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United States  
General Accounting Office  
Washington, D.C. 20548

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General Government Division

B-276197

September 30, 1997

The Honorable John L. Mica  
Chairman, Subcommittee on Civil Service  
Committee on Government Reform and Oversight  
House of Representatives

The Honorable Pete Hoekstra  
Chairman, Subcommittee on Oversight  
and Investigations  
Committee on Education and the Workforce  
House of Representatives

Subject: Federal Labor Relations: Survey of Official Time Used for Union Activities

This letter responds to your March 26, 1996, request for information on the resources used for employee union activities across the federal government. Specifically, the objective of our ongoing review is to develop information on the following seven areas, as reported to us by selected federal organizations:

- amount of official time used by employees for union activities;<sup>1</sup>
- number of employees who used official time;
- number of employees who spent all of their time on union activities;
- dollar value of the time used for union activities;
- dollar value of travel used for union activities;
- dollar value of office space and related items; and
- benefits and disadvantages, according to the federal organizations, of using official time for union activities.

On May 19, 1997, we briefed your offices on the preliminary results of our work. This letter, provided at your recent request, records the substance of that briefing. As you know, at your request, we are currently following up on our

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<sup>1</sup>"Official time" is time granted an employee by a federal organization to perform certain union activities when the employee would otherwise be in a duty status.

initial work to obtain additional information from the selected federal organizations regarding resources used for union activities.

To address the seven areas identified in this letter, our initial work involved a survey that we developed and distributed to selected federal organizations. Our survey originally included the 30 federal organizations with the greatest number of employees covered by collective bargaining agreements.<sup>2</sup> To this number, we added five federal organizations of special interest to the Chairman, Subcommittee on Oversight and Investigations: the Department of Education, the Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB), the Corporation for National Service, and the National Endowment for the Arts (NEA). A sixth federal organization of special interest to the Chairman, Subcommittee on Oversight and Investigations, the Department of Labor, was already included in our original list of 30 federal organizations; therefore, the total number of federal organizations we surveyed was 35. (See encl.) However, NEA reported that none of its employees was represented by a union, so our survey results covered 34 federal organizations with employees represented by unions. The employees represented by unions at these 34 organizations constituted approximately 87 percent of the over 1 million nonpostal federal workers covered by collective bargaining agreements.

We asked each of the federal organizations we surveyed to determine if all of its components collected data on resources used for employee union activities. If all of a federal organization's components collected data, we asked the organization to provide, for each of the areas covered by the survey, "reported data." In this context, "reported data" meant data either systematically captured in an existing database from payroll, personnel, or other official source or compiled for agency reports. The 8 fiscal years for which we requested data were 1989 to 1996.

We conducted our review from December 1996 through May 1997 in accordance with generally accepted government auditing standards.

## BACKGROUND

For the most part, labor-management relations at the federal organizations that were included in our survey are governed by title VII of the Civil Service Reform Act of 1978 (CSRA).<sup>3</sup> CSRA allows federal employees to bargain collectively through labor

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<sup>2</sup>To determine these 30 agencies, we relied on OPM's Labor Agreement Information Retrieval System (LAIRS). We did not verify the reliability of the LAIRS data.

<sup>3</sup>Public Law 95-454, Oct. 13, 1978, 5 U.S.C. 7101 *et seq.* CSRA codified practices on the use of official time that were previously authorized by executive order. The Tennessee Valley Authority (TVA) was the only federal organization included in our review that is fully excluded from CSRA. TVA's authority to enter into labor management agreements is contained in 16 U.S.C. 831b. 22 U.S.C. 4118(d) provides for official time for the foreign service officers at the Department of State.

organizations of their choice and thereby participate with agency management in the development of personnel policies and practices and other decisions that affect their working lives. Title VII of CSRA is administered by the Federal Labor Relations Authority (FLRA), an organization headed by a three-member panel that issues policy decisions and adjudicates labor-management disputes.

Official time for collective bargaining and FLRA-authorized activities is provided as a matter of statutory right. Official time for other purposes is negotiated. CSRA allows official time to be negotiated in any amount the agency and the union involved agree to be reasonable, necessary, and in the public interest. However, the act specifies that activities that relate to internal union business, such as the solicitation of members or the election of union officials, must be performed when in a nonduty status, that is, not on official time.

We testified on the use of official time for union activities in September 1996.<sup>4</sup> At that time, we said that (1) the use of official time for union activities is an established practice in the federal government; (2) based on our work at four federal entities (the U.S. Postal Service, the Internal Revenue Service, the Social Security Administration, and the Department of Veterans Affairs), the total amount of official time used for union activities, the cost of that time, and the number of people using that time were unknown; and (3) no reporting requirement existed for agencies to generate comprehensive data on their support of union activities.

## RESULTS

Most of the federal organizations responding to our survey did not provide comprehensive data on resources used for union activities. Of the organizations that provided data, none provided all of the data requested for all of the 8 fiscal years covered by our survey. In some cases, the data they provided covered only portions of fiscal years or were reported on a calendar-year basis. Overall, the data received from the 34 federal organizations were insufficient for portraying the total amount of resources they used for union activities.

Of the 34 federal organizations we surveyed, 15 provided information on the amount of time spent on union activities during at least 1 of the fiscal years from 1989 to 1996. Twelve of the federal organizations reported hours used for union activities during fiscal year 1996; these totaled 1,028,544 hours. These data and others provided by the 34 organizations appear in table 1.

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<sup>4</sup>Federal Labor Relations: Official Time Used for Union Activities (GAO/T-GGD-96-191, Sept. 11, 1996).

Table 1: Summary of Resources Used for Union Activities in Fiscal Year 1996, as Reported by Federal Organizations

Resources used for union activities	Amount of resources used in fiscal year 1996, as reported by the federal organizations <sup>a</sup>	Number of organizations that provided information for fiscal year 1996	Number of organizations that provided information for 1 or more fiscal years from 1989 to 1996
Hours of official time that employees used for union activities	1,028,544	12	15
Number of employees who used official time for union activities	8,092	9	9
Number of employees who spent 100 percent of their time on union activities	17	5	7
Dollar value of the official time used for union activities	\$4,598,280	9	10
Dollar value of the travel and per diem used for union activities	\$62,197	2	5
Dollar value of the office space, equipment, telephone use, and supplies provided for union activities	\$19,639	3	<sup>b</sup>

<sup>a</sup>In some cases, the data the federal organizations provided covered only portions of or a time period that differed from the fiscal year.

<sup>b</sup>We asked the federal organizations to provide information on the dollar value of office space and other related items for fiscal year 1996 only.

Source: GAO survey of federal organizations.

Of the five federal organizations of special interest to the Chairman, Subcommittee on Oversight and Investigations and that had employees covered by collective bargaining agreements, none reported the number of hours of official time used by employees for union activities. Two of the organizations (EEOC and NLRB) reported that a total of six employees spent 100 percent of their time on union activities during fiscal year 1996. One of the organizations (NLRB) reported that the dollar value of travel and per diem related to union activities totaled about \$61,880 in fiscal year 1996. (See table 2.)

Table 2: Summary of Resources Used for Union Activities in Fiscal Year 1996 at the Five Federal Organizations of Special Interest to the Chairman, Subcommittee on Oversight and Investigations, as Reported by the Federal Organizations

Resources used for union activities	Amount of resources used in fiscal year 1996, as reported by the federal organizations	Number of organizations that provided information for fiscal year 1996	Number of organizations that provided information for 1 or more fiscal years from 1989 to 1996
Hours of official time that employees used for union activities		0	0
Number of employees who used official time for union activities		0	0
Number of employees who spent 100 percent of their time on union activities	6	2	2
Dollar value of the official time used for union activities		0	0
Dollar value of the travel and per diem used for union activities	\$61,880	1	1
Dollar value of the office space, equipment, telephone use, and supplies provided for union activities		0	.

Note: The blank cells in this table indicate that the federal organization did not collect or report agency data for the item. However, no reporting requirement exists for federal organizations to generate comprehensive data on their support of union activities.

<sup>a</sup>We asked the federal organizations to provide information on the dollar value of office space and other related items for fiscal year 1996 only.

Source: GAO survey of federal organizations.

Regarding the benefits, according to the federal organizations, of using official time for union activities, some of the federal organizations we surveyed said that the use of official time for union activities (1) improved labor-management relations, (2) decreased the number of grievances, and (3) helped with the implementation of organizational changes. The one disadvantage, as identified by some of the federal organizations we surveyed, was that the use of official time for union activities caused employees to set aside their regular work. (See table 3.)

Table 3: Benefits and Disadvantage of Using Official Time for Union Activities, as Reported by the Federal Organizations

Benefit/disadvantage of using official time for union activities	Number of federal organizations that reported the benefit/disadvantage	Number of federal organizations of special interest to the Chairman, Subcommittee on Oversight and Investigations, that reported the benefit/disadvantage
Benefits:		
Improved labor/management relations	23	2
Helped with implementation of organizational changes	14	3
Decreased number of grievances	13	4
Disadvantage:		
Caused employees to set aside regular work	13	2

Source: GAO survey of federal organizations.

AGENCY COMMENTS

We did not obtain agency comments on a draft of this letter because the data it contains were confirmed with the agencies by different means. First, through the use of a subsequent questionnaire, we asked the federal organizations to verify the reported data they provided on the amount of official time used by employees for union activities; the number of employees who used official time and the number who spent all of their time on union activities; and the dollar value of time spent on union activities, travel and per diem for union activities, and office space and related items. Second, because the federal organizations described the benefits and disadvantages of using official time for union activities in response to open-ended questions in our survey, we verified with these federal organizations that we had summarized their responses appropriately.

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As we arranged with your offices, unless you publicly announce this letter's contents earlier, we plan no further distribution of it until 15 days after the date of this letter. We will then send copies to the Ranking Minority Members of your Subcommittees, the Chairmen and Ranking Minority Members of the Senate Committees on Governmental Affairs and Labor and Human Resources, and the federal organizations included in our survey. We will make copies available to others on request.

Major contributors to this letter were Steve Altman, Assistant Director; Brenda Bridges, Evaluator-in-Charge; Sharon Hogan, Evaluator; Gregory Wilmoth, Senior

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Social Science Analyst; and Ernestine Burt, Issue Area Assistant. Please contact me at (202) 512-8676 if you or your staff have any questions.

A handwritten signature in cursive script that reads "Michael Brostek".

Michael Brostek  
Associate Director  
Federal Management  
and Workforce Issues

Enclosure

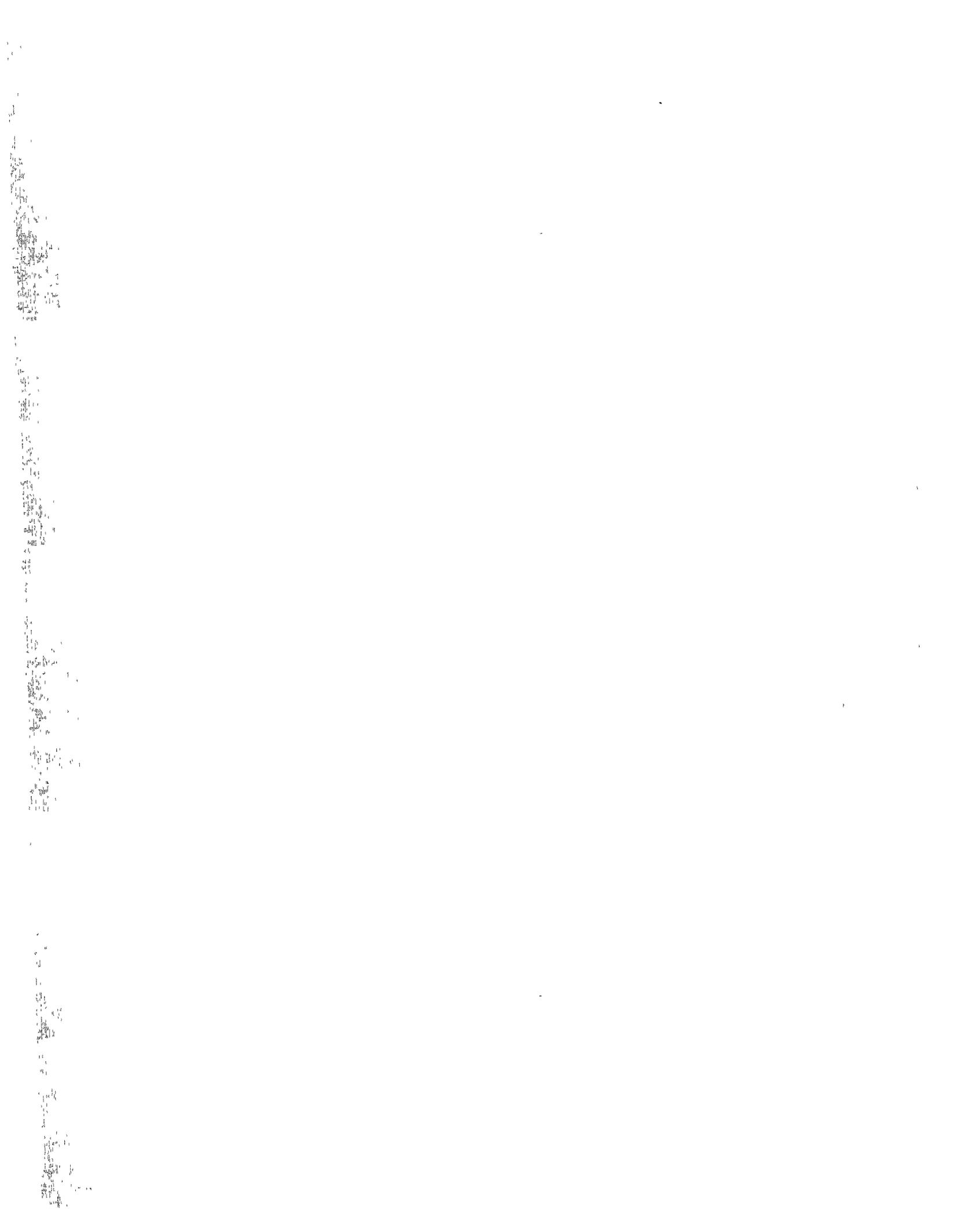
CRITERIA USED TO SELECT THE FEDERAL ORGANIZATIONS  
INCLUDED IN OUR REVIEW

Federal organizations		Criteria	
		Employed the largest number of employees covered by a collective bargaining agreement when the sample of federal organizations was selected	Specified by the Chairman, Subcommittee on Oversight and Investigations
1	Department of Veterans Affairs	X	
2	Department of the Army	X	
3	Department of the Navy	X	
4	Department of the Air Force	X	
5	Internal Revenue Service	X	
6	Social Security Administration	X	
7	Defense Logistics Agency	X	
8	National Guard Bureau	X	
9	Federal Aviation Administration	X	
10	Bureau of Prisons	X	
11	Immigration and Naturalization Service	X	
12	Forest Service	X	
13	National Aeronautics and Space Administration	X	
14	Customs Service	X	
15	Department of Labor	X	X
16	Defense Finance and Accounting Service	X	
17	Tennessee Valley Authority	X	
18	General Service Administration	X	
19	Department of Energy	X	
20	Environmental Protection Agency	X	
21	Department of Housing and Urban Development	X	
22	Department of State	X	

Federal organizations		Criteria	
		Employed the largest number of employees covered by a collective bargaining agreement when the sample of federal organizations was selected	Specified by the Chairman, Subcommittee on Oversight and Investigations
23	National Park Service	X	
24	Food Safety and Inspection Service	X	
25	Indian Health Service	X	
26	Federal Deposit Insurance Corporation	X	
27	Bureau of the Census	X	
28	Department of Education		X
29	National Oceanic and Atmospheric Administration	X	
30	Equal Employment Opportunity Commission		X
31	National Labor Relations Board		X
32	Office of the Secretary of Defense	X	
33	Corporation for National Service		X
34	Bureau of Indian Affairs	X	
35	National Endowment for the Arts <sup>a</sup>		X

<sup>a</sup>None of this federal organization's employees were represented by a union.

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