

105TH CONGRESS
1ST SESSION

H. R. 986

To amend chapter 71 of title 5, United States Code, to establish certain limitations relating to the use of official time by Federal employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1997

Mr. MILLER of Florida (for himself, Mr. GANSKE, Mr. CANADY of Florida, Mr. WICKER, Mr. ISTOOK, Mr. DICKEY, Mr. GRAHAM, Mr. BONILLA, and Mr. KINGSTON) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend chapter 71 of title 5, United States Code, to establish certain limitations relating to the use of official time by Federal employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Integrity
5 Act”.

1 **SEC. 2. LIMITATIONS RELATING TO THE USE OF OFFICIAL**
2 **TIME BY FEDERAL EMPLOYEES.**

3 Section 7131 of title 5, United States Code, is
4 amended to read as follows:

5 **“§ 7131. Official time**

6 “(a) Except as otherwise provided in this section, an
7 employee may not be granted official time in connection
8 with any matter covered by this chapter.

9 “(b)(1) Subject to subsection (c), official time may
10 be granted—

11 “(A) to an employee representing an exclusive
12 representative, but only for a purpose allowable
13 under paragraph (2); or

14 “(B) to an employee in a unit represented by
15 an exclusive representative (in a circumstance not
16 covered by subparagraph (A)), but only for a pur-
17 pose allowable under paragraph (3).

18 “(2) Official time may not be granted under para-
19 graph (1)(A) to any employee, except—

20 “(A) to allow such employee—

21 “(i) to present or process a grievance on
22 behalf of an employee in a unit represented by
23 the exclusive representative; or

24 “(ii) to be present during a grievance pro-
25 ceeding involving an employee in a unit rep-
26 resented by the exclusive representative; or

1 “(B) in connection with any consultation or
2 meeting with management officials officially re-
3 quested or approved by the agency.

4 “(3) Official time may not be granted under para-
5 graph (1)(B) to any employee, except—

6 “(A) to allow such employee to present a griev-
7 ance on the employee’s own behalf under a nego-
8 tiated grievance procedure; or

9 “(B) in connection with any consultation or
10 meeting with management officials officially re-
11 quested or approved by the agency.

12 “(c)(1) Official time under subsection (b) may be
13 granted in any amount that the agency and the exclusive
14 representative involved agree to be reasonable, necessary,
15 and in the public interest, but only to the extent that, with
16 respect to any employee, it would not cause the ratio of—

17 “(A) the total amount of official time granted
18 to such employee under subsection (b) for use dur-
19 ing any period (specified under paragraph (2)), over

20 “(B) the total amount of time such employee
21 would otherwise normally be in duty status during
22 that same period (determined as if no official time
23 had been granted for use during such period),
24 to exceed 50 percent.

1 “(2) In order to carry out this subsection, the Au-
2 thority shall by regulation specify an appropriate period
3 of time, which—

4 “(A) shall not exceed 12 months in duration;
5 and

6 “(B) shall be uniformly applied by all agencies.

7 “(d) The Authority shall determine whether any em-
8 ployee participating for, or on behalf of, a labor organiza-
9 tion in any phase of proceedings before the Authority shall
10 be authorized official time for such purpose during the
11 time the employee otherwise would be in a duty status.

12 “(e) Nothing in this section shall be considered to
13 constitute authority for any official time to be granted to
14 an employee for purposes of allowing such employee—

15 “(1) to represent an exclusive representative in
16 the negotiation of a collective bargaining agreement
17 under this chapter, including to attend an impasse
18 proceeding; or

19 “(2) to engage in any activity relating to the in-
20 ternal business of a labor organization, including the
21 solicitation of membership, elections of labor organi-
22 zation officials, and collection of dues.

23 Any activities described in paragraph (1) or (2) shall be
24 performed during the time the employee is in a non-duty
25 status.

1 “(f)(1) The Office of Personnel Management shall
2 submit to the President and each House of the Congress,
3 before March 1st of each calendar year, a report on the
4 use of official time under this section. Each such report
5 shall include, in the aggregate and by agency, with respect
6 to the fiscal year last ending before the start of such cal-
7 endar year—

8 “(A) the total number of employees to whom of-
9 ficial time was granted under this section;

10 “(B) the total number of employee-hours of of-
11 ficial time granted under this section; and

12 “(C) the total costs attributable to official time
13 granted under this section.

14 “(2) Agencies shall submit to the Office such data
15 as the Office may by regulation require in connection with
16 any report under this subsection.”.

17 **SEC. 3. EFFECTIVE DATE.**

18 This Act and the amendment made by this Act shall
19 take effect as of the first day of the first fiscal year begin-
20 ning at least 6 months after the date of the enactment
21 of this Act, except that, whether or not this Act is enacted
22 earlier than 6 months before the first day of a fiscal
23 year—

24 (1) reports shall be required, in accordance with
25 the provisions of section 7131(f) of title 5, United

1 States Code (as set forth in section 2), beginning
2 with the report next due under such provisions be-
3 fore the March 1st next occurring at least 5 months
4 after the date of the enactment of this Act; and

5 (2) for purposes of any report under paragraph
6 (1) covering a fiscal year preceding the first fiscal
7 year covered by subsections (a) through (e) of sec-
8 tion 7131 of such title 5 (as amended by this Act)—

9 (A) section 7131(f) of such title (as set
10 forth in section 2) shall be treated as if in ef-
11 fect as of the date of the enactment of this Act;
12 and

13 (B) any reference in such section 7131(f)
14 to “this section” shall be treated as a reference
15 to section 7131 of such title, as in effect before
16 the effective date of this Act.

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