

APPENDIX A. RECORDING THE USE OF OFFICIAL TIME

1. PURPOSE. This appendix provides guidelines for the recording of official time and associated travel and per diem costs for representational functions, as defined herein. It is important to note that these recordkeeping requirements should not be read as a source of rights to official time or travel or per diem. The propriety of granting official time and payment of travel and per diem costs is based solely on statute, rule, regulation and negotiated agreement.

2. DEFINITIONS

a. Representational Function. Those authority activities undertaken by employees on behalf of other employees pursuant to such employees' rights to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement. It includes activities undertaken by specific individual designation (such as the designation of a representative in a grievance action or an EEO complaint even where no labor organization is present) as well as those activities authorized by a general, collective designation (such as the designation of a labor organization recognized as exclusive representative under chapter 71 of title 5, U.S.C.).

b. Official Time

(1) All time granted an employee by the agency to perform representational functions as defined above when the employee would otherwise be in a duty status without charge to leave. Official time shall be considered hours of work. This includes time spent by an employee performing such functions during regular working hours (including regularly scheduled overtime hours) or during a period of irregular, unscheduled overtime work, provided an event arises incident to representational functions that must be dealt with during the irregular, unscheduled overtime period.

(2) Official time may be granted to union representatives under section 7131 of 5 U.S.C., chapter 71. Certain executive orders and Government-wide regulations also require the use of official time for representational functions: for example, in connection with certain health and safety matters, agency administrative grievance procedures, prevailing wage rate appeals, and EEO complaints. In addition, agency regulations and practice and collective bargaining agreements may provide official time for other representational functions.

3. POLICY

a. VA does not require facilities to maintain records of the amount of official time granted employees for representational functions. However, it is recommended that facilities maintain such records in the event of a third party proceeding, such as a request by the Federal Service Impasses Panel or to resolve a local dispute. A sample format is provided below.

(1) Category I

(a) **Negotiations of Collective Bargaining Agreements.** This includes negotiation of a basic agreement, renegotiation of an existing agreement, and negotiation of amendments to an existing

agreement under a reopener clause, and time spent with FMCS and the FSIP in connection with negotiations. Title 5 U.S.C. 7131(a) provides that official time is to be granted to employees representing an exclusive representative for negotiation of a collective bargaining agreement, when they would otherwise be in a duty status, with no limitation on time, except that the number of employees authorized such official time shall not exceed the number of designated management representatives.

(b) **Mid-term Bargaining.** Midterm bargaining refers to negotiations over management initiated changes in human resources policies, practices, and working conditions. This does not include contract bargaining as covered in paragraph (a) above.

(2) **Category II--Ongoing Labor-Management Relationship.** Official time granted for representational functions in connection with all labor-management committees (general and specific), consultation, walkaround time for Occupational Safety and Health Administration inspections, FLRA proceedings, labor relations training for union representatives, and formal and Weingarten-type meetings under 5 U.S.C. 7114(a)(2)(A) and (B).

(3) **Category III--Grievances and Appeals.** Official time granted for employee representational functions in connection with grievances, arbitrations, adverse actions, EEO complaints and other complaints and appellate processes.

(4) **Category IV--Travel and Per Diem.** All travel and per diem costs associated with employee representational functions reported above.

b. Field facilities are encouraged to maintain records in such a manner as not to constitute a system of records within the meaning of the Privacy Act of 1974. However, individual field facilities may elect to include these records in an existing, approved system of records. The following is a sample format that is recommended to assist field facilities in recording official time:

DATE	NAME	TIME BY CATEGORY					TOTAL
		Ia	Ib	II	III	IV	

CATEGORY Ia –NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT

CATEGORY Ib – MIDTERM BARGAINING

CATEGORY II – ON-GOING LABOR-MANAGEMENT RELATIONSHIP

CATEGORY III – GRIEVANCE AND APPEALS

CATEGORY IV – TRAVEL AND PER DIEM