

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

September 13, 2017

Dear Senator:

As the Senate considers HR 2810, the Fiscal Year 2018 (FY18) National Defense Authorization Act (NDAA), the Federal Workers Alliance (FWA) urges you to **oppose** the following two proposed amendments sponsored by Homeland Security and Governmental Affairs (HSGAC) Chairman, Ron Johnson (WI):

- Oppose Senate Amendment 878, which is intended to stifle the legal use of official time for representational purposes, and retroactively claw-back the earned pensions of federal employees who had previously used official time. In addition, any good faith effort - as misguided as it may be - to curtail the use of official time should never resort to stealing pension credits, duly earned by an employee working for the public per established law. Such action is not only unnecessary, it is a mean-spirited attack on rank and file workers. Furthermore, as written, this amendment appears to be unconstitutional ex post facto legislation. Lastly, it cynically would replace the word “official time” with a new name that is patently misleading and derogatory. Don’t be fooled by this “newspeak”, as it is already illegal to use official time for Union business.
- Oppose Senate Amendment 877, which seeks to account for the minimal cost of official time, while ignoring the metrics with respect to the huge benefits and efficiencies that result from the use of official time. For example, the use of official time results in a reduction of legal expenses through resolving problems/disputes before they become larger problems, as well as allows for unions and management to work in a collaborative environment with respect to rule implementation and improving a working environment, with little to no investment. These are just a couple of the countless examples of where official time results in taxpayer savings, yet this amendment ignores this. Furthermore, government agencies are already required to report annually on the use of official time. While FWA is fully supportive of transparency and accurate reporting, this is a one-sided amendment that ignores the reality of the efficiencies created by official time, will end up costing taxpayers more money, and creates needless redundancy.

It is worth reminding lawmakers that official time is negotiated with management and full-time use is accorded only when both sides deem that it is beneficial for the government (e.g., it may be demonstrably more efficient and cost-effective to have one representative use full-time official time than to have two use 50% to accomplish the same work, and the best trade-off can really only be determined at the local level). Congress would be wise not to micromanage such low-level government decisions by stripping that flexibility from local supervisors.

Lastly, it is important to dispel the false statements from some lawmakers who incorrectly contend that official time is being used to support union activities. This is flat out false, as the law limits the use of official time exclusively to representational work. In other words, official

time is used to represent all members of a collective bargaining unit, whether they pay dues or not, and is not used for internal or other union activities.

Please oppose Senate amendments 877 and 878. If you have any questions, please contact FWA legislative director, Steve Lenkart at (202) 216-4458.

Sincerely,

American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers, AFL-CIO (AFT)
Federal Education Association/National Education Association (FEA/NEA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAMAW)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Organization of Masters, Mates and Pilots (MM&P)
Marine Engineers' Beneficial Association (MEBA)
Metal Trades Department, AFL-CIO (MTD)
National Association of Government Employees, SEIU (NAGE)
National Federation of Federal Employees (NFFE)
National Weather Service Employees Organization (NWSEO)
Overseas Federation of Teachers, AFT, AFL-CIO
Professional Aviation Safety Specialists (PASS)
Patent Office Professional Association (POPA)
Seafarers International Union/NMU (SIU)
Service Employees International Union (SEIU)
Sheet Metal, Air, Rail and Transportation Workers (SMART)
SPORT Air Traffic Controllers Organization (SATCO)
United Power Trades Organization (UPTO)