

ARTICLE 8 Union Time

Effective November 6, 2022, “Union Time” will be amended to “Union Official Time.”

Section 1 Policy Statement

All employees are expected to accomplish their Agency assigned duties. The Agency recognizes that in the furtherance of good labor-management relations as provided for in the Civil Service Reform Act of 1978, union time users have the responsibility of carrying out representational duties.

Section 2 Designation

- A. The Chapter President will provide the Office of Labor-Management and Employee Relations (OLMER) with electronic lists of all designated union representatives within 30 days of the effective date of this Agreement. The Chapter President will continue to provide OLMER with updated summary lists as necessary. Each list will include the name, designated union time caps available to the representative as set forth in Section 5.C. below, duty location, and telephone number of each designated union representative.
- B. Only those union representatives identified on the list provided by the Chapter President will be authorized union time for union representational activities and labor-management relations functions.
- C. The Chapter President may appoint as many representatives as he/she deems necessary. However, the Union can designate no more than one (1) designated union time users at any one time from any hearing office, regional office, national hearing center, national case assistance center or other national centralized unit with the exception that the Union may designate a second representative at any location with 50 or more bargaining unit employees.

Section 3 Union Sponsored Training

- A. The Agency recognizes that union sponsored training is an appropriate representational activity for which union time may be used. When requesting union time for union sponsored training or conferences, the Union will provide the appropriate management official with documentation at the time of the request, denoting the date, location, subject matter, and provider or sponsor of the training or conference. The request will also include a statement detailing how the course

content is appropriate for union time in accordance with 5 U.S.C. Chapter 71 and the provisions of this article. Requests for union time under this provision shall be subject to advance approval by Management. Management will timely respond to the request after receiving the information from the Union.

B. The Agency's sole expense for all union sponsored training will be union time.

Section 4 Exclusions

A. Union time shall not be authorized for work performed at home (unless the union representative has an authorized telework agreement) or outside the time the union representative would otherwise be in duty status.

B. In accordance with 5 U.S.C. §7131 (b), the use of union time is prohibited for internal union business. In addition, employees may not engage in lobbying activities during paid time.

C. Unless specifically authorized by the Agency, approved union time can only be performed in a Social Security Administration (SSA) controlled facility or at a management approved ADS in accordance with Article 17. Union time will not be authorized for any union sponsored training, meeting, or conference held at a casino hotel, spa resort/hotel, or any other type of resort. **(See Article 34 Sidebar)**

D. Union designated union time users who are on an Opportunity to Perform Successfully (OPS) plan will not be authorized union time during the period of the OPS.

E. Union time is not permissible for Workers' Compensation Cases.

Section 5 Provisions for Union Time

A. Consistent with 5 U.S.C. Chapter 71 and this Agreement, union representatives will be granted union time, subject to the availability of union time as described below, for the following representational activities:

1. Term Negotiations—to prepare for and negotiate a collective bargaining agreement.
2. Mid-Term Negotiations—to prepare for and bargain over issues raised during the life of a term agreement.

3. Dispute Resolution—to process grievances, up to and including arbitrations and to process appeals of bargaining unit employees to the Merit Systems Protection Board (MSPB), FLRA and, as necessary, to the courts.
 4. General Labor-Management Relations—meetings between labor and management officials to discuss general conditions of employment, labor-management committee meetings, labor relations training for union representatives, union participation in formal meetings and investigative interviews, and all other general labor relations activities consistent with 5 U.S.C. Chapter 71.
- B. **Effective November 6, 2022:** Unused union time hours do not carry over into the next fiscal year. Union time is limited to 16,000 hours per fiscal year for the activities identified in Section 5.A.
- C. **Effective November 6, 2022:** Union representatives may be allowed to use the union time hours, described in Section 5.B. in the performance of union representational activities as described in Section 5.A. as follows:
1. Two (2) union representatives will each be authorized to use up to a maximum of 2080 hours per fiscal year exclusive of 7131(a) and (c).
 2. Two (2) union representatives will each be authorized to use up to 1040 hours per fiscal year;
 3. Two (2) union representatives will each be authorized to use up to 840 hours per fiscal year; and
 4. Up to ten (10) representatives will each be authorized to use up to a maximum of 520 hours per fiscal year for the representational activities described in Section 5(A), provided there is time available in the applicable bank of hours.
- D. Union representatives who have reached their individual cap will be authorized union time in accordance with sections 7131(a) or 7131(c) of Title 5, United States Code. Time for these activities will be charged to the union bank for that fiscal year. However, if the bank has been exhausted, the Agency has the discretion to grant reasonable and necessary union time to perform representational activities.
- E. Union representatives are required to stagger their use of authorized union time hours over the course of the fiscal year. Union representatives will coordinate union time usage with their supervisors to accommodate both union representational activities and Agency assigned duties. The parties recognize that a mutually agreed upon schedule is the required method for scheduling union time.

- F. Time spent by union officials, representing employees in the informal and formal stages of the EEO complaints process, up to and including appeals, is union time under this Article and is charged towards the individual caps and bank.

Section 6 Time and Attendance Responsibilities of Union Time Users

- A. Union representatives will complete their daily time and attendance responsibilities in accordance with Agency policy. Union representatives unable to complete their daily time and attendance responsibilities at their official duty stations because they are off-site on labor-management business will make arrangements with their supervisors in advance to complete the time and attendance responsibilities on a daily basis. The union representatives will revise entries as necessary upon return to the official duty station to properly account for his/her time and attendance.
- B. The Agency will not pay travel and per diem for representational activities unless authorized by this Agreement.

Section 7 Union Time Requests and Reporting Procedures

- A. All requests for union time will be submitted in advance (normally 24 hours) via Official Union Time Tracking System (OUTTS) or equivalent electronic reporting system. Sufficient information (i.e., time, date, telephone number where he/she can be reached, representational category, and specific location if other than normal duty station) must be included with the request to allow the approving official to determine if the time requested and activity described meet the criteria outlined in this Article. Approval from an authorizing official must be obtained prior to engaging in union time. Any employee who uses union time without advance management approval will be considered absent without leave and subject to appropriate disciplinary action. The representative will inform the supervisor when he/she returns to work after completion of the representational activity and make any necessary adjustments to the initial request for union time.
- B. If the Agency is unable to approve a request for union time, the reason for denial will be provided. If an operational need does not permit the union representative to use the union time when requested, another opportunity to use union time will be determined, keeping in mind the interests of the union and employees as well as the needs of the Agency. When the Agency determines that a union representative's presence is necessary to meet the Agency's work requirements, the Agency will, identify an alternate day and time for use of the requested union time.

Section 8 Allegations of Abuse

Alleged abuses of union time shall normally be brought to the attention of an appropriate union official on a timely basis by an appropriate management official. Management may also initiate appropriate action to address the issue. Repeated or serious abuse of union time may result in disciplinary action as well as suspending use of union time for the duration of this Agreement.