NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
IAMAW, AFL-CIO

NFFE-IAM Opposes Legislative Efforts to Ban or Curb Agency Use of Official Time

Position: **Several pieces of legislation purport to "reform" use of official time even though neither management nor labor requested any reforms. All legislative efforts to curb official time share a common mischaracterization: The failure to recognize the beneficial role of official time as provided for and legally mandated within Labor Relations Statute. These efforts also fail to recognize that official time has worked well for decades, proving its benefits to management and agency as well as to the American people. One recent effort went as far as to retroactively rescind time spent on official time as invalid for retirement calculations. This malicious language does little more than punish federal employees who lawfully performed the required functions of their job.**

After an extended deliberative process, Congress enacted the Labor Relations Statute (hereafter, the Statute) as part of the Civil Service Reform Act of 1978. Much like the checks and balances of our Constitutional system of government, the Statute consists of interacting pieces, all of which are necessary for the proper functioning of the whole.

The Statute charges federal unions with the responsibility of representing all employees in their bargaining units, whether they join the union or not. To meet this "duty of fair representation," Congress authorized unions and federal agencies to negotiate use of official time. "Official time" is time during which union officials perform these representational duties – again, duties assigned by law – in lieu of their normal duties.

Opponents of official time have asserted that union business is performed on official time and that the amounts are unreasonable. They are making this assertion ill-informed. By law, only representational duties may be performed on official time. By law, only that amount of official time that federal agencies agree is "reasonable, necessary, and in the public interest" is granted. See Title 5, U.S. Code, Sec. 7131. Checks and balances are in place.

In passing Civil Service Reform Act of 1978, Congress made several findings that are worth reviewing. Among other items, Congress found that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations safeguards the public interest and contributes to the effective conduct of public business. Congress concluded that labor organizations and collective bargaining in the civil service are in the public interest (5 USC 7101). Previous anti-official time legislative efforts made no effort to address this. Rather, those legislative efforts were a dishonest attack on the ability of federal employees serving as union officials to meet their obligations under the law, along with draconian punishments for those who have served in the past.

It is difficult to interpret many of the anti-official time efforts as anything other than an underhanded effort to undermine federal unions at the expense of the American people. This would leave the front-line firefighter and the nurse at the bedside without a voice in their workplace. Without the protection of a union, such employees would be powerless to blow the whistles on abuse that sometimes occur in federal agencies and departments. An important check and balance on the power of the Executive Branch would be destroyed. This would be bad for employees and bad for American citizens who depend on good government. For these reasons, NFFE-IAM strongly supports continuing use of official time.