



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Wednesday, October 23, 2019

**MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

FROM: DALE CABANISS, DIRECTOR

Subject: Agency Reporting Requirements to OPM for Fiscal Year 2019 Taxpayer-Funded Union Time Use

*Note: The guidance within the memorandum below has been rescinded by Executive Order; please refer to OPM's March 5, 2021 memorandum: <https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>*

**Introduction**

The President's Management Agenda seeks to modernize the Federal Government in key areas that will improve the ability of agencies to deliver mission outcomes, provide excellent service, and effectively steward taxpayer dollars. In support of this objective, Executive Order (EO) 13837 - Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, signed by the President on May 25, 2018, requires agencies subject to the Federal Service Labor-Management Relations Statute\* (the Statute) to administer the Statute in a manner consistent with the requirements of an effective and efficient government, and consistent with this objective, to authorize taxpayer-funded union time\*\* only in amounts that are reasonable, necessary, and in the public interest and to monitor its use to see that it is used efficiently.

**Agency Reporting Requirements**

On July 5, 2018, the U.S. Office of Personnel Management (OPM) issued guidance for implementation of EO 13837. This guidance included information on the requirements for agencies to report taxpayer-funded union time usage via an annual report to OPM.

Per Section 6 of the EO, agencies are required to submit the following taxpayer-funded union time information:

1. The purposes for which the agency has authorized the use of taxpayer-funded union time:
  - a. Term Negotiations
  - b. Mid-Term Negotiations
  - c. Dispute Resolution
  - d. General Labor-Management Relations

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\* Chapter 71 of title 5, United States Code

\*\* Section 2(i) of the EO defines "taxpayer-funded union time" as official time granted to an employee pursuant to section 7131 of title 5, United States Code.

2. The amounts of time used for each purpose of taxpayer-funded union time;
3. The job title (as listed on position description) and total compensation (cost of salary and benefits) of each employee who has used taxpayer-funded union time in the fiscal year;
4. The total number of hours each employee spent on taxpayer-funded union time and the proportion of each employee's total paid hours that number represents;
5. The total value of the free or discounted use of government property for labor organizations or individuals on taxpayer-funded union time;
6. Any expenses the agency paid for activities conducted on taxpayer-funded union time;
7. The amount of any reimbursement paid by the labor organizations for the use of government property;
8. The identification of instances where taxpayer-funded union time exceeds an average of 1 hour per bargaining unit employee; and
9. If an agency's aggregate union time rate (i.e., the average of the union time rates in each agency bargaining unit, weighted by the number of employees in each unit) has increased overall from the last reporting year (FY 2016), the agency shall explain this increase.

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### **Tracking**

Section 5(c) of EO 13837 also requires agencies to develop and implement a system to monitor the use of taxpayer-funded union time to ensure that it is used only for authorized purposes. If your agency does not have a monitoring system, please begin the process of implementation.

### **Data Submission**

The standardized form for the agency submission of the annual report will be sent separately to agency representatives with this memorandum. The fiscal year 2019 report covers October 1, 2018 through September 30, 2019 and the form must be submitted electronically to [awr@opm.gov](mailto:awr@opm.gov). The submission deadline is no later than January 31, 2020. One consolidated report is required from each department or agency head.

OPM will analyze agency submissions and prepare a detailed report as outlined in the EO, to be published by June 30, 2020.

Please refer to the EO for complete details on these reporting requirements for agencies.

### **Questions**

Agency headquarters-level human resources offices may contact OPM's Accountability and Workforce Relations office at [awr@opm.gov](mailto:awr@opm.gov) or (202) 606-2930. Other agency employees should contact their agency human resources offices for assistance.

Attachment: [Executive Order 13837](#)

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors