

ARTICLE 47
UNION REPRESENTATION AND OFFICIAL TIME

Section 47.01 - Representational Functions.

(1) Official time allocated under this Agreement is authorized for:

- a. Attending investigatory interviews;
- b. Meetings with the Department representatives, except as noted below;
- c. Meeting with employees to resolve complaints and grievances;
- d. Attending grievance meetings with managers and employees;
- e. Attending formal discussions;
- f. Participating as a representative of the Union at an arbitration;
- g. Attending a meeting with the Federal Labor Relations Authority (FLRA) Field Agent or Attorney, pursuant to an Unfair Labor Practice charge or complaint;
- h. Completing business required by the Department of Labor;
- i. Participating as the representative of the Union at an arbitration or unfair labor practice hearing related to the AFGE/HUD unit;
- j. Communicating with Congress in their capacity as Union representatives regarding matters concerning bargaining unit working conditions, except when prohibited by federal statute; and
- k. Other representational functions permitted by law.

(2) Time spent on the following representational activities is not counted against the allocation of official time in this Agreement:

- a. Collective bargaining with the Department including mediation, impasse resolution, and reasonable preparation; and
- b. Meetings with the Union requested by Management that do not include employees.

(3) Although not covered as representational time under this Agreement, Union representatives may spend administrative time, without it counting against the allocation of official time, on the following activities, subject to Management notification or approval as necessary:

- a. Time granted under the regulations of the Equal Employment Opportunity Commission (EEOC);
- b. Time granted to participate in Merit Systems Protection Board (MSPB) matters;
- c. Time granted in connection with an Office of Special Counsel (OSC) matters;
- d. Time granted in connection with an Office of Workers' Compensation Program (OWCP) claim;
- e. Time granted in connection with a matter before the Employee Compensation Appeals Board (ECAB); and
- f. Time granted during Occupational Safety and Health Administration (OSHA) visits.

Participation in proceedings, including reasonable preparation time as well as attendance at meetings, shall be governed by the applicable statutory provisions.

Section 47.02 - Certification of National and Local Representatives. National and Local office representatives certified by the Union in accordance with this Agreement shall be recognized as employee representatives for bargaining unit employees and shall be entitled to the use of official time under the provisions of this Agreement. No other person shall be entitled to such use of official time except as specifically authorized in this Agreement. Prior to the start of each quarter, the respective presidents shall certify to the appropriate Department official at the National and Local levels, in writing via e-mail, fax, hard copy, or other written means, the name, title, duty station, phone number, and allocation of official time of the Union's representatives who are authorized to use official time as provided under Section 3 of this Agreement. Any official or representative not identified in this manner shall not be entitled to the use of official time. An employee from one Union Local's office may not be designated as a representative or steward in another Union Local's office.

Section 47.03 - Representatives and Amounts of Official Time.

(1) **Allocation of Official Time.** Both parties recognize that an organization's effectiveness depends on its ability to assign work as it deems necessary and appropriate among the members of the organization. Therefore, just as the Union shall respect Management's right to assign work among its employees, Management shall not in any way control how the Union allocates duties among its representatives. Management recognizes that it is an internal Union function to determine the number of representatives needed at full-time or part-time levels to carry out its responsibilities. The only restriction on the Union's allocation of official time is the maximum amount of official time that may be allocated each quarter, which shall be as stated below.

- a. Time shall be allotted on a quarterly basis. Quarters shall begin on the first day of January, April, July, and October.
- b. Allocations shall be provided in four pools: National, Regional Vice Presidents, Headquarters and Field Offices.
- c. Two weeks prior to the beginning of the quarter, the Council President shall provide in writing via e-mail, fax, hard copy, or other written means to the appropriate Headquarters official any changes to the current pool allocations. Failure to provide a timely quarterly allocation in writing to the Headquarters official designated by Management shall result in the use of the designations and allocations from the previous quarter. Notifications of transfers from one pool to another pool will be provided by the Council President or designee.
- d. Management shall be responsible for notifying the relevant supervisors of current allocations in a timely manner upon receipt of the National, Regional, or Local president's allocation of time to designated Union representatives. The Union shall not be responsible for such notification, nor shall any representative's assumption of Union responsibilities be delayed due to the lack of timely notice to a supervisor.
- e. A representative may receive official time from more than one pool. This may result in individual field offices being allocated more official time than shown below.
- f. Nothing precludes the Union from requesting or the Department from granting additional official time as reasonable, necessary and in the public interest.
- g. Unused allocated hours may not be rolled over from one quarter to another.

- (2) Allocations are expressed as a total number of hours per quarter.
- (3) Union representatives assigned 364 hours or more in a quarter will complete administrative tasks, e.g. Time & Attendance, on Union official time.
- (4) The Union may request one (1) change in distribution during the quarter, except that the Council President, in unusual circumstances, may request one (1) additional change.
- (5) **Quarterly Official Time Allocations.** The number and types of Union representatives and the amount of official time provided are as follows:
 - a. **National:** 1700 hours per quarter.
 - b. **Regional Vice Presidents (RVP):** 1690 hours per quarter to be used by a maximum of 10 Regional Vice Presidents.
 - c. **Local:**
 - (1) **Headquarters,** including the Washington, D.C. Field Office and the Los Angeles Departmental Enforcement Center: 3130 hours.
 - (2) **Field Offices** - Field Offices and Regional Offices shall be allocated a total of 8112 hours per quarter. (See Appendix.) Local presidents shall distribute their allocation of the official time among representatives from their local offices.
 - (3) If a substantial change in the number of bargaining unit employees, relative to the size of the affected pool, through attrition, hiring, RIF, transfer of function, office closure, or other condition, occurs in any of the pools for which official time is allocated, the change in the amount of official time allocated to that pool shall be negotiated by the parties promptly upon either party's request. All negotiations under this section shall be in accordance with Article 49.

Section 47.04 - Adjustments of Workload. In order to facilitate release of Union representatives on official time, individual workloads shall be adjusted up front, where practical, to reflect time needed away from official duties. Up-front workload adjustments may not be appropriate when small amounts of official time are allocated and used in irregular patterns. In these circumstances, the adjustment may be made at the time of usage. Such adjustments shall not diminish an employee's right to fair and equitable treatment with regard to performance appraisals and promotions. If a dispute arises with respect to the fairness of the workload adjustment, the parties are encouraged to resolve it informally prior to any formal actions.

Section 47.05 - Official Time for Union Representatives Outside of Immediate Offices. A representative who goes from his/her duty station to another office during duty hours in order to represent the Union or a bargaining unit employee, is on official time for representational purposes and when traveling. The official time used shall count against that individual's allocation. There shall be no travel expenses and/or per diem for Union-designated representatives except where expressly stated in this Agreement.

Section 47.06 - Procedure.

- (1) When it is necessary to use official time, the representative shall first obtain approval from his/her immediate supervisor or designee who has supervisory authority in advance.
- (2) The representative must, in addition, when entering a work area to meet with an employee, obtain advance approval from the supervisor of the employee if meeting with the employee for more than ten (10) minutes on duty time. Upon conclusion of the representational activity, the representative should inform the representative's supervisor or designee that the activity has been completed.
- (3) Supervisors may deny the use of official time based only on Departmental mission-critical necessities; e.g., emergency conditions. If denied, the supervisor shall give the reason in writing at the time of denial and the supervisor will discuss an alternative time when official time can be utilized. Such denial may be appealed to the representative's second line supervisor who shall promptly meet with the Union representative to make a determination on the appeal. Denials of official time are subject to the grievance procedure. The Union may immediately reallocate any official time that a representative is unable to use due to mission-critical emergency situations to another representative or to designate a new representative to fulfill the affected representative's Union responsibilities.
- (4) All designated Union representatives who are entitled to official time under this Agreement shall record the use of all representational time in WebTA or its successor system(s).

Section 47.07 - Official Time for Union-Sponsored Training. Up to forty (40) hours per year of official time may be granted to designated representatives authorized under Section 7.03 to attend appropriate Union-sponsored instruction or briefing consistent with applicable decisions of the Comptroller General. Official time for such Union-sponsored training shall be in addition to the number of hours of official time allocated under Section 7.03 above. The number of hours may be increased when the instruction or briefing is mutually deemed to benefit both the Department and the Union. Official time may be used for travel; however, Union representatives shall not be eligible for, or entitled to, travel expenses and per diem. Requests, including an agenda describing the training to be conducted, shall be submitted in writing via hard copy, email, or fax, at least seven (7) days in advance to the representative's immediate supervisor.

Section 47.08 - Leave of Absence for Union Officials.

- (1) Consistent with the needs of the Department, the Department agrees to approve a leave of absence, without pay, not to exceed three (3) years for a bargaining unit employee who is elected to a position of National officer of the American Federation of Government Employees, AFL-CIO, for the purpose of serving full time in the elected position, or who is selected as an AFGE National Union representative. The Department shall be given not less than two (2) weeks advance notice.
- (2) The Union agrees that all of the leaves of absence granted or approved in accordance with this Section are subject to appropriate Government-wide regulations or other outside authority binding on the Department. The Department, to the extent of its authority, shall

place the employee, at the end of the leave of absence, in the position the employee left, or one of like seniority, status, grade, and pay.

Field Office Official Time Allocations by Region

<u>Region 1</u>		<u>Region 4</u>		<u>Region 7</u>	
Burlington	26	Washington	26	Kansas City MO	26
Bangor	26	Tampa	26	Omaha	26
Manchester	104	Orlando	26	Kansas City KS	312
Providence	26	Knoxville	26	Des Moines	26
Hartford	104	Nashville, TN	104	St Louis	104
Boston	312	Jackson MS	104	Total Region 7	494
Total Region 1	598	Louisville	104		
		Birmingham	104	<u>Region 8</u>	
<u>Region 2</u>		San Juan	130	Helena	26
Syracuse	26	Columbia SC	130	Denver	468
Albany	104	Miami	130	Fargo	26
Buffalo	130	Greensboro	130	Salt Lake City	26
Newark	260	Jacksonville	130	Total Region 8	546
New York	416	Atlanta	520		
Total Region 2	936	Total Region 4	1,690	<u>Region 9/10</u>	
				Agana GU	26
<u>Region 3</u>		<u>Region 5</u>		Spokane WA	26
Wilmington DE	26	Cincinnati	26	Boise	26
Charleston	26	Grand Rapids	26	Honolulu	26
Pittsburgh	130	Milwaukee	104	Anchorage	26
Richmond	130	Columbus	104	Portland	104
Baltimore	130	Indianapolis	130	Seattle	312
Philadelphia	468	Minneapolis	130	Total Region ⁹ / ₁₀	546
Total Region 3	910	Cleveland.	130		
		Chicago	468		
		Total Region 5	1,118		
		<u>Region 6</u>			
		Dallas	26		
		Lubbock	26		
		Shreveport	26		
		Tulsa	26		
		Albuquerque	26		
		Little Rock	26		
		San Antonio	130		
		New Orleans	130		
		Houston	130		
		Oklahoma	312		
		Fort Worth	416		
		Total Region 6	1,274		
Total All Field Offices		8,112			