



Report to the Chairman, Committee on
Veterans' Affairs, House of
Representatives

January 2017

UNION ACTIVITIES

VA Could Better Track the Amount of Official Time Used by Employees

GAO Highlights

Highlights of [GAO-17-105](#), a report to the Chairman, Committee on Veterans' Affairs, House of Representatives

Why GAO Did This Study

In fiscal year 2012, there were over 250,000 bargaining unit employees at VA, and these employees spent about 1.1 million hours performing union representational activities on official time, according to an OPM report. The ways in which VA manages its human resources, including the use of official time, have received increased scrutiny in recent years. GAO was asked to review the amount of official time used by VA employees as well as the amount of space designated for representational activities.

This report examines (1) the extent to which VA tracks official time, (2) what is known about the amount of designated space used for union representational activities at selected VA facilities, and (3) the views of VA managers and union officials on the benefits and challenges of employees using official time.

GAO reviewed VA's fiscal year 2014 and 2015 data on official time—the most recent data available; analyzed information on designated union space and held group interviews with VA managers and union officials at a nongeneralizable sample of five VA facilities selected based on the number of bargaining unit employees and other factors; and interviewed officials at VA, OPM, and from national unions.

What GAO Recommends

GAO is making three recommendations to VA including that it provide consistent guidance and training on how to record official time in VATAS and that it take steps to collect more reliable data from facilities. VA agreed with GAO's recommendations and stated that it would take action to address them.

View [GAO-17-105](#). For more information, contact Cindy Brown Barnes at (202) 512-7215 or brownbarnesc@gao.gov.

January 2017

UNION ACTIVITIES

VA Could Better Track the Amount of Official Time Used by Employees

What GAO Found

The Department of Veterans Affairs (VA) cannot accurately track the amount of work time employees spend on union representational activities, referred to as official time, agency-wide because it does not have a standardized way for its facilities to record and calculate official time. Specifically:

- *Recording official time*—VA uses two separate time and attendance systems that capture official time differently. VA's new system (VA Time and Attendance System, or VATAS), which VA began rolling out at some facilities in 2013, has specific codes to record official time, but the older system does not. The inconsistent recording of official time raises questions about VA's ability to monitor its use, but VATAS could help to standardize this process. In rolling out the new system, which VA expects to complete agency-wide in 2018, VA has provided inconsistent training and guidance on how to use the codes in VATAS. While VA has taken steps to provide better training and guidance on recording official time, GAO recently found that timekeepers at two of three selected facilities where VATAS has been rolled out were still not using the codes. Without consistent guidance and training, personnel may not know how to properly record official time in the new system.
- *Calculating official time*—VA provides its facilities with a range of options for calculating the amount of official time used. VA annually collects and compiles these data agency-wide using the Labor-Management Relations (LMR) Official Time Tracking System—separate and distinct from VA's time and attendance systems. In calculating official time, facilities may use records, estimates, or other methods, which results in inconsistent data. VA officials told GAO that all facilities will eventually be able to rely on VATAS time and attendance records to calculate official time when submitting data in the LMR system. The full implementation of VATAS will provide VA with an alternative to using the LMR system to collect and compile more reliable official time data. Without reliable data, VA cannot monitor the use of official time agency-wide or share reliable data with the Office of Personnel Management (OPM), which reports on the government-wide use of official time.

At all five selected VA facilities, designated space for representational activities comprised less than 1 percent of the overall square footage at each location, according to GAO's analysis. VA does not collect or track data from individual facilities on the amount of space designated for representational activities. Union officials at three of the five facilities GAO visited said that limited space for representational activities made it difficult to provide privacy for employees. A VA official said that certain VA facilities may have space constraints depending on where they are located and the number of veterans served, for example.

At most selected VA facilities, VA managers and union officials GAO interviewed cited similar benefits of employees using official time, such as improving decision-making and resolving problems. However, they had differing views on challenges associated with employees' use of official time, such as when and how much official time may be used.

Contents

| | |
|---|----|
| Letter | 1 |
| Background | 4 |
| VA Has No Standardized Way for Facilities to Record and Calculate Official Time, Which Hampers Its Ability to Accurately Track the Amount of Official Time Used Agency-Wide | 8 |
| Designated Space for Union Representational Activities Comprised Less Than 1 Percent of the Overall Space at Selected Facilities | 16 |
| VA Managers and Union Officials at Selected Facilities Cited Similar Benefits of Official Time, but Cited Different Challenges Associated with Its Use | 19 |
| Conclusions | 22 |
| Recommendations for Executive Action | 23 |
| Agency Comments and Our Evaluation | 23 |
| Appendix I | 25 |
| Comments from the Department of Veterans Affairs | 25 |
| Appendix II | 27 |
| GAO Contact and Staff Acknowledgments | 27 |
| Figures | |
| Figure 1: Examples of Different Union Representational Activities | 7 |
| Figure 2: Fields Used by Facilities for Submitting Fiscal Year 2015 Information on Official Time to VA's Office of Labor-Management Relations | 12 |
| Figure 3: Excerpts of Fiscal Year 2015 Official Time Data Submitted by Selected Facilities to VA's Office of Labor-Management Relations (in Hours) | 14 |
| Figure 4: Designated Office Space for Union Representational Activities for a Local Union President at Selected VA Facility with under 1,000 Bargaining Unit Employees (177 Square Feet) | 17 |
| Figure 5: Designated Office Space for Union Representational Activities Shared by Up to Three Union Officials at Selected VA Facility with over 3,000 Bargaining Unit Employees (140 Square Feet) | 17 |
| Figure 6: Benefits Cited by VA Managers and Union Officials across Selected Facilities on Employees' Use of Official Time for Union Representational Activities | 20 |

Abbreviations

| | |
|-------|---|
| CBA | collective bargaining agreement |
| ETA | Enhanced Time and Attendance |
| FSC | Financial Services Center |
| LMR | Labor-Management Relations |
| NCA | National Cemetery Administration |
| OPM | Office of Personnel Management |
| VA | Department of Veterans Affairs |
| VATAS | Veterans Affairs Time and Attendance System |
| VBA | Veterans Benefits Administration |
| VHA | Veterans Health Administration |

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January 24, 2017

The Honorable Phil Roe
Chairman
Committee on Veterans' Affairs
House of Representatives

The Federal Service Labor-Management Relations Statute allows federal employees to use official time to perform certain union representational activities. Official time enables employees to perform representational work for a bargaining unit in lieu of their regularly assigned work, and employees on official time are treated as if they are in a duty status and paid accordingly.¹ Matters relating to official time are governed by law and negotiated between agencies and unions, and agencies use different practices for monitoring official time. According to a 2014 Office of Personnel Management (OPM) report, the amount of official time used by federal employees for representational activities increased from fiscal year 2008 to fiscal year 2012, from approximately 2.9 million hours to over 3.4 million.²

For the Department of Veterans Affairs (VA) in particular, the report shows that unions represented over 250,000 bargaining unit employees in fiscal year 2012, and that employees at VA spent 1,086,257 hours performing representational activities on official time.³ Questions

¹Under the Statute, official time may be used for such activities as negotiating collective bargaining agreements, authorized participation in proceedings before the Federal Labor Relations Authority, and for other purposes allowed under the Statute and negotiated between the agency and the union in an agreed-upon amount deemed reasonable, necessary, and in the public interest. Official time may not be used for internal union business such as membership drives or collecting dues. See 5 U.S.C. § 7131. For purposes of our report, we use the term "representational activities" to refer to those union activities for which employees may use official time.

²Office of Personnel Management, *Labor-Management Relations in the Executive Branch* (October 2014). In addition, GAO previously reported on the extent to which 10 selected agencies used official time, including the Department of Veterans Affairs, and the report includes fiscal year 2013 official time data for selected agencies. See GAO, *Labor Relations Activities: Actions Needed to Improve Tracking and Reporting of the Use and Cost of Official Time*, [GAO-15-9](#) (Washington, D.C.: Oct. 23, 2014).

³According to the 2014 OPM report, the rate of official time at VA during fiscal year 2012 was lower compared to several other large agencies such as the Departments of the Treasury and Transportation. The rate of official time use indicates the number of official time hours expended per bargaining unit employee and allows for meaningful comparisons of official time usage among agencies.

concerning VA's handling of customer service issues over the past few years have resulted in an increased focus on how VA manages its workforce to best serve veterans, including how official time is managed.

We were requested to review employees' use of official time and designated space for union representational activities at VA. This report examines: (1) the extent to which VA tracks official time; (2) what is known about the amount of designated space used for union representational activities at selected VA facilities; and (3) the views of VA managers and union officials on the benefits and challenges of employees using official time.

To assess what is known about how VA tracks official time, we reviewed official time data provided to us by VA for fiscal years 2014 and 2015. We selected these years for review because they were the most recent years for which data were available. We assessed the reliability of the data by reviewing relevant agency documentation about the data and the systems that produced them, interviewing agency officials knowledgeable about the data, and comparing the fiscal year 2014 data provided to us with the information VA submitted to OPM. Based on this assessment, we determined that the data VA provided were not sufficiently reliable to determine the amount of official time used by VA employees and the purposes for which it was used for the period of our review. We discuss issues related to the reliability of the data further in our report and present certain fiscal year 2015 data for illustrative purposes only.

To address all of our objectives, we selected a nongeneralizable sample of five VA facilities in four states. We selected facilities based on the number of bargaining unit employees at the facility and to ensure representation from the three VA administrations.⁴ The number of bargaining unit employees at the five selected facilities ranged from about 50 to over 3,000, and selected facilities included three Veterans Health Administration (VHA) facilities, one Veterans Benefits Administration (VBA) facility, one National Cemetery Administration (NCA) facility, and representation from four of five nationally recognized unions that represent employees at VA.⁵ In selecting facilities, we also considered the national unions representing employees at the facilities. VA has

⁴VA is organized into three administrations—the National Cemetery Administration, the Veterans Benefits Administration, and the Veterans Health Administration.

⁵Thirteen local unions in total represented employees across the five selected facilities.

negotiated master agreements with five national unions—National Association of Government Employees, American Federation of Government Employees, National Nurses United, National Federation of Federal Employees, and Service Employees International Union. We also reviewed collective bargaining agreements (CBA) at the national level and local agreements for selected facilities, VA policies and guidance, relevant federal law, regulations, and government standards for internal controls.⁶

We also obtained and reviewed information from individual facilities on the amount of space designated for union representational activities.⁷ To determine the overall square footage of selected facilities, VA provided us with information from its Capital Asset Inventory for each selected location.⁸ We reviewed related documentation and found the data on total gross square footage from VA's Capital Asset Inventory to be sufficiently reliable for purposes of our report.

At selected facilities, we also interviewed human resources officials, timekeeping officials, and managers using standard sets of questions for each group to learn about how official time is recorded at the facility level.⁹ In addition, we interviewed five groups of VA managers and five groups of union officials to obtain their views on the benefits and challenges of employees using official time.¹⁰ At each facility, we interviewed managers who are responsible for supervising employees

⁶A "collective bargaining agreement" is an agreement entered into as a result of collective bargaining pursuant to 5 U.S.C. Chapter 71. 5 U.S.C. § 7103(a)(8). Also, for information on government standards for internal controls see GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

⁷At four of five selected facilities, we toured the designated space in person. For the one facility we did not visit in person, we obtained pictures of the union's designated space.

⁸The Capital Asset Inventory is the database of record for VA's real property portfolio, including all of the department's owned and leased assets. The database also houses facility condition assessment data, agreement information, and historical asset information for the portfolio and is managed through the Office of Asset Enterprise Management.

⁹We conducted in-person interviews at four of the five selected facilities and telephone interviews at one facility.

¹⁰At most facilities, we interviewed more than one group of local union officials. For purposes of discussing views on the benefits and challenges of employees using official time in our report, we considered the responses across all of the groups of local union officials we interviewed at each facility and refer to the groups collectively as one group for each facility.

who use official time. Selected facilities determined the groups of managers for us, and the number of VA managers participating in each group interview ranged from 3 managers to 10. We separately interviewed the groups of VA managers and union officials and asked open-ended questions about benefits and challenges of employees' use of official time. In addition, we interviewed officials from five unions at the national level and officials at VA and OPM.

We conducted this performance audit from November 2015 to January 2017 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Federal Service Labor-Management Relations Statute

The Federal Service Labor-Management Relations Statute (Statute) includes a congressional finding that labor organizations and collective bargaining in the civil service are in the public interest because they contribute to effectively conducting public business, among other things.¹¹ The Statute allows for the use of official time,¹² and while federal employees are not required to join a union, the union must represent all employees in a bargaining unit, regardless of whether they are dues-paying members of the union.¹³ Employees on official time are treated as if they are in a duty status when they are engaging in union representational activities, and they are paid accordingly.¹⁴

¹¹5 U.S.C. § 7101(a).

¹²5 U.S.C. § 7131.

¹³5 U.S.C. §§ 7102, 7114(a)(1). A bargaining unit is a group of employees who are represented by a labor union in their dealings with agency management. See, 5 U.S.C. § 7112.

¹⁴"Duty status" refers to the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

The Statute provides a legal basis for the current federal labor and management relations program and establishes two sources of official time. Official time for negotiation of a collective bargaining agreement, attendance at impasse proceedings, and authorized participation in proceedings before the Federal Labor Relations Authority, is provided as a statutory right.¹⁵ Official time for other purposes allowed under the Statute must be negotiated between the agency and the union in an agreed-upon amount deemed reasonable, necessary, and in the public interest.¹⁶ Accordingly, collective bargaining agreements often include provisions concerning the conditions for granting official time. Agencies and unions can negotiate at the department, component, operating administration, or facility level, for example, and there can be variation in how official time is managed within an agency. Activities that relate to internal union business, such as the solicitation of members or the election of union officials, must be performed when in a non-duty status; that is, not on official time.¹⁷

Collective Bargaining Agreements

VA has negotiated master CBAs with five national unions. These agreements negotiated between VA and the unions contain provisions by which VA manages official time. As we previously reported, one approach used by VA to manage official time is to specify the percentage or number of hours authorized for a designated union position, such as the President, Vice-President, Secretary, or Treasurer.¹⁸ Time specified for designated positions in CBAs is typically characterized as a percentage of an employee's total time, such as 50 or 100. Certain CBAs negotiated between VA and unions provide for at least one union official to charge up to 100 percent of their duty hours to official time. In addition to official time, unions may negotiate to receive other support from agencies, such as office space, supplies, and equipment. CBAs negotiated between VA and unions typically include information on accessibility, privacy, and size of unions' designated space at VA facilities.

¹⁵5 U.S.C. §§ 7131(a) and (c).

¹⁶5 U.S.C. § 7131(d).

¹⁷5 U.S.C. § 7131(b).

¹⁸Other approaches used by VA to manage official time included using a bank of hours or reasonable time provisions. For more information on these different approaches, see [GAO-15-9](#).

Reporting Official Time

Since fiscal year 2002, OPM has annually produced reports on the government-wide use of official time, with its most recent report covering fiscal year 2012.¹⁹ OPM officials stated that it is not required to report official time, and has no statutory or regulatory role for monitoring or enforcing agencies' use of official time. However, there have been various legislative proposals over the years to require OPM to report official time.²⁰ In its reporting of official time, OPM relies on federal agencies to verify the accuracy of the data provided.

According to OPM, there is no uniform requirement concerning the degree and specificity of records kept for tracking and recording official time. However, OPM encourages labor and management to record official time data in the following categories for union representational activities and includes this information in its annual reports: (1) term negotiations; (2) mid-term negotiations; (3) general labor-management relations; and (4) dispute resolution. See figure 1 for examples of union representational activities as they relate to these categories. In reporting on the use of official time within federal agencies, OPM has noted that agency management and labor share a responsibility to ensure official time is authorized and used appropriately, and that the amount of official time used by agencies can depend on a number of factors, such as the timing of term negotiations, number of grievances, number of bargaining unit employees, and involvement of unions in labor management decisions.

¹⁹After OPM published its 2014 report, which included fiscal year 2012 official time data, officials said they plan to issue reports on official time on a bi-annual basis. Its upcoming report, for example, will include fiscal year 2014 data.

²⁰For example, legislation has been proposed that would require OPM to submit an annual report to Congress related to the use of official time by federal employees. H.R. 4392, 114th Cong. § 1(a) (2016).

Figure 1: Examples of Different Union Representational Activities

| Term Negotiations | Mid-Term Negotiations | General Labor-Management Relations | Dispute Resolution |
|--|--|---|--|
| Official time used by union representatives to prepare for and negotiate a basic collective bargaining agreement or its successor. | Official time used to bargain over issues raised during the life of a term agreement. Common examples: <ul style="list-style-type: none"> • Participating in meetings on organizational change • Negotiating with management over a management-proposed initiative | Official time used for meetings between labor and management officials to discuss general conditions of employment. Common examples: <ul style="list-style-type: none"> • Labor management committee meetings • Labor relations training for union representatives • Union participation in formal meetings and investigative interviews • Reviewing employee records | Official time used to process grievances up to and including arbitrations and to process appeals to the various agencies and the courts. Common examples: <ul style="list-style-type: none"> • Pursuing, processing, and resolving unfair labor practices • Representing employees in formal grievance meetings • Attending hearings before arbitrators |

Source: GAO analysis of OPM and VA documents. | GAO-17-105

VA Has No Standardized Way for Facilities to Record and Calculate Official Time, Which Hampers Its Ability to Accurately Track the Amount of Official Time Used Agency-Wide

There Is No Standardized Way for VA Facilities to Record the Use of Official Time, but VA Is Implementing a New Time and Attendance System That Could Standardize This Process

There is no standardized way for VA facilities to record the amount of official time employees use for representational activities because there are currently two time and attendance systems being used across the agency that capture this information differently. VA began implementing its new time and attendance system, the Veterans Affairs Time and Attendance System (VATAS), at some facilities in 2013 to replace its older system, the Enhanced Time and Attendance (ETA) System. VA expects to complete its rollout of VATAS in July 2018. According to a VA official, approximately 50 percent of VA facilities and about one-third of VA employees (120,000) had transitioned to using VATAS as of September 2016. For the five selected facilities we visited, three had transitioned to VATAS and two were still using ETA at the time of our visits.²¹ VATAS provides specific codes for timekeepers to record the various uses of official time for union representational activities, but according to VA officials, ETA lacks such codes.²² Under ETA, VA officials explained that timekeepers can record the amount of official time used by employees for representational activities in the remarks section of employees' time and attendance records, which according to VA

²¹We conducted our interviews with selected facilities from May 2016 to July 2016. One of the two facilities using ETA was scheduled to implement VATAS soon after the time of our interviews.

²²GAO previously reported on limitations within VA's time and attendance system for capturing information on official time in 2014. See GAO, *Federal Paid Administrative Leave: Additional Guidance Needed to Improve OPM Data*, [GAO-15-79](#) (Washington, D.C.: Oct. 17, 2014).

officials, does not always make clear the purpose for which official time is being used. While VATAS and ETA provide a means to record official time, we found that three of the selected facilities did not record official time in either of these systems. Two selected facilities under VATAS recorded information on the use of official time outside of the time and attendance system, and one facility under ETA did not record the information anywhere. Although the remaining two facilities recorded information in their time and attendance system, they recorded different information in different ways. The inconsistent recording of information raises questions about VA's ability to monitor the use of official time and ensure that public resources are being used effectively. However, VATAS could help standardize the way individual facilities record information on official time and improve VA's ability to monitor its use.

VA Has Not Provided Consistent Training on How to Record Official Time in VATAS, but It Has Taken Steps to Provide Better Guidance

VATAS could help standardize the way individual facilities record information on official time and provide better information on the different purposes for which official time is used; however, we found that VA has not provided consistent training to employees on how to record official time in the new system. The lack of consistent training on how to record official time in VATAS is due in part to the fact that VATAS is being implemented in phases and training is being updated throughout the course of implementation. For example, a VA official told us that information on how to record official time was incorporated into the VATAS training curriculum in June 2016. However, VATAS implementation began in 2013, and employees trained on VATAS prior to June 2016 may not have been instructed on how to record official time in the system. For instance, timekeepers and other officials from the three selected facilities that had implemented VATAS prior to June 2016 said that recording official time was not covered during their VATAS training and these facilities were not using the codes in VATAS to record official time because they were not aware of them. As a result, these facilities continued to use different approaches to record official time and documented different information. According to federal internal control standards, management should internally communicate quality information that enables personnel to perform key roles, and it should provide appropriate training to personnel so they may carry out their responsibilities.²³ Without effectively providing guidance on how to record official time in VATAS, personnel responsible for recording and

²³See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

overseeing its use may not know how to perform certain duties, and VA is missing an opportunity to more accurately track the amount of official time used by employees across the agency to better monitor its use and manage its resources effectively.

VA took several steps in 2016 to provide better guidance to facilities on how to record official time in VATAS, including:

- updating VATAS training curriculum for timekeepers and supervisors to include face-to-face training on official time at facilities where VATAS is being implemented;
- making information on how to record official time available on the VA network; and
- discussing how to record official time during a monthly “VATAS Connections” call with payroll offices.

Despite VA’s recent efforts, however, as of October 2016 two of the three selected facilities using VATAS at the time of our visits were still not using the different official time codes in VATAS for recording official time. An official from VA’s Financial Services Center (FSC) said that FSC is producing a timekeeper refresher training video to help ensure timekeepers are aware of the most recent changes in VATAS, including instructions on recording official time, and hopes to complete the video by the end of November 2016.

VA Allows Facilities to Use a Range of Methods to Calculate Official Time and May Continue to Do So After It Implements VATAS

To provide agency-wide official time data to OPM, which reports on the use of official time for representational activities government-wide, VA’s Office of Labor-Management Relations (LMR) annually collects and compiles data from individual facilities and shares the aggregated data with OPM. VA’s Office of LMR uses its LMR Official Time Tracking System to obtain information from individual facilities on the amount of official time used by employees.²⁴ The LMR system is separate and distinct from VA’s time and attendance systems and provides the Office of LMR with a centralized way of collecting official time data from individual facilities.²⁵ The Office of LMR sends an email each year to facilities with a

²⁴According to VA officials, the LMR Official Time Tracking System is also used to track agency-wide labor-management relations activities more broadly at the national level, including the development of related directives and policies.

²⁵VA began using the LMR system to collect official time data from facilities in 2012. Prior to 2012, VA officials said the Office of LMR manually compiled the data.

link to access the LMR system, and a management representative at each facility manually enters information on the use of official time into the LMR system.²⁶

The actual amount of official time used by employees across VA cannot be easily determined because VA offers facilities various options for calculating and reporting official time data in the LMR system. Federal internal control standards prescribe that management design control activities so that events are completely and accurately recorded and that it communicate reliable information to external entities, such as OPM, to help the agency achieve its objectives.²⁷ VA allows facilities to use written records, estimates, samples, or surveys of official time hours used, or any combination of these methods to determine the amount of official time used by employees at their facility. Figure 2 shows the various information fields included in the LMR system for fiscal year 2015, including the different calculation methods VA allows facilities to use to determine the amount of official time used by employees.

²⁶Facilities may submit more than one official time entry in the LMR Official Time Tracking System if multiple unions represent employees at the facility.

²⁷See [GAO-14-704G](#).

Figure 2: Fields Used by Facilities for Submitting Fiscal Year 2015 Information on Official Time to VA's Office of Labor-Management Relations

Official Time

This page is intended for recording all applicable hours for a station once per fiscal year.

Enter Official Time Tracking information, or [log out](#).

| | |
|-------------------|----------------------|
| Fiscal Year | <input type="text"/> |
| Station Group | <input type="text"/> |
| Station Name | <input type="text"/> |
| Station Number | <input type="text"/> |
| Union | <input type="text"/> |
| Local Unit Number | <input type="text"/> |

Enter all hours applicable for each category (whole numbers only)

| | |
|--------------------------------------|----------------------|
| Term Negotiation | <input type="text"/> |
| Mid-Term Negotiations | <input type="text"/> |
| Dispute Resolution | <input type="text"/> |
| General Labor / Management Relations | <input type="text"/> |

Select all calculation methods applicable to Official Time reported

Calculation methods

| | |
|--------------------------|----------|
| <input type="checkbox"/> | Estimate |
| <input type="checkbox"/> | Records |
| <input type="checkbox"/> | Sample |
| <input type="checkbox"/> | Survey |

Union Representatives

Enter the total number of union representatives that used official time:

Enter the total number of union representatives who were on 100% official time:

Enter the total number of union representatives who were on 75% official time:

Enter the total number of union representatives who were on 50% official time:

Enter the total number of union representatives who were on 25% official time:

Enter the total number of union representatives who were on less than 25% official time:

Source: VA's Labor Management Relations Official Time Tracking System. | GAO-17-105

Fiscal year 2015 data collected through the LMR system show that employees spent approximately 1,057,000 hours on official time for union representational activities, and according to VA officials, unions represented almost 290,000 bargaining unit employees across the agency during this time. In addition, the data show that 346 employees spent 100 percent of their time on official time.²⁸ However, as previously discussed, this data is inconsistent and not reliable. Of the 332 official time submissions from facilities in fiscal year 2015, 104 entries indicate that the facility used only records such as time and attendance records, 5 entries indicate the facility used only a survey of supervisors of union representatives, 123 entries indicate the facility used an estimate only, and 99 indicate that the facility used a combination of these methods to determine the amount of official time used. For one entry, it was not clear which method was used. These different methods of calculating official time result in inconsistent information on the number of official time hours used by employees for union representational activities. Figure 3 illustrates the range of information selected facilities submitted to the Office of LMR on the use of official time. In calculating the amount of official time used, VA strongly encourages facilities to provide comments describing how they arrived at their numbers when submitting their data on official time; however, our review of selected facilities' fiscal year 2015 official time submissions found that none of the facilities provided such comments. Without reliable information from facilities on official time, VA management does not have what it needs to monitor the use of official time and manage its resources effectively.

²⁸These data are presented for illustrative purposes only.

Figure 3: Excerpts of Fiscal Year 2015 Official Time Data Submitted by Selected Facilities to VA's Office of Labor-Management Relations (in Hours)

Facility 1

| Union | Term Negotiations | Mid-Term Negotiations | Dispute Resolution | Gen Labor/Mgt Relations | Records | Survey | Estimate | Sample |
|----------|-------------------|-----------------------|--------------------|-------------------------|---------|--------|----------|--------|
| Union #1 | | | | 943 | Yes | No | No | No |
| Union #2 | | | | 2696 | Yes | No | No | No |

Facility 2

| Union | Term Negotiations | Mid-Term Negotiations | Dispute Resolution | Gen Labor/Mgt Relations | Records | Survey | Estimate | Sample |
|----------|-------------------|-----------------------|--------------------|-------------------------|---------|--------|----------|--------|
| Union #1 | 7 | 10 | 2102 | 164 | Yes | No | No | No |
| Union #2 | 7 | 10 | 12 | 40 | Yes | No | No | No |

Facility 3

| Union | Term Negotiations | Mid-Term Negotiations | Dispute Resolution | Gen Labor/Mgt Relations | Records | Survey | Estimate | Sample |
|----------|-------------------|-----------------------|--------------------|-------------------------|---------|--------|----------|--------|
| Union #1 | | | | 7280 | Yes | No | Yes | No |
| Union #2 | | | | 3744 | Yes | No | Yes | No |
| Union #3 | | | | 1664 | Yes | No | Yes | No |

Facility 4

| Union | Term Negotiations | Mid-Term Negotiations | Dispute Resolution | Gen Labor/Mgt Relations | Records | Survey | Estimate | Sample |
|----------|-------------------|-----------------------|--------------------|-------------------------|---------|--------|----------|--------|
| Union #1 | | 600 | 1750 | 2493 | No | No | Yes | No |
| Union #2 | | 875 | 1255 | 1521 | No | No | Yes | No |
| Union #3 | | 500 | 1100 | 955 | No | No | Yes | No |
| Union #4 | | 1060 | 2260 | 1487 | No | No | Yes | No |
| Union #5 | | 700 | 2050 | 2010 | No | No | Yes | No |

Facility 5

| Union | Term Negotiations | Mid-Term Negotiations | Dispute Resolution | Gen Labor/Mgt Relations | Records | Survey | Estimate | Sample |
|----------|-------------------|-----------------------|--------------------|-------------------------|---------|--------|----------|--------|
| Union #1 | | | 8 | 563 | Yes | No | No | No |

Source: VA's Labor Management Relations Official Time Tracking System and information provided by selected facilities. | GAO-17-105

According to VA officials from the Office of LMR, once VATAS is fully implemented, there will be no need for individual facilities to use different methods to calculate the amount of official time used because facilities will be able to rely on information in VATAS when submitting data in the LMR system. A VA official also told us that after VATAS is fully implemented, they plan to issue a policy on the change to calculating official time. Until VATAS is fully implemented, however, the various calculation methods used by facilities will continue to produce inconsistent data on the amount of official time used agency-wide. Furthermore, once fully implemented agency-wide, VATAS could provide VA with an alternative to collecting data from individual facilities through its LMR system on the amount of official time used by employees. An official from VA's FSC stated that FSC currently has the capability to generate reports in VATAS on the amount of official time used at individual facilities. The official added that once all facilities are using VATAS, FSC could generate one report with official time data, thereby eliminating the need for individual facilities to submit official time data through the LMR system. However, an official from VA's Office of LMR was not aware of FSC's ability to produce such reports and said that the Office of LMR currently plans to continue using the LMR system to obtain information from facilities on the amount of official time used. According to federal internal control standards, management should use reliable data for effective monitoring.²⁹ If VA does not obtain more consistent data on the amount of official time used by employees, it will not be able to accurately track the amount of official time used by employees in order to ensure public resources are being used appropriately.

²⁹See [GAO-14-704G](#).

Designated Space for Union Representational Activities Comprised Less Than 1 Percent of the Overall Space at Selected Facilities

At the five selected facilities GAO visited, VA provided unions with designated space for union representational activities.³⁰ We found that the amount of designated space for these activities at selected facilities varied, but in all cases, unions' designated space comprised less than 1 percent of the overall space available. VA does not collect or track data from individual facilities on the amount of designated space used by unions, but officials at selected facilities were able to provide us with information on the amount of designated space for representational activities. At the smallest facility, about 0.65 percent of the overall space was designated for representational activities (240 out of 37,068 square feet). At the largest facility, about 0.11 percent of the overall space was designated for representational activities (2,777 out of 2,546,036 square feet).³¹

Designated space for representational activities at selected facilities consisted primarily of office space. At all five selected facilities, union officials either had their own office space designated for representational activities, or they shared designated office space.³² For example, at one facility with two local unions representing a total of about 900 bargaining unit employees, both union presidents had their own office space designated for representational activities. At another facility with three local unions representing a total of about 3,900 bargaining unit employees, all three union presidents shared their designated space with other union officials. Figure 4 shows designated office space at a selected VA facility for a union official who did not share his space, and figure 5 shows designated office space at another selected facility that was shared by up to three union officials. In addition to office space, designated space for union activities included conference rooms and storage rooms at some of the selected facilities. Further, VA provided

³⁰VA provided designated space for 12 out of 13 local unions across the five selected facilities.

³¹VHA facilities may be organized into health care systems, which can consist of multiple campuses and clinics in a given region. The largest of our selected site visit facilities was a VHA health care system comprised of three campuses. For purposes of this report, we refer to that health care system as one facility and aggregated information across the three campuses.

³²At a selected facility with two local unions, one of the unions did not have designated space. Rather, that union's president had her own office where she performed both union representational activities and non-union job duties. This union president was scheduled to spend 100 percent of her worktime on non-union job duties and requested approval from her supervisor to use official time on a case-by-case basis.

unions at all five selected facilities with basic office furniture and equipment, such as desks, chairs, filing cabinets, computers, printers, and fax machines. In some cases, union officials said they purchased additional office equipment using union funds.

Figure 4: Designated Office Space for Union Representational Activities for a Local Union President at Selected VA Facility with under 1,000 Bargaining Unit Employees (177 Square Feet)



Source: GAO. | GAO-17-105

Figure 5: Designated Office Space for Union Representational Activities Shared by Up to Three Union Officials at Selected VA Facility with over 3,000 Bargaining Unit Employees (140 Square Feet)



Source: GAO. | GAO-17-105

Union officials from three of five groups we interviewed said that limited space for representational activities was a challenge. Specifically, union officials from those three groups said there was not always sufficient privacy to ensure confidentiality for employees, especially in cases where designated space for representational activities was shared by multiple union officials. Union officials from one of five groups we interviewed said their requests to management for additional space were denied; however, union officials from two of five groups provided examples of instances where they declined offers from management to relocate to larger spaces in other buildings. For example, a union official at one facility said the union declined an offer from management to relocate from their space in the main hospital building to an ancillary building on the campus because it might not be as safe for employees to access when working night shifts or during periods of inclement weather. A VA official from the Office of LMR said that, in general, certain VA facilities may have space constraints depending on where they are located, the types of services provided, and the number of veterans served.

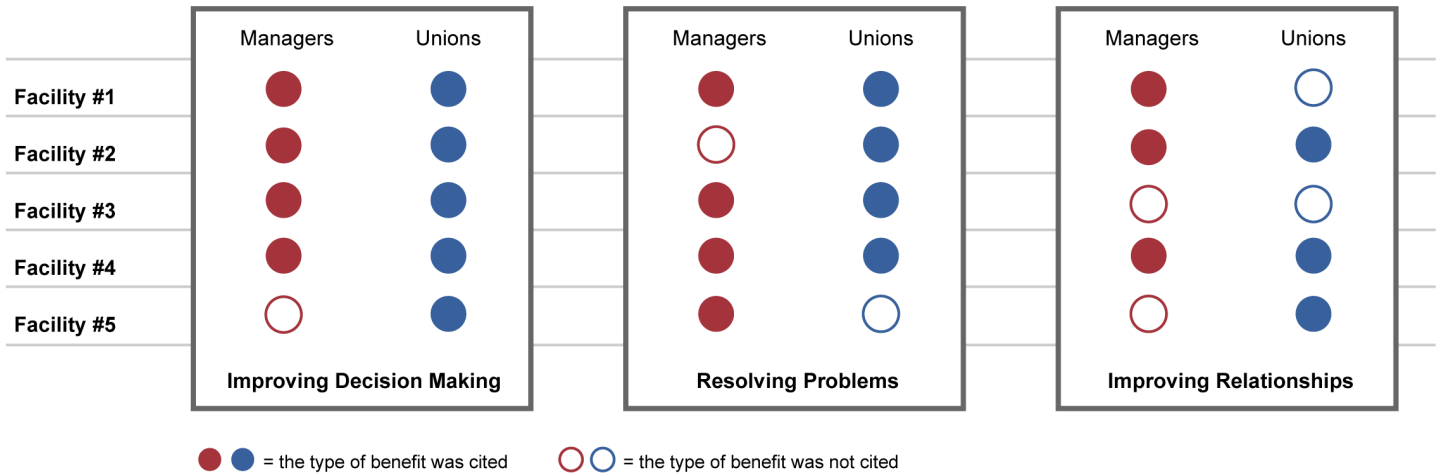
VA does not track information on the costs associated with unions' use of designated space across the agency, and we were not able to obtain consistent information on costs from selected facilities. However, operating costs at VA facilities typically include operations and maintenance expenses, such as utilities, cleaning costs, and grounds maintenance expenses. Therefore, certain costs associated with unions' designated space at VA facilities are operating and maintenance expenses that would be incurred by VA, regardless of whether VA owned or rented the facilities. VA owned four of five selected facilities, and while some officials at these facilities provided us with information on cost, they used different methods and sources of information to calculate the costs associated with designated union space. At the one selected facility rented by VA, officials used rental payment information and information on the overall square footage of the building to calculate the cost per square foot for fiscal year 2016 to determine the cost associated with designated space for union representational activities at the facility.

**VA Managers and
Union Officials at
Selected Facilities
Cited Similar Benefits
of Official Time, but
Cited Different
Challenges
Associated with Its
Use**

**VA Managers and Union
Officials at Most Selected
Facilities Said Employees'
Use of Official Time
Improves Decision Making
and Provides Other
Benefits**

VA managers and union officials from groups we interviewed at selected facilities cited similar benefits of employees' use of official time for representational activities. Managers and union officials from most groups we interviewed said that employees' use of official time improved decision making and helped them resolve problems at their respective VA facilities, and some believed it improved relationships between management and labor (see fig. 6).

Figure 6: Benefits Cited by VA Managers and Union Officials across Selected Facilities on Employees’ Use of Official Time for Union Representational Activities



Source: GAO analysis of group interviews with managers and union officials at selected VA facilities. | GAO-17-105

Manager’s Opinion on Benefits of the Use of Official Time

A manager at one facility said that the mental health program at the facility was recently expanded to include substance abuse services. He said training for the expanded program was developed in conjunction with union officials, who helped managers understand the training needs of the employees who would now be working with individuals with different types of needs and services.

Source: GAO group interviews with managers at selected VA facilities. | GAO-17-105

VA managers from four out of five groups and union officials from all five groups we interviewed believed unions’ use of official time for pre-decisional involvement during meetings at which proposed policies or facility practices are discussed improved decision making processes. This pre-decisional involvement enabled union officials to provide employees’ perspectives on certain proposed policy changes and patient and worker safety initiatives. For example, a group of managers and a group of union officials at one selected facility said they recently collaborated to develop a policy on self-scheduling for nursing staff, which they hope will improve employee retention and morale by providing employees with greater flexibility. According to union officials at another selected facility, management and the union collaborated to develop an anti-bullying policy at the facility.

Union Official's Opinion on Benefits of the Use of Official Time

A union official at one facility believed there was a mutual respect between labor and management at the facility, and that management respected the role of the unions and their concerns. For example, she said several supervisors contacted her with questions regarding how to handle certain employees and situations, and together they developed different approaches to resolve the issues before they escalated.

Source: GAO group interviews with union officials at selected VA facilities. | GAO-17-105

In addition, VA managers and union officials from most groups we interviewed said that employees' use of official time improved conflict resolution by allowing union officials time to communicate with management and employees about any problems that arise. Managers from four out of five groups and union officials from four out of five groups said official time may help resolve problems before they escalate. For example, the use of official time may help prevent problems from evolving into formal actions, such as grievances against management or disciplinary actions against employees.

Further, managers and union officials from some groups cited improved relationships as a benefit of employees' use of official time. Specifically, managers from three out of five groups and union officials from three out of five groups thought official time led to improved relationships between management and labor by providing union officials with time to build and maintain a good rapport with managers. For example, a union official from one group said the use of official time helped the union build a good relationship with management, which they believed led to more satisfied employees and management at the facility.

According to union officials at the national and local levels, employees' use of official time also facilitates the whistleblower process at VA by providing an avenue for employees to report issues or concerns. For example, national union officials said the unions were involved in uncovering various issues, such as overprescribing opiates and long wait times for veterans. Officials from one national union said nearly 50 whistleblowers had come through the union's office to report issues with VA's patient waitlist and long wait times. Further, a local union official at a selected facility explained that the unions have a sense of professional obligation within VA to report any whistleblower activity.

VA Managers and Union Officials Cited Different Challenges Regarding Employees' Use of Official Time

Managers and union officials across selected facilities identified different challenges associated with employees' use of official time. Managers from all five groups we interviewed cited staffing and scheduling challenges associated with employees' use of official time. In some instances, employees split their worktime between union representational activities and non-union duties. For example, an employee at one selected facility served as union president 80 percent of the time and as a pharmacist for the remaining 20 percent. Managers said it is sometimes difficult to accommodate such employees' use of official time because it may detract from these employees' non-union responsibilities.

Manager's Opinion on Challenges Associated with the Use of Official Time

A manager at one facility said it was difficult to find staff to fill in for employees who spent most of their time using official time. Further, she said the main focus is to provide access for veterans at the facility and employees' use of official time can take away from patient care.

Source: GAO group interviews with managers at selected VA facilities. | GAO-17-105

Union Official's Opinion on Challenges Associated with the Use of Official Time

A union official at one facility who had a set schedule for using official time explained he had limited flexibility to attend various committee meetings that occurred on days when he was not scheduled to use official time. As a result, he said he was unable to provide employees' perspectives on different issues that were discussed.

Source: GAO group interviews with union officials at selected VA facilities. | GAO-17-105

Specifically, a manager from one group we interviewed said it can be especially challenging to find other staff to fill in for employees who are responsible for serving patients yet spend most of their worktime on official time.

Union officials from three of five groups we interviewed said they experienced challenges with limited flexibility in terms of when official time may be used. Employees with designated union positions at selected facilities who split their worktime between union representational activities and non-union responsibilities often had set times during which they would use official time, and said that deviating from that schedule could be challenging. In addition, union officials from three of five groups we interviewed said that more official time is needed, and union officials from four groups said they used varying amounts of personal time to conduct union representational activities.

Conclusions

The use of official time is viewed by VA managers and union officials we interviewed as beneficial, but it should be monitored effectively to ensure that public resources are spent appropriately. Reliable data on official time are important for effectively overseeing its use, understanding the extent to which it is used across VA, and assisting OPM with the government-wide tracking of the amount of official time used. Our findings raise questions about whether VA is doing all it can to ensure it obtains accurate information on the use of official time in order to effectively oversee its use and share with external entities. The agency-wide implementation of VATAS is an important step toward that goal. Prior to the agency-wide implementation of VATAS, however, VA is not doing all it can to encourage facilities to standardize the way in which they determine the amount of official time used. Taking the intermediary step to standardize methods for determining the amount of official time used at the facility level will not solve all of the data reliability issues surrounding VA's tracking of official time, but it is a step toward collecting more reliable data. In addition, VA has not provided consistent training to facilities on how to record official time in VATAS, and some facilities are still not aware of VA's updated guidance on how to record official time in

the system, despite recent efforts. Furthermore, given the potential capabilities of VATAS, there may be better ways for VA to collect information on official time in the future and it may not be necessary for VA to continue using the LMR system to track official time. Until all personnel responsible for recording official time in VATAS are aware of and familiar with VA's guidance, and VA is able to determine a way to obtain more consistent data from facilities, VA will not have an accurate picture of how much time employees use for union representational activities and cannot know how best to manage tracking its use.

Recommendations for Executive Action

To improve VA's ability to accurately track employees' use of official time, we recommend that the Secretary of Veterans Affairs direct the Assistant Secretary for Human Resources and Administration to:

1. increase efforts to ensure timekeepers at all facilities receive training and consistent guidance on recording official time in VATAS;
2. standardize the methods used by facilities for determining the amount of official time used prior to the agency-wide implementation of VATAS by encouraging facilities to rely on time and attendance records when calculating the amount of official time used at the facility level; and
3. in preparation for the full implementation of VATAS, take steps to transition from using the LMR system to VATAS to collect and compile information on the amount of official time used agency-wide.

Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Veterans Affairs (VA) and the Office of Personnel Management (OPM) for review and comment. We received formal written comments from VA, which are reproduced in appendix I. In addition, OPM provided technical comments, which we incorporated as appropriate.

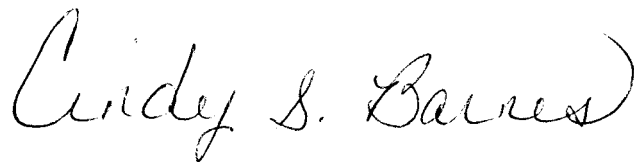
In its written comments, VA agreed with all three of our recommendations. With regard to our first recommendation, VA stated that the Office of Labor Management Relations (LMR) has revised its policy to include specific directions to human resource offices to begin recording official time in the VA Time and Attendance System (VATAS) once VATAS has been implemented at their respective facilities. With regard to our second recommendation, VA stated that the Office of Human Resources and Administration plans to develop a memo directing facilities to rely on time and attendance records when calculating the

amount of official time used at the facility level. With regard to our third recommendation, VA stated that the Office of LMR will transition from using the LMR Official Time Tracking System to collect and compile data on official time and will coordinate with the Financial Services Center to use VATAS to create a report on the agency-wide use of official time.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time we will send copies of this report to the appropriate congressional committee, the Secretary of Veterans Affairs, VA's Assistant Secretary for Human Resources and Administration, the Director of OPM, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-7215 or brownbarnesc@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.

Sincerely yours,

A handwritten signature in black ink that reads "Cindy S. Barnes". The signature is written in a cursive, flowing style.

Cindy Brown Barnes
Director, Education, Workforce,
and Income Security Issues

Appendix I: Comments from the Department of Veterans Affairs



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

December 9, 2016

Ms. Cindy Brown Barnes
Director, Education, Workforce,
and Income Security
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Barnes:

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office's (GAO) draft report, ***"UNION ACTIVITIES: VA Could Better Track the Amount of Official Time Used by Employees"*** (GAO-17-105).

The enclosure sets forth the action to be taken to address the GAO draft report recommendations.

VA appreciates the opportunity to comment on your draft report.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gina S. Farrissee".

Gina S. Farrissee
Deputy Chief of Staff

Enclosure

Enclosure

Department of Veterans Affairs (VA) Comments to
Government Accountability Office (GAO) Draft Report
***“UNION ACTIVITIES: VA Could Better Track the Amount of Official Time
Used by Employees”***
(GAO-17-105)

GAO Recommendation: To improve VA's ability to accurately track employees' use of official time, GAO recommends that the Secretary of Veterans Affairs direct the Assistant Secretary for Human Resources and Administration to:

Recommendation 1: Increase efforts to ensure timekeepers at all facilities receive training and consistent guidance on recording official time in VATAS.

VA Comment: Concur. The Department of Veterans Affairs (VA) Office of Labor Management Relations (LMR) has revised its policy to include specific directions to facility human resource offices to begin recording union official time in the VA Time and Attendance System (VATAS) once VATAS has been implemented in the facility. Target Completion Date: January 2017

Recommendation 2: Standardize the methods used by facilities for determining the amount of official time used prior to the agency-wide implementation of VATAS by encouraging facilities to rely on time and attendance records when calculating the amount of official time used at the facility level.

VA Comment: Concur. VA's Office of Human Resources and Administration will develop a memo directing facilities to rely on time and attendance records when calculating the amount of official time union representatives use at the facility level. Target Completion Date: January 2017

Recommendation 3: In preparation for the full implementation of VATAS, take steps to transition from using the LMR system to VATAS to collect and compile information on the amount of official time used agency-wide.

VA Comment: Concur. LMR will transition from its LMR system by coordinating with VA's Financial Service Center to create a report of the collection and compilation of official time used agency-wide through the use of VATAS. Target Completion Date: December 2018

Appendix II: GAO Contact and Staff Acknowledgments

GAO Contact

Cindy Brown Barnes (202) 512-7215 or brownbarnesc@gao.gov

Staff Acknowledgments

In addition to the contact named above, Mary Crenshaw (Assistant Director), Meredith Moore (Analyst-in-Charge), Amber D. Gray, and Teresa Heger made significant contributions to this report. Also contributing to this report were Rachel Beers, Mark Bird, David Chrisinger, Lee Clark, George Depaoli, Ronald La Due Lake, Edward Laughlin, Steven Lozano, Marcia Mann, Signora May, Jean McSween, Mimi Nguyen, James Rebbe, Susan Sato, Almeta Spencer, Carolyn Voltz, and Craig Winslow.

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