official time?**

Official time is the system under 5 U.S.C §7131 that enables federal managers and employees to work together to make government more efficient, productive, and just.

The federal government is an open shop, meaning employees are not required to join the union or pay union dues. But under federal law, unions must provide fair representation to all employees at the worksite – not just those who pay dues. In exchange for this legal obligation, the Civil Service Reform Act of 1978 authorizes federal employees who volunteer as union representatives to spend a portion of their official workday – as determined by a formal agreement with their employing agency that is subject to regular review and amendment – on representation activities.

As part of official time agreements, union representatives are also granted limited use of meeting space, parking facilities, and equipment such as photocopiers and visual aids.

Union representatives can only use official time to:

- Create safe working conditions. Union representatives help identify health and safety hazards in the workplace. When the workplace is safe, workers tend to use less sick leave and workers’ compensation benefits.
- Protect employees from discrimination and retaliation. Union representatives use official time to defend employees who have been discriminated against or face retaliation for blowing the whistle on mismanagement.
- Resolve disputes proactively. Union representatives meet with managers on official time to resolve workplace problems before they escalate into costly litigation.

- Negotiate contracts. Having an agreed-upon labor-management contract benefits both the employer and employees. For example, a contract establishes an agreement that sets working conditions and serves as a reference when disagreements arise. It also makes the costs associated with employment more predictable.
- Represent their co-workers in grievances and disciplinary actions. Due process is crucial in a democratic society. It is needed in the federal government as seen from the thousands of cases AFGE has won in which federal employees have been wrongfully disciplined or fired.

Perhaps unbeknownst to the sponsors of the bill before the Committee, by law official time must be “reasonable, necessary, and in the public interest.” It can never be used to hold a union meeting, conduct an election, recruit members, or engage in partisan activity. Further, the law prohibits federal employees from striking against their employing agencies. Specifically, 5 U.S.C. §7311 stipulates that federal employees may not participate in a strike, assert the right to strike, or even belong to a union that “asserts the right to strike against the government of the United States.” Separately, 18 U.S.C. §1918 makes it a felony to strike against the United States or belong to a union that asserts the right to strike against the United States.

Official time has been vital to improving government operations. Federal workers at the Department of Veterans Affairs, for example, have used official time to testify before Congress about inadequate staffing, patient access to specialized care, and prolonged wait times for appointments. Federal correctional officers have used official time to sound an alarm on severe understaffing and the Bureau of Prisons’ inability to recruit and retain employees. DoD employees have used official time to report on unsafe working conditions and to represent rank and file workers who speak out.

### **The “Protecting Taxpayers Wallet Act” would Do No Such Thing**

AFGE is puzzled why the Committee feels compelled to advance a bill so soon after the House rejected in a decisive vote of 188-228, with 23 Republicans opposing, an amendment to the 2025 National Defense Authorization Act, offered by the sponsor of the “Protecting Taxpayers Wallet Act,” that was similarly hostile to official time.

By charging federal labor organizations for their use of official time, limiting union representatives’ already limited access to meeting space, parking facilities, and equipment, and deducting expenses incurred while on union time from employees’ paychecks, the “Protecting Taxpayers Wallet Act” would, if enacted, effectively nullify a central pillar of the 1978 Civil Service Reform Act that has not only improved workplace conditions but rationalized the way in which managers and employees interface.

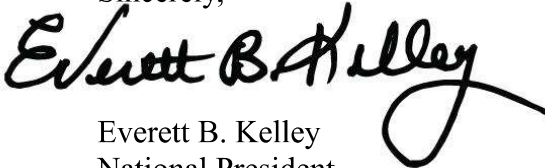
Without official time, managers would have to deal with inevitable workplace issues in an ad hoc, arbitrary manner, literally on a case-by-case basis. AFGE is under no illusions that the Committee’s membership includes Members who are not sympathetic to organized labor. However, to the extent these Members are sympathetic to the interests of managers and are motivated by an urge to improve agency efficiency and save taxpayer dollars, they should oppose

this bill without hesitation because it is a prescription for drowning managers in workplace issues both big and small that will make it impossible to actually deliver for the American people.

AFGE has absolutely no doubt the millions of dollars the bill's supporters promise will be saved if this pernicious bill is enacted will actually cost taxpayers many millions of dollars more when the impact on managers' lost time, productivity, and efficiency dealing with human resource and workplace issues are factored in. Of course, if the bill's real goal is to stall the work of federal agencies by creating labor-management disorganization and even chaos, then perhaps Members looking for ways to discredit the federal government in the eyes of the American people will support this bill.

AFGE urges you to oppose the "Protecting Taxpayers Wallet Act" when the Committee votes to report it to the full House. Thank you for considering AFGE's position opposing the "Protecting Taxpayers Wallet Act." For questions or more information please contact Keith Abouchar at [Keith.Abouchar@afge.org](mailto:Keith.Abouchar@afge.org).

Sincerely,

A handwritten signature in black ink that reads "Everett B. Kelley". The signature is written in a cursive style with a large, sweeping flourish at the end of the word "Kelley".

Everett B. Kelley  
National President