



**Statement from the
National Treasury Employees Union**

**Committee on Oversight and Government Reform
Subcommittee on Government Operations**

Hearing on Official Time

May 24, 2018

Chairman Meadows, Ranking Member Connolly and members of the Subcommittee, thank you for allowing NTEU to share its thoughts on the role of official time in the federal government. NTEU appreciates the opportunity to discuss the benefits of official time that result in savings, work efficiencies, and program improvements for taxpayers, and help ensure a better-acting government.

Under current statute-5 United States Code (USC) 7131-, federal workers in a bargaining unit can be granted time, referred to as official time, to perform certain representational duties during regular work hours. In the federal sector, unions must represent every member in a bargaining unit, regardless of whether they are dues-paying members, as the law allows each employee to voluntarily choose whether or not to join the union. Given the statutory fair duty of representation arrangement, official time being made available for certain representational duties is what allows the federal sector labor-management relations model to operate. Without official time, there would simply be no way to provide representation to non-dues paying members in a bargaining unit.

By law, official time is strictly limited, and is prohibited for union business. Types of activities that are prohibited include conducting elections, organizing members, soliciting members, performing internal union matters, and any political activity. In contrast, official time can be used for participating in labor-management committees to promote and explore efforts to improve agency functions, work productivity, and customer service for the public, as well as for conducting and receiving training, participating in formal meetings called by management, to handle employee grievances, and to negotiate collective bargaining agreements. Further, the agency must approve the time and it must be “reasonable, necessary, and in the public interest”.

The right to organize is a basic, fundamental right of all workers in the United States. Chapter 71 of title 5 USC establishes a detailed system for federal employee labor-management relations, as well as narrow collective bargaining rights. In the federal sector, unions are expressly prohibited from striking and management retains the right to hire, assign, lay off, retain, promote, suspend, and remove bargaining unit federal employees. While employees can bargain over the procedures a federal agency uses, they cannot bargain over the mission. Federal labor-management laws have allowed the paramount business of the federal government and the American people to operate with as little disruption as possible.

The overall dollars spent on official time are minuscule, and unquestionably save taxpayers by providing a mechanism to resolve disputes with management in a non-adversarial manner at the lowest, possible level, and by avoiding costly, slower-moving litigation and other workplace complaints and disputes. In fact, the Office of Personnel Management’s (OPM) Fiscal Year 2016 Report on Official Time, which was released last week, demonstrates the cost-effectiveness of official time, accounting for **less than one tenth of one percent** of federal personnel costs. The OPM report also highlights that official time is used less than three hours per year by bargaining unit employee, a level that has remained steady for many years. The report also shows that official time use fluctuates by agency depending on contract timing or other internal workplace issues such as realignments or reorganizations.

Agencies have long cited the positive outcomes and benefits of a productive labor-management partnership, and their associated activities, by providing a forum for frontline federal employee perspectives to be raised and considered. Additionally, it provides for alternatives and options to problem resolution, and for greater success of meeting organizational goals. Frontline federal employees are directly responsible for carrying out an agency's programs, and their involvement and voice in working to solve workplace challenges with management, leads to better outcomes for the recipients of the government's operations—the American people. Official time use is what allows the elected representatives of agency workforces to participate in and tackle workplace issues and disputes. NTEU urges the Committee to ensure the viability and success of labor-management cooperation, and rather than seek to restrict a tool that allows them to function, asks for improved opportunities to partner with agency leadership to enhance government operations and authorities.

Official time also plays a central role in enabling frontline employees to report waste, fraud and abuse at agencies. Without a safe, reliable, timely, and available process, and potential representation for whistleblowers, employees would be fearful in coming forward to disclose concerns, allowing detrimental practices and policies to continue, including discriminatory behavior, unfair retaliation, and agency wrongdoing—all of which harm employees, but importantly the public as well. If agency management and leadership are allowed to act with no system of checks and balances in place, then our civil service is not living up to the standard of our government being of, by, and for, the people. NTEU asks that the Committee continue its long history of protecting, and providing a safe environment for whistleblowers, and for mistreated individuals, who greatly rely upon a bargaining union representative being there to guide them through the process.

NTEU members want a well-functioning government, and one that uses the American people's resources wisely. Those who oppose labor organizations, and the right of workers to organize and to have a voice in their workplaces, misconstrue official time, and seek to portray a labor-management system run amok. In contrast, federal labor organizations operate under a tightly-controlled statutory system, with narrow collective bargaining rights, and their use of official time is minimal. NTEU appreciates the opportunity to comment on the benefits of official time, and urges Congress to support frontline federal employees, who offer valuable perspective, insight, and accountability to both agency leadership and the public.