Managing Official Time in the VA Time and Attendance System (VATAS) for UNION OFFICIALS, BARGAINING UNIT EMPLOYEES, HR SPECIALISTS, SUPERVISING & MANAGEMENT OFFICIALS
Objectives

- Provide the purpose for tracking Official Time (OT);
- Define OT in law and outline the meaning according to Executive Order;
- Identify categories that will be captured in the VA Time and Attendance System (VATAS) for requesting official time;
- Understand the roles of Union Representatives, Bargaining Unit Employees (BUE), Supervisors/Managers, and Labor Relations practitioners for requesting, approving and tracking OT in VATAS;
- Provide guidance regarding the use of the VATAS for the requesting, approving, recording and tracking of OT by Union Representatives, Employees and Department Officials; and
- Understand when OT-related misconduct serves as the basis for discipline or removal.
PURPOSE FOR TRACKING OFFICIAL TIME

- Executive Order 13837 (2018)
Implementing Executive Order 13837

- EO 13837, Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, signed May 25, 2018, requires federal agencies to monitor and track official time used by employees and union representatives.

- EO 13837 requires BEUs to spend at least three-quarters of their paid time, measured each fiscal year, performing agency business or attending necessary training (as required by their agency), in order to ensure that they develop and maintain the skills.

- The Department is responsible for ensuring Official Time is used efficiently, and only for authorized purposes, and in amounts that are reasonable, necessary, and in the public interest.
• OPM’s report of official time usage government-wide;

• No prior standardized tracking system for official time; and

• Ensuring that official time is authorized, approved and used appropriately.
• The Department is responsible for ensuring the use of official time is properly approved, accurately tracked and recorded.

• VATAS will be used to track and record the use of official time.
What is Official Time?

As provided in title 5 United States Code (USC) 7131, official time is paid time spent by federal employees performing representational work for a bargaining unit in lieu of their regularly assigned work.
“Taxpayer-funded union time” is defined in the Executive Order (EO)13837 as time granted to an employee pursuant to 5 USC § 7131, which includes time provided to a Bargaining Unit Employee (BUE) in connection with any matter covered by the Statute. 5 USC §7131(d)(2).

Section 6 of EO 13837 requires the Administrations to report taxpayer-funded union time for employees who use this time pursuant to Section 7131(d)(2).
OPM requires Executive agencies to record official time in four categories. These categories are found in VATAS under the following headings:

- Term Negotiations (BA)
- Mid-Term Negotiations (BB)
- Labor/Management Relations (BD)
- Grievance/Appeals (BK) *

* Denotes additional explanation later in presentation *
Categories of Official Time - Term Negotiations

**Term Negotiations**

VATAS Code – BA

Official time used by union representatives to prepare for and negotiate a basic collective bargaining agreement or its successor.

Examples:

- Negotiating a Collective Bargaining Agreement
- Preparing for Negotiations
- Impasse Meetings
Mid-Term Negotiations
VATAS Code – BB

Official time used to bargain over issues raised during the life of a term agreement.

Examples include but not limited to:

• Impact & Implementation Bargaining
• Preparing for and negotiating with Management over a change in conditions of employment (i.e., Telework policies, Flextime, Alternate Work Schedules, or Renovated Work Environment)
• Participating in meetings on organizational change
Categories of Official Time – Labor/Management Relations

**Labor/Management Relations**

VATAS Code – BD

Official time used for meetings between labor and/or employees with management to discuss conditions of employment.

Examples include but not limited to:

- Labor-management committee meetings; Weingarten meetings
- Labor relations training (hosted by Union) for union representatives
- Union participation in formal meetings and investigative interviews
- Travel time for representational duties or scheduled meetings
- Meetings attended by union representatives to discuss changes in workplace conditions with management
Categories of Official Time – Grievance/Appeals

**Grievance/Appeals**

VATAS Code – BK*

Official time used by Union Representatives to appear before the Federal Labor Relations Authority as described in 5 USC 7131 (c).

**Managing code BK used by Union Representative:**

- All 7131(c) time used, per statute
Categories of Official Time – Grievance/Appeals

Grievance/Appeals
VATAS Code – BK*

Official time used by an employee to prepare a response for a grievance in a statutory appeal process or through the negotiated grievance procedure.

Examples of Tracking OT used by BUE’s:
• Requests official time to prepare their response to a grievance or complaint against management.
• Requests official time to prepare their response to a grievance.
Union Representatives & BUE’s

• Required to use VATAS to request and receive approval for OT prior to its use.

• Requests for OT usage in VATAS must include the following information in the ‘Submitter Remarks’ section of the system:
  • Location of where the official time will be used;
  • Telephone number where they can be reached; and
  • Type of representational activity in which they will be engaged.

Note: Similar requirements are on the Request for Official Time form.
General Rules for Requesting Official Time

**Union Representatives & BUE’s**

- Union representatives must submit their request for the use of official time via VATAS on the first scheduled workday of each pay period.

- BUE’s must submit their request for the use of official time via VATAS seven (7) business days in advance of the request.

Examples include but not limited to:

- Known scheduled meetings; and
- Known recurring dates/times of representational duties, etc.
Union Representatives & BUE’s

• Union representatives without access to VATAS must submit the Request for Official Time Form on the first scheduled workday of each pay period.

• BUE’s without access to VATAS must submit the Request for Official Time Form seven (7) business days in advance of the request.

• Modifications to the scheduled use of official time must be discussed with the supervisor or designee in advance.
Union Representatives & BUE’s

- A union representative or BUE must contact his or her immediate supervisor or designated alternate management official to request OT, beyond what was previously approved for use, when it’s made known more time is needed.

Examples of official time not known in advance may include:
- Union participation in formal meetings and investigative interviews;
- Weingarten meetings, etc.

- Approved requests must be entered in VATAS or submit the Request for Official Time form.
General Rules for Requesting Official Time – (Cont.)

Union Representatives

• Official time for travel must be requested and approved via VATAS by the immediate supervisor or designated alternate official before the travel occurs.

• Union representatives who are authorized to travel to a facility outside their duty station on official time, must provide the relevant information.

• If the union representative will be delayed beyond the estimated time, he or she will notify the immediate supervisor or designated alternate to request additional needed official time.

• Any approved additional time must be entered in VATAS upon the union representatives return to duty.
# Request for Official Time Form

## Union Representative & Bargaining Unit Employee (BUE) Request for Official Time Form

### INSTRUCTIONS

This form is provided for the union representatives and BUE’s without access to VA-issued computer equipment or access to the VA Time and Attendance System (VATAS) to request the use of Official Time. Specific procedures for requesting, approving and denying Official Time are addressed in VA Notice 20-02, Use of VA Time and Attendance System for Requesting, Approving, Recording and Tracking Taxpayer Funded Union Time in VATAS published January 31, 2020. The representational activity may not begin until the appropriate supervisory authority has approved and signed this form. Representational activity not covered by Executive Order 13837 shall be performed by the requestor during non-duty hours or on approved leave.

<table>
<thead>
<tr>
<th>Union Representative or BUE Name:</th>
<th>Office/Department:</th>
<th>Telephone Number During Official Time:</th>
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<tbody>
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<tr>
<th>Official Time Location:</th>
<th>Start/End Date(s):</th>
<th>Start/End Time(s):</th>
<th>Number of Hours:</th>
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<thead>
<tr>
<th>VATAS Codes</th>
<th>OFFICIAL TIME ACTIVITY (CHECK ALL THAT APPLY)</th>
</tr>
</thead>
</table>
| **BA** Term Negotiations | Negotiating a Collective Bargaining Agreement.  
Preparing for negotiations.  
Impasse meetings. |
| **BB** Mid-Term Negotiations | Participation in mid-term negotiations.  
Impact and implementation bargaining.  
Preparing for and negotiating with Management over a change in conditions of employment (i.e., Telework policies, Flextime, Alternative Work Schedules, or Renovated Work Environment).  
Participating in meetings on organizational change. |
| **BD** Labor/Management Relationship | Labor-Management meetings.  
Training for union representatives about labor relations or safety.  
Travel time for representational duties or scheduled meetings.  
Union Representative or BUE participation in: formal meetings, investigative interview, Weingarten meetings, or New Employee Orientation (etc.). |
| **BK** Grievance and Appeals | Attending hearings before FLRA or, MSPB etc.* (union representative on 7131 (c) time)  
Prepare a response for a grievance filed against management.  
(Employees Only) (* Not for Contract Representational Purposes*) |

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*Choose VA*  
U.S. Department of Veterans Affairs  
20
Use VATAS to request Official Time and select ‘Leave Requests’.
Select ‘Add Leave Request’.
Scroll towards the bottom of the ‘Leave Type’ for the appropriate category and shift of the leave.
Include the following information in the ‘Submitter Remarks’ section:

Location of where the official time will be used;
Telephone number where they can be reached; and
Type of representational activity in which they will be engaged.
General Rules for Approving Official Time

Department Supervisors and Management Officials

• Supervisory & Management officials must:
  • Review and assess requests for official time.
  • Determine if it is reasonable and necessary.
  • Provide a response (in VATAS or via the Request for Official Time form), within a reasonable amount of time.
  • Track the 25% usage by union representatives.

• Requests for official time under this section will not be arbitrarily and capriciously denied.
Department Supervisors and Management Officials

• If a valid operational need would not permit the union representative to use official time when requested, another occasion will be determined, keeping in mind the interests of the Union, bargaining unit employees, and the needs of the Department.

• No undue delay should result from these efforts nor will either Party be compromised in the exercise of their rights by such efforts.

• If canceled or denied:
  • Union representative returns to their official duties;
  • Department, upon request, provides explanation to the requesting Local;
  • Response either verbally or written (in VATAS or on the Request for Official Time form).
Department Supervisory and Management Officials

- Upon request, must submit official time data for any union representative and BUE under their supervision to the appropriate Department officials.
- Responsible for tracking and monitoring the usage of taxpayer funded union time for union representatives and ensuring use does not exceed 25% of their total annual time on duty.
Human Resources Officials and/or Timekeeping Officials

- Ensure union representatives & BUE’s, with access to VATAS, are properly trained on entering official time requests for supervisory approval. Union representatives will be on duty time to attend training for the use of VATAS.

- Ensure union representatives & BUE’s, without access to VATAS, utilize the Request for Official Time form.

- Upon request, advise VA supervisory officials, union representatives and BUE’s on the appropriate use of official time.

- Upon request, provide official time reports, based on the four OPM reporting categories, to appropriate Department officials.
Non-Compliance

Failure to Follow Official Time Procedures

• Union representatives and/or BUE’s that fail to follow official time procedures outlined here may result in disciplinary and/or adverse action consistent with the respective Master Agreement(s) of the union representative or VA Handbook 5021.

• Consult your Employee Relations Department for further guidance when taking disciplinary action against union representatives at the Local, Intermediate, or National level, for failure to follow official time request and approval procedures.
Failure to Follow Official Time Procedures

• Supervisors and/or the appropriate Management Officials will be held accountable for failure to use VATAS to approve, track and record official time or who fail to produce reports of the use of official time through the use of VATAS.

• Supervisors and/or the appropriate Management Officials will be held accountable for tracking the 25% use of official time for Union Representatives employed by the Department.
Resources

Where to get information...

- Title 5, United States Code, Chapter 71
- 29 CFR § 1614.605, Representation and official time
- Executive Order 13837
Use the following TMS self Certification number:

4482313