

## **Coburn Amendment #1751— To prohibit the funding of union activities by Transportation and HUD employees on official federal time**

- **It is inappropriate for taxpayers to pay the salaries of federal employees who spend their time at work engaging in full-time union activities.**
- **Lack of Transparency on Official Time Could Increase Abuse, While Agencies Should Be Aggressively Pursuing Efficiencies**
- **Official Time Abuses and the Loss of Taxpayer Resources to Federal Employees Engaged in Full-Time Union Activities Must Be Curbed**
- **Official Time Is Inconsistent With Normal Business Practices**
- **OPM Will Not Collect or Disclose Official Time Information**

As federal agencies continue to contend with their new budget realities, it makes little sense for them to pay employees to do union work which does not further the mission of the agency – a practice known as “official time.”

This amendment prevents the agencies subject to this appropriation bill from funding union activities by federal employees occurring during official work time.

### **Lack of Transparency on Official Time Could Increase Abuse, While Agencies Should Be Aggressively Pursuing Efficiencies**

In 2011, the government spent over \$155 million on 3.4 million hours of official time, according to the Office of Personnel Management (OPM). However, OPM then ceased reporting use of official time. The only data Congress has at this time regarding more recent use of official time comes from Freedom of Information Act (FOIA) requests.

Many federal agencies have been clear that they are not adequately planning for sequestration. As such, agencies will face serious budget challenges, which will require them to reevaluate spending decisions. Although official time is permitted under Title V, Section 7131 of the U.S. Code, agencies have broad discretion as to how much official time they will

permit unions to have in a given year. This is often worked out during collective bargaining.

By preventing these agencies from spending funds on official time, Congress will help them to better negotiate collective bargaining agreements, leading to more efficiency at the agency and better use of taxpayer dollars. Further, by not spending money on official time, agencies will not need to hire duplicative employees, pay for extra office space, or pay other expenses associated with official time – meaning that the agency will be able to make do with less money, or retask those funds to more productive use.

### **Official Time Abuses and the Loss of Taxpayer Resources to Federal Employees Engaged in Full-Time Union Activities Must Be Curbed**

Official time was originally implemented under the Carter Administration in order to allow federal employee unions to adequately represent even those individuals at an agency who declined to join a union or pay dues. As such, individuals on official time were to serve purposes such as filing grievances and representing employees at disciplinary hearings. However, the use of official time has majorly shifted.

Recent FOIA requests have found that agencies such as the Department of Veterans Affairs and the Internal Revenue Service have hundreds of employees who work 100% on official time, many making well over \$100,000.00 per year. It is unclear what these employees do in a given day, how they are evaluated for promotions, or whether they even have to come to work. This was not the purpose of the creation of official time.

There have also been unsubstantiated but serious allegations that official time is offered to whistleblowers in order to placate them. Obviously this would be a violation of law, but it also points out the need for tighter scrutiny of, and stricter regulation and tracking of, official time.

### **Official Time Is Inconsistent With Normal Business Practices**

In the private sector, union representatives are generally paid with money collected from union members, in the form of dues. By avoiding doing this, the federal employee unions are able to instead use members' money for

other purposes – such as political advocacy, real property, or conferences. This is not only an insult to union members, but it is also contrary to the intent of the original authorizing legislation.

If official time was used only to balance out the extra costs of representing those employees who are not union members, this would not be as serious a violation. However, because of the complete lack of transparency and accountability, these practices must be curbed immediately.

### **OPM Will Not Collect or Disclose Official Time Information**

As noted earlier, OPM has ceased reporting to Congress on the use of official time throughout the federal government. Worse, at the confirmation hearing for the probable next Director of OPM, Katherine Archuleta, she indicated that she would **not** reinstate the transparency reporting. As such, Congress has no choice but to act affirmatively to rein in use of, and abuse of, official time.