



National Federation of Federal Employees, IAMAW, AFL-CIO



NFFE Opposes H.R. 122 - a Bill to Eliminate Official Time for Representational Duties

Position: The inappropriately titled “Federal Employee Accountability Act” (H.R. 122) is a misguided bill that would eliminate official time and collective bargaining rights for federal employees and the unions that represent them. This bill was introduced last year by Rep. Phil Gingrey (R-GA) as part of the politically charged “You Cut” program, which included a number of targeted attacks on federal civil service workers. The bill was reintroduced early in the 112th Congress. NFFE strongly *opposes* H.R. 122.

Background:

Under federal law (5 U.S.C., Chapter 71), federal employees who serve as union representatives are permitted a reasonable amount of official time to represent and defend federal employees. Official time is typically used for the following activities: negotiating collective bargaining agreements (CBAs, or contracts) between unions representing federal employees and their agencies; investigating and filing grievances on behalf of federal employees, including informal resolution of those cases; participating in labor-management forums under Executive Order 13522; and representing federal employees in discrimination cases.

Congress precluded unions in the federal sector from negotiating union security clauses; those clauses can require participation in a union and/or payment of dues. Unlike many states, the federal government is considered “right to work.” In exchange for a lack of union security, Congress provided federal employees paid duty time, known as “official time,” to enforce their rights under collective bargaining agreements. Federal employee unions are required by law to provide representational duties for the workers they represent. Official time is necessary to follow through on that statutory obligation.

Impact: How H.R. 3251 Would End Official Time and Bargaining Rights for Federal Workers

H.R. 3251 would essentially eliminate a union’s ability to represent federal workers and carry out necessary functions in two ways. First, the bill would prevent federal employees from having official time to negotiate collective bargaining agreements. Federal workers benefit from the collective bargaining process because they can speak as a uniform group to assert their rights through contract negotiations on working conditions such as leave, hours of work, and health and safety; however, federal workers are barred by law from negotiating most wages and benefits. Federal agencies also benefit from collective bargaining, which sets out clear expectations for both labor and management. The elimination of official time for bargaining would essentially end collective bargaining rights for federal workers and their unions since the unions rely on the federal employees to play this critical role in the bargaining process.

Second, the bill would require the Federal Labor Relations Authority (FLRA) to determine whether an employee may receive official time for any other purpose. It would be impossible for the FLRA – an already under-staffed and under-funded agency – to determine official time on a case-by-case basis; therefore, official time would in practice be eliminated under this provision.

If official time is eliminated, it would cripple unions’ ability to carry out statutorily required functions such as filing grievances, negotiating contracts, and investigating and representing federal employees during disciplinary and discrimination cases. It would also either severely restrict, or eliminate, unions’ collective bargaining rights in the federal sector. This would lead not only to a loss of rights for federal workers and unions, but also to great inefficiency in the federal government.