



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D C 20548

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FEDERAL PERSONNEL AND
COMPENSATION DIVISION

B-156287

SEPTEMBER 17, 1979

The Honorable Alan K. Campbell
Director, Office of Personnel Management DLG60925

Dear Mr. Campbell:

Subject: Inadequate Recordkeeping on Official Time
Used for Representational Functions

We recently surveyed several labor-management relations activities in four agencies, including the Office of Personnel Management (OPM). During the survey we examined how agencies account for and monitor the amount of official time employees spend on representational functions in 26 agency units with recognized labor organizations (unions). We found that over 70 percent of these units do not keep records on this time even though they are required to do so by Federal regulation.

The potential impact of inadequate recordkeeping is significant. About 1.2 million, or 60 percent, of all nonpostal Federal civilian employees are organized into bargaining units. These employees are covered by about 3,000 collective bargaining agreements. The number of agency employees that represent recognized labor organizations is not known, but the number is in the thousands. No one knows how much official time is authorized for Federal employees to perform representational functions.

To evaluate the reasonableness of the official time employees use for representational functions and its impact on agency operations and employee representation, management needs reliable records. The records could also benefit these employees by showing the extent time was unavailable to perform other duties. We believe OPM needs to (1) direct agencies to comply with the recordkeeping requirement, (2) expand the recordkeeping requirement to include official

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time employees spend representing labor organizations in collective bargaining negotiations, and (3) establish reporting requirements to improve management oversight.

We discussed this report with officials from OPM's Office of Labor-Management Relations and considered their comments in finalizing the report.

BACKGROUND

In February 1976 the Comptroller General issued a decision restricting employees' use of official time for representational functions. In September 1976 the decision was rescinded with the understanding that the Civil Service Commission would publish guidelines to provide regulatory control over the use of official time. The Comptroller General noted that this control was to include recordkeeping procedures. The Commission published guidelines on October 14, 1976, in Federal Personnel Manual Letter 711-120 entitled "Guidance and Advice on the Use of Official Time for Employee Representational Functions." The guidelines, incorporated in Federal Personnel Manual Supplement 711-1, require the following:

"Heads of agencies or their designees will institute methods to record or account for the use of official time for all representational functions, if such do not currently exist. Such information should be used in evaluating the reasonableness of the amount of official time used in terms of its impact on agency operations and effective employee representation."

A problem with the regulation, however, is the lack of a clear definition of what activities may be authorized as representational functions. For purposes of recordkeeping, the regulation defines "representational functions" as those activities undertaken by employees on behalf of other employees pursuant to their rights to representation. This includes both union and nonunion representation. "Official time" is defined as all time granted employees by the agency to perform representational functions, while otherwise in a duty status, without charge to leave or loss of pay. The amount and nature of official time authorized for representational functions, as well as recordkeeping procedures, are subject to consultation and negotiation with recognized labor organizations. This bilateral approach is intended to protect employees' interests.

The regulation permits "reasonable" amounts of official time for representational functions without setting a limit. Agencies are required to assure that the amount of official time approved by managers and supervisors does not exceed that needed to perform required or mutually beneficial representational functions. The regulation recommends that management consider past experience in determining the amount of official time to be authorized. Accurate recordkeeping is a necessary part of these management controls.

SURVEY RESULTS

Our survey covered four agencies--OPM and the Departments of Health, Education, and Welfare (HEW); Labor; and Transportation. We examined their methods of recording official time for representational functions in 26 units with a recognized labor organization. We also reviewed the agency recordkeeping requirements and discussed this subject with headquarters officials. The work was done during May and June 1979.

The following table shows 19 of the 26 units reviewed kept no formal records on official time used for representational functions.

<u>Agency</u>	<u>Number of units</u>	<u>Total employees covered</u>	<u>Union representatives (note a)</u>	<u>Units without records</u>	<u>Employees in units without records</u>
Transportation	16	34,887	b/ 2,676	12	33,580
HEW	7	21,400	167	5	817
OPM	2	3,088	46	2	3,088
Labor	<u>1</u>	<u>4,500</u>	<u>145</u>	<u>0</u>	<u>0</u>
Total	<u>26</u>	<u>63,875</u>	<u>3,034</u>	<u>19</u>	<u>37,485</u>

a/Includes only those paid by the agency.

b/Includes three Federal Aviation Administration organizations with national recognition agreements that have hundreds of small units at different locations, each with at least one primary and one alternate representative.

OPM and HEW have not issued any agency recordkeeping requirements for this purpose. OPM officials said a union contract is being negotiated and a recordkeeping system was one issue in the negotiations which started over a year ago.

OPM has resolved the recordkeeping issue but is still negotiating other issues. We were told that once an agreement is approved by both sides, recordkeeping requirements will be implemented. HEW officials said they had no plans to issue a written requirement but had previously given verbal instructions that the Federal Personnel Manual requirement should be followed.

Officials from most of the units with no recordkeeping system indicated they did not believe one was necessary because enough controls were provided by the union representative's supervisor who must approve all official time. A common statement was that more time would be needed to develop and implement a recordkeeping system than is being used for representational functions. However, officials making this statement did not know how much time was being used for these functions. Officials from seven of the units without recordkeeping systems said they would implement one as a result of our visit.

The types of records maintained by the seven units with recordkeeping procedures varied, and we made no attempt to determine the accuracy of their records.

Although our survey sample was limited, preliminary results of an October 1978 Freedom of Information Act request by the Public Service Research Foundation also indicated agencies' failure to keep required records. The Foundation sent questionnaires to approximately 3,400 Federal units represented by labor organizations. One of the questions asked for information on official time used for union representation duties, and over 25 percent of nearly 2,600 responses indicated no records were kept. The other units indicated the amount of official time charged, but we did not attempt to determine whether they had records to support the time indicated. Foundation officials told us they expect to release the results of their questionnaire in September 1979.

Official time spent by employees representing recognized labor organizations in collective bargaining negotiations is not included under representational functions subject to the recordkeeping requirement. Although agencies are not required to keep records on official time used for these negotiations, 21 of the 26 units did.

The Civil Service Reform Act of 1978 reduced the restrictions on official time authorized for employees representing recognized labor organizations in collective bargaining negotiations. Under Executive Order 11491, official

time for negotiations was not authorized unless the negotiating parties agreed. Any such agreement was limited by the Executive order to a maximum of 40 hours, or one-half the time spent in negotiations during regular working hours for a reasonable number of employees. Under the Reform Act any employee representing an exclusive labor organization in collective bargaining negotiations is authorized official time, including attendance at impasse proceedings. The act does not limit the official time that may be authorized for this purpose but does establish criteria on the number of employees who may be authorized official time. The expected result is an increase in official time authorized for collective bargaining negotiations.

Nearly all the agency officials we spoke with agreed that the recordkeeping requirement should also cover agency personnel representing labor organizations in negotiations. The officials said that this information is needed to compute the cost of negotiations and to provide adequate management controls.

CONCLUSIONS

Federal agencies are required to record or account for official time used for all representational functions. However, our survey indicates widespread failure to comply with this requirement. The information these records provide is important for several reasons and can be used to

- properly monitor and account for official time used by employees, including determining whether amounts supervisors authorize for this purpose are reasonable;
- determine whether certain units could benefit by having fewer representatives spend a larger amount of official time on representational functions;
- protect employees who spend a considerable amount of time on representational functions, by showing the extent time was unavailable to perform other duties; and
- provide needed information for performance appraisal, merit pay, etc.

We found the definition of representational function vague and difficult to understand. OPM officials agreed this was a problem and said they are working on an improved definition.

The Civil Service Reform Act of 1978 may (1) expand the collective bargaining process, (2) increase the official time allowed for collective bargaining negotiations, and (3) increase the time employees spend for representational functions. Therefore, recordkeeping controls could become even more important in the future.

For the recordkeeping systems to be effective, the data should be accumulated and reported to management. The Department of Labor recently established such reporting requirements, and headquarters officials believe this will provide important management oversight. The other agencies had no requirement to accumulate or report official time used for this purpose.

The recordkeeping requirement does not cover official time spent on collective bargaining negotiations. Nearly all the agency officials we spoke with believed records should be required for this function, and we agree. We believe this should include time spent by management on negotiations. This information is needed to determine the cost of negotiations and provide management with a complete record of official time employees use for union activities.

RECOMMENDATIONS

We recommend that the Director, OPM:

- Improve the definition of representational function by eliminating the uncertainty caused by different interpretations.
- Revise the recordkeeping requirement to include all official time used for collective bargaining negotiations.
- Direct agency compliance with the recordkeeping requirement.
- Require agencies to prepare reports on all official time authorized for this purpose to provide greater accountability. The level of reporting within the agencies could be left up to management but should be high enough to provide necessary oversight.
- Require annual reports from agencies on time used for this purpose. This information could assist OPM in evaluating Federal labor-management relations activities.

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As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House Committee on Government Operations and the Senate Committee on Governmental Affairs not later than 60 days after the date of this report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of our report.

We are sending copies of this report to the above Committees and the House Committee on Post Office and Civil Service. We would appreciate receiving your comments on these matters and any actions you plan to take.

Sincerely yours,

H. L. Krieger

H. L. Krieger
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