

1 **ARTICLE 48 - OFFICIAL TIME**

2
3 Section 1 – Purpose

4 A. Official time is paid time away from assigned VA duties to represent a union
5 or its bargaining unit employees. Employees in a duty status may not
6 represent the interests of labor unions unless they are on approved official
7 time pursuant to the terms of this Article. Official time, as a necessary part of
8 collective bargaining and related activities, is in the public interest. ~~The parties~~
9 ~~recognize that good communications are vital to positive and constructive~~
10 ~~relationships between the Union and the Department. These communications~~
11 ~~should facilitate and encourage the amicable settlement of disputes between~~
12 ~~employees and the Department involving conditions of employment and~~
13 ~~should contribute to the effective and efficient conduct of public business.~~
14 ~~They further recognize that this~~ The Union is a very large and complex
15 consolidated unit is very large and complex and that requires the Union
16 coordination of its to coordinate its representational activities at several levels.
17 Notwithstanding any other reference to official time in this contract, this Article
18 sets forth the complete agreement of the parties with reference to the use and
19 amounts of official time available to AFGE representatives and any other
20 references in this Agreement that official time does not count against
21 allocations is invalidated by this Article. The Department does not elect to
22 bargain below the level of exclusive recognition on additional official time for
23 local Union representatives. Department officials are not authorized to grant
24 official time other than that authorized in this Article. The amounts in this
25 Article represent the total amount of official time authorized.

26
27 Section 2 –Official Time Authority and Limitations

- 28 A. As provided in 5 USC 7131(a) “any employee representing an exclusive
29 representative in the negotiation of a collective bargaining agreement shall be
30 authorized official time for such purposes, including attendance at impasse
31 proceedings, during the time the employee otherwise would be in a duty status. The
32 number of employees for whom official time is authorized under this subsection shall
33 not exceed the number of individuals designated as representing the agency for
34 such purposes.”
- 35
- 36 B. As provided in 5 USC 7131(b) “any activities performed by any employee relating to
37 the internal business of a labor organization (including the solicitation of
38 membership, elections of labor organization officials, and collection of dues) shall be
39 performed during the time the employee is in a nonduty status.”
- 40
- 41 C. As provided in 5 USC 7131(c), “the Authority shall determine whether any employee
42 participating for, or on behalf of, a labor organization in any phase of proceedings
43 before the Authority shall be authorized official time for such purpose during the time
44 the employee otherwise would be in a duty status.”
- 45

- 46 D. All other grants of official time contained in this article are authorized under 5 USC
47 7131(d). The amounts of official time in this Article are the total amounts the Parties
48 agree are reasonable, necessary and in the public interest at every level throughout
49 the Department. No official time, other than the official time set forth in this Article, is
50 authorized. The Department does not elect to bargain below the level of exclusive
51 recognition on additional official time for any Union representatives.
52
- 53 E. Employees serving as Union representatives may not engage in representational
54 activities during duty hours unless they are on approved official time under this
55 Article.
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- 57 F. Official time shall be used for:
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- 59 1. Handling grievances and other complaints;
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 - 61 2. Handling other representational functions; or
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 - 63 3. Engaging in appropriate lobbying functions.
64
- 65 G. Except for the Union officials designated in Section 3.A of this Article, employees
66 representing the Union shall spend at least 70% of their paid time each quarter (365
67 hours) and leave year (1,460 hours) performing VA work or in an approved leave
68 status. Full-time employees representing the Union are limited to using 30% of their
69 paid time on official time each quarter (157 hours) and leave year (628 hours).
70
- 71 H. If a full-time employee uses 30% of their paid time on official time in any quarter (157
72 hours) or leave year (628 hours), that employee is precluded from using any official
73 time, other than official time required by 5 USC 7131(a) or (c), for the remainder of
74 the quarter or leave year. Part-time employees will be ineligible for additional official
75 time usage once they have used official time for more than 30% of their regularly
76 scheduled hours in a quarter and leave year.
77
- 78 I. Union representatives may not use official time until it is requested and approved in
79 advance in the VA's electronic time and attendance system. When requesting official
80 time, employees will state in the comment section in the VA electronic time and
81 attendance system request where they are going, what the purpose of the meeting is
82 with sufficient specificity to determine if the meeting is appropriate for official time,
83 the name of any management official attending the meeting, how the union
84 representative may be contacted while on official time, and the category of official
85 time being used. Union representatives can only engage in Union representational
86 activities recognized under the Federal Service Labor-Management Relations
87 Statute while on official time. The categories of official time are:
88
- 89 1. Negotiation of term collective bargaining agreements (Term Negotiations), which
90 includes preparation for negotiations, table negotiations, FMCS preparation and
91 participation, and FSIP preparation and participation.

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- 93 2. Negotiating changes to conditions of employment (Mid-Term Negotiations),
- 94 which includes preparation for negotiations, table negotiations, FMCS
- 95 preparation and participation, and FSIP preparation and participation.
- 96
- 97 3. Dispute resolution (Grievance and Appeals), which includes grievance
- 98 preparation and participation, arbitration preparation and participation, MSPB
- 99 preparation and participation, EEOC preparation and participation.
- 100
- 101 4. General labor-management relations (Labor/Management Relationship), which
- 102 includes, participating in union meetings and training appropriate for official time,
- 103 preparing for and participating in meetings with Department officials over
- 104 disciplinary matters, drafting information requests, reviewing information provided
- 105 by the Department, attending safety meetings with Department representatives,
- 106 attending formal discussions, drafting filings before the FLRA in negotiability
- 107 cases, drafting filings before the FLRA in unfair labor practice cases, drafting
- 108 filings before the FLRA in arbitration cases, drafting filings before the FLRA in
- 109 representation cases, appearing at arbitration hearings, writing briefs for
- 110 arbitration.
- 111

112 J. Employee Union representatives, whether at the national or local level, are

113 encouraged to utilize at least a portion of their allocated official time on a set

114 schedule establishing the specific days, number of hours and start and stop time for

115 official time on a weekly basis. This is referred to as regular, recurring, ongoing

116 official time. Prior to using regular, recurring, ongoing official time, the union

117 representative will meet with his or her supervisor or designee to establish a regular

118 schedule when the Union representative will be on official time during a pay period.

119 Modifications to the schedule must be discussed with the supervisor or designee

120 and approved in advance of any requested change. Union representatives will

121 request regular, recurring, ongoing official time in VA's electronic time and

122 attendance system at the beginning of each pay period.

123

124 K. If a valid operational need of the Department would not permit the Union

125 representative or bargaining unit employee to use official time when requested,

126 another occasion will be determined consistent with Article 17 - Employee Rights,

127 Section 3, keeping in mind the interests of the Union, bargaining unit employee as

128 well as the needs of the Department.

129

130 L. Unused official time at the end of a leave year does not carry over to the next fiscal

131 year.

132

133 Section 32 – Official Time for Designated National Union Officials/Representatives

134 A. Official time in the following amounts is authorized for each of these National Union

135 officials:

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- 137 1. National VA Council President - ~~400%~~ 70% (1461 hours)

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2. Three National VA Council Executive Vice Presidents - ~~100%~~ 70% (1461 hours each)
 3. National Treasurer - 50% (1044 hours)
 4. Fifteen District Representatives - 50% (1044 hours each)
 5. Twelve Appointed National Representatives - 50% (1044 hours each)
 6. Five Appointed National Safety and Health Representatives - 50% (1044 hours each)
 7. Four members of the VA Midterm Bargaining Committee – 50% (1044 hours each)
 8. Four members of the VBA Midterm Bargaining Committee – 50% (1044 hours each)
- B. The National VA Council President and three VA Council Executive Vice Presidents identified in Section 3.A.1. and 3.A.2. are limited to 70% regular, recurring, ongoing official time in a quarter (365 hours) and in a leave year (1,461 hours), inclusive of official time granted under 5 USC 7131(a) & (c). All other representatives identified in Sections 3.A.3 thru 3.A.8 are limited to 50% regular, recurring, ongoing official time in a quarter (261 hours) and in a leave year (1044 hours), inclusive of official time granted under 5 USC 7131(a) & (c).
- C. If a full-time employee in a position identified in Section 3.A.1. and 3.A.2. uses 70% official time in a quarter (365 hours) or in a leave year (1,461 hours), that employee is precluded from using any official time, other than official time required by 5 USC 7131(a) or (c), for the remainder of the quarter or leave year. Part-time employees in a position identified in 3.A.1 or 3.A.2 will be ineligible for additional official time usage once they have used official time for more than 30% of their regularly scheduled hours in a quarter and leave year.
- D. Official time hours may not be re-distributed or transferred among positions.
- E. Union representatives holding more than one position in the Union, at the national, district or local level, may only use up to the number of hours provided by the position with the highest total hours. For example, if a union representative is both a National VA Council Executive Vice President and member of the VA Midterm Bargaining Committee or the President of an AFGE local unit, the union representative is limited to 70% official time in a quarter (365 hours) and leave year (1461 hours).

183 F. No national representative identified in Sections 3.A.1 thru 3.A.8 will be approved for
184 official time until the Executive Director of VA's Office of Labor-Management
185 Relations or designee has received written notice of the Union's designated national
186 representatives from the NVAC President. Further, a change in the identity of any
187 national union representative listed in 3.A.1 thru 3.A.8 will not be effective until the
188 Executive Director of VA's Office of Labor-Management Relations or designee has
189 received written notice of the change from the NVAC President. The written notice
190 shall identify the newly designated representative and the representative being
191 replaced.

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193 G. When Union officials visit a facility other than where they are employed for the
194 purpose of engaging in representational activities, they will notify the Department
195 prior to their visit. The Department will notify the Union of any scheduling problems
196 connected with the visit and the parties will attempt to work out a suitable
197 arrangement.

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199 ~~These national Union representatives may designate a Union representative at their~~
200 ~~home station and transfer unused official time to that representative to perform the~~
201 ~~duties of the position for which official time is authorized.~~

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203 ~~B. When the Union assigns individual(s) who are not subject to a national or local 100%~~
204 ~~official time allocation to participate on a national task force or committee, the~~
205 ~~Department will afford such individual(s) official time for preparation, travel, and~~
206 ~~participation related to such assignment. VA Central Office (VACO) LMR will work~~
207 ~~with local facilities to obtain the time as needed. This time will come from the bank of~~
208 ~~hours described below, if the employee is not otherwise on 100% official time.~~
209 ~~Should the bank of hours become unavailable, the Department will authorize the~~
210 ~~time to participate.~~

211
212 ~~C. Two members of the VA Mid-Term Bargaining Committee and two members of the~~
213 ~~VBA Mid-Term Bargaining Committee will be on 100% official time. VACO LMR will~~
214 ~~work with local facilities to obtain the time as needed for three other members of~~
215 ~~each committee, who will be allowed official time while preparing for, traveling and~~
216 ~~participating in activities related to each mid-term bargaining issue.~~

217
218 ~~D. The Union will provide the Department with a listing of the National Union Officers,~~
219 ~~District Representatives, National Representatives, and National Safety and Health~~
220 ~~Representatives VA and VBA Midterm Bargaining Committee members so that each~~
221 ~~local facility may be informed. The Union will also provide a timely notice of any~~
222 ~~change in National Union representatives.~~

223
224 ~~E. Travel and per diem is authorized for National Union Officers, District~~
225 ~~Representatives, National Representatives, and National Safety and Health~~
226 ~~Representatives in connection with the semiannual meetings described in Article 5--~~
227 ~~Labor Management Committee. Travel and per diem is also authorized as provided~~

228 elsewhere in this Agreement or where otherwise agreed to by the parties or where
229 required by law, rule, or regulation.
230

231 ~~F. When Union officials visit a facility other than where they are employed for the
232 purpose of engaging in representational activities, they will notify the Department
233 prior to their visit. The Department will notify the Union of any scheduling problems
234 connected with the visit and the parties will attempt to work out a suitable
235 arrangement.~~

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237 ~~G. In addition to the above official time, the Union shall have a bank of hours from
238 which to draw in order to have subject matter experts, administrative support during
239 negotiations, support for national grievances, labor-management collaboration
240 support, special projects and Department initiatives, etc. The President of the NVAC
241 shall assign the time in no less than one hour increments. There shall be a one-time
242 25,000 hours for the first calendar year in which this agreement is in effect. Any
243 hours remaining at the end of that calendar year shall carry-over until depleted. Prior
244 to the use of this official time, VACO LMR and the Union will develop a tracking
245 accountability system for the bank of hours within 30 days after the effective date of
246 this Master Agreement. VACO LMR and the NVAC President may arrange for
247 additional hours to be added to the bank after the first contract year.~~

248 249 Section 3 – Accumulated Official Time

250 Official time authorized for National Union representatives may be used as needed;
251 however, upon request, the Union representatives will be advanced official time from
252 future time accrual for that leave year. Any time not used during any pay period will be
253 accumulated for the remainder of the leave year. Any time that was not used as needed
254 by the end of the leave year will not be carried over to the next leave year.

255 256 Section 4 – Additional Time Allotted

257 Time spent in connection with national bargaining and LMR Committee
258 meetings shall not be charged against other official time allotted.

259 260 Section 4 – Official Time for Designated Local Union Officials/Representatives

261 A. Each Local is entitled to 2.5 hours of official time per bargaining unit employee
262 represented by the Local. No later than 30 calendar days after the effective date of
263 this Agreement, the number of official time hours allocated to a Local will be
264 calculated based on the number of bargaining unit employees represented by the
265 Local on the effective date of the Agreement. This will be the Local's allocation of
266 official time until the end of that fiscal year. Thereafter, the allocation will be
267 recalculated once every fiscal year, in October, based on the number of bargaining
268 unit employees represented by the Local on October 1.

269
270 B. Local union officials and representatives shall spend at least 70% of their paid time
271 each quarter (365 hours) and leave year (1461 hours) performing VA work or in an
272 approved leave status. Full-time employees representing the Union are limited to

273 using 30% of their paid time on official time each quarter (157 hours) and leave year
274 (628 hours).

275
276 C. If a full-time employee uses 30% official time in a quarter (157 hours) or a leave year
277 (628 hours), inclusive of official time granted under 5 USC 7131(a) & (c), that
278 employee is precluded from using any official time for the remainder of the quarter or
279 leave year, other than official time required by 5 USC 7131(a) or (c). Part-time
280 employees will be ineligible for additional official time usage once they have used
281 official time for more than 30% of their regularly scheduled hours in a quarter and
282 leave year.

283
284 D. If a Local exhausts its 2.5 hours of official time per bargaining unit employee during
285 any fiscal year, it will be ineligible for additional official time other than official time
286 required by 5 U.S.C. 7131(a) or (c).

287
288 E. No Local representative will be approved for official time until the appropriate Human
289 Resources official has received written notice of the Local's designated
290 representatives from the Local President. Further, a change in the identity of any
291 Local union representative will not be effective until the appropriate Human
292 Resources official has received written notice of the change from the Local President.
293 The written notice shall identify the newly designated representative and the
294 representative being replaced.

295
296 Section 5 - Travel to Other Locations

297 A. Once official time is authorized for a specific function that requires travel outside a
298 Union representative's duty station, the representatives will be permitted to leave the
299 facility to discharge their functions after notifying their respective supervisor of their
300 destination, expected return date/time, and the category of representational activity
301 involved. ~~The categories are:~~

- 302
303 ~~1. Negotiation of term collective bargaining agreements;~~
304
305 ~~2. Negotiating changes to conditions of employment;~~
306
307 ~~3. Dispute resolution; and/or,~~
308
309 ~~4. General labor-management relations.~~

310
311 B. Where travel to another location within the jurisdiction of a local union is necessary
312 for representational activities consistent with the provisions of this ~~Article Agreement,~~
313 and the transportation is otherwise being provided to the location for official
314 business, the Union will be allowed access to the transportation on a space-
315 available basis and also authorized official time for travel. Personal transportation
316 expenses (POV, mileage, etc.) will be reimbursed to the extent permitted by Federal
317 Travel Regulations.

318

319 Section 6 - Other Activities

320 A. ~~For the following matters, union representatives will be on official time:~~

321

322 1. ~~All activities related to Labor Management Committees (Forums);~~

323

324 2. ~~Quality Program;~~

325

326 This official time will not be counted against any allocated official time as
327 described in this agreement.

328

329 B. ~~A union official who is designated as an employee's personal representative will be~~
330 ~~on duty time when preparing or presenting appeals to the MSPB and handling~~
331 ~~discrimination claims under EEOC procedures. Time spent by an employee to act as~~
332 ~~another employee's personal representative in an EEO case is not official time.~~

333

334 Section 7 – Performance Evaluation

335 ~~The use of official time, in accordance with this Agreement, will not adversely~~
336 ~~affect an employee's performance evaluation.~~

337

338 Section 8 – Substitutions

339 ~~The Union may substitute a retired VA employee for the designees at national LMR~~
340 ~~meetings or Department initiatives. The Department will provide travel and per diem, in~~
341 ~~advance, for that retired employee if they do not have a Department-issued credit card.~~

342

343 Section 79 - Allegations of Abuse

344 Alleged abuses of official time shall be brought to the attention of an appropriate Union
345 official and to an appropriate Department official on a timely basis by supervisors and
346 Department officials. The Department official will then discuss the matter with the Local
347 or NVAC president as appropriate and determine whether to treat alleged abuses as
348 allegations that the employee was not performing their assigned duties.

349

350 Section 10 - Local

351 A. ~~Every local union will receive an allotment of hours equal to 4.25 hours per year for~~
352 ~~each bargaining unit position represented by that local union. Each VHA and VBA~~
353 ~~local union is entitled to a minimum of 50% official time. Each NCA local union is~~
354 ~~entitled to a minimum of 25% official time. Where a local represents employees at a~~
355 ~~CBOC, Consolidated Mail Out Pharmacy (CMOP), clinic, service center, or~~
356 ~~successor, at a duty station greater than 50 miles from the facility, that local union~~
357 ~~will be allotted 25% official time at that duty station.~~

358

359 B. ~~There shall be no reduction in the official time allocation due to a merger. When~~
360 ~~mergers occur, the official time carried over from the local union's allocation shall not~~
361 ~~be less than the combined total of the local union's allocation prior to the merger.~~

362

363 ~~C. For local unions already above the minimum amount of official time described~~
364 ~~above, existing local agreements and past practices regarding official time on the~~
365 ~~effective date of this Master Agreement shall continue in full force and effect.~~
366
367 ~~1. Local unions that are above the 4.25 will not be able to receive an increase in~~
368 ~~official time until the number of bargaining unit employees has increased to the~~
369 ~~level where they are entitled to have an allocation equal to the 4.25 per~~
370 ~~bargaining unit employee~~
371
372 ~~2. Local unions that are below the 4.25 minimum shall receive their increase in~~
373 ~~official time allocation no later than 60 days after this Agreement is effective. The~~
374 ~~allocation shall be based on the number of bargaining unit employees~~
375 ~~represented by the local union on the date this Agreement is effective.~~
376
377 ~~3. The calculation period to determine the number of bargaining unit members~~
378 ~~represented by a local union is every six months after this Agreement is in effect.~~
379
380 ~~D. The minimum amounts of official time described in Paragraph A in this Section are~~
381 ~~not intended to limit the amount of official time that can be negotiated by the parties~~
382 ~~locally.~~
383
384 ~~E. Where arrangements for transfers of official time among Union representatives are~~
385 ~~not in effect, they can be negotiated locally.~~
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387