



March 7, 2017

Dear Representative:

As National President of the National Treasury Employees Union, representing over 150,000 federal employees in 31 different agencies, I am writing with regard to two pieces of legislation under consideration by the Committee on Oversight and Government Reform.

Under the provisions of the Civil Service Reform Act of 1978 (title 5 United States Code 7131), federal employees represented by a labor organization can be granted official time, or the ability to perform certain activities that are in the joint interest of both the union and the agency during regular work hours. Examples of activities that can be performed on official time include participating in formal meetings called by management, conducting and receiving training and participating in labor-management committees, and negotiating collective bargaining agreements. Current law specifically prohibits the use of official time for conducting internal union matters, organizing workers, soliciting members or conducting union elections, or for any type of partisan political activity (see 5 USC 7131(b) and 7324). Unlike in the private sector, federal labor unions are required to represent the interests of all employees in the bargaining unit, without regard to labor organization membership (5 USC 7114) as it is completely voluntary on the employee's part in the federal sector whether or not to join the union. Therefore, official time is what allows this entire labor-management model to operate and succeed. Official time also reduces the costs for agencies by having a workable mechanism in place to resolve disputes in a non-adversarial way, as compared to significantly more time consuming and costly litigation.

H.R. 1293, introduced by Rep. Dennis Ross (R-FL) would amend 5 USC to require an annual report from the Office of Personnel Management (OPM) on agencies' use of official time. The language creates new burdens and work for federal agencies by mandating various reporting requirements including that the report include a detailed description of all of the various activities, purposes, and outcomes granted for official time hours, the total compensation (salary plus benefits) for employees on official time which is not data already computed by agencies, and a description and specific size of the space made available for official time activities inside agencies. NTEU is concerned that these reporting requirements are just the first step in eliminating official time.

H.R. 1364, introduced by Rep. Jody Hice (R-GA) would amend 5 USC by denying retirement credit to individuals, such as union stewards, who are performing their duties on official time. This legislation would penalize individuals for performing duties protected by statute and collective bargaining agreements. The real purpose is to prevent employees from agreeing to perform union representational duties and will only translate into no one being available to meet with management at their call, including for disciplinary cases, as well as less

assistance for employees who come forward to report and need help in cases of retaliation, discrimination, sexual harassment, hostile workplace environment, and as whistleblowers.

The language being considered also should be reviewed as it includes provisions that incorrectly describe legislative advocacy as political activity, which is already precluded by current law, and a retroactive provision that would bar individuals from receiving retirement credit for work already performed-and approved-and in full compliance with current law.

I ask the Committee **not to approve** these bills, but rather to work to increase transparency, workplace fairness, and whistleblower protections at federal agencies which will better government operations and outcomes for both frontline federal employees as well as the American public. Gutting the ability of workers to be represented in the workplace will not improve morale in the federal government, and will only lead to a diminished civil service.

Sincerely,

A handwritten signature in black ink that reads "Anthony M. Reardon". The signature is written in a cursive style with a large initial 'A'.

Anthony M. Reardon
National President