

UNITED STATES GOVERNMENT
National Labor Relations Board
Office of Inspector General



Official Time for Union Activities

Report No. OIG-AMR-62-10-01

December 2009

INSPECTOR GENERAL



NATIONAL LABOR RELATIONS BOARD

WASHINGTON, DC 20570

December 11, 2009

This review of Official Time for Union Activities, Report No. OIG-AMR-62-10-01 was conducted to evaluate the management and use of official time for representational activities by employees in the National Labor Relations Board's (NLRB or Agency) bargaining units.

The planning for this review began in July 2008. The Office of Personnel Management (OPM) had recently issued its yearly report detailing the use of official time by union officials for Fiscal Year (FY) 2007. In that report, the NLRB was listed as having the highest per capita use of official time for union activities. In September 2008, we issued the FY 2009 Audit Plan and included a review of official time use by NLRB's union officials as an inspection. In March 2009, OPM issued its official time report for FY 2008. The NLRB was again listed as having the highest per capita use of official time with a 5.5 percent increase over FY 2007. Following the issuance of OPM's report, an article about the NLRB's official time use appeared at FedSmith.com, a news Internet Web site that covers the Federal community. Thereafter, we determined a detailed review as an audit would be more appropriate than an inspection.

For FY 2008, 13,447 hours of official time were reported to OPM as being used by the NLRB's two employee unions. The reported cost of those hours was \$772,632. We calculated that approximately 7,596.50 hours of that official time was related to dispute resolution.

We found that the majority of the official time, 8,004 hours, was used by seven NLRB employees who were union officers. Six of the employees were officers for the National Labor Relations Board Union's (NLRBU) Executive Committee and were designated as either 100 or 50 percent official time in accordance with the collective-bargaining agreements. The collective-bargaining agreements with the NLRBU approved the use of this official time in advance without any requirement of a showing of need for the time. The remaining employee was President of the National Labor Relations Board Professional Association (NLRBPA), who only engaged in representational activities in FY

2008 and did not request or receive approval from a supervisor or manager for the use of the official time. The amount of official time used by these officers represents 7.25 hours per bargaining unit employee at an estimated cost of \$459,910. Given the cost of the official time, the lack of oversight, and the disparity with the Governmentwide average, we question whether the amount of time used by these officials meets the statutory test of reasonableness, necessity, and public interest.

We also identified internal control issues for employees who used official time that were not members of the NLRBU Executive Committee or the NLRBPA President. A significant control issue that we identified was that the request and approval documentation was generally not maintained. Despite this lack of documentation, we were able to determine that there was official time that was used for an inappropriate purpose and that a significant amount of official time was categorized as other representational use with no information regarding the activity.

We also found that the Agency could, but does not, record the use of official time by bargaining unit employees in its payroll system. Instead, four different forms are used to record official time information on a monthly basis. The forms do not match the categories reported to OPM and compiling the figures for the report appears to require a certain degree of estimation.

We are recommending that the Board and General Counsel, in accordance with their basic contractual obligations and in a manner that is consistent with the Federal Service Labor-Management Relations Statute, take steps to eliminate the pre-approved allocation of 100 and 50 percent official time to NLRBU officials, that they require NLRBPA officials to request official time prior to using it, and that they institute several controls in the approval and documentation of the use of official time by the two unions. We understand that the Agency is currently involved in litigation regarding the consolidation of bargaining units and that action on one or more of our recommendations may be delayed pending the resolution of those matters.

Management commented that they agree that there are numerous issues involving the use and recording of official time for union activities and that they expect the audit report to be useful as they work with the employee unions to address those matters. Management's comments are included in their entirety as an appendix to this report.

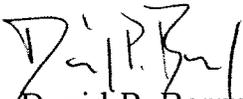

David P. Berry
Inspector General

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Counsel, Draft Report Official Time for Union Activities, OIG-AMR-
62, dated December 9, 2009

BACKGROUND

The Federal Service Labor-Management Relations Statute allows certain Federal employees to organize, bargain collectively, and participate through labor organizations of their choice in decisions affecting their working lives. At the National Labor Relations Board (NLRB or Agency), there are two labor organizations. The National Labor Relations Board Union (NLRBU) represents field attorneys, field examiners, and support staff in the field offices and support staff employees at NLRB Headquarters. The National Labor Relations Board Professional Association (NLRBPA) represents non-supervisory attorneys at NLRB Headquarters. The employees represented by the two unions are known as “bargaining unit” employees. There are six collective-bargaining agreements covering bargaining unit employees at the NLRB – four with the NLRBU and two with the NLRBPA. Collectively, these agreements cover approximately 1,100 bargaining unit employees.

Official time is time granted to an employee by the Agency to perform representational functions when the employee would otherwise be in a duty status without charge to leave or loss of pay. The NLRB is required by the Federal Service Labor-Management Relations Statute to allow union representatives to use official time for certain representational activities, and has agreed to its use for other permissible activities pursuant to its collective-bargaining agreements with the two unions. Each of the collective-bargaining agreements requires that the users of official time submit a written and signed monthly report stating the amount of official time used during the preceding month.

The Office of Personnel Management (OPM) requires that departments and agencies report annually on the use of official time by their labor organizations. The NLRB obtains the information needed to meet the OPM requirement by tallying the information it receives on monthly reports from employees who used official time.

In Fiscal Year (FY) 2008, the Agency reported to OPM that the NLRBU and NLRBPA used 13,447 hours of official time, at a rate of 12.18 hours per bargaining unit employee. The amount of time per bargaining unit employee exceeded the amount reported by any other department or agency. The Agency also reported that the cost of this official time in salary and benefits was \$772,632.

OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of this audit was to evaluate the management and use of official time for representational activities by employees in the Agency's bargaining units. Our scope was official time used during FY 2008.

We reviewed the statute that requires agencies to authorize official time, OPM memorandums and guidance, and the six collective-bargaining agreements at the Agency. We also reviewed collective-bargaining agreements from other agencies.

We interviewed officials in the Division of Operations-Management and the Human Resources Branch to identify and gain an understanding of the processes used to manage official time and collect and compile figures provided for the annual report to OPM. We obtained information from both Board and General Counsel managers and supervisors. We also spoke to NLRBU and NLRBPA officials and members regarding issues involving monthly reports.

We obtained the monthly reports prepared by bargaining unit employees who used official time from the Division of Operations-Management and the Human Resources Branch. We also obtained from the field and Headquarters managers information regarding grievances, adverse personnel actions, meetings for which official time could be used, and documentation of supervisory approval. We compared the number of grievances, adverse actions, and other disputes to the amount of official time reported as being used for that activity. We tested to determine whether the use of official time was supported by a request from the employee and approval by the employee's supervisor. We verified the information from the monthly reports to determine if it was accurately compiled into the Agency's annual report to OPM.

This audit was performed in accordance with generally accepted government auditing standards during the period May 2009 through October 2009. 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 provided a reasonable basis for our findings based on our audit objectives. We conducted this audit at NLRB Headquarters in Washington, DC.

FINDINGS

We found that the majority of official time used by the NLRB's employee unions was used by six NLRBU Executive Committee members and the NLRBPA President. We also found that most of the official time was used for dispute resolution.

The use of that time by the six NLRBU Executive Committee members and the NLRBPA President was without any requests to or approvals by a supervisor or manager. Other than the monthly reports submitted by the individual employees, there was no documentation to support the need for the use of that official time. Given the cost of the official time, the lack of oversight, and the disparity with the Governmentwide average, we question whether the amount of time used by these officials meets the statutory test of reasonableness, necessity, and public interest.

We also identified internal control issues for employees who used official time that were not a member of the NLRBU Executive Committee or the NLRBPA President. The request and approval documentation was generally not maintained by managers and supervisors. Because of a lack of documentation of requests and approvals, we were limited to testing the appropriateness of the use of official time to the information on the monthly reports submitted by union officials. Through our testing, we found that not all official time was reported on a monthly report as required by the collective-bargaining agreements. Given the lack of documentation of the approval for the use of official time, the errors that we found could indicate a significant issue for the Agency.

We also found that the Agency could, but does not, record the use of official time by bargaining unit employees in its payroll system. Instead, four different forms are used to record official time information on a monthly basis. The forms do not match the categories reported to OPM, and the Division of Operations-Management estimated the allocation of official time into the categories that are reported to OPM. That estimate was not precise.

USE OF OFFICIAL TIME

The collective-bargaining agreements between the General Counsel and the NLRBU field office employees state that two members of the NLRBU Executive Committee will be entitled to 100 percent official time for representational purposes, and another four members of the Executive Committee will be entitled to 50 percent official time. The Agency's collective-bargaining agreements with the NLRBPA state that Association representatives will be granted official time for certain activities, but the agreements do not state a

percentage of time for Association officers. For the NLRBPA, the President used all of her official time for representational activities in FY 2008. Below is a chart that shows the distribution and allocation of the use of official time:

Agencywide Use of Official Time

	Total Hours	Percent	Employees Represented	Percent of Agency's Bargaining Unit Employees	Hours per Bargaining Unit Employee
NLRBU:					
Executive Committee	6,520	48%	957	86.68%	10.92
NLRBU District Vice Presidents and Committees	1,200	9%			
NLRBU Local Officials	2,635	20%			
NLRBU Washington Local	98	1%			
Total NLRBU	10,453	78%			
NLRBPA					
NLRBPA President - 100 Percent User	1,484	11%	147	13.32%	20.37
NLRBPA – Other	1,510	11%			
Total NLRBPA	2,994	22%			
Agency Total	13,447		1,104		12.18

The rate of 12.18 hours of official time per bargaining unit employee exceeded the amount reported by all other departments and agencies by at least 2 hours and represented an increase of 5.5 percent over the amount of official time reported in FY 2007.

The 8,004 hours of official time used by the NLRBU Executive Committee and the NLRBPA President amounts to 7.25 hours of official time per bargaining unit employee. The estimated cost of that time is \$459,910. If no other official time had been used during FY 2008, that rate would exceed all but one of the amounts reported by other departments and agencies. That rate would also exceed the FY 2008 Government average of 2.6 hours per bargaining unit employee.

OFFICIAL TIME FOR DISPUTES

We calculated that approximately 7,596.50 hours of official time are related to dispute resolution. Of that amount, the rate of official time per bargaining unit employee for the NLRBU was 6.84 hours per bargaining unit employee and for the NLRBPA it was 7.13 hours per bargaining unit employee. The overall dispute resolution rate for official time per bargaining unit employee for the Government was 0.47.

The charts below show a comparison of the use of official time for dispute resolution by the status of the official or officials using the time.

NLRBU Official Time for Dispute Resolution

Executive Committee	Hours	District Vice Presidents	Hours	Committees	Hours	District Locals	Hours
President	719.50	DVP - A	308.00	EEO	58.00	A	701.50
Vice President	467.00	DVP - B	75.00	H&S	6.00	B	234.50
Treasurer	390.25	DVP - C	239.75			C	103.50
Secretary	290.00	DVP - D	0.00			D	333.50
Grievance Committee Chairperson	1,539.75	DVP - E	46.00			E	202.25
Support Staff Rep.	795.00	Washington DVP	38.25			Wash	0.00
Total	4,201.50		707.00		64.00		1,575.25

To provide perspective for the amount of time used for dispute resolution, we also compiled the information regarding the status and resolutions of disputes for FY 2008.

NLRBU Status and Disposition of Disputes

Hours	Grievances				Adverse Actions	Other Disputes
	Denied	Settled	Arbitration	Pending		
6,547.75	7	10	8	2	13	2

Because the NLRBPA does not have the same structure as the NLRBU, we have combined the information into one chart.

NLRBPA Status and Disposition of Disputes

Hours	Grievances					Adverse Actions	Other Disputes
	Denied	Settled	Arbitration	Pending	Withdrawn		
1,048.75	3	11	1	4	3	1	0

APPROVAL OF OFFICIAL TIME

For the NLRBU, the collective-bargaining agreements state that Executive Committee members and their supervisors will regularly communicate regarding his or her work and official time requirements. The agreements also state that “[u]se of official time by members of the Executive Committee is hereby approved, unless the necessity of Agency work requirements outweighs the need for official time.” In all other cases, NLRBU bargaining unit employees are required by the agreements to request approval for the use of official time from a supervisor. The agreements for the Washington Local also require that the request be in writing.

For the NLRBPA, the collective-bargaining agreements state that before using official time an employee will, to the maximum extent possible, notify his or her supervisor, and the supervisor will approve the request in accordance with various provisions of the agreement. Although we cannot determine why, the NLRBPA President used all of her official time for representational activities without having to meet the request and approval requirement of the collective-bargaining agreements.

100 and 50 Percent Official Time Officials

The law permits the Agency and its unions to negotiate official time in connection with other labor-management activities, as long as the time is deemed reasonable, necessary, and in the public interest.

Given the cost of the official time for the NLRBU Executive Committee and the NLRBPA President, the lack of review and approval of the use of the official time, and disparity with the Governmentwide average, we question whether the amount of time used by these officials meets the statutory test of reasonableness, necessity, and public interest.

When we reviewed and compared collective-bargaining agreements from other agencies that had similar sized bargaining units, we found examples of allotted time with controls that appear to ensure reasonableness, necessity, and public interest of the official time used. We also found that only the Equal Employment Opportunity Commission, the agency with the second highest level of official time per bargaining unit employee, had 100 percent official time positions.

Banks of Official Time

The collective-bargaining agreements set up banks of official time that can be used for a particular purpose, such as training for union officials. Consistent with the statements of representatives of the Division of Operations-Management and the Human Resources Branch, we found that the Agency

does not generally track the use of the time allocated to those banks to ensure that the time limits are not exceeded.

All Other Official Time Users

The Government Accountability Office's Standards for Internal Control in the Federal Government state that procedures and all transactions and other significant events need to be clearly documented, and the documentation should be readily available for examination.

We requested from each office head all documentation, correspondence, or other writings regarding supervisory approval of official time and any records related to the monitoring and reporting of official time. We compared this information to the monthly reports submitted by employees who used official time.

From the 13,447 hours of official time used in FY 2008, we excluded the official time allocated to the NLRBU Executive Committee. For the remaining 6,927 hours that should be documented by a request, Agency managers produced 38 written requests with approval for a total of 71 hours of official time. The managers also provided nine requests for official time without any evidence of approval for 34 hours of official time.

USE OF OFFICIAL TIME FOR NON-REPRESENTATIONAL ACTIVITIES

Official time may not be used for activities related to the internal business of the union. Because of a lack of documentation of requests and approvals, we were limited to testing the appropriateness of the use of official time to the information on the monthly reports submitted by union officials. For both the NLRBU and the NLRBPA the monthly reports include an "other" category that could be used to report activity that may not be appropriate for official time.

For the NLRBU, the monthly report category for Other Representation includes space to provide a description of those activities. There was a total of 508.25 hours reported for Other Representation. Of that total, there were 17.25 hours that consisted of internal union business and 9.75 hours that either did not have a description or stated "Other." The descriptions by the employees who used official time for internal union business included banking and budgetary activities, ordering member goods, participation in local elections, and attending a union party. We did not find a basis to question the remaining 481.25 hours.

For the NLRBPA, there were 597.75 hours reported for Other Representation Activities. The monthly report used by the NLRBPA does not include space for a description of those other activities.

When comparing the other representation categories between the NLRBU and the NLRBPA, we found that, relative to total official time that we calculated and the number of bargaining unit employees, the NLRBPA reported a significantly higher amount than the NLRBU. The details of this comparison are shown below:

**Official Time Classified as
Other Representational Activities**

	Other Representation Hours	Total Official Time	Percentage of Official Time	Other Representation Hours per Employee
NLRBU	508.25	10,429.75	5%	0.5
NLRBPA	597.75	2,985.00	20%	4.1

VARIANCES IN REPORTING OFFICIAL TIME

We found that between 240.5 and 435.75 hours in official time was not included in the annual report to OPM. These hours can be divided into two categories. First, the monthly reports by the union officers who use 100 percent official time did not balance against the total official time available to each of them. Second, 32 employees who used official time did not include that time on a monthly report and some monthly reports were missing or not compiled into the Agency’s report to OPM.

Reporting by the 100 Percent Users

We reconciled the duty hours available to each of the three union officials that use 100 percent of their official time for representational activities to the number of hours that each officer reported as being used for official time. In FY 2008, excluding weekends and Federal holidays, there were 2,008 hours available for work. To determine the hours available for each union officer, we deducted from 2,008 any time used for an approved absence. To that number we made adjustments based on information provided by the union officials regarding credit hours, training, administrative leave, and Agency work that they may have performed. We then compared the resulting figure to the hours reported by each union officer. We found that fewer than all of the available

hours were recorded as being used for union activities. The table below shows the differences:

	Union Official 1	Union Official 2	Union Official 3	Total
Difference	66.75	14.25	114.25	195.25

We also found that none of the union officials calculated his or her official time in the same manner. One union official counted time based upon an estimate of actual time spent on union activities. Another union official generally counted a full day as 8 hours without regard to the actual time spent on union activities. The third union official did not complete the monthly reports in a timely fashion.

Employees with Missing Monthly Reports, Errors, and Estimations

We found that 26 local union officials who attended the NLRBU’s annual conference did not include 8 hours of union training time in his or her monthly report. The total time underreported was 205 hours.

Over the course of the audit, we identified four employees with missing monthly reports whose time was not reported by the Agency. For each employee, we found a request from the employee to use official time that was used, but no corresponding monthly report. We also found a monthly report that was submitted by one employee, but was not included in the Agency’s report to OPM. For another employee, a small mathematical error was made in tallying the reports. Together, these variances resulted in an underreporting of 35.5 hours of official time for union activities.

For two employees, it appears that official time was estimated. One of the employees did not submit a report prior to going on extended leave. A management official estimated that employee’s official time at 104 hours. The basis for the estimation appears reasonable. For the second employee, who is a 100 percent official time union official, one monthly report was missing. A management official estimated the union official’s time to the total available hours for that month. The basis for that estimation also appears to be reasonable, but is not consistent with the method used by the union official.

Given the lack of documentation of the approval for the use of official time, these types of errors could indicate a significant issue for the Agency.

REPORTING OFFICIAL TIME

We reviewed the procedures that the Agency uses to collect and compile the amount of official time used to determine whether the report to OPM was complete and accurate. We identified three issues that negatively impacted the completeness and accuracy of the amounts reported: the majority of employees using official time are not required to provide monthly reports to their supervisor; the forms used to collect and compile official time are not consistent with the data elements required by OPM; and official time is not regularly reported in the Agency's payroll system.

Monthly Report Submission

Monthly reports for the NLRBU field office support and professional staff are provided to office managers and then sent to the Division of Operations-Management where the information is summarized for the annual report to OPM. Monthly reports for NLRBU Washington Local and NLRBPA employees are provided to the employee's immediate supervisor and copies are sent to the Human Resources Branch, Labor Relations Section.

We believe that the level of control is greater when the supervisor collects the monthly reports, as opposed to the office manager. The employee's supervisor should be the most knowledgeable of how his or her subordinate used their time and, therefore, is in a better position to determine whether the monthly reports are accurate. The supervisor is also in the best position to know when a monthly report is due from a subordinate and whether the official time was properly requested and approved.

Forms Used to Collect Official Time Information

For the annual report to OPM, agencies are required to categorize the official time used as term negotiations, mid-term negotiations, dispute resolution, or general labor-management relations activities.

There are four monthly reports used to report official time. The form used by the NLRBPA contains four data elements. The form used for the NLRBU's Washington Local contains 10 data elements. The form used by the NLRBU's other local officials contains 17 data elements. The form used for NLRBU's national officials contains 27 data elements. Each of the forms used by the NLRBU includes a place to list and describe other representational activities.

None of the forms collect the information on official time in the exact categories required by OPM. To convert the numbers from the NLRBU reports for field offices into the OPM categories, an official in the Division of Operations-

Management redistributes the hours into the OPM categories based on his estimation of the time spent on each category.

We recalculated these amounts using the information on the monthly reports to determine if the estimate was accurate and found significant differences between our calculation and the estimate used for the report to OPM. The differences are as follows:

**NLRBU Field Office Official Time by OPM Category
OIG Calculation vs. Agency Estimate**

	Term Negotiation	Mid-term Negotiation	Dispute Resolution	General Labor- Management Relations	Total
Recalculated by OIG Based on Monthly Reports	0	176.50	6,509.50	3,656.25	10,342.25
Agency Estimate	0	1,035.50	3,106.50	6,213.00	10,355
Difference	0	859.00	3,403.00	2556.75	12.75*

(*The difference in the total is due to errors made compiling the report sent to OPM.)

Recording Official Time in the Payroll System

The requirements for a Federal payroll system include that it must capture time and attendance information on the scheduled hours worked, units of pay, and leave taken. In November 2003, the Director of OPM issued a memorandum stating in part that OPM’s e-payroll initiative will establish reporting mechanisms for the use of official time for union representational purposes as part of every agency’s payroll system. The payroll system used by the Agency meets OPM’s reporting guidelines by having five pay codes that could be used to record official time:

Pay Code	Description	Used by Agency (Y/N)
ALR	Administrative Leave - Union/Labor Relations - Used	Y
LRD	Labor Relations - Dispute Resolution	N
LRG	Labor Relations - General Labor Management Relations	N
LRM	Labor Relations - Mid-term Negotiations	N
LRT	Labor Relations - Term Negotiations	N

In October 2005, the Human Resources Branch attempted to implement the recording of official time in the payroll system. Based upon available records, it appears that the attempt was abandoned because OPM had not promulgated regulations mandating the use of the payroll codes and the codes did not correspond to the categories and reporting requirements of the Agency's collective-bargaining agreements. Because OPM was not requiring the use of the payroll codes, the Agency at that time determined that it could not require the unions to bargain for a new official time reporting format or system until the parties begin contract negotiations.

Using the Agency's payroll system would be an appropriate internal control. A biweekly recording of time will capture the use of official time when it occurred and the certifying official could ensure the accuracy of the entries. Use of the payroll system would also capture data for the OPM report in the proper categories and alleviate the administrative burden on the Headquarters personnel who prepare the OPM report. The payroll system can also generate timely reports to keep Agency managers informed of the use of the official time.

COMPARISONS BETWEEN THE NLRB, NLRBU, AND NTEU

We compared the dues paid by NLRBU employees to dues paid by employees in unions that are affiliated with the National Treasury Employees Union (NTEU). Because the cost of providing representational services for the NLRBU members is provided by NLRB employees using official time rather than a national umbrella organization such as the NTEU, we expected to see lower dues for the NLRBU members as compared to the NTEU members. Below are the results of our comparison:

	NLRBU for Year Ending 1/31/09	NTEU for Year Ending 9/30/08
Assets	687,091	20,373,517
Dues and Agency Fees	221,215	25,356,328
Members	759	79,193
Assets per member	905	257
Dues per member*	291	320

(*For the NLRBU, the amount of dues ranged from \$149.61 to \$325.11.)

We also compared the average cost of official time per bargaining unit employee for the NLRB and the departments and agencies that have one or more unions

that are affiliated with the NTEU. The NTEU represents employees at 17 departments or agencies. At those departments and agencies, the average official time cost per bargaining unit employee is \$159.42. For the NLRB, the average cost of official time per bargaining unit employee is \$699.85.

RECOMMENDATIONS

We understand that the Agency is currently involved in litigation regarding the consolidation of bargaining units and that action on one or more of our recommendations may be delayed pending the resolution of those matters.

We recommend that the Board and General Counsel, in accordance with their basic contractual obligations and in a manner that is consistent with their obligations under the Federal Service Labor-Management Relations Statute:

1. Engage in bargaining over the elimination of the pre-approved allocation of 100 and 50 percent official time positions to the NLRBU Executive Committee and seek to institute a means of request and approval of the official time used by the union officials in those positions when negotiating new collective-bargaining agreements.
2. Require that before utilizing official time, NLRBPA bargaining unit employees, to the maximum extent possible, request official time in advance of using it as is consistent with NLRBPA's collective-bargaining agreements.
3. Establish an Agencywide system of records documenting the request for and use of official time when negotiating new collective-bargaining agreements.
4. Include provisions in the collective-bargaining agreements that require:
 - a. That requests for and reports of official time for union activity be provided to the employee's supervisor; and
 - b. The use of the Agency's payroll system to record official time for union activity.

APPENDIX

UNITED STATES GOVERNMENT
National Labor Relations Board

Memorandum



To: David P. Berry, Inspector General

From: *JEH* John E. Higgins, Jr., Deputy General Counsel
AK Arlene Fine Klepper, Chief of Staff to the Chairman

Date: December 9, 2009

Re: Draft Report Official Time for Union Activities, OIG-AMR-62

We have reviewed the draft report titled "Official Time for Union Activities." In general, we agree that there are numerous issues involving the use and recording of official time for union activities that should be considered by the Agency. We expect that the audit report will be useful to us as we work with the employee unions to address these matters.

We appreciate the efforts of your office in bringing this matter to our attention.