



October 2014

# LABOR RELATIONS ACTIVITIES

## Actions Needed to Improve Tracking and Reporting of the Use and Cost of Official Time

This Report Is Temporarily Restricted Pending Official Public Release.

# GAO Highlights

Highlights of [GAO-15-9](#), a report to congressional requesters

## Why GAO Did This Study

Official time is time spent by federal employees performing certain union representational activities, such as negotiations and handling grievances. Employees on official time are treated as if they are in a duty status and are paid accordingly. OPM's estimated total payroll costs, salary and benefits, for fiscal year 2012 official time hours was over \$156 million and covered more than 1.2 million employees. GAO was asked to review federal rules relating to the use of official time.

This report (1) describes the extent of official time use by 10 selected agencies; (2) assesses OPM's cost estimate for official time; and (3) examines OPM's reporting on official time. GAO obtained usage data from agencies and OPM's annual reports. For this study, GAO selected 10 agencies (National Science Foundation, Railroad Retirement Board, Social Security Administration, and the Departments of Commerce, Health and Human Services, Homeland Security, Labor, Treasury, Transportation, and Veterans Affairs) representing 47 percent of BU employees covered by OPM's report. GAO's selection was based on factors such as agency size, number of BU employees, and official time rate.

## What GAO Recommends

GAO recommends, among other things, that OPM (1) consider other approaches to developing its cost estimate and (2) work with agencies to identify opportunities to increase efficiency of data collection and reporting through EHRI. OPM partially concurred but raised questions about implementation costs and limits to its authority. GAO continues to believe the recommendations are valid.

View [GAO-15-9](#). For more information, contact Seto J. Bagdoyan, (202) 512-6722, [BagdoyanS@gao.gov](mailto:BagdoyanS@gao.gov).

October 2014

## LABOR RELATIONS ACTIVITIES

### Actions Needed to Improve Tracking and Reporting of the Use and Cost of Official Time

## What GAO Found

The ten agencies GAO reviewed reported using 2.5 million official time hours in fiscal year 2013 compared to about 2 million hours in fiscal year 2006. Although the total number of hours charged increased by 25 percent, 7 of the 10 selected agencies reported lower official time rates in fiscal year 2013 as compared to fiscal year 2006. Three agencies reported increased official time rates over the same period. Official time rates indicate the number of official time hours expended per bargaining unit (BU) employee and allow for meaningful comparisons over time. Declines in official time rates per BU employee ranged from about 30 minutes or less at several agencies to 2-1/2 fewer hours per BU employee at one agency. The Office of Personnel Management (OPM) attributed changes in the number of hours, in part, to changes in the number of BU employees and the amount of collective bargaining negotiations. In total for fiscal year 2013, the 10 selected agencies reported that less than 2 percent of employees charged official time. During the same year, eight of the 10 agencies reported having employees who charged 100 percent of their duty time to official time; a total of 386 employees combined. Two agencies reported having no employees who charged 100 percent official time in fiscal year 2013.

OPM has historically estimated annual official time costs by using a simple computation—multiplying each agency's average salary as reported in its Enterprise Human Resources Integration (EHRI) database for BU employees covered by official time activities by the agency's total reported official time hours. GAO computed its own cost estimate using an alternative methodology that used actual salary data of BU employees who in fact charged official time and multiplied this amount by the agency total reported official time hours used for each individual. GAO computed a cost estimate for the 6 of our 10 selected agencies that report through EHRI. GAO found that its cost estimate for these 6 agencies yielded an estimate that was about \$5 million more than the estimate using OPM's methodology (\$61 million versus \$56 million, or a difference of about 9 percent). Further, cost estimates using GAO's methodology at 4 of the 6 agencies were higher by 15 percent or more than the estimates using OPM's methodology. A government-wide cost estimate could be higher or lower if this methodology was applied to all agencies. OPM said reporting on official time is not a priority at this time and they have used the same methodology for preparing its cost estimate since fiscal year 2002. Use of other methodologies may result in a more representative estimate of actual cost.

OPM issues reports on official time to assist agencies with ensuring accountability in labor-management relations. It reports on official time usage government-wide. OPM asks agencies to verify data that OPM obtains through its EHRI database. According to OPM, at least half of the about 50 agencies that report official time data through EHRI report differences with the EHRI data and provide revised official time data to OPM. While OPM reports the corrected data, it does not follow-up with agencies to determine the source of data differences. Its guidelines state the importance of pursuing high quality data, reliable data on program costs. By not following up with agencies on data differences, OPM may be missing an opportunity to improve data quality on agency reporting through EHRI and enable a less labor intensive and more efficient process.

---

# Contents

---

Letter		1
	Background	6
	Most Selected Agencies Reported Lower Rates of Official Time Use but the Potential for Underreporting Exists	7
	Use of an Alternative Methodology Could Improve Future Official Time Cost Estimates	15
	While OPM Reports on Its Own Initiative, It May Be Missing an Opportunity to Improve Official Time Reporting	19
	Agencies' Collective Bargaining Agreements (CBA) Most Often Specify Reasonable Time as Approach to Manage Official Time, and Primary Oversight is Generally Left to Immediate Supervisors	22
	Conclusions	30
	Recommendations for Executive Action	31
	Agency Comments and Our Evaluation	31
Appendix I	Objectives, Scope, and Methodology	34
Appendix II	Official Time Hours and Rates Reported by 10 Selected Agencies for Fiscal Years 2006 Through 2013	39
Appendix III	OPM Reporting on Official Time, Fiscal Years 2002 - 2012	49
Appendix IV	Comments from the Office of Personnel Management	50
Appendix V	Contacts and Staff Acknowledgments	52
Tables		
	Table 1: Selected Agencies' Size and BU Data (Fiscal Year 2011)	3
	Table 2: Most Agencies Reported Lower Official Time Rates in Fiscal Year 2013 than in Fiscal Year 2006	8

---

Table 3: Five Agencies Reported More and Five Agencies Reported Less Official Time Hours Charged In Fiscal Year 2013 than in Fiscal Year 2006	9
Table 4: Relatively Small Numbers of Employees at 10 Selected Agencies Charged Official Time in Fiscal Year 2013	14
Table 5: Small Numbers of Employees at Selected Agencies Charged 50 Percent or More of Duty Time to Official Time in Fiscal Year 2013	15
Table 6: GAO's Methodology Yields a Higher Cost Estimate for Fiscal Year 2013 (in thousands)	17
Table 7: Official Time Data in OPM's EHRI Differs from Agency Reported Data	21
Table 8: Reasonable Time Approach Most Often Used at Almost All Agencies to Manage Official Time	24
Table 9: Agencies' Use of Various Practices for Monitoring Official Time	26
Table 10: Selected Agencies' Size and BU Data, Fiscal Year 2011	35

---

## Figures

Figure 1: Interactive Graphic of Selected Agencies' Reported Official Time Hours, Fiscal Year 2006 – Fiscal Year 2013	10
Figure 2: Department of Veterans Affairs Official Time Hours and Rates for Fiscal Years 2006 through 2013	39
Figure 3: Department of Homeland Security Official Time Hours and Rates for Fiscal Years 2006 through 2013	40
Figure 4: Department of the Treasury Official Time Hours and Rates for Fiscal Years 2006 through 2013	41
Figure 5: Social Security Administration Official Time Hours and Rates for Fiscal Years 2006 through 2013	42
Figure 6: Department of Transportation Official Time Hours and Rates for Fiscal Years 2006 through 2013	43
Figure 7: Department of Health and Human Services Official Time Hours and Rates for Fiscal Years 2006 through 2013	44
Figure 8: Department of Commerce Official Time Hours and Rates for Fiscal Years 2006 through 2013	45
Figure 9: Department of Labor Official Time Hours and Rates for Fiscal Years 2006 through 2013	46
Figure 10: National Science Foundation Official Time Hours and Rates for Fiscal Years 2006 through 2013	47
Figure 11: Railroad Retirement Board Official Time Hours and Rates for Fiscal Years 2006 through 2013	48

---

Figure 12: Government-wide Total Official Time Hours, Total Salary Costs, and Average Rates of Use for Fiscal Years 2002 – 2012

---

**Abbreviations**

BU	bargaining unit
CBA	collective bargaining agreement
Commerce	Department of Commerce
DHS	Department of Homeland Security
DOJ	Department of Justice
DOL	Department of Labor
DOT	Department of Transportation
EHRI	Enterprise Human Resources Integration
ELR	Employee Labor Relations
FLRA	Federal Labor Relations Authority
HHS	Department of Health and Human Services
NSF	National Science Foundation
OPM	Office of Personnel Management
SSA	Social Security Administration
RRB	Railroad Retirement Board
Treasury	Department of the Treasury
VA	Department of Veterans Affairs

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



October 23, 2014

The Honorable Darrell Issa  
Chairman  
Committee on Oversight and Government Reform  
House of Representatives

The Honorable Tom Coburn, M.D.  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Phil Gingrey  
House of Representatives

The Federal Service Labor-Management Relations Statute (Statute), enacted in 1978, reflects a congressional finding that federal unions are in the public interest and contributes to effectively conducting public business.<sup>1</sup> According to the Office of Personnel Management (OPM), federal unions, because their memberships are entirely voluntary for federal employees, rely on the volunteer work of bargaining unit (BU) employees, rather than paid union business agents to represent employees on matters such as collective bargaining and grievances.<sup>2</sup> The statute allows for the use of official time for union representational activities in the federal government.<sup>3</sup> Official time is time spent by federal employees performing representational work for a BU in lieu of their regularly assigned work. Employees on official time are treated as if they are in a duty status when they are engaging in representational activities and are paid accordingly.<sup>4</sup> Union representational activities generally

---

<sup>1</sup>5 U.S.C. §§ 7101-7135.

<sup>2</sup>A bargaining unit is a group of employees found appropriate for representation by the Federal Labor Relations Authority (FLRA) and voted upon by employees in the proposed bargaining unit who become represented by a labor union in their dealings with agency management.

<sup>3</sup>5 U.S.C. § 7131.

<sup>4</sup>“Duty status” refers to the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee’s regularly scheduled administrative workweek.

---

include (1) term bargaining for a collective bargaining agreement (CBA); (2) mid-term bargaining over changes in working conditions during the term of an existing CBA; (3) filing and processing of grievances against management; and (4) discussions between management and employees concerning grievances, among other things.<sup>5</sup>

Agencies have been managing the use of official time since the late 1970s. OPM's most recent reporting on official time covers fiscal year 2012 and shows that unions at 62 agencies represented more than 1.2 million employees and that certain BU employees spent over 3.4 million hours performing representational activities on official time.<sup>6</sup> OPM estimated the total payroll costs (salary and benefits for all BU employees) for fiscal year 2012 official time hours at just over \$156 million. According to OPM, in fiscal year 2012 this represented one-tenth of 1 percent of the total cost of salary and benefits for all federal employees. In addition to official time, unions may also negotiate to receive other support from agencies, such as office space, supplies, equipment, and some travel expenses. In reporting on the use of official time within federal agencies, OPM noted that agency management and labor share responsibility to ensure official time is authorized and used appropriately. While not addressed in OPM's 2012 reporting, OPM's 2011 report on official time stated that the increased amount of official time used by agencies can depend on a number of factors, such as the timing of term negotiations, number of grievances, and involvement of unions in labor management decisions.

Reflecting longstanding congressional interest since the enactment of the Statute, we reported in 1979 on how agencies accounted for and monitored the amount of official time employees spent on representational activities.<sup>7</sup> In the late 1990s, we and OPM each issued

---

<sup>5</sup>"Collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to 5 U.S.C. Chapter 71. Employees representing a labor union while negotiating a collective bargaining agreement are provided official time pursuant to 5 U.S.C. § 7131.

<sup>6</sup>Office of Personnel Management, *Labor- Management Relations in the Executive Branch*, (October 2014).

<sup>7</sup>See GAO, *Inadequate Recordkeeping on Official Time Used for Representational Functions*, [GAO/FPCD-79-77](#) (Washington, D.C.: Sept. 17, 1979).

reports on agencies' use of official time.<sup>8</sup> This current report (1) describes the extent to which 10 selected agencies reported using official time; (2) assesses the extent to which OPM's cost estimate for official time aligns with leading cost estimation practices; (3) examines OPM reporting on official time; and (4) determines the extent to which selected agencies vary in their approaches for managing official time and related internal control practices, and describes reported benefits. We included available information on both costs and benefits to be consistent with standard economic principles for evaluating federal programs and generally accepted government auditing standards.

To address these objectives, we selected a nongeneralizable sample of 10 of 61 agencies that reported official time data to OPM for fiscal year 2011.<sup>9</sup> We selected the 10 agencies using the following factors: (1) the number of BU employees; (2) agency size; (3) rate of official time use; (4) the number of BUs and unions represented at the agency; and (5) the amount of reported agency salary costs associated with official time (see table 1 for agencies and data on selected criteria and appendix I, table 10 for all criteria used).<sup>10</sup> In fiscal year 2011, the 10 agencies accounted for approximately 47 percent of BU employees who were covered by OPM's official time report.

**Table 1: Selected Agencies' Size and BU Data (Fiscal Year 2011)**

Agency	Size of agency <sup>a</sup>	Rate of official time use	Number of BU employees
Department of Health and Human Services (HHS)	Large	0.93	30,837
Department of Homeland Security (DHS)	Large	2.51	68,209
Department of the Treasury (Treasury)	Large	7.02	89,123
Department of Transportation (DOT)	Large	6.76	39,131

<sup>8</sup>See GAO, *Federal Labor Relations: Survey of Official Time Used for Union Activities*, [GAO/GGD-97-182R](#) (Washington, D.C.: Sept. 30, 1997), and OPM *Report to Congress on Official Time and Services by Unions Representing Federal Employees Fiscal Year 1998*.

<sup>9</sup>For the purposes of this report, "use of official time" constitutes time charged to an official time and attendance code. We used data from OPM's Fiscal Year 2011 Official Time Report because it was the most current report during the time of our review.

<sup>10</sup>The rate of official time use indicates the number of official time hours expended per BU employee and allows for meaningful comparisons of official time usage among agencies.



Agency	Size of agency <sup>a</sup>	Rate of official time use	Number of BU employees
Department of Veterans Affairs (VA)	Large	4.02	248,409
Social Security Administration (SSA)	Large	4.39	52,176
Department of Commerce (Commerce)	Medium	2.05	21,143
Department of Labor (DOL)	Medium	6.22	11,724
National Science Foundation (NSF)	Small	1.19	966
Railroad Retirement Board (RRB)	Small	6.15	707

Source: OPM data from Fiscal Year 2011 Official Time Report. | GAO-15-9

<sup>a</sup>OPM categorizes agencies in its official time use reports by size: small agencies have less than 1,000 BU employees; medium agencies have 1,000-24,999 BU employees; and large agencies have 25,000 or more BU employees.

To describe the extent to which the 10 selected agencies reported using official time, we used OPM's published reports that included relevant data for each of the 10 selected agencies and covered fiscal years 2006 through 2011. We obtained official time usage data for fiscal years 2012 and 2013 directly from each of the 10 selected agencies. We reviewed relevant agency documentation, interviewed agency officials charged with administering agency official time processes, and reviewed documentation to better understand the data systems each agency used to collect and report such data as well as the quality of data entered into their systems. We began our analyses with fiscal year 2006 because that was the first year in which OPM consistently reported all data elements for each of our 10 selected agencies. These include: (1) total official time hours; (2) count of BU employees; (3) rate of official time; (4) official time hours by four categories, including term negotiations, mid-term negotiations, dispute resolution, and general labor-management relations; (5) reported salary costs; and (6) total costs. We selected fiscal year 2013 as the endpoint because it was the most recent, complete fiscal year of data available during our review.

To assess how OPM's cost estimate aligned with leading cost estimation practices, we compared the methodology OPM uses to estimate the costs of official time with our Cost Estimating and Assessment Guide.<sup>11</sup> We cross-checked OPM's methodology with an alternative methodology as part of our assessment of the reliability of OPM's cost estimate. Using fiscal year 2013 salary data from OPM's Enterprise Human Resources

<sup>11</sup>GAO, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, GAO-09-3SP (Washington, D.C.: March 2009).

---

Integration (EHRI) database, we developed a methodology that uses an alternative wage rate—salaries of employees who charged official time.<sup>12</sup>

To further support our analysis, we used the EHRI Statistical Data Mart, which contains information on personnel actions and payroll data for most federal civilian employees, including employees of our 10 selected agencies. We assessed the reliability of EHRI data through electronic testing to identify missing data. We also interviewed OPM officials knowledgeable about the EHRI data to discuss the data's accuracy and steps OPM takes to ensure reliability. On the basis of this assessment, we believe the EHRI payroll and personnel data we used are sufficiently reliable for the purpose of this report.

To examine the extent of OPM reporting on the use of official time, we used OPM's published reports that included government-wide official time data between fiscal years 2002 and 2011. We reviewed relevant agency documentation, interviewed agency officials responsible for producing government-wide reports on official time, and reviewed documentation to better understand OPM's role in collecting and reporting on the use of official time. See appendix III for OPM reporting on official time for fiscal years 2002 to 2012.

To determine the extent to which selected agencies varied in their approaches for managing official time, we provided a structured document request to each of our 10 selected agencies on their practices. We also performed a content analysis of 173 active CBAs from the 10 agencies to create a unique database of official time provisions. These 173 CBAs represent a universe of CBAs provided by our selected agencies (i.e., our review includes all agreements covering BU employees for which OPM reports official time at our selected agencies). We also interviewed agency labor management relations officials from our selected agencies with responsibility for administering their agency's use of official time.

---

<sup>12</sup>The EHRI warehouse is a reporting system that stores human resource, payroll, and training workforce information sent from executive branch agencies. The information in EHRI is used to provide human resources and demographic information on each federal civilian employee. We used adjusted base pay (variable name: ADBASPAY) from the EHRI September 30 status files. Weighted average rates were derived using the salaries (ADBASPAY) and official time hours reported in EHRI, which were then applied to the official time hours that agencies reported.

---

To describe reported benefits of official time, we interviewed agency management and union officials from 3 of our 10 selected agencies (VA, Treasury, and SSA) to obtain their viewpoints. These three agencies reflect a large proportion of BU employees and also utilize different approaches for capturing and reporting official time.

We conducted this performance audit from August 2013 to October 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Further details about our objectives, scope, and methodology are provided in appendix I.

---

## Background

The Statute provides a legal basis for the current federal labor and management relations program and establishes two sources of official time. Official time for, both, collective bargaining and Federal Labor Relations Authority (FLRA)-related activities, such as negotiations, attendance at impasse proceedings, and participation in proceedings before the FLRA, is provided as a statutory right.<sup>13</sup> Official time for other purposes must be negotiated between the agency and the union in an agreed-upon amount deemed reasonable, necessary, and in the public interest.<sup>14</sup> However, activities that relate to internal union business, such as the solicitation of members or the election of union officials, must be performed when in a non-duty status; that is, not on official time.<sup>15</sup>

In a 1979 report, we recommended that OPM (1) clarify its recordkeeping requirements then in effect for capturing time spent on representational activities, and (2) direct agencies to comply with those requirements.<sup>16</sup> Following our report, in 1981, OPM issued *Federal Personnel Manual Letter 711-161*. The letter stated that, no later than January 1, 1982, federal agencies activate a recordkeeping system to capture official time charges to representational activities. But the letter did not require

---

<sup>13</sup>5 U.S.C. §§ 7131(a) and (c).

<sup>14</sup>5 U.S.C. § 7131(d).

<sup>15</sup>5 U.S.C. § 7131(b).

<sup>16</sup>[GAO-FPCD-79-77](#).

---

agencies to report the yearly time charges to OPM, as we had recommended. As a result, OPM never consolidated the amount of time charged government-wide to union activities and has no information on agencies' compliance with the recordkeeping requirement. When the *Federal Personnel Manual* was abolished in 1994, all recordkeeping requirements regarding time spent on union activities were rescinded.

In a 1997 report accompanying an appropriations bill, the House Appropriations Committee requested that OPM provide a one-time report on the total hours of official time spent on representational activities, number of employees who used official time, and related costs (salary, office space, equipment, and telephone) covering the first 6 months of calendar year 1998.<sup>17</sup> In response, OPM reported that a total of 23,965 federal employees used approximately 2.2 million hours during the 6-month sample period. OPM estimated the cost of this time at about \$48 million. OPM also reported that 946 of these employees (or 4 percent) worked 100 percent of the time in a representational capacity. OPM has prepared reports on official time usage since fiscal year 2002 and most recently for the period covering fiscal year 2012.<sup>18</sup>

---

## Most Selected Agencies Reported Lower Rates of Official Time Use but the Potential for Underreporting Exists

---

<sup>17</sup>H.R. Rep. No. 105-240, at 89-90 (1997).

<sup>18</sup>More recently, legislation has been proposed regarding the use of official time. For example, H.R. 568, 113<sup>th</sup> Congress (2013) would require OPM to submit an annual report to Congress related to the use of official time by federal employees.

**Usage Rates Are Trending Lower but Total Hours Used Overall Increased between Fiscal Years 2006 and 2013**

Seven of 10 selected agencies reported lower official time rates in fiscal year 2013 compared to fiscal year 2006, as shown in table 2 below. Official time rates indicate the number of official time hours expended per BU employee and allow for meaningful comparison of official time usage over time. For seven agencies, declines in official time charges per BU employee ranged from about 30 minutes or less at several agencies to 2-1/2 fewer hours per BU employee at one agency. The remaining three agencies—including DHS, DOT, and SSA—reported increased official time rates. An analysis of the average annual rate of official time use was somewhat higher but showed a similar pattern for the same seven agencies with annual declines and three agencies with annual increases.

**Table 2: Most Agencies Reported Lower Official Time Rates in Fiscal Year 2013 than in Fiscal Year 2006**

Agency	Rate per BU employee (hours)		
	FY 2006	FY 2013	Difference
RRB	10.43	8.03	-2.40
DOL	6.05	4.57	-1.48
NSF	1.79	0.98	-0.81
Treasury	7.51	6.94	-0.57
HHS	1.27	0.71	-0.56
VA	4.31	4.05	-0.26
Commerce	1.93	1.75	-0.18
DHS	2.06	2.42	0.36
SSA	3.86	5.03	1.17
DOT	2.89	6.64	3.75

Source: GAO analysis of data from OPM Fiscal Year 2006 Official Time Report and selected agencies for fiscal year 2013. | GAO-15-9

Overall, the total number of official time hours charged as reported by the 10 selected agencies was higher in fiscal year 2013 when compared to fiscal year 2006, as shown in table 3 below. In fiscal year 2013, the 10 selected agencies in our review reported that BU employees charged a total of 2,485,717 hours to official time, an increase of 25 percent compared to the 1,991,089 hours these agencies reported for fiscal year 2006. We found that half of the agencies reported using more official time hours in fiscal year 2013 than in fiscal year 2006 (see figure 1 for the interactive graphic, which represents each individual agency’s official time rate and hours reported for fiscal year 2006 through fiscal year 2013).

**Table 3: Five Agencies Reported More and Five Agencies Reported Less Official Time Hours Charged In Fiscal Year 2013 than in Fiscal Year 2006**

Agency	FY 2006		FY 2013		Percent change in hours
	Number of BU employees	Total official time hours	Number of BU employees	Total official time hours	
NSF	819	1,465	936	916	-37%
RRB	734	7,653	661	5,307	-31%
HHS	25,600	32,548	34,869	24,924	-23%
DOL	11,040	66,825	11,432	52,232	-22%
Treasury	89,610	673,223	76,450	530,856	-21%
Commerce	17,502	33,816	19,621	34,345	2%
SSA	49,564	191,495	48,566	244,290	28%
VA	181,398	781,846	264,991	1,073,780	37%
DOT	36,010	103,951	37,190	246,784	137%
DHS	47,698	98,267	112,739	272,283	177%
<b>Total</b>	<b>459,975</b>	<b>1,991,089</b>	<b>607,455</b>	<b>2,485,717</b>	<b>25%</b>

Source: GAO analysis of data from OPM Fiscal Year 2006 Official Time Report and selected agencies for fiscal year 2013. | GAO-15-9

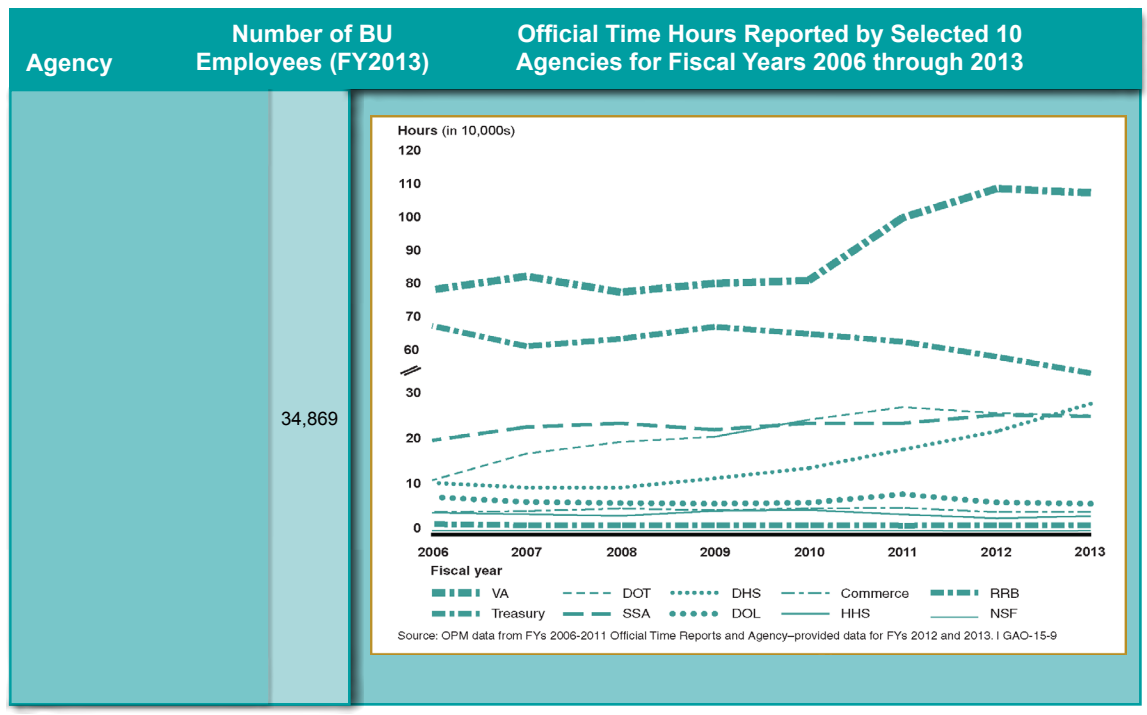
**Interactive graphic**

**Figure 1: Official Time Hours Reported by Selected 10 Agencies for Fiscal Years 2006 Through 2013**

The following graphic contains the overall total official time hours and official time rates (number of official time hours expended per bargaining unit employee) reported by selected 10 agencies for fiscal years 2006 through 2013.

**Directions:**

 **Rollover** the agency's name to see additional details regarding the agency's official time hours and official time rates.



---

OPM and agencies attributed changes in usage to several reasons. According to OPM, factors that have contributed to the changes in official time use in previous years include:

- changes in the number of BU employees;
- changes in the amount of mid-term and term collective bargaining;
- variation in the use of labor-management forums; and
- an emphasis by agencies on accurately documenting official time hours.

A number of agencies cited similar factors. For example, RRB attributed changes in usage to the age of its CBA with the American Federation of Government Employees labor union, which is almost 30 years old. Thus, the agency has not had any nationwide negotiations during the time period which might have required a large number of official time hours. NSF reported a lower number of charged official time hours in mid-term negotiations (284 to 110), dispute resolution (203 to 93), and general labor-management relations (978 to 691). NSF officials informed us that their official time tally of hours was incomplete for fiscal years 2012 and 2013 because the agency transitioned to a different time and attendance system, which we will explain more fully later in this report.

Other agencies cited factors such as increases in the amount of negotiations or general labor-management relations areas impacting changes in use of official time. For example, DOT officials pointed out that the increase in official time charges per BU employee was spent improving labor management relations and internal business processes, and not litigating disputes. They noted that the agency's spike in official time rate between fiscal years 2006 and 2007 may be related to possible underreporting in fiscal year 2006. This made a subsequent return to better accuracy appear to be a sharp increase in fiscal year 2007. Most of DOT's increased reporting of official time was also in the general labor-management relations category. The agency reported 66,736 hours in fiscal year 2006 compared to 230,080 hours reported in that category for fiscal year 2013. According to DOT, the agency's increase since fiscal year 2006 in the use of official time in the general labor-management relations category resulted in turn from increased collaboration between the Federal Aviation Administration (FAA) and its unions, primarily the National Air Traffic Controllers Association (NATCA). NATCA is FAA's largest BU and accounts for the majority of official time used by FAA's union representatives. In 2009, FAA and NATCA renegotiated their 2006 CBA.



---

DHS, with the highest percentage increase of official time hours charged, also had the biggest percentage increase of BU employees. DHS reported its largest increases in official time hours in the general labor-management relations category, from 25,785 hours in fiscal year 2006 to 185,509 hours in fiscal year 2013, and also in the mid-term negotiations category, from 3,416 to 11,045. According to DHS, several factors contributed to the agency's increased use of official time hours during the period. For the first time, the recognition of a BU within the Transportation Security Administration increased the overall DHS number of BU employees by more than 40,000 from fiscal year 2011 to fiscal year 2012. In addition, DHS officials said that the establishment of labor-management forums contributed to official time usage fluctuations during the period.<sup>19</sup> Agency officials explained that as more forums were established and became more active, the hours expended grew. DHS also cited budget reductions, sequestration, and furloughs as factors that led to increases in the general labor-management relations hours reported, as briefings and meetings with the unions were necessary to keep them informed of how DHS components would address shortfalls, avoid or mitigate planned furloughs, and contingency plans for the potential lapse of future appropriations. In addition, DHS explained that there was also a corresponding increase in mid-term bargaining hours reported as unions exercised their right to negotiate based on the notices they received regarding these matters.

Agency officials told us of instances where agencies may have underreported the number of official time hours. Several agencies explained particular internal circumstances that impacted agencies' ability to accurately record the number of official time hours charged. For example, NSF officials told us that the agency transferred its official time reporting to a different time and attendance system during the middle of fiscal year 2012. Because of the transition, it did not capture all official time charges for parts of fiscal year 2012 and fiscal year 2013. NSF does not have a mechanism to retroactively collect incomplete official time data for these years. A Commerce official told us that one of its components does not report official time using the same transactional codes as other components use. As a result, the component had more than 24,000 hours of official time for fiscal year 2013 that was not accounted for in EHRI. According to the official, Commerce is negotiating a change in the CBAs

---

<sup>19</sup>Executive Order No. 13522, 74 Fed. Reg. 66,203 (Dec. 14, 2009).

---

with the three affected unions to report official time using the same transactional codes that the other components use. In addition, a recent GAO report found that official time activities at VA were recorded as administrative leave because the agency's current time and attendance system does not have a code to capture official time separately.<sup>20</sup> VA officials told us that the agency is implementing a new time and attendance system, the Veterans Affairs Time and Attendance System (VATAS), which will capture official time usage. According to a VA official, the agency has not collected official time data through VATAS because of system issues they are addressing. The officials said VA does not have a time frame for when VATAS will be in use department-wide.

In addition, we found that some agencies, such as DHS, SSA, and Commerce, vary in how they report hours charged to labor management forum meetings conducted under Executive Order 13522. Executive Order 13522 was designed to establish a cooperative and productive form of labor-management relations but does not specify how agencies should treat labor management forum meetings for time and attendance purposes. Some agencies consider this time as official time and others as duty time. For example, DHS reported that it advises its components that time used in relationship to these meetings is to be included as official time under the general labor management category. On the other hand, we were told by an SSA official that SSA considers time spent on labor management forum meetings as duty time. Commerce reported that time spent at labor management forum meetings, depending on the particular agency component, is sometimes charged to official time and other times charged as regular duty time.

---

### Agencies Reported Relatively Small Numbers of Employees Charged Official Time in Fiscal Year 2013

In total for fiscal year 2013, the 10 selected agencies reported that less than 2 percent of BU employees from the 10 agencies charged official time hours. As shown in table 4, the percentage of BU employees who charged official time at the ten agencies ranged from less than 0.01 percent at VA to 7.5 percent at DOT.

---

<sup>20</sup>GAO, *Federal Paid Administrative Leave: Additional Guidance Needed to Improve OPM Data*, [GAO-15-79](#) (Washington, D.C.: Oct. 17, 2014).

**Table 4: Relatively Small Numbers of Employees at 10 Selected Agencies Charged Official Time in Fiscal Year 2013**

Agency	FY 2013		
	Total number of BU employees	Total number of BU employees who charged official time	Percentage of BU employees who charged official time
NSF	936	6	0.6
Commerce	19,621	132	0.7
HHS	34,869	264	0.8
DHS	112,739	2,960	2.6
RRB	661	18	2.7
Treasury	76,450	2,046	2.7
DOL	11,432	346	3.0
SSA	48,566	1,496	3.1
DOT	37,190	2,806	7.5
VA	264,991	488	less than .01

Source: GAO analysis of agency reported data. | GAO-15-9

As shown in table 5 below, 8 of our 10 selected agencies reported that a small number of employees charged 100 percent of their duty time to official time in fiscal year 2013. We found that each of these eight agencies have CBAs in place that authorize certain union officials to charge 100 percent of their time to official time. VA, the largest of our 10 selected agencies with about 265,000 BU employees spread among 18 unions and approximately 200 facilities, reported the highest number of employees, 259, that charged 100 percent of their time to official time in fiscal year 2013. Treasury and DHS were next with 44 and 43 of their respective 2,046 and 2,960 total official time users charging 100 percent official time. NSF and SSA reported no employees charged 100 percent of their duty time to official time in fiscal year 2013.<sup>21</sup>

<sup>21</sup>SSA reported that while 12 union representatives are entitled to 100 percent official time (2080 hours per fiscal year) according to the CBA, most participate in labor management forums or other activities that SSA considers as duty time and did not charge 100 percent official time in fiscal year 2013.

**Table 5: Small Numbers of Employees at Selected Agencies Charged 50 Percent or More of Duty Time to Official Time in Fiscal Year 2013**

Agency	FY 2013			
	Total number of official time users	Users charging 50% but less than 75%	Users charging 75% but less than 100%	Users charging 100%
VA	488	<sup>a</sup>	<sup>a</sup>	259
Treasury	2,046	151	4	44
DHS	2,960	35	0	43
DOT	2,806	25	10	16
DOL	346	0	14	15
HHS	264	3	5	4
Commerce	132	<sup>b</sup>	<sup>b</sup>	3
RRB	18	0	2	2
SSA	1,496	55	5	0 <sup>c</sup>
NSF	6	0	0	0

Source: Agency reported data. | GAO-15-9

<sup>a</sup>VA reported that the agency does not obtain information on union representatives' official time in these categories.

<sup>b</sup>Commerce reported some of its bureaus could not provide data in these categories.

<sup>c</sup>SSA reported that although 12 union representatives were entitled to 100 percent official time, none charged 100 percent official time in fiscal year 2013.

## Use of an Alternative Methodology Could Improve Future Official Time Cost Estimates

### OPM's Cost Estimate Does Not Align with Best Practices

OPM did not implement key practices needed to develop a reliable cost estimate of official time. Specifically, OPM's cost estimate is not reliable because it lacks assurance of its accuracy and also lacks adequate documentation.

OPM could have greater assurance of the accuracy of its cost estimate if it cross-checked its results using an alternative methodology to determine whether the results are similar. Since OPM had not published a cost estimate for fiscal year 2013, we replicated OPM's methodology for fiscal

---

year 2012 and applied the methodology to fiscal year 2013 EHRI salary data to facilitate a comparison of cost estimates for fiscal year 2013. Basing estimates on an assessment of most likely costs enhances accuracy. Best practices for high-quality cost estimates incorporate cross-checking with an alternative methodology to see if the results are similar. If the results are not similar, the methodologies should be reconciled. As described below, our comparison of the cost estimates generated by the two methodologies revealed different results.

---

### Cross-Checking OPM's Cost Estimate Can Yield a More Reliable Estimate

OPM has historically estimated annual official time costs by using a simple computation—multiplying each agency's average salary (as reported in EHRI) for BU employees covered by official time activities by the agency's total reported official time hours. We computed our own cost estimate for the 6 of our 10 selected agencies who report data through EHRI using an alternative methodology that used actual salary data of BU employees who charged official time and multiplied this amount by the agency total reported official time hours used for each employee.<sup>22</sup> We found that our cost estimate for the 6 agencies yielded an estimate that was about \$5 million more than the estimate using OPM's methodology (\$61 million versus \$56 million, or a difference of about 9 percent). Further, cost estimates using GAO's methodology at 4 of the 6 agencies were higher by 15 percent or more than the estimates using OPM's methodology (see table 6). As a result, OPM's cost estimate for government-wide use of official time could be higher or lower if this methodology were applied to all reporting agencies rather than the 6 agencies used here.

---

<sup>22</sup>Because we used salary data from EHRI, we were only able to cross-check the estimate with the 6 of our 10 agencies who report official time data through EHRI.

**Table 6: GAO’s Methodology Yields a Higher Cost Estimate for Fiscal Year 2013 (in thousands)**

Agency	GAO’s estimate using OPM’s methodology	GAO’s estimate using GAO’s methodology	Difference	Percent difference
DHS	\$10,723	\$13,219	\$2,496	23%
RRB	\$259	\$306	\$47	18%
NSF	\$67	\$78	\$11	16%
DOT	\$17,337	\$19,878	\$2,541	15%
Commerce	\$2,066	\$2,160	\$94	5%
Treasury	\$25,343	\$25,247	(\$96)	0%
<b>Total</b>	<b>\$55,795</b>	<b>\$60,888</b>	<b>\$5,093</b>	<b>9%</b>

Source: GAO analysis of OPM’s EHRI data and agency reported hours. | GAO-15-9

Note: To replicate salary costs for agencies that do not report through EHRI, OPM would need to request actual salaries from agencies.

OPM officials said reporting on official time is not a priority at this time and they have used the same methodology for preparing its estimate since fiscal year 2002. According to these officials, the publication of reports on official time is impacted by available resources, such as staff time, and the consideration of other mission priorities. OPM told us it produces the official time reports as a resource to help inform agencies, unions, and the public on the granting and use of official time. DOL and SSA officials reported that OPM’s reports were useful because they provide a perspective on agency usage levels. One agency said it uses the reports to support negotiations with unions. Other agencies may benefit similarly from OPM reporting on official time. In addition, the Federal Labor Relations Authority (FLRA) has previously referenced OPM reports in a recent case.<sup>23</sup>

Use of other methodologies by OPM may result in more representative estimates of actual costs and OPM may be able to provide better information to help Congress oversee the use of official time and help agencies manage this activity.

<sup>23</sup>United States Department of Homeland Security, Customs and Border Patrol (Agency) and American Federation of Government Employees, National Border Patrol Council, Local 2913 (Union), 67 F.L.R.A. 107 (2013).

---

## OPM's Cost Estimate Lacked Documentation

OPM's cost estimate for official time lacked adequate documentation because OPM could not initially provide a reasonable amount of documentation on its methodology for producing the cost estimate so that a cost analyst unfamiliar with the program could quickly replicate the process and produce the same results. A credible cost estimate is supported by detailed documentation that describes how it was derived. The methodology used to derive cost estimates should be thoroughly documented so that results are replicable. We requested documentation but the agency was unable to produce it. For example, we submitted several requests to OPM to understand significant assumptions about the cost estimate. However, OPM was unable to provide documentation that guides its estimation process. Accordingly, we developed a summary of our understanding of OPM's steps for producing the estimate based on discussions and e-mails between us and OPM. For example, after several inquiries about its methodology, OPM provided information about filters it applies for computing the number of BU employees when finalizing the number used to compute salary costs. The filters OPM uses could impact the average salary and total count of BU employees which are key factors in computing agency total salary costs. We recognize that the methodology OPM uses can be considered a relatively straightforward and reasonable labor equation. However, that is all the more reason that OPM should be able to have its methodology readily available so an independent analyst could quickly recreate its results.

---

## Little Agency Data Exist on Non-payroll Costs

Four of our 10 selected agencies reported that they collected data on non-payroll costs such as travel, office space, telephone service, or related costs. Among these four agencies, the type of data collected varied by agency. The other six agencies said they did not collect or track data on non-payroll costs. SSA is required to report on non-payroll costs related to official time to its appropriations committee.<sup>24</sup> Each year since 1998, SSA has reported official time costs (hours, dollar value of payroll costs, travel and per diem, office space, telephones and supplies, associated interest, and arbitration expenses) to the House Appropriations Committee. For fiscal year 2013, SSA reported that its unions' representational activity costs were \$14.6 million, of which \$12.6 million were for salary and benefits, \$700,000 for travel and per diem,

---

<sup>24</sup>H.R. Rep. No. 105-205, at 10 (1997).

---

\$1.1 million for office space, telephones, and supplies, and the remainder split among interest and arbitration expenses.

DOL reported that it tracks non-payroll costs for its unions; however, the specific types of costs tracked vary by union. For example, DOL reported office annual rent (\$54,000) costs for one union and reported travel (\$268,000) and communication (\$6,000) costs for another union for fiscal year 2013.<sup>25</sup> Another agency, Treasury, reported that IRS, the agency's largest bureau with approximately 100,000 employees, has different needs and practices than some of Treasury's smaller bureaus and finds it useful to track administrative costs attributable to official time—union office space and travel cost—to support agency proposals when negotiating with the union, and for responding to outside inquiries. HHS reported it has systems enabling it to track travel costs related to official time. Further, the organizational units within HHS maintain records and can generate reports for costs such as office space rentals and services such as computers, telephones, and copiers.

---

## While OPM Reports on Its Own Initiative, It May Be Missing an Opportunity to Improve Official Time Reporting

According to OPM, the agency issues reports on agency use of official time on its own initiative to assist agencies with ensuring accountability in labor-management relations. Specifically, in a memorandum to agency and department heads on June 17, 2002, OPM requested each agency to report by the end of each fiscal year on the number of hours of official time used by employees to perform representational activities. The first agency submissions were due to OPM by October 31, 2002, covering fiscal year 2002. Since fiscal year 2004, OPM has asked agencies to report official time hours used in the four predefined categories of term negotiating, mid-term negotiating, dispute resolution, and general labor management relations.<sup>26</sup> In addition, fiscal year 2009 was the first time

---

<sup>25</sup>DOL noted that supplies for one of its unions are paid for by the union through employee dues and that the supplies and equipment costs for another union are absorbed in the agency's total supply and equipment purchases.

<sup>26</sup>Term negotiating refers to time used by union representatives to prepare for and negotiate a basic CBA. Mid-term negotiating refers to time used to bargain over issues raised during the life of a term agreement. Dispute resolution refers to time used to process grievances up to and including arbitrations, and to process appeals of BU employees to the various administrative agencies. General labor-management relations refer to time used for activities not included in the preceding three categories and generally cover all other union representational matters, such as labor-management forum meetings.



---

OPM relied upon agency official time usage data extracted from EHRI.<sup>27</sup> OPM officials told us that they expected to publish reports for fiscal years 2012 and 2013 by the end of fiscal year 2014 to the extent that data is available and validated by agencies during this time period. Subsequently, however, OPM informed us that fiscal year 2013 data has not been available and validated for all agencies, and that, accordingly, OPM released a report for fiscal year 2012 on October 3, 2014.<sup>28</sup>

EHRI collects data from the various payroll providers on official time used in the agencies serviced by the payroll providers. However, according to OPM, some agencies have not transitioned to reporting official time via the categories included in electronic payroll systems and must still provide the official time data to OPM manually. Four of our 10 selected agencies provided fiscal year 2011 official time data to OPM manually—VA, DOL, HHS, and SSA.<sup>29</sup>

OPM produces reports on government-wide use despite having no reporting requirement for official time. OPM prepares for reporting on official time data by asking agencies to verify data that the agencies have previously provided to OPM through the EHRI database. Between fiscal years 2009 and 2012, OPM relied on data extracted from EHRI to prepare its annual reports on official time, but took an additional step in the process by asking agencies to verify the data reported through EHRI.<sup>30</sup> As mentioned earlier, EHRI collects agency data on official time from the various payroll providers. Agencies transmit payroll data that include information on official time hours to payroll providers based upon agencies' time and attendance data. According to OPM officials, the verification is a time and labor intensive process.

---

<sup>27</sup>According to OPM, official time data were collected manually from agencies prior to fiscal year 2009.

<sup>28</sup>On October 3, 2014, OPM issued its report on *Labor-Management Relations in the Executive Branch* which included a section on the use and cost of official time for fiscal year 2012.

<sup>29</sup>Treasury does not include IRS data in its electronic (EHRI) official time data submission to OPM.

<sup>30</sup>Some agencies, however, have not transitioned to reporting official time data through their payroll systems into EHRI. Instead, these agencies provide official time data manually to OPM.

OPM asks agencies to verify information such as number of hours used in each of the four categories of official time use and total hours. Agencies may confirm OPM's numbers or make changes based on the agencies' data. When there are differences, OPM relies on the data verified and provided by the agencies to prepare its report. OPM does not follow up with individual agencies who submitted revised usage data to (1) determine the source of the differences, or (2) identify steps for improvements to future reporting through EHRI.

As shown in table 7, we found differences between OPM's EHRI data and agency data reported to us on total official time hours charged in fiscal year 2013 for the 6 of our 10 selected agencies that report through EHRI. As mentioned earlier, 4 of our 10 agencies provide official time data to OPM manually—VA, DOL, HHS, and SSA.

**Table 7: Official Time Data in OPM's EHRI Differs from Agency Reported Data**

Agency	FY 2013		
	Hours reported in OPM's EHRI	Hours reported by agency	Difference
Treasury <sup>a</sup>	14,794	8,941	(5,853)
RRB	5,507	5,307	(200)
NSF	834	916	82
DOT	236,004	246,784	10,780
DHS	259,553	272,283	12,730
Commerce	13,342	34,345	21,003

Source: GAO analysis of data from OPM's EHRI database and agencies. | GAO-15-9

<sup>a</sup>Because IRS does not report official time data through EHRI, Treasury data for this analysis excludes IRS.

Internal control standards dictate that management obtains relevant data from reliable internal and external sources on a timely basis. Federal financial accounting standards stress that reliable information on the costs of federal programs or activities is crucial for effective management of government operations. The standards explain Congress needs cost information to evaluate program performance, to make program authorization decisions, and to compare alternative courses of action. Moreover, OPM's guidelines instruct the agency on the importance of pursuing high-quality data and reliable information on program costs. Specifically, according to OPM's *Information Quality Guidelines*, the agency is to maximize the quality of the information it disseminates.

---

According to OPM officials, OPM does not know if agencies' reported official time hours are accurate. The officials told us generally, at least half of the about 50 agencies that report official time data through EHRI revise their official time hours through the report validation process. However, OPM does not know why agencies submit such changes and does not request explanatory information. Several of our selected agencies that report through EHRI provided reasons why there may be differences. For example, DOT officials explained that DOT collects the official time data by pay period using pay codes entered by the employee on their timecard and reflects amendments to previous pay periods. They explained that because the pay periods do not begin and end on the first and last day of the fiscal year, the numbers provided may not match the numbers provided by OPM and that unless the timeframe between the collection by OPM and DOT are exact, there is a potential for differences. Commerce told us that the amount of official time reported by EHRI is not as accurate as what they report because EHRI includes official time that should not be reported (e.g., official time for employees not covered by title 5 U.S.C., specifically, foreign service employees).

To date, OPM has not sought to determine reasons for discrepancies between EHRI and agency reported data. By not following up with agencies on data differences, OPM may be missing an opportunity to improve data quality on agency reporting through EHRI and enable a less labor intensive and more efficient process.

---

## Agencies' Collective Bargaining Agreements (CBA) Most Often Specify Reasonable Time as Approach to Manage Official Time, and Primary Oversight is Generally Left to Immediate Supervisors

CBAs contain provisions by which agencies manage official time. Typically, an agreement outlines the approach, types of activities that are allowed and not allowed, and internal controls, such as the supervisory approval process and practices for verifying authorized employees who perform representational duties.

Since agencies and unions can negotiate at the department, component, bureau, operating administration, facility, or local level, there can be variations in how official time is managed within an agency. For example, within VA there are 18 unions with 18 CBAs representing about 265,000 BU employees. VA has several components that encompass more than 200 facilities. On the other hand, NSF has one union with one CBA representing more than 900 BU employees that are located at a single facility.

---

Our review of 173 CBAs from the 10 agencies found that agencies manage official time using three different approaches or a combination of two or more approaches. These include:

- Bank of hours: Specified number of hours or a limit (i.e., not-to-exceed) on the number of hours authorized for representational activities;
- Designated positions: Specified percentage or number of hours authorized for a designated position, such as the President, Vice-President, Secretary, or Treasurer, and is typically characterized as a percentage of an employee’s total time, such as 50 or 100; and
- Reasonable time: No specified number or percentage of hours for representational activities (i.e., an agreement may state that a reasonable amount of time will be granted to a union representative to accomplish representational duties).

Official time for certain representational activities is provided as a statutory right.<sup>31</sup> Therefore, if a BU has exhausted its allotted bank of hours of official time for representational activities before the calendar or fiscal year ends, it may negotiate additional time with the agency, or otherwise receive additional time, as appropriate. DHS officials told us that if their unions used up their allotted bank of hours, additional time would be granted for union representatives to attend FLRA-mandated hearings. In addition, one of DOT’s CBAs includes language that additional time may be requested and approved on a case-by-case basis.

---

### Reasonable Time Approach Most Often Used to Manage Official Time

A majority of CBAs at 8 of the 10 agencies contained provisions directing agencies to use the “reasonable time” approach—one that is not defined in terms of specific hours—to manage official time for representational duties. As shown in table 8, 141 of 173 CBAs, or 82 percent, we reviewed contained provisions for using the reasonable time approach.<sup>32</sup> Of the 141 CBAs that specified the reasonable time approach, 64 used reasonable time exclusively while the remaining 77 used it in combination with another approach, such as a bank of hours, designated positions, or both.

---

<sup>31</sup>5 U.S.C. §§ 7131(a) and (c).

<sup>32</sup>According to OPM officials, there is a possibility of past practices that may constitute unwritten binding agreements between labor unions and agency management with regard to how the reasonable time approach is implemented. While this may be true, we did not include this within the scope of our review.

For example, Commerce, DHS, DOL, DOT, HHS, Treasury, and VA have CBAs that contained all three approaches to manage official time. Some of them included reasonable time for union representatives to conduct representational activities, designated percentages or hours of official time for union officers, and a separate bank of hours for travel or training activities.

**Table 8: Reasonable Time Approach Most Often Used at Almost All Agencies to Manage Official Time**

Agency	Total number of CBAs	Reasonable time	Bank of hours	Designated positions	No approach <sup>a</sup>
Commerce	35	28	17	4	-
DOT	34	27	19	17	-
DHS	32	30	16	10	-
Treasury	27	22	12	3	1
HHS	18	16	12	3	-
VA	18	14	9	8	-
SSA	4	-	4	1	-
DOL	3	3	3	2	-
NSF	1	-	1	-	-
RRB	1	1	-	1	-
<b>Total</b>	<b>173</b>	<b>141</b>	<b>93</b>	<b>49</b>	<b>1</b>

Source: GAO analysis of agency documents. | GAO-15-9

Note: The approaches do not sum to the total number of CBAs by agency because some CBAs included a combination of more than one approach. For example, a CBA may include a combination of all three approaches or of any two approaches including a bank of hours, designated positions, or reasonable time.

<sup>a</sup>“No approach” means that the CBA did not specify any representational activities for which official time would be used.

The second most frequently used approach to manage official time was through a bank of hours. Our review found that 93 of 173 CBAs, or 54 percent, in nine agencies contained a provision for using a bank of hours to conduct representational activities. Of the 93 CBAs that utilized a bank of hours, 16 specified using a bank of hours exclusively while 77 created a bank of hours in combination with other approaches. Depending on the size of the agency and BU, the number of hours allotted to the bank can vary. For instance, a smaller agency, NSF, included a provision for a bank of 1,040 hours per year. Larger agencies have a wide range of hours allotted to the bank. For instance, one of DHS’s CBAs included a provision for a bank of 30,000 hours per fiscal year, while one of SSA’s

---

CBA's allotted a bank of 250,000 hours per fiscal year for all representational activities.

The least often used approach by agencies involved designated positions with authorized percentages or hours of official time. Of the 49 CBA's that contained a provision for designated positions, 1 CBA at Treasury specified using the designated positions approach exclusively and 48 CBA's at eight other agencies used it in combination with other approaches. We found 27 CBA's at nine agencies that provided for at least one union official to charge up to 100 percent of their duty hours to official time. These agencies include: Commerce, DHS, DOL, DOT, HHS, RRB, SSA, Treasury, and VA.

---

### Agencies Reported Immediate Supervisors Generally Have Lead in Monitoring Official Time, and Most Took Additional Steps

All agencies we reviewed reported that immediate supervisors generally have the primary responsibility of approving official time requests and monitoring use when they sign off on their designated employee's timecards. For example, DOL and HHS require immediate supervisors to monitor and verify official time use for employees under their supervision and also submit official time hours to their human resources office periodically, which are then compiled for OPM's Official Time Reports. One of DHS's components, the United States Coast Guard, provides labor-management relations program guidance and training to educate immediate supervisors on official time procedures, rights, and responsibilities to ensure that the provisions for official time are administered appropriately as specified in relevant CBA's. NSF also provides training sessions and best practice discussions with all supervisors responsible for approving official time.

In addition to the supervisory process, some of the agencies' labor relations offices have a responsibility to monitor official time. For example, the labor relations office at DOT's Federal Railroad Administration receives official time requests and also monitors and verifies official time usage. Similarly, DOT's Federal Transit Administration requires union representatives to seek approval from immediate supervisors and the labor relations officer to use official time. NSF's Labor Relations Officer monitors official time usage quarterly to determine whether it is being used within the confines of the CBA.

Eight of 10 agencies reported taking additional steps to monitor official time. Similar to agency approaches for managing official time, agency internal controls practices for monitoring official time varied at the eight agencies because they are negotiated at the exclusive level of

recognition, such as components, bureaus, operating administrations, and facilities.<sup>33</sup> As shown in table 9, agency practices may include: (1) comparing authorized versus actual individuals charging official time; (2) comparing requests for official time versus actual official time used; (3) verifying that actual official time use does not exceed authorized amounts through internal reports used by agency management to monitor usage; and (4) verifying accuracy of official time usage by sharing internal reports with authorized individuals, such as union representatives. DHS and VA reported that they do not use any additional practices besides the monitoring performed by the immediate supervisor.

**Table 9: Agencies' Use of Various Practices for Monitoring Official Time**

Agency	Compare authorized versus actual individuals charging official time	Compare requests for time versus actual time used	Verify actual use does not exceed authorized amount using internal reports	Verify accuracy of usage by sharing internal reports with union officials
Commerce	◐	◐	◐	◐
DHS	○	○	○	○
DOL	●	●	●	○
DOT	●	●	◐	◐
HHS	●	○	●	○
NSF	●	●	●	○
RRB	○	○	○	●
SSA	●	●	●	●
Treasury	●	●	●	●
VA	○	○	○	○

Legend:

- agencies reported an agency-wide practice in place—including all of its components, bureaus, operating administrations, and facilities
- ◐ agencies reported having the practice in place for at least one but not all of its components, bureaus, operating administrations, and facilities
- agencies reported having no practice in place

Source: GAO analysis of agency documents. | GAO-15-9

Of the four practices, agencies we reviewed most often used the list of authorized union representatives to compare it against those who charged official time. For example, DOT, HHS, NSF, and Treasury

<sup>33</sup>We did not test or verify agencies' internal controls.

---

reported that they provide a list of authorized official time users to supervisors who are responsible for ensuring that their employees are authorized to charge official time prior to approving timesheets. SSA's internal official time tracking system has built-in capabilities that would only allow authorized union representatives to request official time and enter the actual amount used. Commerce partially addressed this practice because only some of its bureaus reported that they used the list to cross-verify. For example, Census reported that officials pull reports each pay period to verify whether an employee should have charged the official time category while the National Institute of Science and Technology's Labor Relations Manager spot checks time and attendance records of union representatives, using the most recent list of authorized employees on file with the agency.

Internal reports used to verify that authorized individuals did not exceed their authorized amounts were the second most-often-used practice reported by agencies to monitor official time use. For example, NSF used internal reports to ensure that the total amount of official time hours was appropriately credited towards the bank as outlined in its CBA. SSA used internal reports generated from its official time tracking system, which was programmed to ensure that the time requested by union representatives and approved by immediate supervisors matches the actual time used. In addition, the system does not allow users to exceed their authorized amounts of official time as negotiated in the CBAs. Commerce and DOT used this practice as well but not all of their bureaus or operating administrations reported that they used internal reports for cross-verification. For example, one of Commerce's bureaus, the United States Patent and Trademark Office, reported that it periodically runs internal reports on usage and tracks overall use through the official time categories. Unions that have an allotted bank of hours typically authorize who can use official time and the amount. According to DOT, only one of its operating administrations reported using internal reports to verify that authorized individuals did not exceed their authorized amounts because official time is drawn from a bank of hours. DOT reported that internal reports were unnecessary for other operating administrations that use the reasonable time approach. Regardless of the approaches used, having internal reports would enable agencies to gauge overall usage, ensure that individuals did not exceed what they were authorized to use, and provide reasonable assurance that use of official time is as intended.

OPM is a member of a forum of agencies that exchange information on issues related to labor management relations. According to OPM officials, the Employee Labor Relations (ELR) network is an informal group of



---

agency headquarters labor and employee relations practitioners who have ongoing communication through face-to-face meetings and e-mail distribution. OPM said it uses the ELR network to share information on policies, significant third-party decisions, and best practices. According to one agency official, the ELR network plans to discuss official time reporting as an agenda item. This council could be an avenue for OPM to work with agencies on reporting issues for agency use of official time. While informal, the ELR network presents an opportunity for OPM to share information on monitoring and reporting practices for agency use of official time.

Internal control guidance prescribes management to perform ongoing monitoring through regular management and supervisory activities, comparisons, and reconciliations.<sup>34</sup> Monitoring is essential for assessing the extent of performance over time. OPM officials have stated that matters relating to official time use are governed by the law and negotiated between agencies and unions. Consistent with the Federal Service Labor-Management Relations Statute, OPM has no statutory or regulatory role for monitoring or enforcing agencies' use of official time.<sup>35</sup> Consequently, OPM officials said they do not share information on monitoring practices.

By not sharing monitoring practices among agencies, OPM may be missing an opportunity to help agencies strengthen their internal controls for monitoring the use of official time and increase transparency and accountability.

---

## Agency Management and Union Officials Cited Similar Benefits on Official Time

While we described earlier in this report costs associated with official time, agency management and union officials also cited what they considered to be some benefits of official time.<sup>36</sup> Specifically, agency management and union officials at three selected agencies—SSA, Treasury, and VA—told us about several benefits related to official time, such as (1) improving labor-management relations, and (2) reducing

---

<sup>34</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999).

<sup>35</sup>5 U.S.C. § 7134.

<sup>36</sup>Because they are not tangible, we could not independently verify benefits cited by agency management and union officials.

---

agency costs.<sup>37</sup> Similar benefits were also cited in our September 1997 report, which surveyed 30 federal agencies on how resources were used for employee union activities.<sup>38</sup> First, according to both management and union officials, official time has helped improve labor-management relations between management and unions because they work jointly to develop solutions or improvements to address workplace challenges. For example, some of the Treasury union officials we met with said that management involved their unions early on in the process when making suggestions to streamline or fine tune workplace processes, such as installing a new performance management system and updating existing procedures. In addition, they also told us that official time has helped to create an environment where the workforce can be more engaged and have their voices heard. Treasury officials told us that official time improves the agency's efficiency and accomplishment of the mission because union officials communicate goals to the organization. SSA management officials told us that allowing official time provides a stable work environment for SSA employees while SSA union officials said that official time has played a critical role in improving SSA as a workplace. For example, they explained that SSA unions were able to negotiate "flexi-place" arrangements with agency management using official time to allow employees to work from home. VA union officials told us that official time has allowed them to help agency management establish workforce policies related to telework.

Second, according to both management and union officials, the use of official time by union representatives to address issues, such as potential unfair labor practices, equal employment opportunity complaints, and grievances with employees, has led to agency cost savings. For example, management and union officials at Treasury and VA told us that having official time has resulted in fewer unfair labor practices and grievances filed by employees because they are usually resolved at the lowest level of management. Specifically, VA union officials told us that a VA union conducted a study of its 22 local chapters and found reductions in grievances and unfair labor practices because of official time. In addition,

---

<sup>37</sup>As mentioned previously, we selected 3 of 10 agencies for additional study. These three agencies reflect a large portion of BU employees and also utilized different approaches for capturing and reporting official time.

<sup>38</sup>GAO, *Federal Labor Relations: Survey of Official Time Used for Union Activities*, [GAO/GGD-97-182R](#) (Washington, D.C.: Sept. 30, 1997).

---

VA management officials said that having on-site union representation and support helps lessen and resolve disputes more quickly, thereby assisting the department in moving forward with its mission. Similarly, SSA union officials also said that official time has helped to resolve employee issues before escalating to formal grievances or equal employment opportunity complaints.

---

## Conclusions

The use of official time is granted in statute as being in the public interest and established in practice by federal agencies. OPM has produced reports on agencies' use of official time and estimated government-wide costs on its own initiative for most years since 2002 while emphasizing that agency labor and management are both accountable for ensuring official time is used appropriately. There has been longstanding congressional interest in official time usage as well as some concern about the amount, type, accuracy, and timeliness of information available to help ensure an appropriate level of congressional oversight. The scope and level of official time use reinforces the need for oversight and accountability with more than 1.2 million BU employees eligible to use official time and over 3.4 million hours charged for representational activities in fiscal year 2012, the latest year for which OPM has reported this information.

Within this overall context, it is important that sufficient controls, processes, and guidance are in place for reporting and monitoring to provide reasonable assurance that official time

- is used as intended;
- is consistent with the statute and applicable agency policies and procedures;
- enables congressional oversight;
- informs management and labor decision making; and
- provides public transparency.

OPM has historically estimated official time costs using a methodology that uses the average salary of all employees in a BU. An alternative methodology using actual salary data of BU employees who charged official time would yield a different estimate than OPM's methodology. The use of alternative cost estimation methodologies may result in a more representative estimate of actual costs. Since OPM recognizes weaknesses in data collected through its EHRI database, OPM must expend additional resources to validate official time data. OPM reports that on any given year, about half of about 50 agencies reporting change

---

their submissions during the validation process. OPM's attempt to improve the reliability of official time data by having agencies validate their data is noteworthy but labor intensive and time consuming. By not following up with agencies on data differences, OPM may be missing an opportunity to improve data quality on agency reporting through EHRI and enable a less labor intensive and more efficient process. In addition, Congress may not have the most accurate information on the use of official time at agencies to support its oversight activities.

Since agencies are most often managing the use of official time using an approach that has no specified number of hours, they could be at a greater risk for abuse. The risk may increase within agencies with multiple collective bargaining agreements at the department, component and operating administration levels that have differences in how official time is managed. Hence, agencies may need to implement additional actions to monitor the use of official time to help mitigate the risk of abuse. Agencies that use a reasonable time approach and rely exclusively on immediate supervisors for monitoring could benefit from the experience of other agencies that use a number of techniques to monitor the use of official time. By not considering whether it would be useful for agencies to share information on monitoring practices, OPM may be missing an opportunity to assist agencies in strengthening internal controls and increasing transparency and accountability.

---

## Recommendations for Executive Action

To help ensure that OPM and agencies collect, track, and report reliable data on the use of official time, we recommend that the Director of OPM take the following three actions:

- Consider other approaches to developing its cost estimate.
- Work with agencies to identify opportunities to increase efficiency of data collection and reporting through EHRI.
- Consider whether it would be useful to share agencies' practices on monitoring use of official time through existing forums such as the ELR network.

---

## Agency Comments and Our Evaluation

We provided a draft of this report to the Director of OPM for review and comment. OPM commented on our three recommendations and partially concurred on all three. OPM also provided technical comments which we incorporated as appropriate. OPM's written comments are reprinted in appendix IV. We also provided an abridged draft laying out key facts and

---

information to the 10 selected agencies we reviewed and incorporated comments where appropriate.

OPM partially concurred with our first recommendation that the agency should consider other approaches to developing its cost estimate. OPM agreed to consider other approaches to developing its cost estimates in addition to considering whether to continue using its current methodology. OPM stated that its cost estimates have been based on (1) official time and average salary data provided to OPM through EHRI; (2) official time data manually provided directly to OPM by certain agencies; and (3) official time data manually updated by a number of agencies. OPM said that the approach we used in the report linking official time hours taken by specific individuals to those individuals' actual salaries is not always possible using EHRI in all instances and is a labor intensive, and thus more costly process to undertake for the entire executive branch. The methodology we used was intended as an example of an alternative method for producing a cost estimate.

OPM reported to us on October 15, 2014, that 52 of the 62 agencies that reported fiscal year 2012 official time data to OPM did so using EHRI, thus OPM would be able to link official time hours used by specific individuals to the actual salaries for the overwhelming majority of reporting agencies. Although our approach may be slightly more labor intensive, it provides greater assurance that the cost reported is more representative of actual cost and, ultimately, more useful for oversight purposes.

OPM partially concurred with our second recommendation that the agency should work with other agencies to identify opportunities to increase the efficiency of data collection and reporting through EHRI. OPM stated that it will work with agencies to identify opportunities which they may wish to consider in order to increase the efficiency of data collection and reporting of official time through EHRI. However, OPM stated that it has no authority to direct agency actions regarding official time, including how official time data is collected and reported. It added that any opportunities to increase efficiency of data collection and reporting of official time are ultimately dependent upon individual agency determinations subject to local collective bargaining obligations.

We agree that agencies are ultimately responsible for making changes to their data collection but OPM plays an important role via its reporting of official time. By following up with agencies that report discrepancies during the verification process, OPM could determine whether there are

---

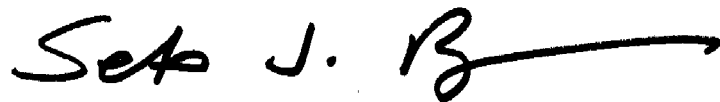
less resource-intensive alternatives for agencies to pursue that would yield more accurate data. We continue to believe that by following up with agencies on data differences, OPM has an opportunity to help improve the data quality on agency reporting through EHRI.

OPM partially concurred with our third recommendation that the agency consider whether it would be useful to share agencies' practices on monitoring use of official time through existing forums such as the ELR network. OPM stated that it will consider whether it would be useful to share agencies' practices on monitoring use of official time through existing forums such as the ELR network, but ultimately, implementation of any identified practices is subject to each agency's policies and their collective bargaining obligations. We continue to believe that OPM has an opportunity to strengthen its assistance to agencies by sharing techniques and approaches on monitoring official time in a collaborative manner through its membership in the ELR network.

---

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the Director of OPM and other interested parties. In addition, the report will be available at no charge on the GAO website at [www.gao.gov](http://www.gao.gov). If you have any questions about this report, please contact me at 202-512-6722 or [BagdoyanS@gao.gov](mailto:BagdoyanS@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.

Sincerely yours,

A handwritten signature in black ink that reads "Seto J. Bagdoyan". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Seto J. Bagdoyan  
Acting Director  
Strategic Issues

---

# Appendix I: Objectives, Scope, and Methodology

---

The objectives of this engagement were to review the use of official time by federal agencies and the federal rules relating to the use of official time by federal employees. Specifically, this report (1) describes the extent to which 10 selected agencies reported using official time; (2) assesses the extent to which OPM's cost estimate for official time aligns with leading cost estimation practices; (3) examines OPM reporting on official time; and (4) determines the extent to which selected agencies vary in their approach for managing official time and related internal control practices, and describes reported benefits. We included available information on both costs and benefits to be consistent with standard economic principles for evaluating federal programs and generally accepted government auditing standards. For purposes of this review, "use of official time" will constitute time charged to an official time and attendance code.

To address these objectives, we selected a nongeneralizable sample of 10 of 61 agencies that reported official time data covering fiscal year 2011 to OPM. We selected the 10 agencies using the following factors: (1) the number of bargaining unit (BU) employees, (2) agency size, (3) rate of official time use, (4) the number of BUs and unions represented at the agency, and (5) the amount of reported agency salary costs associated with official time (see table 10 for agencies and data on selected criteria).<sup>1</sup> In fiscal year 2011, the 10 agencies accounted for approximately 47 percent of BU employees.

---

<sup>1</sup>The rate of official time use indicates the number of official time hours expended per BU employee and allows for meaningful comparisons of official time usage over time.

**Table 10: Selected Agencies' Size and BU Data, Fiscal Year 2011**

Agency	Size of agency <sup>a</sup>	Rate of official time use	Number of BU employees	Number of BUs <sup>b</sup>	Number of unions <sup>b</sup>	OPM's estimate of agency salary costs for official time
Department of Health and Human Services (HHS)	Large	0.93	30,837	2	1	\$1,073,117
Department of Homeland Security (DHS)	Large	2.51	68,209	39	10	\$5,715,297
Department of the Treasury (Treasury)	Large	7.02	89,123	30	11	\$19,972,893
Department of Transportation (DOT)	Large	6.76	39,131	62	8	\$12,951,446
Department of Veterans Affairs (VA)	Large	4.02	248,409	25	15	\$31,123,867
Social Security Administration (SSA)	Large	4.39	52,176	6	4	\$7,248,953
Department of Commerce (Commerce)	Medium	2.05	21,143	39	17	\$1,743,826
Department of Labor (DOL)	Medium	6.22	11,724	3	2	\$2,705,331
National Science Foundation (NSF)	Small	1.19	966	1	1	\$60,955
Railroad Retirement Board (RRB)	Small	6.15	707	1	1	\$155,594

Source: OPM data from Fiscal Year 2011 Official Time Report and Federal Labor Information Management System from Fiscal Year 2013. | GAO-15-9

<sup>a</sup>OPM categorizes agencies in its official time use reports by size. Small agencies have less than 1,000 BU employees, medium agencies have 1,000-24,999 BU employees, and large agencies have 25,000 or more BU employees.

<sup>b</sup>We obtained the number of bargaining units and unions from OPM's Federal Labor Information Management System (FLIS) in July 2013 and did not test the reliability of the data because it was used for agency selection only. Through further audit work, we found that the data derived from FLIS was incorrect. For example, based on our subsequent review of agency documentation, we found that HHS has more than two active bargaining units with members and also has more than two unions.

To describe the extent to which the 10 selected agencies reported using official time, we used OPM's published reports on official time that included official time data for each of the 10 selected agencies and covered fiscal years 2002 through 2011.<sup>2</sup> We provided a structured document request to the 10 selected agencies to collect official time usage data for fiscal years 2012 and 2013. We reviewed relevant agency documentation, interviewed agency officials charged with administering agency official time processes, and reviewed documentation to better understand the data systems each agency used to collect and report such data, as well as the quality of data entered into their systems. Specifically, we examined the data provided for obvious errors and inconsistencies and we also queried each of the 10 agencies to better understand the

<sup>2</sup>We used data from OPM's Fiscal Year 2011 Official Time Report because it was the most current report during the time of our review.



data systems each agency used to collect and report official time usage data, as well as to the quality of data entered into their systems. We determined that agency official time usage data for fiscal years 2012 and 2013 are sufficiently reliable for the purposes of the report.

To further support our analysis, we used OPM's Enterprise Human Resources Integration (EHRI) Statistical Data Mart, which contains information on personnel actions and payroll data for most federal civilian employees, including employees of our 10 selected agencies.<sup>3</sup> We assessed the reliability of EHRI data through electronic testing to identify missing data, out-of-range values, and logical inconsistencies. We also reviewed our prior work assessing the reliability of these data and interviewed OPM officials knowledgeable about the data to discuss the data's accuracy and steps OPM takes to ensure reliability. On the basis of this assessment, we believe the EHRI data we used are sufficiently reliable for the purpose of this report.

We began our analyses with fiscal year 2006 because that is the first year in which OPM consistently reported all data elements for each of our 10 selected agencies.<sup>4</sup> We selected fiscal year 2013 as the endpoint because it was the most recent, complete fiscal year of data available during our review.

To assess whether OPM's cost estimate for agency use of official time aligned with leading cost estimation practices, we compared OPM's method and approach for preparing its estimate with GAO's Cost Estimating and Assessment Guide.<sup>5</sup> For this guide, GAO cost experts assessed measures consistently applied by cost-estimating organizations throughout the federal government and industry, and considered best practices for the development of reliable cost estimates.

---

<sup>3</sup>The EHRI warehouse is a reporting system that stores human resource, payroll, and training workforce information sent from executive branch agencies. The information in EHRI is used to provide HR and demographic information on each federal civilian employee.

<sup>4</sup>The data elements include: (1) total official time hours, (2) count of BU employees, (3) rate of official time, (4) official time hours by four categories, including term negotiations, mid-term negotiations, dispute resolution, and general labor-management relations, (5) reported salary costs, and (6) total costs.

<sup>5</sup>See GAO, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, [GAO-09-3SP](#) (Washington, D.C.: March 2009).

We assessed whether OPM's estimate met the four desired characteristics for sound cost estimating, which include: well documented, comprehensive, accurate, and credible. We performed a limited analysis of the cost estimating practices used by OPM against the characteristics. The cost estimating best practices criteria will be limited because OPM did not develop a life-cycle cost estimate. OPM collects statistics on agency use of official time, including hours per year and estimated costs of prior years, and applies a straightforward labor equation. To calculate the total cost, OPM uses an equation that is wage rate (plus a fringe rate) multiplied by hours used. For the wage rate, OPM uses an agency average of salaries for all employees who belong to a BU.

As a part of our assessment of the reliability of OPM's cost estimate, we cross-checked OPM's methodology with an alternative methodology. Using fiscal year 2013 salary data from EHRI, we developed a methodology that uses an alternative wage rate—salaries of employees who charged official time.<sup>6</sup> To calculate the total cost, we calculated hourly costs plus fringe rate for individuals who charged greater than zero hours of official time in any category. Our approach included using the same filters and merges as OPM used, according to its responses to our queries. We conducted interviews with knowledgeable OPM officials and provided OPM with a description of our analysis to ensure our assumptions were consistent with their approach.

To examine the extent of OPM reporting on the use of official time, we used OPM's published reports that included government-wide official time data from federal agencies between fiscal years 2002 through 2011. We reviewed relevant agency documentation, interviewed agency officials responsible for producing government-wide reports on official time, and reviewed documentation to better understand OPM's role in collecting and reporting on use of official time.

To determine the extent to which selected agencies varied in their approach for managing official time and related internal controls practices, we reviewed active collective bargaining agreements (CBA) and related agency documentation provided by the 10 selected agencies

---

<sup>6</sup>We used adjusted base pay (ADBASPAY) from the EHRI September 30 status files. Weighted average rates were derived using the salaries (ADBASPAY) and official time hours reported in EHRI, which were then applied to the official time hours that agencies reported.

in response to a structured document request. We identified 173 active CBAs in the 10 selected agencies representing the universe for this review. We also reviewed agency documentation and interviewed agency officials knowledgeable on internal control practices used to monitor use of official time.<sup>7</sup> We do not generalize the results of our analysis to agencies outside of this review.

We performed a content analysis of 173 CBAs covering active BUs at the 10 selected agencies to create a unique database of official time provisions. To ensure that we received the appropriate CBAs for all active BUs, we cross-verified them using information, such as bargaining unit status (BUS) codes, from OPM's FLIS and a list of active BUs provided by OPM. We also followed up with all of our selected agencies to verify that we correctly matched their CBAs to active BUs using the BUS codes. In addition, to ensure consistency and accuracy of our analysis of various agency approaches, analysts independently analyzed CBAs and then compared their results through a double blind review for all 173 CBAs. In cases where there were discrepancies, analysts reconciled their differences for a final determination of an agency's approach used to manage official time.

To describe reported benefits of official time, we interviewed agency management and union officials from 3 of our 10 selected agencies, including SSA, Treasury, and VA, to obtain their viewpoints.<sup>8</sup> These three agencies reflected a large proportion of BU employees and also utilized different approaches for capturing and reporting official time. Because they are not tangible, we could not independently verify benefits cited by agency management and union officials.

We conducted this performance audit from August 2013 to October 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

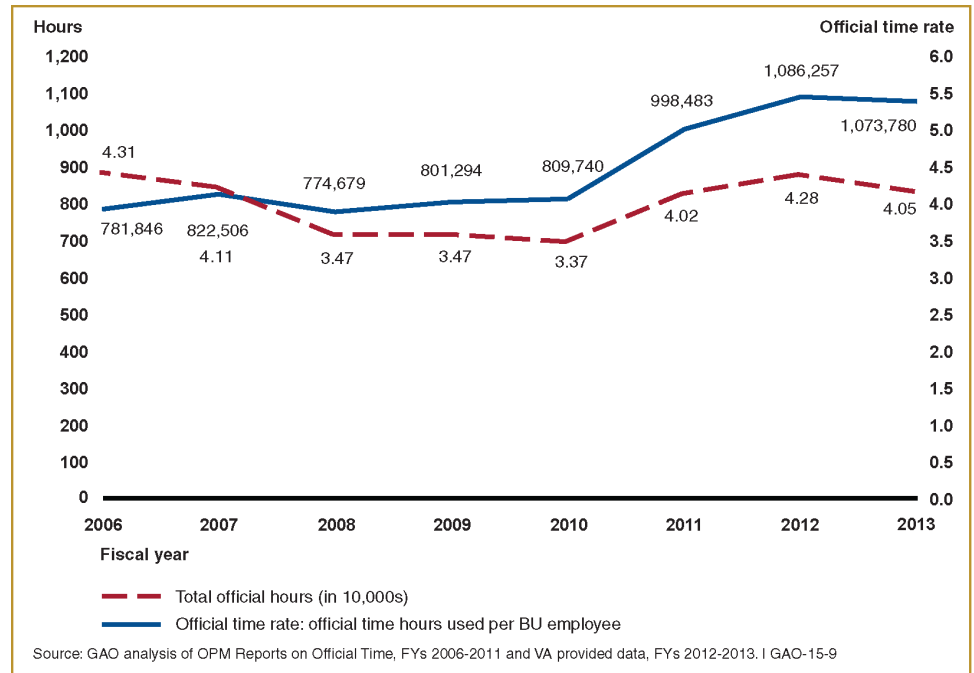
---

<sup>7</sup>We did not test or verify agencies' internal controls.

<sup>8</sup>Results from nongeneralizable samples cannot be used to make inferences about a population.

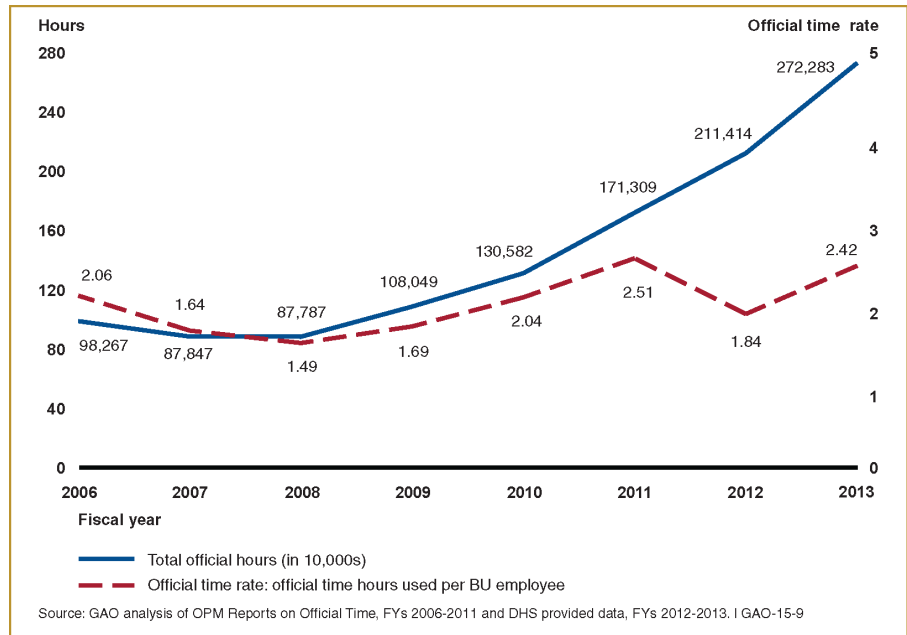
# Appendix II: Official Time Hours and Rates Reported by 10 Selected Agencies for Fiscal Years 2006 Through 2013

**Figure 2: Department of Veterans Affairs Official Time Hours and Rates for Fiscal Years 2006 through 2013**



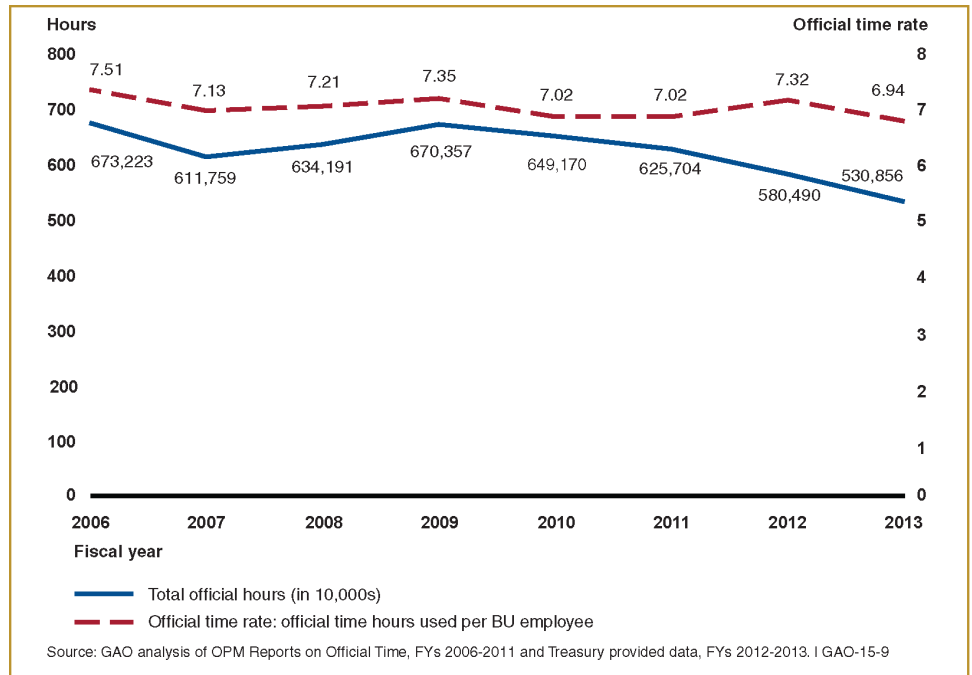
Appendix II: Official Time Hours and Rates  
 Reported by 10 Selected Agencies for Fiscal  
 Years 2006 Through 2013

Figure 3: Department of Homeland Security Official Time Hours and Rates for Fiscal Years 2006 through 2013



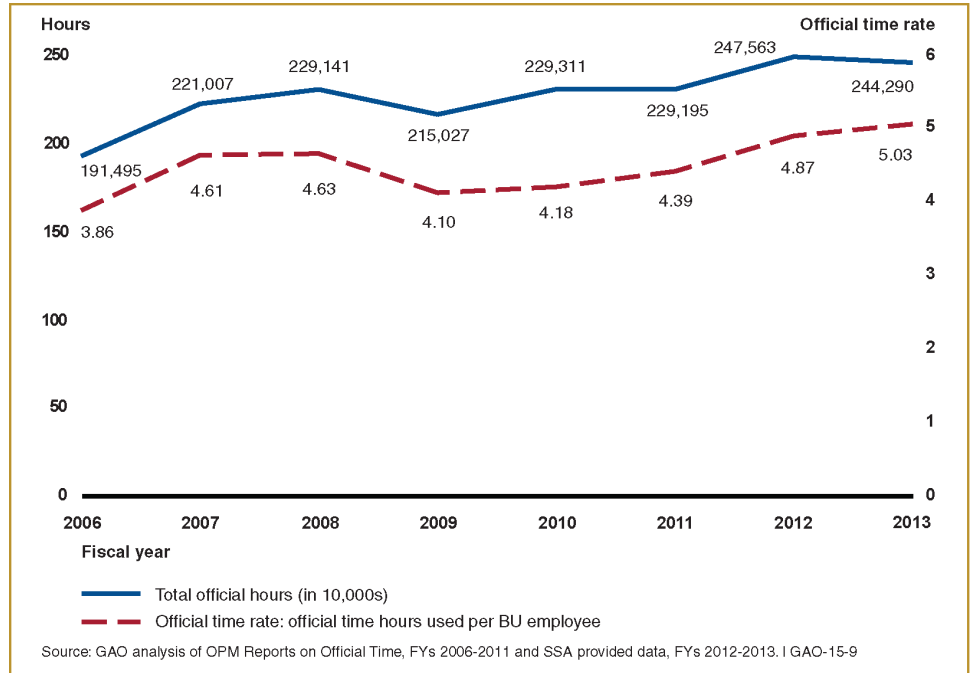
**Appendix II: Official Time Hours and Rates  
Reported by 10 Selected Agencies for Fiscal  
Years 2006 Through 2013**

**Figure 4: Department of the Treasury Official Time Hours and Rates for Fiscal Years 2006 through 2013**



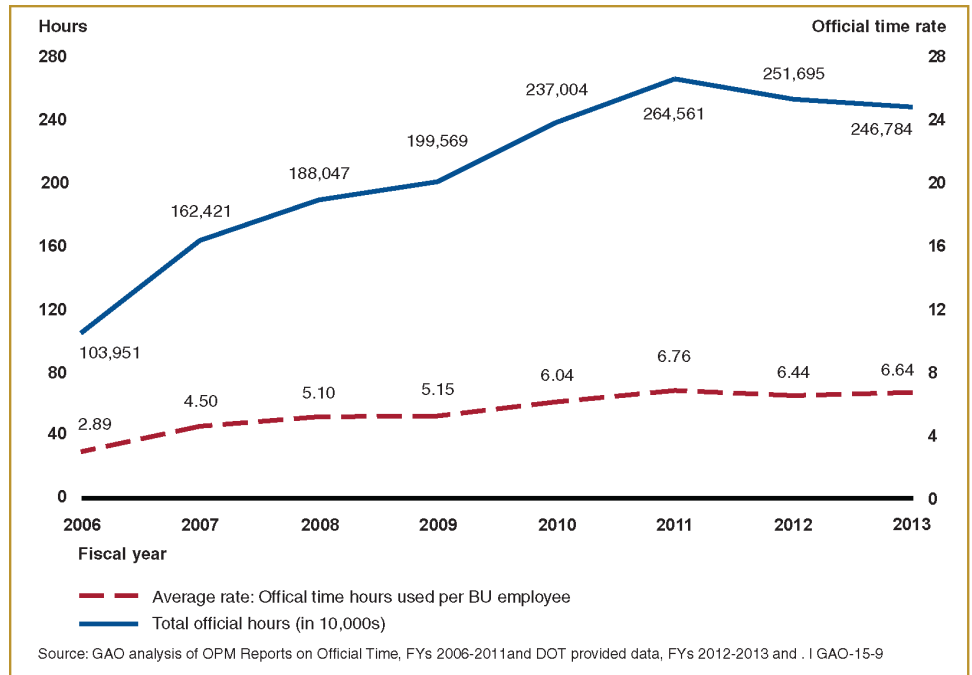
**Appendix II: Official Time Hours and Rates  
Reported by 10 Selected Agencies for Fiscal  
Years 2006 Through 2013**

**Figure 5: Social Security Administration Official Time Hours and Rates for Fiscal Years 2006 through 2013**



**Appendix II: Official Time Hours and Rates  
Reported by 10 Selected Agencies for Fiscal  
Years 2006 Through 2013**

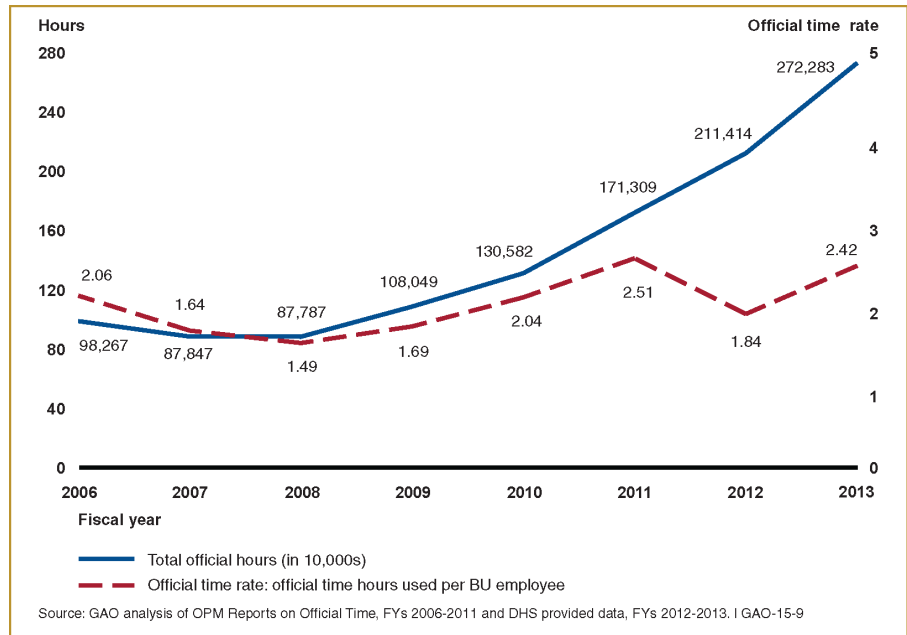
**Figure 6: Department of Transportation Official Time Hours and Rates for Fiscal  
Years 2006 through 2013**





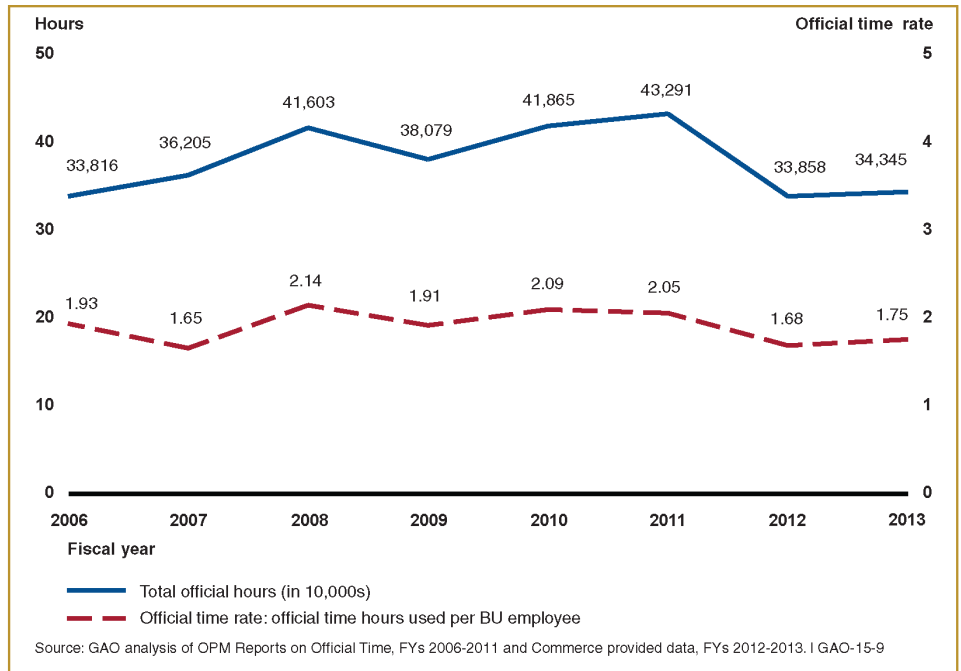
**Appendix II: Official Time Hours and Rates  
Reported by 10 Selected Agencies for Fiscal  
Years 2006 Through 2013**

**Figure 7: Department of Health and Human Services Official Time Hours and Rates  
for Fiscal Years 2006 through 2013**



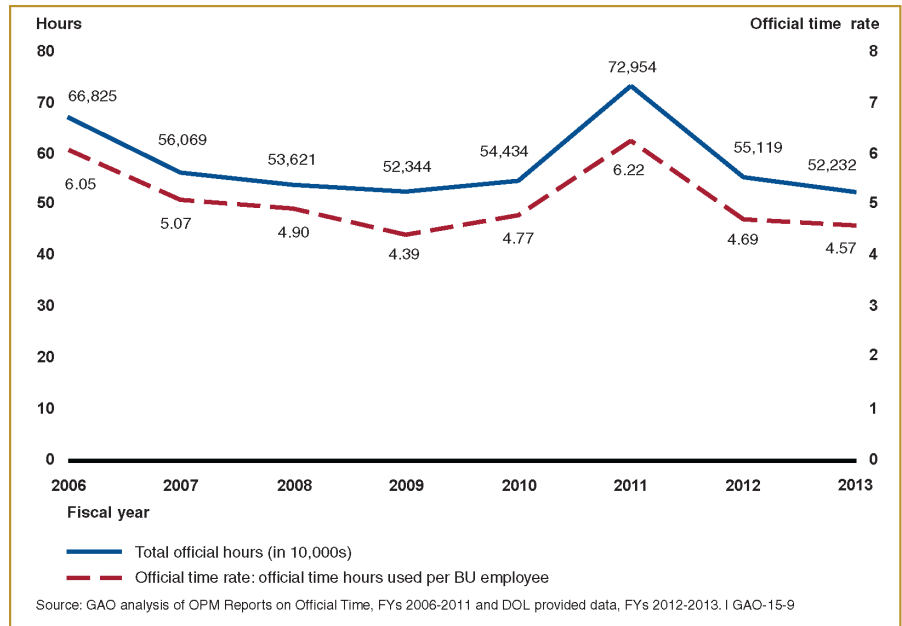
Appendix II: Official Time Hours and Rates  
 Reported by 10 Selected Agencies for Fiscal  
 Years 2006 Through 2013

Figure 8: Department of Commerce Official Time Hours and Rates for Fiscal Years 2006 through 2013



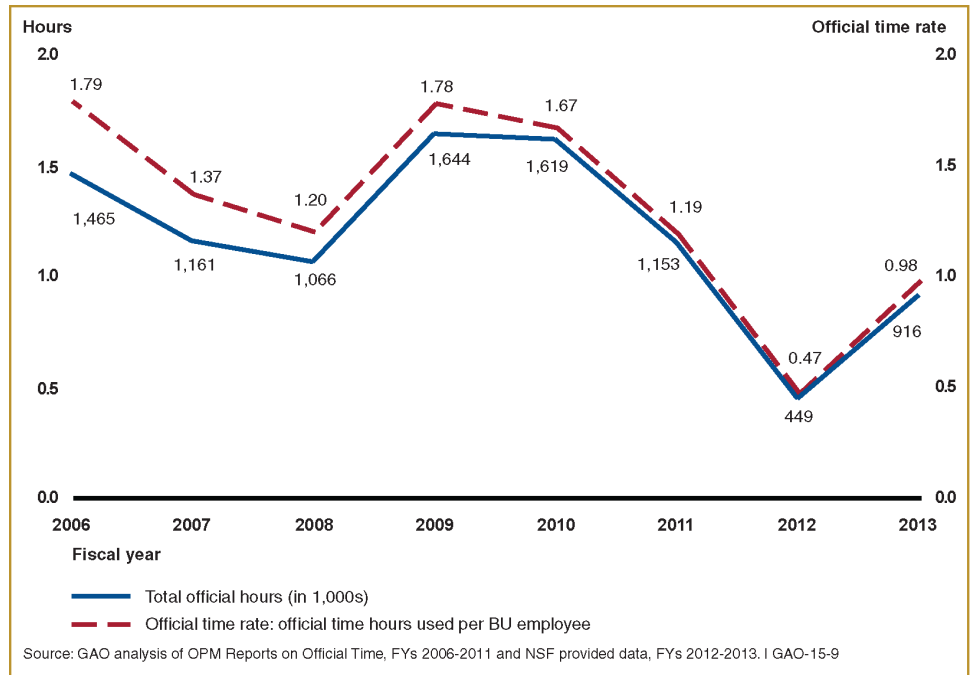
**Appendix II: Official Time Hours and Rates  
Reported by 10 Selected Agencies for Fiscal  
Years 2006 Through 2013**

**Figure 9: Department of Labor Official Time Hours and Rates for Fiscal Years 2006 through 2013**



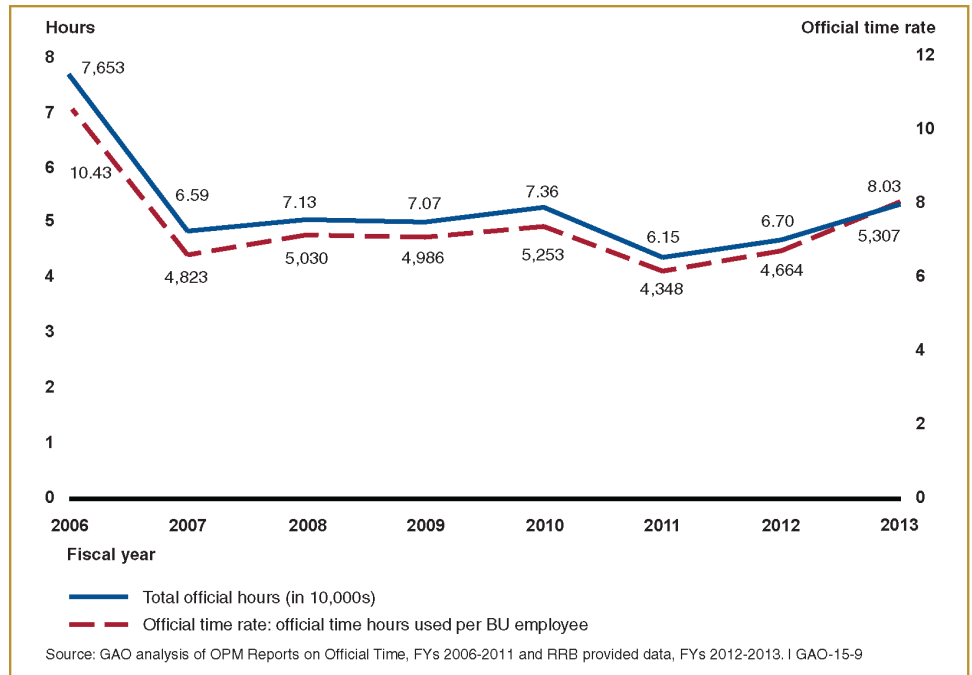
Appendix II: Official Time Hours and Rates  
 Reported by 10 Selected Agencies for Fiscal  
 Years 2006 Through 2013

**Figure 10: National Science Foundation Official Time Hours and Rates for Fiscal Years 2006 through 2013**



**Appendix II: Official Time Hours and Rates  
Reported by 10 Selected Agencies for Fiscal  
Years 2006 Through 2013**

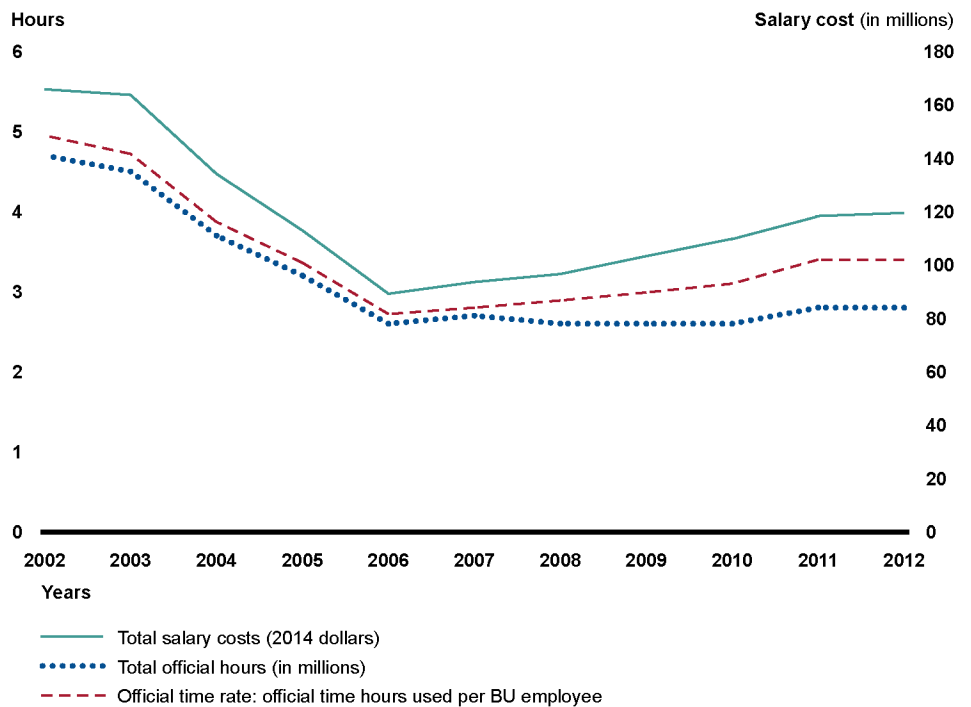
**Figure 11: Railroad Retirement Board Official Time Hours and Rates for Fiscal Years 2006 through 2013**



# Appendix III: OPM Reporting on Official Time, Fiscal Years 2002 - 2012

OPM reported an overall decrease in government-wide official time hours between fiscal years 2002 and 2012 with a slight rise between fiscal years 2006 and 2012 (see figure 12). According to OPM, official time costs in fiscal year 2012 represented less than 0.1 percent of the civilian personnel budget for federal civil service BU employees.

**Figure 12: Government-wide Total Official Time Hours, Total Salary Costs, and Average Rates of Use for Fiscal Years 2002 – 2012**



Source: GAO analysis of OPM reports on Official Time, FYs 2002-2012. | GAO-15-9

# Appendix IV: Comments from the Office of Personnel Management



Employee Services

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

OCT 10 2014

Seto J. Bagdoyan  
Acting Director, Strategic Issues  
Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Bagdoyan:

Thank you for providing the U.S. Office of Personnel Management (OPM) with an opportunity to comment on the Government Accountability Office (GAO) draft report, "LABOR RELATIONS ACTIVITIES: Actions Needed to Improve Tracking and Reporting of the Use and Cost of Official Time (GAO-15-9)." We appreciate the opportunity to provide you with comments about this report.

#### **Response to Recommendations for Executive Action**

**Recommendation:** To help ensure that OPM and agencies collect, track, and report reliable data on the use of official time, we recommend that the Director of OPM consider other approaches to developing its cost estimate.

**Response:** We partially concur. Cost estimates have been based on 1) official time and average salary data provided to OPM through EHRI; 2) official time data manually provided directly to OPM by certain agencies; and 3) official time data manually updated by a number of agencies. Subsequently, OPM relies considerably on data provided to us manually by agencies in developing our cost estimates. To the extent that GAO is suggesting that OPM extrapolate from the method GAO used with a sample of agencies and link official time hours taken by specific individuals to those individuals' actual salaries, we note that such an approach is not always possible using EHRI in all instances. Additionally, even where official time hours taken by specific individuals can be linked to those individuals' actual salaries, it is a labor intensive and thus more costly process to undertake for the entire executive branch. It is difficult for OPM to justify spending even more resources on a report that is not actually required under law. Thus, OPM has historically used a simple computation – multiplying each agency's average bargaining unit employee salary by the total reported official time hours – for developing cost estimates since it is the most efficient method for our purposes and should produce consistent results over time. With this in mind, OPM will consider other approaches to developing our cost estimates in addition to considering whether to continue using a simple computation to develop our cost estimates.

**Recommendation:** To help ensure that OPM and agencies collect, track, and report reliable data on the use of official time, we recommend that the Director of OPM work with agencies to identify opportunities to increase efficiency of data collection and reporting through EHRI.

**Response:** We partially concur. OPM will work with agencies to identify opportunities which agencies may wish to consider in order to increase efficiency of data collection and reporting of

[www.opm.gov](http://www.opm.gov)

Recruit, Retain and Honor a World-Class Workforce to Serve the American People

[www.usajobs.gov](http://www.usajobs.gov)

**Appendix IV: Comments from the Office of  
Personnel Management**

official time through EHRI. OPM has been given no authority to direct agency actions regarding official time, however, including how official time data is collected and reported. Such matters are governed by agency policies and may also be subject to collective bargaining with each of the approximate 2,000 bargaining units across the executive branch. Any opportunities to increase efficiency of data collection and reporting of official time are ultimately dependent upon individual agency determinations subject to local collective bargaining obligations. Additionally, not all agencies report official time data through EHRI and instead manually provide such data to OPM. OPM will work with these agencies regarding their practices, to the extent practicable.

**Recommendation:** To help ensure that OPM and agencies collect, track, and report reliable data on the use of official time, we recommend that the Director of OPM consider whether it would be useful to share agencies' practices on monitoring use of official time through existing forums such as the ELR network.

**Response:** We partially concur. OPM interacts with the Employee and Labor Relations (ELR) network in two primary ways. First, OPM maintains an email list serve of labor and employee relations practitioners located in agencies across the federal government and across the United States. This list serve is used by OPM to disseminate labor and employee relations information of interest and certainly can be used to solicit and/or share information regarding official time. OPM also interacts with a smaller group of practitioners on the ELR network who serve as the senior labor and employee relations leaders for their agencies, primarily located in the Washington, DC metropolitan area. OPM periodically meets with these practitioners to discuss issues of mutual interest. While OPM will consider whether it would be useful to share agencies' practices on monitoring use of official time through existing forums such as the ELR network, ultimately any implementation of any identified practices are subject to each agency's policies and their collective bargaining obligations.

Technical comments to the draft are enclosed. Unless otherwise noted, the suggested revisions are meant to provide technical accuracy.

Please contact Ms. Janet Barnes, Director, Internal Oversight and Compliance on (202) 606-3270, should your office require additional information.

Again, I extend my thanks to your office for providing this opportunity to update and clarify information in the draft report.

Sincerely,



Mark D. Reinhold  
Associate Director

Enclosure



---

# Appendix V: Contacts and Staff Acknowledgments

---

## GAO Contact

Seto J. Bagdoyan, Acting Director, (202) 512-6722 or [BagdoyanS@gao.gov](mailto:BagdoyanS@gao.gov)

---

## Staff Acknowledgments

In addition to the contact named above, Signora J. May (Assistant Director), Leslie Ashton, Lee Clark, Clifton G. Douglas Jr., Sara Daleski, Barbara Lancaster, Jason Lee, Andrea Levine, Robert Robinson, Susan Sato, Cynthia Saunders, Rebecca Shea, and Stewart Small made key contributions to this report.

---

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (<http://www.gao.gov>). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to <http://www.gao.gov> and select "E-mail Updates."

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#). Subscribe to our [RSS Feeds](#) or [E-mail Updates](#). Listen to our [Podcasts](#). Visit GAO on the web at [www.gao.gov](http://www.gao.gov).

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Website: <http://www.gao.gov/fraudnet/fraudnet.htm>

E-mail: [fraudnet@gao.gov](mailto:fraudnet@gao.gov)

Automated answering system: (800) 424-5454 or (202) 512-7470

---

## Congressional Relations

Katherine Siggerud, Managing Director, [siggerudk@gao.gov](mailto:siggerudk@gao.gov), (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548

