



Official Time is in the public interest

Legislative Request: NFFE calls on House and Senate lawmakers to reject any attempts to erode or otherwise diminish the ability of management and labor to negotiate the appropriate use of official time consistent with current statutory limitations. This includes free standing bills on this issue as well as other legislative efforts such as defunding amendments to appropriations measures.

Overview: Official time is negotiated between management and federal labor unions and allows for elected federal employee union representatives to engage in representation responsibilities on behalf of employees in their agency collective bargaining units.

Background: By law, federal employee unions are required to provide representation for all employees in units that have elected union representation, even those who choose not to pay dues. Federal employee unions are also forbidden from collecting any fair-share payments or fees from non-members for the services which the union must provide by law. In exchange for the legal obligation to provide the same services to those who pay as well as those who choose not to pay, the Civil Service Reform Act of 1978 allows federal employee unions to bargain with agencies over official time. Under this law, federal employees who serve as union representatives are permitted to use official time to engage in negotiations and perform representational activities on duty status.

These legally permitted representational activities are limited to:

- Providing federal workers with a voice in determining their working conditions;
- Promoting efficiency and productivity by bringing critical rank-and-file issues directly to the attention of agency leadership for resolution;
- Providing an independent pathway for critical information to reach the attention of Congressional members and committees to assist in oversight responsibilities;
- Creating fair promotion procedures that ensure that selections be based on merit, so that employees may advance their careers based on objective criteria;
- Setting processes that protect employees from on-the-job hazards, such as those arising from working with dangerous chemicals, munitions, or radioactivity;
- Enforcing protections from unlawful discrimination in employment;
- Protecting whistleblowers from management harassment or retaliation; and
- Participating in improvement of work processes that save the American taxpayers hundreds of millions of dollars.

The finer points of the law: The law provides that the amount of official time that maybe used is limited to that which the labor organization and employing agency agree is reasonable, necessary, and in the public interest. As pointed out in a Congressional Research Service report, “(a)ny activities performed by an employee relating to the internal business of the labor organization must be performed while in a non-duty status.”