



# **AFGE** Congressional Testimony

TESTIMONY BY

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BEFORE

THE SUBCOMMITTEE ON FEDERAL WORKFORCE,  
U.S. POSTAL SERVICE AND LABOR POLICY  
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

ON

OFFICIAL TIME FOR VOLUNTEER  
FEDERAL EMPLOYEE REPRESENTATIVES:  
WHY IT'S A GOOD VALUE FOR THE TAXPAYER

JUNE 1, 2011

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Mr. Chairman, Ranking Member Lynch, and Members of the Subcommittee:

On behalf of the 650,000 federal employees represented by the American Federation of Government Employees, AFL-CIO (AFGE), thank you for inviting me to testify today on official time for volunteer federal employee representatives.

***Background***

On January 17, 1962, President John F. Kennedy signed Executive Order 10988 entitled Employee-Management Cooperation in the Federal Service, which gave federal employees, for the first time, the right to unionize and collectively bargain with their agencies. Seven years later, on October 29, 1969, President Richard Nixon issued Executive Order 11491, which reaffirmed and expanded those rights.

Those Executive Orders, and the statute which succeeded them, the Civil Service Reform Act (CSRA) of 1978, required federal employee unions to provide representation for all employees in their collective bargaining units, even those who choose not to pay dues. Under this open shop arrangement, federal employee unions are also forbidden from collecting any fair-share payments or fees from non-members for the services which the union must provide.

In exchange for the legal obligation to provide the same services to those who pay as well as those who choose not to pay, the Executive Orders and the CSRA allowed federal employee unions to bargain with agencies over official time. These provisions have allowed federal employees who serve as volunteer employee representatives to use official time to engage in representational activities while on duty status.

Legally permitted representational activities include:

- Creating fair promotion procedures that require that selections be based on merit, in order to allow employees to advance their careers;
- Establishing flexible work hours that enhance agencies' service to the public while allowing employees some control over their schedules;
- Setting procedures that protect employees from on-the-job hazards, such as those arising from working with dangerous chemicals and munitions;
- Enforcing protections from unlawful discrimination in employment;
- Developing systems to allow workers to perform their duties from alternative sites, thus increasing the effectiveness and efficiency of government;
- Participating in improvement of work processes; and
- Providing workers with a voice in determining their working conditions.

The CSRA provides that the amount of official time for negotiations and other representational responsibilities that may be used is limited to that which the labor organization and employing agency agree is ***reasonable, necessary, and in the public interest***. The amount of time must be negotiated by the two parties. It is ***not*** a blank check for the union.

In addition, the statute clearly states that the activities performed by an employee relating to the internal business of the union must be performed while in a non-duty status. Such activities include:

- solicitation of membership;

- internal union meetings;
- elections of officers; and
- partisan political activities.

I want to emphasize, Mr. Chairman, that official time may *not* be used for the above activities.

Finally, federal employees are permitted to file appeals of personnel actions outside the scope of the union's negotiated collective bargaining agreement. Examples include appeals through an agency's internal administrative grievance system or Equal Employment Opportunity programs, appeals to the Merit Systems Protection Board (MSPB) for adverse personnel actions such as suspensions, removals, and reductions-in-force, appeals to the Department of Labor (DOL) and/or the MSPB for violations of veterans' preference rules, appeals to DOL for workers compensation, and appeals to OPM for violations of the Fair Labor Standards Act. These statutes provide a reasonable amount of time to employees and their representatives in order to file such appeals.

***Official Time Makes the Government More Efficient and More Effective***

Through official time, employee representatives are able to work together with federal managers to use their time, talent, and resources to make our government even better. Gains in quality, productivity, and efficiency--year after year, in department after

department--simply would not have been possible without the reasonable and sound use of official time.

Private industry has known for years that a healthy and effective relationship between labor and management improves customer service and is often the key to survival in a competitive market. The same is true in the federal government. No effort to improve governmental performance--whether it's called reinvention, restructuring, or reorganizing--will thrive in the long haul if labor and management maintain an arms-length, adversarial relationship. In an era of severe budget cutting, it is essential for management and labor to develop a stable and productive working relationship.

Employee representatives and managers have used official time to transform the labor-management relationship from an adversarial stand-off into a robust alliance. And that just makes sense. If workers and managers are really communicating, workplace problems that would otherwise escalate into costly litigation can be dealt with promptly and more informally.

Official time under labor-management partnerships or forums is used to bring closure to workplace disputes between the agency and an employee or group of employees.

Those disputes would otherwise be funneled to far more expensive, more formal procedures – the agency's own administrative grievance procedures, EEOC complaints, MSPB appeals, and federal court litigation.

***Healthier Labor-Management Relations in the Federal Government Also Produce Cost Savings in Reduced Administrative Expenses***

Employee representatives use official time for joint labor-management activities that address operational, mission-enabling issues in the agencies. Official time is allowed for activities such as designing and delivering joint training of employees on work-related subjects; and introduction of new programs and work methods that are initiated by the agency or by the union. As examples, such changes may be technical training of health care providers in the Department of Veterans Affairs; or, introduction of data-driven food inspection in the Food Safety and Inspection Service.

Employee representatives use official time for routine and unusual problem-solving of emergent and chronic workplace issues. For example, they use official time when they participate in agency health and safety programs which emphasize the importance of effective safety and health management systems in the prevention and control of workplace injuries and illnesses.

Official time is also used by employee representatives participating in programs such as LEAN and Six Sigma, labor-management collaborative efforts which focus on improving quality of products as well as procedural efficiencies. Currently, employee representatives are participating on official time to work with the Department of Defense to develop a department wide performance management and recognition system and accelerate and improve hiring practices within the department.

To ensure its continued reasonable and judicious use, all federal agencies track basic information on official time, and submit it annually to the Office of Personnel Management (OPM), which then compiles a government-wide report on the amount of official time used by agencies. From FY 2008-2009, total official time hours government-wide have increased 3.37%, but the total number of hours expended per bargaining unit employee fell from 2.60 to 2.58.

### ***Conclusion***

AFGE strongly opposes any proposals to erode the rights of employee representatives to use official time to represent both dues-paying and non-dues paying members of collective bargaining units. Official time under the Federal Service Labor-Management Relations Statute is a longstanding, necessary tool that gives agencies and their employees the means to expeditiously and effectively utilize employee input into mission-related challenges of the agency, as well as to bring closure to conflicts that arise in all workplaces. It has enjoyed bipartisan support for almost 50 years.

Thank you for the opportunity to testify today. I will be happy to respond to any questions.

## John Gage

### **National President American Federation of Government Employees, AFL-CIO**

As national president of the American Federation of Government Employees (AFGE), AFL-CIO, John Gage stands watch over the rights of some 600,000 federal and D.C. government employees. Gage, who leads the nation's largest union for government workers in some 1,100 Locals in the United States and overseas, has been AFGE's national president since 2003.

John Gage has long been involved in AFGE and the labor movement for more than 25 years. He has committed years of service as president of AFGE Local 1923 and as national vice president of AFGE's 4th District. Under his leadership, Local 1923 experienced robust growth, making it the largest Local within the Federation. Gage brought that same energy for organizing to his role as NVP and initiated a new organizing program familiarly called "Lunch and Learns." In fact, the new program helped the 4th District sign 6,000 members in two years. In 1985, Gage stepped down as NVP to lead the successful defense of SSA against a well-financed membership drive by another union.



Gage began working for the federal government as a disability examiner for the Social Security Administration in 1974. He quickly became involved with AFGE and served as 2nd vice president and editor of Local 1923's newsletter. He went on to serve as executive vice president before being elected president in 1982. Gage has served as chief negotiator for a number of national contracts; he describes his work as a negotiator as a labor of love. He strongly believes that good contracts and the ability to enforce them are important keys to increasing membership.

Gage is proud of the true diversity that he established among members, staff, officers and stewards within Local 1923. He maintains the same appreciation for these values as he leads the Federation.

As national president, John Gage continues to give emphasis to organizing, legal representation on behalf of Locals, and coordinated media activities. Gage believes that capitalizing on representational opportunities at the worksite, in the community and on the national scene draws attention to AFGE issues. This provides a new way of performing the most fundamental mission of AFGE representation and enables the union to strengthen each Local's ability to provide service, political mobilization, organization and communication.

Gage serves as a trustee of the National Labor College, an accredited four year college for union members and their families.

Gage was born in 1946 and graduated from Central Catholic High School, in Pittsburgh, PA. He went on to study at Wheeling Jesuit University, graduating in 1968. His career includes a brief stint as a professional baseball player with the Baltimore Orioles (1968-1969).

Gage is married to Patti McGowan, a labor lawyer for AFGE Council 220, who does pro-bono work for the Maryland Disability Law Center.



Committee on Oversight and Government Reform  
Witness Disclosure Requirement – “Truth in Testimony”  
Required by House Rule XI, Clause 2(g)(5)

Name: **JOHN GAGE**

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1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2008. Include the source and amount of each grant or contract.

N/A

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2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

American Federation of Government Employees, AFL-CIO. I serve as the elected National President.

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3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2008, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

N/A

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*I certify that the above information is true and correct.*

Signature:



Date:

5-26-2011