



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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Dear House Oversight & Government Reform Committee Member:

As your committee marks up HR 1364, the “Official Time Reform Act of 2017”, the International Federation of Professional and Technical Engineers (IFPTE) urges you to oppose this misguided bill. Also, as you mark up the Official Time reporting bill (HR 1293), we urge you to amend it to include a more comprehensive and balanced assessment of the cost of federal human-resource related activities, including the cost of management’s efforts at Employee and Labor relations as well as management’s associated Legal activities.

During debates over the past decade and even during recent hearings, the value of Official Time (OT) has been reconfirmed again and again, as members from both sides of the aisle as well as credible and experienced federal managers have reiterated the fact that peer-representation by elected employee representatives is an extremely cost-effective way for both management and the nation’s board of directors (Congress) to hear direct and candid feedback from the rank and file workers they rely upon to keep the government functioning every day, and to protect the taxpayer against instances of management incompetence and corruption. For civil servants to be able to do their jobs effectively and to report wrongdoing without fear of reprisal, they must have credible and effective representation, independent of management, that can interact at all levels of government to provide decision-makers with a more balanced and complete picture to allow for better and more informed overall governance.

During your recent hearings, however, there was some concern raised about employee representatives on full time OT. This fact, taken out of context, gave some the mistaken appearance that OT was being abused in these cases. The real story is that the use of OT is negotiated with management and full-time is accorded only when both sides deem that it is beneficial for the government (e.g., it may be demonstrably more efficient and cost-effective to have one representative use full-time OT than to have two use 50% to accomplish the same work, and the best trade-off can really only be determined at the local level). Congress would be wise not to micromanage such low-level government decisions by stripping that flexibility from local supervisors.

More importantly, the proposed legislation would not actually achieve the goal of specifically targeting the use of 100% OT. Because of the Byzantine computation of “full-time” in the bill as currently written, ALL long-time employee representatives, even if they only perform a small fraction of their duties as OT, could have their pensions curtailed. Any calculation of the percent usage of Official Time should be made on an annual average basis, and should not penalize representatives and agencies that choose to cluster such work into OT days to achieve greater efficiency. Furthermore, any well-meaning effort to curtail the use of OT should never resort to stealing pension credits, duly earned by an employee working for the public per established law and established contract. Such action is not only unnecessary, it is a downright mean-spirited attack on worker bees when any legitimate concern about the improper use of OT should be directed at management.

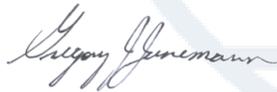
Furthermore, as written, the OT reform bill appears to be unconstitutional ex post facto legislation. To avoid this serious flaw, the legislative text should be amended to fix this problem by making crystal clear that any new aggregate caps can only begin accumulating after the legislation is signed into law.

As far as the OT reporting bill (H.R. 1293) is concerned, it is overtly biased towards recording and reporting expenses on the employee representatives' side of the ledger, without any context to measure it by. In reality, OT is only a tiny fraction of the total cost of human resources in the government. The legislation should be amended to require the recording and reporting of all of management's time, procurement, number of Full-Time equivalents of both civil servants and contractors, square footage occupied, and cost of in-house legal support for all employee and labor relation activities performed by management. If this more complete and honest picture is available, it will undoubtedly demonstrate that OT is an extremely small percentage of the total appropriated resources used to oversee the federal workforce. It will also demonstrate how for every employee-elected Union official on one side of the table, there are often-times two or more management officials and a government lawyer on the other side. If the committee seeks potential cost savings related to this critical federal function perhaps they are looking at the wrong side of the table.

Lastly, H.R. 1293 seeks to account for the minimal cost of OT only, while ignoring the metrics with respect to the huge benefits and efficiencies that result from OT. For example, OT results in a reduction of legal expenses through resolving problems/disputes before they become larger problems, as well as allows for unions and management to work in a collaborative environment with respect to rule implementation and improving a working environment, with little to no investment. These are just two of the countless examples of where OT results in taxpayer savings, yet this bill is silent on it. While IFPTE is fully supportive of transparency and accurate reporting, this is one-sided bill that ignores the reality of the efficiencies created by OT.

For these reasons IFPTE urges you to vote NO on both HR 1364 and HR 1293. If you have any questions, please contact IFPTE legislative director, Matt Biggs at (202) 239-4880.

Sincerely,



Gregory J. Junemann,
President