

Official Time Use at the VA and the Trump Administration's Attempt to Abolish It (Nov. 2018)

The Trump Administration is intentionally deceitful regarding the purpose and scope of Official Time, misleading the public on the effect of abolishing or severely limiting Official Time:

- “Taxpayer Funded Union Time” does not exist in the federal government nor in law. “Taxpayer Funded Union Time” is the Trump Administration’s attempt to deceive the public on the scope and purpose of Official Time for their own political gain (see below, *What Official Time does not allow*).
- Official Time allows unions to represent whistleblowers and other employees who endure professional injury due to retaliation for reporting fraud, waste or abuse, or reporting other allegations of political coercion or corruption.
- Official Time allows for independent representation of claims against an agency, and it serves as an important, independent system of checks and balances within an agency.
- Department of Veterans Affairs (VA) employees on Official Time have played an active role in exposing poor performance, mismanaged programs, and corrupt political practices within the VA. This motivated the Trump Administration to eliminate Official Time.
- In addition, it places individual employees who challenged the VA under whistleblower and other lawful Official Time duties into a different employment status, thereby making those employees vulnerable to retaliation or termination.
- **The VA has over 38,000 existing job vacancies**—on which the VA has endeavored to make little progress over the last few years—bringing discredit to the claim that employees working on Official Time status are suddenly needed for patient care.

Why Official Time is necessary:

- Federal employee unions operate under a series of laws and restrictions that limit the activities of Federal unions, as compared to private unions.
- Under law, Federal employee unions are required to represent individual and collective bargaining unit members on representational issues regardless of whether the member(s) is a dues-paying member(s).
- The law recognizes that a requirement to represent those who do not financially contribute to the union would cause an unfair and untenable burden on the union, an allowance of time is provided for certain employees to perform these legally required duties during the work day.
- This time allowance is known as Official Time because it is dedicated to working on official duties related to government employment and labor-management relations.
- Management also participates in Official Time activities, such a preparing for and administering negotiations. However, management Official Time is not officially observed by agencies but rather it is written into management and employee-relations position descriptions.

What Official Time allows:

- 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 per year.

What Official Time does not allow:

- Solicitation for union membership;
- Internal union business (thus, 'Taxpayer Funded Union Time' is a fraudulent term);
- Elections of union officers;
- Any partisan political activities;
- Lobbying. However, employees on official time can advise the heads of agencies and other officials of the Executive Branch, the Congress, or other appropriate authorities on matters pertaining to conditions of employment.

The benefits of Official Time to agencies, management, and the American people:

- Efficiency in the Workplace: When workers and managers have a formal yet cooperative process by which to communicate, workplace problems that would otherwise escalate into costly litigation can be dealt with more promptly, more efficiently, and more effectively.
- Cost Savings to Taxpayers: When official time is used to bring closure to workplace disputes between the agency and an employee or group of employees, agencies avoid costlier and disruptive legal processes, such as EEOC complaints, Merit Systems Protection Board cases, or even litigation in federal courts.
- Effectiveness of Agency Mission: When official time is used for joint labor-management activities that enhance operational mission-enabling issues, including activities like designing and delivering joint training of employees on work-related subjects or introducing new and better work methods, the implementation is smoother and faster. A case in point is the Department of Defense (DOD), where labor and management worked together to develop a performance management system that will result in significant increases in productivity and efficiency throughout the DOD.