



NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



NFFE-IAM Opposes the Official Time Reform Act of 2017 (H.R. 1364)

Position: **H.R. 1364 purports to reform use of official time. However, it does not take into account the role of official time in a balanced Labor Relations Statute that has worked well for many decades. Further, it is maliciously punitive in that it maltreats employees who have stepped up to fulfill representational responsibilities that are by law assigned to the union. It does so by taking away their pensions for doing this work – even as the responsibility to do the work is left in place. Egregiously, it makes this punishment retroactive such that employees fulfilling their legal responsibilities in past years would find their pensions slashed (pensions into which they’ve paid at the normal rate, by the way). This is just plain wrong.**

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. Passage of the radical and hastily advanced H.R. 1364 would unravel this carefully constructed Statute, leaving chaos and destruction in its wake.

The Statute charges federal unions with the responsibility of representing all employees in their bargaining unit, whether they join the union or not. In order 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.

Supporters of H.R. 1364 and similar attacks on official time have asserted that union business is performed on official time and that the amounts are unreasonable. They are either lying or are 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. H.R. 1364 would destroy them.

In passing Civil Service Reform Act of 1978, Congress made a number of 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). H.R. 1364 makes no effort to address this. Rather, it is a dishonest attack on the ability of federal employees serving as union officials to meet their obligations under the law, along with draconian punishment for those who have served in the past.

It is difficult to interpret H.R. 1364 as anything other than an underhanded effort to bust federal unions. 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 abuses 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 opposes H.R. 1364.