

Agency Proposal 4

Official Time

Section 1. Official Time

Consistent with the other Sections of this Article:

A. Union representatives expressly designated by the Union are authorized official time under Section 7131(a) of the Federal Labor Statute for the purpose of negotiating a collective bargaining agreement, including attendance at impasse proceedings. The number of Union representatives for whom official time is authorized shall not exceed the number of individuals designated as representing the Agency for these purposes

B. Union representatives are additionally entitled to official time under Section 7131 (-c) of the Statute authorizing official time ~~for~~in any phase of proceedings before the Federal Labor Relations Authority.

C. Bargaining unit employees expressly designated by the union shall be allowed official time as union representatives in accordance with applicable law, rules and regulations. All official time will be used when an employee would otherwise be in duty status. -Official time shall be granted in amounts that the Agency and Union agree to be reasonable and necessary and in the public interest.

Section 2. Prohibited Activities on Official Time

B. Official time will not be used by Union representatives to prepare or pursue grievances (including arbitration of grievances) brought against the Agency under the negotiated (or administrative) grievance procedure. This provision does not include official time used by employees to act on their own behalf or to appear as a witness in any grievance proceeding.

C. Official time is not authorized for Union representatives to prepare or pursue cases before the Equal Employment Opportunity Commission or the Merit System Protection Board.

Section 4. Union Time Rate

Union time rate (UTR) means the total amount of duty hours (official time) in the fiscal year that employees in a bargaining unit used. The total Union time rate shall not exceed one hour per year for each bargaining unit employee in the bargaining unit.

The Agency is responsible for tracking a union time rate. The Agency will use the number of bargaining unit employees in the AFGE consolidated bargaining unit identified on the payroll as of October 1 of each FY, and will share this number with Council 238 by October 31 of each FY. ~~The UTR for each FY is to be at one or below each FY for the AFGE consolidated unit, unless an overage is the result of matters covered under 5 U.S.C. Section 7131(a) and/or 7131(e).~~

~~C. In order to allow for adequate official time as needed to support the Union's obligation to represent all members of the bargaining unit, the~~ Once the maximum UTR has been spent in a FY, additional official time will only be authorized for the following ~~Union time rate calculation~~: will be adjusted as follows:

- ~~1. Time spent in management initiated meetings will be exempt from counting.~~
- ~~2. Time spent in statutory EEO complaints under 29 CFR 1614 et seq will not be counted.~~
- ~~3. Matters covered under 5 U.S.C. Section 7131(a)~~
- ~~2. Matters covered under 5 U.S.C. 7131(c). Time spent related to functions before FLRA and FSIP will not be counted.~~
- ~~4. Time spent in CBA negotiations (term & mid-term) will be exempt from counting.~~

Section 6. Requests for Official Time

- A. Union representatives must request official time in advance using the Agency's Official Time Request form/system, filling in all of the information indicated. Official Time Requests will not be unreasonably denied.
- In order to be approved, requests for official time for Council 238 must be routed to the Office of Mission Support (OMS)-Labor and Employee Relations Division (LERD) and to the employee's immediate supervisor.
 - Requests for official time for local unions, within Council 238, must be routed to the local designated authorizing official and to the employee's immediate supervisor. If no such designated authorizing official is identified, the local human resources officer shall be considered the authorizing official.
 - Requests must be made sufficiently in advance and with sufficient detail to allow an assessment as to whether the time requested is reasonable and necessary to grant such time to accomplish such task(s). The authorizing official will act on a request within a reasonable time, ~~but not later than the start time of the requested official time.~~ The authorizing official will also timely notify the union representative and the first-level supervisor of all approved and denied requests.
 - For continuing or ongoing requests, renewals must be submitted no less than once per pay period.
 - Supervisors, designated authorizing officials, OMS-LERD representatives, field LER specialists, Human Resources Officers (HROs) and other designated management officials may delegate their approving authority.
- B. The designated Official Time Request form or system is also to be used following the use of official time to accurately account for the time, filling in all of the information indicated.

The Agency may develop and implement other procedures and/or mechanisms for requesting

and tracking in the future, such as utilizing PeoplePlus or a successor system.

C. The Union will be provided on a bi-weekly basis, reports that will include, at a minimum, the employee name, location, amount of official time used, the date of its use, the purpose of the use of such time, and the approving officials.

~~Section 7. — Union Orientation~~

~~A. The Union will be afforded the opportunity to participate in the orientation process for bargaining unit employees, consistent with the Union Rights Article.~~

~~Section 8. — Union Communication~~

~~A. The Union shall have the right to communicate with bargaining unit(s) employees consistent with the Union Rights and Facilities Articles~~