
REMAPPING DEBATE

Asking "Why" and "Why Not"

Off the clock

Original Reporting | By Diana Jean Schemo | Unions

February 1, 2011 — Earlier this month, the Republican Study Committee, a group representing two thirds of Congressional Republicans, issued a raft of recommendations that, they said, could save taxpayers some \$2.5 trillion over ten years. The vast majority of those savings would come from freezing spending at 2006 levels, and through workforce attrition.

The official time arrangement arose as a form of compensation to unions for their longstanding legal obligation to represent all employees eligible to join the union, whether or not those employees were dues paying members.

Remapping Debate reported on one element of the package — [a proposal to slash \\$1.27 billion in catalyst research for industry innovation](#) — last week. Another of the RSC's specific targets is one that would save a relative pittance in annual spending, but that would deal a body blow to the ability of federal unions to represent more than a million government workers in grievances, arbitration and collective bargaining.

The change, detailed by Rep. John "Phil" Gingrey, a Georgia Republican, in a bill he filed just after the New Year, would prohibit government employees from fulfilling union responsibilities while on the government clock. Gingrey estimates the savings at \$120 million a year — an amount that works out to less than \$10 a month per employee.

"We have seen an increase in union activity on official time lead to a more inefficient workforce, and it is time to stop subsidizing this problem," Gingrey wrote in a January 5 "Dear Colleague" e-mail seeking co-sponsors for the bill.

At issue is a concession granted to unions during an overhaul of Civil Service rules in 1978, requiring the government to pay union officials their regular wages while they perform work related to representing employees before management, or in bargaining with management over working conditions.

Prior to 1978, the allowance was a matter of negotiation between each agency and its union. In addition, through collective bargaining agreements since 1978, agencies have granted unions a negotiated number of positions that they fund at full, three-quarter or half-time. In this category, union representatives do not have to account for each hour they are not on the job.

The arrangement arose as a form of compensation to unions for their longstanding legal obligation to represent all employees eligible to join the union, whether or not those employees were dues-paying members. Kenneth W. Bullock, an attorney for the Social Security Administration who is an expert on official time, said that among the various government agencies, anywhere between 13 and 53 percent of employees covered by unions are actually dues paying members.

Implications for federal unions

Bullock pointed out that unlike private sector employees, federal employees who choose not to join the union are not obligated to pay an “agency fee” — the equivalent of dues minus the amount the union spends on political activities. As a result, Bullock noted, federal employees unions would have to operate at a distinct disadvantage to their counterparts if the use of official time didn’t help to even the scale.

Ross Eisenbrey, vice president of the liberal Economic Policy Institute, said that eliminating allowances to represent workers while on official duty would have a chilling effect on the willingness of employees to take positions within the union. “It would be much harder to get people to do it if they had to not just volunteer their time, but give up pay to do it,” he said. “Can you imagine managers being involved in collective bargaining if they had to give up their personal time or pay to do it?”

Having the unions pay for the time lost, he added, was not an option. The amount involved, \$120 million in 2008, is “more money by far than they have in the treasuries of all the government employee unions put together,” he said. “They’re not rich institutions. They’re organizations of ordinary workers.”

In a prepared statement, officials at the American Federation of Government Employees said the provision “would prevent effective union representation,” including union activity “to protect workers from illegal discrimination on the job and from workplace hazards, and to represent employees seeking more flexible schedules or working arrangements.”

Officials at the AFGE also lashed out at Congressional Republicans, whom they accused of targeting federal workers in order to “distract the American people from our unfair and regressive tax system and corporate welfare state that led to the Great Recession.”

Bullock, the Social Security Administration attorney, said in an interview with Remapping Debate that official time was not only helpful to unions. “There’s a strong argument that official time, within certain limits, is good for management,” he said.

Ross Eisenbrey of the Economic Policy Institute, described the proposal as having a chilling effect on union participation. “Can you imagine managers being involved in collective bargaining if they had to give up their personal time or pay to do it?”

In his current job, Bullock represents management at Social Security in negotiations over employee grievances. The union officials he faces work on official time. If union officials had to represent those cases while also doing their full time jobs, the government would likely be forced to schedule such meetings on evenings and weekends, possibly raising costs for overtime. “It would be counterproductive,” Bullock said.

Bullock said he supports tightening the rules for the use of official time, but not abolishing it altogether — as Gingrey proposes. To the average taxpayer, \$120 million may seem like a lot of money, Bullock acknowledged. “In the big scheme of the entire federal budget,” he said, “it’s not even a rounding error.”

Bullock disputes the argument, put forth by supporters of the bill, that the existing law somehow contributes to frivolous complaints, saying nobody has gathered data to demonstrate that there were fewer groundless grievances before 1978, when the use of official time was far more limited. “You don’t even have a baseline,” he said.

Republican justifications

Gingrey, and several of the bill’s 43 co-sponsors, all of them Republican, did not respond to multiple requests for comment or to written questions. But an aide to one of the sponsors, speaking on condition of anonymity, said that his boss’s interest in the bill was not based on the deficit, but on his belief in “government reform and efficiency.”

Aide to a GOP sponsor of eliminating official time: The proposal actually is “empowering a worker to be able to sort of utilize their time effectively.”

If I spent all of my time trying to get my employer to give me a raise, then what did I do for my job that day?” said the aide.

But how could unions afford to represent employees who aren’t paying dues? Won’t that mean dues would have to grow prohibitively high for the remaining employees?

“Not necessarily,” said the aide. “You give less money to political campaigns that year. It’s not like the unions have gone bankrupt.” Those contributions have traditionally flowed overwhelmingly to Democrats.

“The unions think they get the raw end of the deal,” said the aide. “I’m not saying you can’t do it on your workday. I’m saying you aren’t getting paid. It just makes sense. It saves money. Reforms government. It’s looking out for government and the worker.”

The worker? How so?

“It’s a philosophical difference that I have,” the aide said. The proposal actually is “empowering a worker to be able to sort of utilize their time effectively.”

Cost savings as a pretext?

In his “Dear Colleague” email, Rep. Gingrey noted that between 2007 and 2008 the cost to the public of covered union-related work rose to \$120 million from \$113 million. “While families all over the nation are tightening their belts and cutting their own spending, it should not be the practice of the federal government to increase the size and spending of its budget and federal agencies.”

But there is little evidence that the practice is growing appreciably, or contributing to any rise in government inefficiency. On an annual per employee basis, official time increased only slightly between 2007 and 2008 — by five minutes, to be exact — from 2.6 hours per employee to 2.69 hours. And while the Republican Study Committee is proposing the measure as a step toward slashing the deficit, Congressman Gingrey first proposed the same bill in 2009, without mentioning the federal deficit at all.

Figures collected by the federal Office of Personnel Management, which tracks union-related use of official time, show that over a longer trajectory, the use of official time has in fact declined steeply, to 3 million hours in 2008 from 4.7 million hours in 2003, when it amounted to 4.71 hours per employee for the year, at a cost of \$128.6 million.

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