**Article 30**

~~Official Time~~ **Taxpayer-Funded Union Time**

Section 1. Policy Statement

**Designated taxpayer-funded union time users** ~~Union officials, when not engaged in authorized labor-management activities,~~ are expected to accomplish the duties of the **Agency** position to which they have been assigned. **Therefore, designated taxpayer-funded union time users** **shall spend at least three quarters of paid time, as defined in Section 5.C. below, performing agency business.** ~~The Administration recognizes that in the furtherance of good labor-management relations as provided for in the Civil Service Reform Act of 1978, Union officials have the responsibility of carrying out representational duties.~~

Section 2. Designation

A. The Union will provide the Office of Labor Management and Employee Relations (OLMER) with electronic lists of all designated union representatives within 60 days of the effective date of this Agreement. The Union will continue to provide OLMER with updated summary lists as necessary. Each list will include the name, union position, ~~designated official time hours available to the representative (i.e., 2080, 1440, 1040 or 520),~~ component, council, local, duty location and telephone number of each designated union representative.

1. Only those ~~union representatives~~ **employees** identified on the list provided by the Union will be authorized ~~official time~~ **taxpayer-funded union time** for union representational activities and labor-management relations functions.

Section 3. Union Sponsored Training

A. The Administration recognizes that union sponsored training is an appropriate representational activity for which ~~official time~~ **taxpayer-funded union time** may be used. When requesting ~~official time~~ **taxpayer-funded union time** for union sponsored training or conferences, the Union will provide the appropriate management official with documentation, at the time of the request, denoting the date, location, subject matter and provider or sponsor of the training or conference. Management will timely respond to the request after receiving the information from the Union.

1. The Administration's sole expense for all union sponsored training will be ~~official time~~ **taxpayer-funded union time**. ~~Where available, the Agency shall permit the use of Agency training space.~~

Section 4. Exclusions

A. ~~official time~~ **Taxpayer-funded union time** is not appropriate for use by a union representative for work performed at home (including under an authorized flexiplace agreement) or outside the time the union representative would otherwise be in duty status. This section is not intended to preclude a remedy of straight time in accordance with case law.

B. In accordance with 5 USC 7131 (b), the use of ~~official time~~ **taxpayer-funded union time** is prohibited for internal union business. **In addition, employees may not engage in lobbying activities during paid time.**

C. ~~Employees filing~~~~Article 24, Section 9 grievances, and witnesses at arbitration hearings will be granted a reasonable amount of official time, not subject to individual caps or the bank to prepare and present their grievances and testimony.~~

**Employees may not use taxpayer-funded union time to prepare or pursue grievances (including arbitration of grievances) brought against the Agency under Article 24 of this Agreement, except for:**

* 1. **an employee using taxpayer-funded union time to prepare for, confer with an exclusive representative regarding, or present a grievance brought on the employee’s own behalf; or to appear as a witness in any grievance proceeding; or**
	2. **an employee using taxpayer-funded union time to challenge an adverse personnel action taken against the employee in retaliation for engaging in federally protected whistleblower activity, in accordance with law.**

**Time used by any employee for the above exceptions is charged to the bank as identified in Section 5. Time used by a designated taxpayer-funded union time user for the above exceptions is charged to the individual cap and bank.**

Section 5. Provisions for ~~Official Time~~ **Taxpayer-Funded Union Time**

A. Consistent with 5 U.S.C. 71 and this Agreement, union representatives will be granted ~~official time~~ **taxpayer-funded union time**, subject to the availability of ~~official time~~ **taxpayer-funded union time** as described below, for the following representational activities:

1. Term Negotiations—to prepare for and negotiate a collective bargaining agreement.

2. Mid-Term Negotiations—to prepare for and bargain over issues raised during the life of a term agreement.

3. Dispute Resolution—to process grievances**, in accordance with Section 4.C. above,** up to and including arbitrations. ~~and to process appeals of bargaining unit employees to the MSPB, FLRA and, as necessary, to the courts.~~

4. General Labor-Management Relations—meetings between labor and management officials to discuss general conditions of employment, labor-management committee meetings, labor relations training for union representatives, union participation in formal meetings **(excluding formal discussions related to grievances)** and investigative interviews, and all other general labor relations activities consistent with 5 USC 71.

B. ~~The Union will be allowed to use~~ **Taxpayer-funded union time is limited to** ~~up to~~ ~~250,000~~ **30,000** hours per fiscal yearfor the ~~official time~~ activities identified in Section 5.A. ~~Official time authorized pursuant to 5 U.S.C. 7131 (a) and (c) is not counted toward the bank (term negotiations, mid term bargaining and FLRA time).~~ Unused ~~official time~~ **taxpayer-funded union time** hours do not carry over into the next fiscal year.

C. ~~Union representatives~~ **Employees may** ~~will~~ be allowed to use ~~the official time~~ **taxpayer-funded union time** hours**, not to exceed twenty-five (25) percent of their paid time each fiscal year.** ~~described in Section 5.B in the performance of union representational activities as described in Section 5.A as follows:~~ **“Paid time” is defined as time for which an employee is paid by the Federal Government, including both duty time, in which the employee performs agency business, and taxpayer-funded union time. It does not include time spent on paid or unpaid leave, or an employee’s off-duty hours.**

**Employees who have spent one-quarter of their paid time in any fiscal year on non-agency business may continue to use taxpayer-funded union time in that fiscal year for purposes covered by sections 7131(a) or 7131(c) of title 5, United States Code.**

**Any time in excess of one-quarter of an employee’s paid time used to perform non-agency business in a fiscal year shall count toward the employee’s twenty-five (25) percent maximum in subsequent fiscal years.**

1. ~~Twelve (12) union representatives will be authorized to use up to 2080 hours in a fiscal year and,~~
2. ~~Fifteen (15) union representatives will be authorized to use up to 1440 hours in a fiscal year and,~~

~~3. One-hundred and thirty-five (135) union representatives will be authorized to use up to 1040 hours in a fiscal year and,~~

~~4. All other union representatives will be authorized to use up to 520 hours in a fiscal year.~~

~~5.~~ All ~~official time~~ **taxpayer-funded union time** use is subject to the availability of bank hours as described in Section 5.B. **If the bank is exhausted prior to the end of the fiscal year, the Union shall receive whatever additional hours are required to fulfill its entitlements under 5 USC 7131 (a) and (c).**

D. Union representatives are required to stagger their use of authorized ~~official time~~ **taxpayer-funded union time** hours over the course of the fiscal year. Union representatives will work out ~~official time~~ **taxpayer-funded union time** usage with their supervisors to accommodate both union representational activities and Agency assigned duties. The parties recognize that a mutually agreed upon schedule is the recommended method for scheduling ~~official time~~ **taxpayer-funded union time**.

~~E. Union representatives identified as 2080 hour users of official time will be allowed to designate a replacement 2080 hour union representative when he/she expects to be unable to use any official time hours for a period of at least one work week. Electronic designation must be made in advance to OLMER and include the designee’s name and the expected duration of the 2080 hour designation. Official time hours used by the designee during this period will be subtracted from the fiscal year bank available to AFGE (250,000 official time hours) but will not be counted against the designee’s individual annual limit (i.e., 1440, 1040 or 520 hours per fiscal year).~~

**E** ~~F~~. Time spent by employees, including union officials, representing employees in statutory EEO complaints ~~is official time~~ under 29 Code of Federal Regulations is ~~and~~ ~~not~~ countable towards the **individual cap and** bank.

Section 6. General Accountability Provisions for ~~Official Time~~ **Taxpayer-Funded Union Time** Users

Union representatives will on a daily basis sign in on the Agency sign in/sign out form (SSA-30), and sign out on the same form, when they depart from their official duty station. If a union representative is unable to sign in/out because he/she is off site on labor-management business, the union representative will notify the supervisor in advance and make arrangements with his/her supervisor to submit the SSA-30, on a daily basis if in an SSA facility or when they return to their officially assigned duty station if not in an SSA facility.

~~The current past practice for the twelve (12) 2080 hour union officials for signing in and signing out on time and attendance forms within the confines of the union office will continue.~~

Section 7. ~~Official Time~~ **Taxpayer-Funded Union Time** Requests and Reporting Procedures

A. All requests for ~~official time~~ **taxpayer-funded union time** will be submitted via OUTTS or equivalent electronic reporting system. Sufficient information (time, date, representational category and location if other than normal duty station) must be included with the request to allow the approving official to determine if the time requested and activity described meet the criteria outlined in this Article. ~~Unless an authorizing official is not available, a~~**A**pproval from the authorizing official must be obtained prior to engaging in ~~official time~~ **taxpayer-funded union time**. **Any employee who uses taxpayer-funded union time without advance management approval will be considered absent without leave and subject to appropriate disciplinary action.** The representative will inform the supervisor when he/she returns to work after completion of the representational activity.

B. If management is unable to approve a request for ~~official time~~ **taxpayer-funded union time**, the reason for denial will be provided. If an operational emergency does not permit the union representative to use the ~~official time~~ **taxpayer-funded union time** when requested, management will make a reasonable effort to allow the representative to use the ~~official time~~ **taxpayer-funded union time** by the end of the work day that the request was made keeping in mind the interests of the union and employees as well as the needs of the employer. When management determines that a union representative’s presence is necessary to meet Agency work requirements and the requested ~~official time~~ **taxpayer-funded union time** cannot be used by the end of the workday that the request was made, management will ensure that the denied ~~official time~~ **taxpayer-funded union time** can be used within two workdays.

C. Accounting of ~~Oficial Time~~ **Taxpayer-Funded Union Time** will be submitted via OUTTS or equivalent electronic reporting system.

D. All reporting information will be retained for a period of six (6) years.

E. OUTTS will be modified to accommodate the provisions of this Article. If Management proposes modifications to OUTTS beyond the provisions of this Article, it will provide notice to the Union and, upon request, bargain to the extent required by 5 USC Chapter 71.

Section 8. Representational Activities at the Local Level

The Agency will not pay travel and per diem for local representational activities~~, unless authorized by this agreement~~.

Section 9. Allegations of Abuse

Alleged abuses of ~~official time~~ **taxpayer-funded union time** shall be brought to the attention of an appropriate union official on a timely basis by an appropriate management official. The management official will discuss the matter with the local or council president as appropriate. If the matter cannot be resolved, **the Agency will take appropriate disciplinary action.** ~~appropriate action may be taken to resolve the dispute.~~