



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Monday, June 17, 2002  
MSG-043a

**MEMORANDUM FOR: Heads Of Executive Departments And Agencies**

FROM: Kay Coles James, Director

Subject: Official Time for Labor-Management Relations

This memorandum describes the Office of Personnel Management's expectations for agencies and unions when it comes to granting and using official time for labor-management relations. OPM is also instructing each department and agency to report by the end of each fiscal year on the number of hours of official time used by employees to perform representational activities. The first report is due to OPM by October 31, 2002, covering FY 2002.

President Bush has recognized the importance of strategic human capital management, placing it at the top of his agenda for improving the performance of Government. I believe that Federal agencies and their unions have a mutual interest in this critical effort to create a citizen-centered, results-oriented, market-based Government. To succeed, labor and management must use their time and resources in ways that meet the needs and expectations of agencies, employees, and the ultimate customers -- the American people.

Setting sensible standards for granting and using official time is an important part of this effort. Congress authorized employees official time for labor-management relations because lawmakers believed that the right to organize and bargain collectively safeguards the public interest, contributes to the effective conduct of public business, and encourages the amicable settlement of disputes between Federal employees and the Government. But the right of agencies to grant official time and the right of employees to use it on behalf of their unions creates a shared responsibility to the taxpayer. I believe that labor and management are equally accountable to the taxpayer and have a mutual duty to ensure that official time is authorized and used appropriately.

That is why I expect agencies and unions to work cooperatively on sensible, responsible arrangements for authorizing and using official time. In fact, most collective bargaining agreements already contain provisions that define official time for labor-management relations and set forth the kind of activities that are appropriate for official time usage. Establishing a clear set of reporting requirements for official time sends a strong signal that labor and management understand their joint obligation to use public funds wisely. Just as important, developing prudent official time arrangements that both parties support helps promote better relations between labor and management and reduces disputes over official time.

To help ensure accountability in this important area of labor-management relations, OPM is instructing each agency to report by the end of each fiscal year on the number of hours of official

time used by employees to perform representational activities. The first report is due to OPM by October 31, 2002, covering FY 2002. We have prepared the attached guidance to assist agencies in compiling and reporting this information.

We have asked for as little official time data as possible because we are fast approaching the end of the fiscal year and we recognize that agencies may not be able to collect and report more than total hours of official time for FY 2002. To help us draw conclusions from the information reported this year, OPM will examine the official time data and any explanation of unusually high or low usage and correlate that with data we have already collected showing the number and size of bargaining units at each Federal agency. We will work closely with agencies and unions to establish a more comprehensive reporting framework for future years.

If you have any questions, please contact Jeffrey Sumberg, Director, Office of Labor and Employee Relations, at 202-606-2639. He may also be reached via e-mail at [jsumberg@opm.gov](mailto:jsumberg@opm.gov).

[Guidance on Reporting Official Time FY 2002](#)

## Office of Personnel Management Guidance on Reporting Official Time FY 2002

The Office of Personnel Management is issuing this guidance to help departments and agencies report on the number of hours of official time that employees used to perform representational functions in FY 2002. Agencies are asked to complete this report and submit it to OPM no later than October 31, 2002.

We have asked for as little official time data as possible because we are fast approaching the end of the fiscal year and we recognize that agencies may not be able to collect and report more than total hours of official time for FY 2002. To help us draw conclusions from the information reported this year, OPM will examine the official time data and any explanation of unusually high or low usage and correlate that with data we have already collected showing the number and size of bargaining units at each Federal agency. We will work closely with agencies and unions to establish a more comprehensive reporting framework for future years.

### *1. Scope of Report*

Your report should cover all agencies except non-appropriated fund instrumentalities and only those representational activities related to labor relations, such as those provided for by 5 U.S.C. Chapter 71 and collective bargaining agreements. Agencies should not report activities under non-labor relations laws or regulations (e.g., civil rights laws or agency administrative grievance procedures).

### *2. Reporting Period*

Agencies shall provide the actual or best estimate of the number of hours of official time used by employees in FY 2002.

### *3. Definitions and Terminology*

**Official Time** means all time regardless of agency nomenclature granted to an employee by the agency to perform representational functions under 5 U.S.C. Chapter 71 or by collective bargaining agreement when the employee would otherwise be in a duty status.

**Representational Functions** refers to activities undertaken by employees acting on behalf of the union or fulfilling the unions responsibility to represent bargaining unit employees in accordance with 5 U.S.C. Chapter 71 or a collective bargaining agreement.

### *4. Completing the Report*

- A. OPM expects to receive one consolidated report from each department or agency. You can determine how your agency collects information from its components.
- B. Each report shall provide
  - the name of the department or agency responsible for completing and submitting the information;

- the name of the activity, administration, or bureau if appropriate; and
  - the name and telephone number of a contact person for management and for the labor organization that provided input.
- C. Provide the actual or best estimate of the number of hours of official time used by employees in FY 2002 to perform representational functions. If actual data on official time is not available, you may estimate the hours of official time based on the best available data or use standard statistical sampling methods. If you provide an estimate or sample, please explain the methodology that was used.
- D. Provide any information that may explain unusually high or low usage of official time during FY 2002.
- E. OPM encourages each agency to work with their labor organizations to help determine or verify the information reported.

**Please Complete Your Report By October 31, 2002 And Send It To:**

U.S. Office of Personnel Management  
Office of Labor and Employee Relations  
1900 E. Street, NW, Room 7H28  
Washington, DC 20415

If you have any questions, please contact Jeffrey Sumberg, Director, Office of Labor and Employee Relations, at (202) 606-2639 or at [jsumberg@opm.gov](mailto:jsumberg@opm.gov).