Month Day, 2018

Name

Title

Agency

Address

**Re: Request for Information—Official Time**

Dear Name:

This information request is furnished in accordance with 5 U.S.C. 7114(b)(4), which obligates the [Agency] (“the Agency”) “to furnish to the exclusive representative involved (Union), or its authorized representative, upon request…data which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining.”

AFGE [Local/Council Number] (the “Union”), in its representational responsibilities under the Statute, is seeking to bargain the terms and conditions of employment flowing from the Collective Bargaining Agreement (CBA) between the Parties covering the bargaining unit as certified by the Federal Labor Relations Authority (FLRA), and hereby requests this data/information. The Union must have the specific information requested in this correspondence to ensure that AFGE bargaining unit employees are treated fairly and equitably and their rights under the Agreement, law, rule and/or regulation are not diminished because of the negotiation and implementation of any successor Collective Bargaining Agreement.

In respect to the negotiations, the Union believes our bargaining establishes our right to the following information. This request is consistent with the guidance established by FLRA General Counsel guidelines. The Union has shown the necessity for this information and has established the Union’s right to such information to fulfill its representational duties towards bargaining unit employees.

This information is specifically necessary for the Union to be able to formulate proposals in impacted bargaining. This information is necessary for the Union to evaluate the legitimacy of the constraints proposed by the Agency. It is further necessary for the Union to furnish proposals which respond to those limitations, balanced with the Union’s obligation to adequately and aggressively represent the interest of its members.

1. Where the Agency proposes to reduce official time (Agency Proposal [Number], Section [Number]), drastically reducing previously allotted time, and where the May 25, 2018 Executive Order Ensuring Transparency, Accountability, and Efficiency in Taxpayer Funded Union Time Use calls for official time to be negotiated “taking into account the size of the bargaining unit, and the amount of taxpayer-funded union time anticipated to be granted under sections 7131(a) and 7131(c) of Title 5, United States Code, ordinarily not be considered reasonable, necessary, and in the public interest, or to satisfy the “effective and efficient” goal set forth in section 1 of this order and section 7101(b) of title 5, United States Code,” the Union requests information supporting this proposal:
2. Any and all documents, policies, memorandum, case law, correspondence, or instruction relating to a corollary change in bargaining unit size supporting the reduction; and
3. Any and all surveys, studies, simulations, or reports supporting an anticipated decrease in representational need anticipated to be granted under sections 7131(a) and 7131(c) of title 5, United States Code; and
4. A current accounting of all official time logged during the life of the previous contract; and
5. Any and all documents, policies, memorandum, correspondence, or instruction memorializing the Agency’s communications regarding its practices recording official time usage during the life of this contract with;
   1. GAO; and
   2. OPM; and
   3. Congress; and
   4. The White House; and
6. Any and all documents, policies, memorandum, case law, correspondence, or instruction memorializing the Agency’s practices recording official time usage during the life of this contract; and
7. Any and all documents, policies, memorandum, case law, correspondence, or instruction recording efforts to
   1. identify and/or limit ineffective or inefficient uses of official time during the life of the contract; and
   2. Any recorded or inefficient uses of official time during the life of the contract; and
   3. Any communication made to the Union to correct recorded ineffective or inefficient uses of official time during the life of the contract; and
   4. Any responses from the Union to correct ineffective or inefficient uses of official time during the life of the contract; and
   5. Any after action reports regarding efforts to work with the Union to correct ineffective or inefficient uses of official time during the life of the contract; and
8. Any and all surveys, studies, simulations, reports, documents, memorandum, or correspondence regarding reviews of:
   1. The cost of official time; and
   2. Cost savings achieved during the commission of official time; and
   3. Mission-related benefits achieved during the commission of official time; and
   4. Labor management benefits achieved as a result of work performed using official time; and
   5. Recorded abuses of official time; and
   6. Impact studies of articulable harm flowing from the specific individual use of official time;
9. Any and all surveys, studies, simulations, reports, or formulas relied upon in developing the Agency’s proposal for official time; and
10. Any and all documents, policies, memorandum, case law, correspondence, or instruction supporting the proposal that lobbying is not or may not be permitted on official time; and
11. Any and all surveys, studies, simulations, reports, documents, memorandum, or correspondence regarding reviews of:
    1. Any mission benefits resulting from lobbying performed on official time; and
    2. Any harm resulting from lobbying performed on official time; and
12. Any and all surveys, studies, simulations, reports, or formulas supporting demonstrating an increase of effective and efficient use by abolishing 100% official time and de-professionalizing labor management relations; and
13. Where the Agency proposes employees may not use official time to prepare or pursue grievances (including arbitration of grievances) brought against an agency, (Agency Proposal [Number], Section [Number]), the Union requests information supporting the proposal:
    1. Any and all documents, policies, memorandum, case law, correspondence, or instruction suggesting this proposal is not a *prima facie* violation of the CSRA; and
    2. Any and all documents, policies, memorandum, case law, correspondence, or instruction suggesting this proposal provides a reasonable and necessary amount of official time under the CSRA; and
14. Where the Agency proposes discontinuing free or discounted use of government property or any other agency resources, (Agency Proposal [Number], Section [Number]), and where the May 25, 2018 Executive Order Ensuring Transparency, Accountability, and Efficiency in Taxpayer Funded Union Time Use calls for such discontinuation where “such free or discounted use is not generally available for non-agency business by employees when acting on behalf of non-Federal organizations,” the Union requests information supporting the proposal:
    1. Any and all non-agency business performed on agency property during the life of the contract, and the estimated value of the use of said property; and
    2. Any credit unions, vendors, companies, associations, or non-agency government agencies allowed to use agency space or resources during the life of the contract, and the estimated value of the use of said property; and
    3. Any non-agency employee groups, clubs, associations, etc. allowed to use agency space or resources during the life of the contract, and the estimated value of the use of said property; and

The Union requests this data be furnished no later than fifteen (15) calendar days after the receipt of this request, in both electronic and hard copy. If the Agency cannot provide any of the information requested within 15 calendar days from receipt of this letter, please contact the Union immediately to discuss feasible alternatives.

If this request is denied, in whole or in part, please provide the specific reason(s) for the denial, countervailing interests, and authority relied upon. If you have any questions or concerns about this request, please contact me.

Sincerely,

[Name]

President

[Local/Council Number]

American Federation of Government Employees, AFL-CIO

CC: Field Services and Education Department, AFGE