



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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PERSONNEL BULLETIN NO. 20-02

SUBJECT: Departmental Policy on Authorizing and Monitoring the Use of Taxpayer-Funded Union Time

1. Purpose. This Personnel Bulletin (PB) establishes Departmental policy and the standards and procedures for authorizing and monitoring the use of taxpayer-funded union time (TFUT).

2. Authorities.

- A. Title 5 of the United States Code (U.S.C.), Chapter 71, The Federal Service Labor-Management Relations Statute (the Statute)
- B. Executive Order 13837: Executive Order on Ensuring Transparency, Accountability and Efficiency in Taxpayer Funded Union Time, dated May 25, 2018 (EO 13837)
- C. 370 DM 711, Labor-Management Relations, dated November 21, 2011
- D. PB 19-15, Departmental Policy on Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining and Use of Taxpayer Funded Union Time, dated October 17, 2019

3. Background. An effective and efficient government keeps careful track of how it spends taxpayer dollars and eliminates unnecessary, inefficient, or unreasonable expenditures. TFUT, also known as official time, must be used efficiently and authorized in amounts that are reasonable, necessary, and in the public interest. Consistent with EO 13837, employees are generally expected to spend at least three-quarters of their paid time each fiscal year performing agency business or attending agency-assigned training. Employees normally may not use TFUT without advance written authorization. Such time must be monitored to ensure it is used only for authorized purposes.

4. Definitions.

- A. **Bargaining Unit.** A group of employees exclusively represented by a labor organization or union in an appropriate unit for collective bargaining under subchapter II of Chapter 71 of Title 5, U.S.C.
- B. **Labor Organization or Union.** Pursuant to the requirements of section 7103(a)(4) of Title 5, U.S.C., an organization certified by the Federal Labor Relations Authority (FLRA) to exclusively represent employees over matters pertaining to grievances and conditions of employment.
- C. **Taxpayer-Funded Union Time (TFUT).** Also known as “official time,” time granted to a Federal employee to perform certain authorized union representational activities during duty hours pursuant to section 7131 of Title 5, U.S.C. and EO 13837.

D. Union Time Rate (UTR). The total number of duty hours in the fiscal year that employees in a bargaining unit use for TFUT, divided by the total number of bargaining unit employees in such bargaining unit.

5. General Requirements.

A. Consistent with EO 13837, Bureau and Office Human Capital Officers must regularly monitor (at least quarterly) the UTR of each bargaining unit and ensure TFUT is used efficiently and authorized in amounts that are reasonable, necessary, and in the public interest. *OHC-Labor Relations must be immediately notified should the UTR of any bargaining unit exceed one hour at any given time during the current fiscal year along with an explanation regarding the reason for the increase (e.g., contract negotiations).*

B. Each bargaining unit employee and/or union official requesting TFUT must specify the number of TFUT hours to be used and the specific purposes for which such time will be used. Sufficient detail must be provided to enable the supervisor or approving official to identify the tasks the employee will undertake while using such time. A sample form which may be used for this purpose is attached to this PB. Regardless of the form used, **requests should be approved in advance, MUST be recorded into the electronic time and attendance system using the appropriate payroll codes**¹ and should be carefully monitored as described in section 5.A. The supervisor or approving official must retain a copy of the form or other documentation of approval/disapproval for record-keeping purposes.

C. Supervisors or approving officials must determine whether the request is reasonable and necessary and whether the amount of time requested is reasonable to accomplish the described task(s). Supervisors must consult with the appropriate labor and employee relations practitioner in their servicing human resources office (HRO) in making these determinations.

D. For continuing or ongoing requests for TFUT, requests for authorization renewals must be submitted at least once per pay period. Should TFUT be requested in excess of previously authorized hours or for purposes for which such time was not previously authorized, separate advance authorization(s) is required.

E. TFUT can only be used for authorized purposes and may not be used for purposes contrary to law, rule or regulation, including EO 13837. When reviewing requests for TFUT, supervisors or approving officials must ensure TFUT is not used for:

- (1) internal union business in violation of section 7131(b) of Title 5, U.S.C.

¹Provided below are the payroll codes that should be used to record the use of TFUT in the time and attendance system:

LRT - Term Negotiations – used by union representatives to prepare for and negotiate a new or successor Term collective bargaining agreement (CBA), to include participation in third-party processes, as applicable.

LRM - Mid-Term Negotiation – used by union representatives to bargain over issues during the life of a Term CBA which are not covered by the Term CBA or which are required to address changes to law, rule or regulation, as applicable.

LRG - General Labor-Management Relations – used by union representatives for meetings between labor and management officials to discuss general conditions of employment; attendance at formal discussions and/or investigative interviews, etc.

LRD - Dispute Resolution – used by bargaining unit employees to prepare and process grievances filed on their own behalf, including arbitration and to process appeals to administrative agencies and, as necessary, the courts. May also be used by union representatives for other/general dispute resolution activities.

(2) lobbying activities in violation of section 1913 of Title 18, U.S.C.

(3) political activities in violation of subchapter III of chapter 73 of Title 5, U.S.C.

F. Any employee who uses TFUT for purposes not specifically authorized by management shall be considered absent without leave and subject to appropriate disciplinary action. Management officials shall work with their servicing HRO, which may consult with the Office of the Solicitor, Employment and Labor Law Unit, as appropriate, to determine appropriate action.

6. Annual Reporting Requirements.

On an annual basis, information regarding the use of TFUT must be provided to the U.S. Office of Personnel Management (OPM) in a manner prescribed by OPM and the Department's Office of Human Capital, Workforce Relations Division and include:

- (A) The purposes for which the agency has authorized the use of TFUT, and the amounts of time used for each such purpose;
- (B) The job title and total compensation of each employee who has used TFUT in the fiscal year, as well as the total number of hours each employee spent on these activities and the proportion of each employee's total paid hours that number represents;
- (C) The total value of free or discounted use of government property used by labor organizations;
- (D) Any expenses the agency paid for activities conducted on TFUT;
- (E) The amount of any reimbursement paid for activities conducted on TFUT;
- (F) The aggregate UTR and the total number of bargaining unit employees, and the percentage change in each of these values from the previous fiscal year.

7. Inquiries. Any Department employee or employee representative seeking further information concerning this policy may contact the appropriate servicing HRO. Servicing HROs may contact the Department's Office of Human Capital, Workforce Relations Division concerning questions related to this policy.

Attachment



Jennifer Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer