Managing Official Time in the VA Time and Attendance System (VATAS) for MANAGEMENT OFFICIALS
Objectives

• Define Official Time;

• Identify categories that will be captured in the VA Time and Attendance System (VATAS) for requesting official time;

• Understand the roles of Union Representatives, Supervisors/Managers, and Employee-Labor Relations practitioners as they pertain to requesting official time via VATAS;

• Provide guidance regarding the use of the VATAS for the requesting, approving, recording and tracking of official time by Union Representatives and Department Officials; and

• Understand when official time-related misconduct serves as the basis for discipline or removal.
Targeted Audience

Supervisors and Managers
Office of General Counsel
Labor Relations Practitioners
VATAS Enhancement Message

https://bcove.video/2MXP0kx

Jim Byrne
General Counsel

Peter J. Shelby
Former Assistant Secretary for Human Resources and Administration
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.
• 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.
OPM requires Executive agencies to record official time in four categories. These categories are found in VATAS under the following headings:

- Term Negotiations
- Mid-Term Negotiations
- Labor/Management Relations
- Grievance/Appeals
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 –

• 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
Labor/Management Relations
VATAS Code – BD

Official time used for meetings between labor and management officials to discuss conditions of employment.

Examples –

• Labor-management committee meetings
• Labor relations training for union representatives
• Union participation in formal meetings and investigative interviews
• Weingarten meetings
• Travel time for representational duties or scheduled meetings
Categories of Official Time – Grievance/Appeals

**Grievance/Appeals**

VATAS Code – BK

Official time used to prepare and represent an employee in a statutory appeal process, including replies to the courts or administrative agencies such as Federal Mediation Conciliation Service (FMCS), Federal Service Impasses Panel (FSIP), or the Federal Labor Relations Authority (FLRA);

**Example –**

- Representing employees in adverse personnel actions taken in retaliation for whistleblower activity as defined by 5 USC 2302.
General Rules for Requesting Official Time

**Union Representatives**

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

• If no access to VATAS, the Union representative is required to request use of official time by submitting the Request for Official Time form.

• Request for official time 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.
Union Representatives

• Union representatives must submit their request for the use of official time via VATAS on the first scheduled workday of each pay period.
  • Known scheduled meetings; and
  • Known recurring dates/times of representational duties, etc.

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

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

• A union representative must contact his or her immediate supervisor or designated alternate official, in advance of each instance, to request the use of official time.
  • 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.
# VA Union Representative Request for Official Time Form

<table>
<thead>
<tr>
<th>Union Representative Name:</th>
<th>Office/Department:</th>
<th>Telephone Number During OT:</th>
</tr>
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<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Official Time Location:</th>
<th>Start/End Date(s):</th>
<th>Start/End Time(s):</th>
<th>Number of Hours:</th>
</tr>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>VATAS OT Codes</th>
<th>OFFICIAL TIME ACTIVITY (CHECK ALL THAT APPLY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BA</td>
<td>Negotiating a Collective Bargaining Agreement.</td>
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<tr>
<td></td>
<td>Preparing for negotiations.</td>
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<td></td>
<td>Impasse meetings.</td>
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<tr>
<td>BB</td>
<td>Participation in mid-term negotiations.</td>
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<td></td>
<td>Impact and implementation bargaining.</td>
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<tr>
<td>Mid-Term</td>
<td>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).</td>
</tr>
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<td>Negotiations</td>
<td>Participating in meetings on organizational change.</td>
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<tr>
<td>BD</td>
<td>Labor-Management meetings.</td>
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<td>Training for union representatives about labor relations or safety.</td>
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<td></td>
<td>Travel time for representational duties or scheduled meetings.</td>
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<tr>
<td>Labor/Management Relationship</td>
<td>Union participation in – formal meetings, investigative interview, Weingarten meetings, or New Employee Orientation.</td>
</tr>
<tr>
<td>BK</td>
<td>Pursuing, processing, and resolving unfair labor practices, including grievances.</td>
</tr>
<tr>
<td>Grievance and Appeals</td>
<td>Representing employees in formal grievance meetings.</td>
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<td></td>
<td>Attending hearings before arbitrators (i.e., MSPB, FLRA).</td>
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<tr>
<td></td>
<td>Representing employees in adverse personnel action taken in retaliation for whistleblower activity as defined by 5 U.S.C. 2302.</td>
</tr>
</tbody>
</table>

Other Reason for Use of Official Time (if not listed above):
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.
Department Officials

• Supervisory 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.

• Requests for official time under this section will not be arbitrarily denied.
Department 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 Responsibility

Department Officials

• Upon request, must submit official time data for any union representative under their supervision to the appropriate Department officials.
Human Resources Officials and/or Timekeeping Officials

• Ensure union representatives, 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, without access to VATAS, utilize the Request for Official Time form.

• Upon request, advise VA supervisory officials and union representatives, on the appropriate use of official time.

• Upon request, provide official time reports, based on the four OPM reporting categories, to appropriate Department officials.
Failure to Follow Official Time Procedures

- Union representatives failure 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 may be held accountable for failure to use VATAS to track and record official time or who fail to produce reports of the use of official time through the use of VATAS.
Where to get information...

- Title 5, United States Code, Chapter 71
- Consult your Employee Relations Department
#4456840
Questions

Consult your local Employee Relations Department