

Office of the Inspector General

December 17, 1998

Kenneth S. Apfel
Commissioner of Social Security

Acting Inspector General

Non-Council 220 Union Representative and Manager Observations on the Use and Management of Official Time at the Social Security Administration

The attached final report presents the results of our survey of Social Security managers and non-Council 220 union representatives (A-02-98-02002). The objective of this survey was to obtain union representative and manager observations concerning the use and management of "official time" for union activities at the Social Security Administration.

If you choose to offer comments, please provide them within the next 60 days. If you wish to discuss the final report, please call me or have your staff contact Daniel R. Devlin, Acting Assistant Inspector General for Audit, at (410) 965-9700.

James G. Huse Jr.

Attachment

**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**NON-COUNCIL 220 UNION
REPRESENTATIVE AND MANAGER
OBSERVATIONS ON THE USE AND
MANAGEMENT OF OFFICIAL
TIME AT SSA**

December 1998

A-02-98-02002

**EVALUATION
REPORT**



EXECUTIVE SUMMARY

OBJECTIVE

The objective of this evaluation was to obtain union representative and manager observations concerning the use and management of “official time” for union activities at the Social Security Administration (SSA).

BACKGROUND

Official time is time during which an employee otherwise would be performing Agency assigned work but, as authorized by law, regulation, or negotiated agreement, represents union and/or bargaining unit employees. The Agency pays the employee while he or she uses official time as if he or she were conducting Agency business. For many union representatives (UR), official time falls into two categories—bank and non-bank time. While not always referred to as bank and non-bank time, equivalent categories exist for all SSA components. Bank time is generally used for union initiated activities. Every year, each union is allocated a set number of bank hours to conduct representational activities. Non-bank time is used for management-initiated activities. There is no limit on non-bank time.

In October 1996, the General Accounting Office (GAO) released a report on union activities at SSA (HEHS-97-3). It found that official time had increased over 60 percent between 1990 and 1995. SSA’s cost for official time in 1995 was \$12.6 million. Additionally, GAO found that 1,800, or over 3 percent of SSA’s 52,000 bargaining unit employees, working in the over 1300 field offices (FO), 130 Offices of Hearings and Appeals (OHA), teleservice centers (TSC), program service centers (PSC), Headquarters etc., were designated as URs who could use official time. Lastly, GAO reported that SSA’s tracking system for official time underreported hours in 1995.

Based upon GAO’s findings, the Chairman of the Subcommittee on Social Security, House Committee on Ways and Means, requested SSA’s Office of the Inspector General (OIG) to conduct an in-depth and comprehensive review of taxpayer financed union activities at SSA. This is the fourth in a series of reports that OIG has produced in response to that request. We performed a nationwide survey to collect UR and manager observations about the use and management of official time for all union councils except for Council 220 of the American Federation of Government Employees (AFGE). Council 220 represents employees in SSA’s FOs and TSCs and was the subject of a separate review.

For this review, we used a combination of statistical and 100 percent sampling to select from the many union representational units of SSA employees. In mid-December 1997, we mailed survey questionnaires to URs selected for this review. URs were asked to complete and return the survey questionnaire and to forward a separate questionnaire to their manager/supervisor to complete and return to OIG. A follow-up reminder notice was sent 4 weeks later. We executed a second mailing, on February 20, 1998, to URs who had not returned the completed questionnaires. We also made a separate mailing addressed to the attention of the manager/supervisor of the selected UR to allow for any questionnaires that may have not been passed along by the UR in the first mailing.

RESULTS OF REVIEW

- URs DID NOT ALWAYS COMPLETE AN OFFICIAL TIME FORM PRIOR TO USING OFFICIAL TIME
- OFFICIAL TIME REQUESTS WERE RARELY DENIED
- A MAJORITY OF THE MANAGERS AND MANY URs DID NOT KNOW HOW MANY OFFICIAL TIME HOURS WERE AVAILABLE, THUS CREATING A POTENTIAL FOR EXCEEDING OFFICIAL TIME
- SOME MANAGERS SUSPECTED ABUSE OF OFFICIAL TIME
- URs WERE MORE LIKELY THAN MANAGERS TO REPORT THAT THE OFFICIAL TIME REPORTING SYSTEM WAS ACCURATE AND EFFECTIVE
- MANAGERS HAD NOT RECEIVED SUFFICIENT GUIDANCE ON THE USE OF OFFICIAL TIME
- NOT SURPRISINGLY, URs SPENT MORE THAN FOUR TIMES AS MUCH OF THEIR TIME AS MANAGERS ON UNION ACTIVITIES

CONCLUSION

The responses to the questionnaires disclosed that managers and URs generally had differing observations concerning the official time system at SSA. URs found the official time system more accurate and effective than managers. Managers did not believe they received adequate guidance on the use of official time. Furthermore, some managers suspected abuse of official time. The majority of managers and many of the URs did not know how many official time hours were available for each UR to use. The responses by managers and URs revealed that there was a lack of understanding by some on how to properly report and use official time.

AGENCY COMMENTS

The full text of the Agency's comments are contained in Appendix C. SSA emphasized that the OIG non-Council 220 report is a collection of opinions and perceptions based on an unscientific sample. Nevertheless, the Agency saw value in the observations of URs and field office/teleservice managers. SSA noted that decisions by arbitrators and the Federal Labor Relations Authority (FLRA) established case law that sets forth the practices, procedures and limitations governing the use and management of official time. The Agency believed that the limitations established by case law undoubtedly had an effect on the perceptions of office managers.

Responding to specific findings, SSA indicated that procedures are in place for dealing with allegations of official time abuse and the report noted that over half of the managers who suspected abuse initiated action for resolution. The Agency also stated that the observations in the report displayed a clear awareness and a comparable level of understanding by both managers and URs about the need and circumstances for completion of the official time form, but also indicated that there is no specific requirement to request official time in advance. Finally, with regard to the amount of official time available, SSA stated that time to be granted for representational activities is not allocated by the union and that the Office of Labor-Management and Employee Relations monitors official time usage.

OIG RESPONSE

We disagree with the Agency's characterization of our report as a collection of opinions and perceptions based on an unscientific sample. The methodology section of the report indicates that sound scientific samples were used for this survey. At least 50 percent of the URs and their managers were included in our sample for each council/chapter. In fact, we sent questionnaires to 100 percent of the URs and their managers for most of the councils/chapters.

SSA states that case law has established limitations on the Agency's ability to question the use of official time. Even so, we believe that it was appropriate to use the *National Agreement Between AFGE and Social Security Administration (Agreement)* and the National Treasury Employees Union (NTEU), and the National Federation of Federal Employees (NFFE) union contracts as the basis for our review since those documents establish the criteria for official time use.

We believe that the perceptions provided by the URs and managers highlight potential weaknesses with the use and reporting of official time. Twenty-six percent of the managers reported that they took no action when they suspected abuse of official time. Managers and the URs reported that official time forms were completed after official time use and that the duration of time needed for union activities was a consideration in whether or not to report official time. SSA indicated agreement that, in general, official time should be requested in advance. Also, there is no contractual stipulation that

duration of time should be a consideration when determining whether to complete an official time form. The lack of reporting small amounts of official time used and lack of knowledge of how many official time hours were available created an environment where individual URs could unknowingly exceed their allotted official time caps.

The responses to the survey suggest that there are managers and URs who are uncertain about official time procedures and that the procedures are not adhered to in some SSA offices. In the comments for this report, SSA indicated that it is providing guidance on the use and management of official time to its managers. It may be appropriate to provide guidance to all individuals involved in the use of official time, including URs, to help ensure compliance with all of the policies and procedures contained in the *Agreement* and the NTEU and NFFE union contracts.

TABLE OF CONTENTS

	PAGE
EXECUTIVE SUMMARY	i
INTRODUCTION	1
RESULTS OF REVIEW	6
URs DID NOT ALWAYS COMPLETE AN OFFICIAL TIME FORM PRIOR TO USING OFFICIAL TIME	6
OFFICIAL TIME REQUESTS WERE RARELY DENIED.....	8
A MAJORITY OF THE MANAGERS AND MANY URs DID NOT KNOW HOW MANY OFFICIAL TIME HOURS WERE AVAILABLE, THUS CREATING A POTENTIAL FOR EXCEEDING OFFICIAL TIME.....	8
SOME MANAGERS SUSPECTED ABUSE OF OFFICIAL TIME	9
URs WERE MORE LIKELY THAN MANAGERS TO REPORT THAT THE OFFICIAL TIME REPORTING SYSTEM WAS ACCURATE AND EFFECTIVE.....	9
▪ System Accuracy.....	9
▪ System Effectiveness.....	10
MANAGERS HAD NOT RECEIVED SUFFICIENT GUIDANCE ON THE USE OF OFFICIAL TIME	12
NOT SURPRISINGLY, URs SPENT MORE THAN FOUR TIMES AS MUCH OF THEIR TIME AS MANAGERS ON UNION ACTIVITIES	12
CONCLUSION.....	14
APPENDICES	
APPENDIX A - MANAGER QUESTIONNAIRE	
APPENDIX B - UNION REPRESENTATIVE QUESTIONNAIRE	
APPENDIX C - AGENCY COMMENTS	
APPENDIX D - MAJOR CONTRIBUTORS TO THIS REPORT	
APPENDIX E - SSA ORGANIZATIONAL CHART	

INTRODUCTION

OBJECTIVE

The objective of this evaluation was to obtain UR and manager observations concerning the use and management of “official time” for union activities at SSA.

BACKGROUND

Federal employees have had the right to join unions since the early 1900's. In 1912, the Lloyd-LaFollette Act gave postal employees the right to join unions and, thereby, set a precedent for all other Federal employees. In 1962, President Kennedy's Executive Order (EO) 10988 established a framework for Federal agencies to bargain with unions over working conditions and personnel practices. In 1969, President Nixon's EO 11491 created the Federal Labor Relations Council to proscribe regulations for resolving labor disputes and to arbitrate grievances. The Civil Service Reform Act of 1978 (CSRA) provided the current statutory basis for labor/management (L/M) relations and created the Federal Labor Relations Authority. Most recently, in 1993, President Clinton's EO 12871 called for an L/M “partnership” that would involve unions as full partners with management in identifying and resolving problems.

Official Time

In 1962, EO 10988 set the precedent for allowing Federal agencies to grant official time, which is paid time off at the agency's discretion from normal Government duties to conduct contract negotiations. In 1969, EO 11491 prohibited the use of official time to negotiate such agreements, but in 1978 the CSRA restored the use of official time for contract negotiations. For most URs, official time falls into two categories—bank and non-bank time. While not always referred to as bank and non-bank time, equivalent categories exist for all SSA components. Bank time is generally used for union-initiated activities and every year each union council is allocated a set number of bank hours to conduct representational activities. Non-bank time is used for management-initiated activities. There is no limit on non-bank time. Union activities under “partnership” are counted as non-bank time. The CSRA prohibits the use of official time for internal union business but continued the policy that agencies would provide unions with services and facilities at the agency's expense.

SSA's Unions

SSA employees are represented by three unions: AFGE, NTEU, and NFFE. About 52,000 of SSA's 65,000 employees are in a bargaining unit and represented by unions. Of those, 96 percent are represented by AFGE. Approximately 47 percent of all bargaining unit employees pay dues to their respective unions.

There is one contract between SSA and AFGE, called the *National Agreement Between AFGE and Social Security Administration (Agreement)*. The individual appendices (A through F) of the *Agreement* provide the detailed policies for specific components (A - Headquarters in Baltimore, B - PSCs, C1 - OHA-Field, C2 - OHA-Falls Church, D - Office of Assessment-Field, E - Data Operations Center [DOC], F - FOs). Multiple units within AFGE represent different SSA components. Council 220 represents bargaining unit employees in FOs and TSCs. Local 1923, which is treated as a council, represents all Headquarters operations. Council 109 represents the workers at six PSCs, Council 215 represents field operations staff of OHA, Council 224 represents the Regional Offices of Quality Assurance and Performance Assessment (formerly the Regional Offices of Program Integrity and Reviews), and Council 221 represents the DOC. There are six contracts with individual components of NTEU and NFFE. The NTEU Chapter 224 represents professional employees (attorney-advisors) in various hearing offices nationwide. NFFE represents non-professional employees in one hearing office. There are approximately 100 offices that would fall in the category of non-union offices because the union has not been granted exclusive recognition in those offices.

GAO Report on SSA Unions

In October 1996, GAO released a report on union activities at SSA (HEHS-97-3). The report stated that official time had increased over 60 percent from 254,000 to 413,000 hours per year between 1990 and 1995. SSA's cost for official time in 1995 was \$12.6 million. Additionally, GAO reported that 1,800, or over 3 percent of SSA's 52,000 bargaining unit employees, working in the over 1,300 FOs, 130 hearing offices, TSCs, PSCs, Headquarters etc., were designated as URs who could use official time. Moreover, 145 of these employees were designated as full-time URs. The 145 full-time employees for 1995 represented an 81 percent increase over the 80 full-time URs in 1993. Lastly, GAO reported that SSA's tracking system for official time underreported hours in 1995.

OIG Reviews

In addition to our review of employee observations on the use of official time, OIG has conducted reviews of the use of official time for union activities at SSA, and Partnership activities. The following additional reports concerning these reviews were issued in July 1998.

- Use of Official Time for Union Activities at the Social Security Administration (A-13-97-72013)
- Partnership Activities at the Social Security Administration (A-13-98-72023)
- Council 220 Union Representative and Manager Observations on the Use and Management of Official Time at the Social Security Administration (A-02-97-72002)

SCOPE AND METHODOLOGY

For this review, we used three 50 percent samples identifying a selection of AFGE Councils 109, 1923, and 215. We also selected 100 percent of the URs in AFGE Councils 221 and 224; NTEU Chapter 224 and NTEU multi-regional¹ bargaining unit; and the lone NFFE Chapter. We selected 100 percent of these units because the number of URs in each Council/Chapter was too small for a practical use of statistical selection. Overall, 240 URs were identified to participate in this survey. A breakdown of the selections by Council/Chapter is as follows:

Council/Chapter	Population Size	Sample Size
AFGE 109	211	105
AFGE HQ 1923	69	35
AFGE 215	79	40
AFGE 224	20	20
AFGE 221	12	12
NTEU 224	21	21
NTEU Multi-regional	6	6
NFFE	1	1
Total	419	240

In mid-December 1997, we mailed the survey questionnaires to the 240 URs selected for this review. URs were asked to complete and return the survey questionnaire (Appendix B) and to forward a separate questionnaire (Appendix A) to their manager/supervisor to complete and return. This was necessary since we did not know the names of their supervisors. A follow-up reminder was sent 4 weeks later.

¹ An NTEU unit representing employees in various regions.

Additionally, we made follow-up phone calls to non-respondents during January and February. On February 20, 1998, we executed a second mailing to URs who had not returned the completed questionnaires. We also made a separate mailing addressed to the attention of the manager/supervisor of the selected UR to allow for any questionnaires that may have not been passed along by the UR in the first mailing.

When we first mailed questionnaires in early June 1997 for a survey of AFGE Council 220 (A-02-97-72002), representing employees of FOs and TSCs, all SSA AFGE members were advised by union leaders not to complete the survey. The AFGE changed its position in late September, when all members (Council 220 and non-220 Councils) were advised to cooperate and complete the survey, but to ignore four specific survey questions deemed by AFGE to be of an improper nature.

In April 1997, when we first requested a universe of all SSA URs, we were provided lists that contained outdated and incomplete information. In late September when the AFGE agreed to participate, its General Counsel requested that updated lists be provided to the Office of Human Resources who would then forward them to OIG. The numerous lists that were faxed to us had to be compiled to determine whether the resulting list included an address for each name provided. The compilation of this universe was completed in late November.

The results of our review are based on the receipt of 157 manager questionnaires (a 65 percent response rate) and 155 UR questionnaires (a 65 percent response rate). Additionally, 18 managers and 16 URs were not included in our results for the following reasons: questionnaires were returned because of an incorrect address or received too late to be considered in our analysis; the manager or UR retired; the UR refused to complete the survey; the UR was no longer a UR; the questionnaire was a duplicate because the manager had more than 1 UR; or the manager or UR was too inexperienced to respond to the survey. Considering these explanations, we accounted for 73 percent and 71 percent, respectively, of the manager and UR questionnaires sent.

Ninety-eight percent of the responding URs and 97 percent of the responding managers reported that they worked at the same site as each other. On average, the respondents to the manager questionnaires had been managers/supervisors for almost 13 years, and the respondents to the UR questionnaires had been URs for over 8 years. Although the length of time as a UR was one of the four questions AFGE had advised URs not to answer, over 75 percent chose to respond.

We designed the questionnaires so that both the managers and the URs were asked basically the same questions. We placed primary emphasis on the use of official time in their offices. One question concerning suspected abuse of official time was posed to only the managers. The percentages shown in the report are based on the number of respondents answering each question. Also, the percentages represent the aggregate of all non-220 union councils, except where differences are noted.

We asked the managers whether they were notified, in writing, concerning the identity of the UR(s) in their offices. Although we have their responses to this question, we have chosen not to report them, because the contracts with the councils involved in this review are not specific concerning written notification. Therefore, the responses we received would be nonconclusive concerning compliance with the *Agreement*.

The information contained in this report is based on the perceptions of the managers and URs that completed and returned questionnaires. We did not collect supporting evidence to verify the claims made since the objective of this review was simply to obtain their observations. Also, our corresponding report, "Use of Official Time for Union Activities at the Social Security Administration," does provide documentation to support many of the observations cited in this report.

We conducted our review from April 1997 to March 1998. This evaluation was performed in accordance with the ***Quality Standards For Inspections*** issued by the President's Council On Integrity And Efficiency.

RESULTS OF REVIEW

Managers reported that the system for reporting official time does not accurately capture the amount of time used by URs. Some managers believed they could not effectively supervise the use of official time since they do not monitor the URs' activity once official time is approved. Some also suspected abuse of official time usage. Conversely, URs reported they were satisfied with the present official time reporting system. URs believed the time reporting system to be accurate and effective. Even though they differed in their opinion of official time, both the managers and URs noted that official time form requests were not always completed prior to using official time. Both cited the nature and duration of the union activity as contributing factors in deciding whether to complete an official time form.

URs DID NOT ALWAYS COMPLETE AN OFFICIAL TIME FORM PRIOR TO USING OFFICIAL TIME

Article 30 of the *Agreement* sets forth the policy for the use of official time for the AFGE. The individual appendices of the *Agreement* provide the detailed policies for specific components. Except for Appendix E, which covers the DOC, all other appendices require the completion of an official time form prior to using official time. The Agreements between NTEU and SSA state that where practical, official time for URs will be approved in advance. A majority of the managers and URs reported that official time forms were completed before using the official time. However, a sizable number responded that forms were completed after the use of official time (see Table 1).

Table 1
Timing of Official Time Form Completion

	Managers	Union Representatives
Before Using Official Time	68%	72%
After Using Official Time	20	13
About Equal	10	14
Other	0	1
Did Not Know	2	0

There were some differences among the Councils in regard to the timing of official time form completion. Only 2 percent of Council 109 URs reported completing official time forms after using official time. Conversely, 29 percent of Council 215 URs and 33 percent of NTEU URs reported filling out official time forms after its use. The managers of these URs reported somewhat similar responses. Two percent

(Council 109), 33 percent (Council 215), and 58 percent (NTEU) of the managers indicated that URs completed forms after the use of official time.

Most of the managers and URs reported that an official time form request was always completed at some point. However, a substantial percentage did report that official time requests were not always completed because small periods of time (e.g., 15 minutes or less) were not reported (see Table 2).

Table 2
Frequency of Official Time Form Completion

	Managers	Union Representatives
Always Complete an Official Time Form Request	69%	68%
Did Not Report Small Periods of Time	28	32
Other	3	0

Some of the responses for the individual Councils varied from the aggregate data. All of the URs from Council 221 and 81 percent of their managers reported that URs always completed an official time form. Almost half of the URs (47 percent) from Council 215 and their managers (45 percent) indicated that URs did not complete official time forms for small periods of time spent on union activities.

Usually, the time needed for the union activity was taken into consideration when deciding what to report as official time. A majority of managers and URs reported that the duration of the activity was either one factor in deciding whether to report official time or was the only factor for that decision. About one-third of both the managers and URs stated that only the nature of the activity was the determining factor in reporting official time (see Table 3).

Table 3
Factors Determining When Official Time is Reported

	Managers	Union Representatives
Both the Nature and Duration of Activity	49%	56%
Nature of Activity	35	31
Duration of Activity	3	4
Other	11	9
Did Not Know	2	0

There was a wide variation among Councils in regard to the factors used to determine when to report official time. Council 224 only relied on the nature of the activity—more than any other Council. Seventy-nine percent of the managers and 54 percent of the

URs indicated that the nature of activity was the only factor used to decide when to report official time. Conversely, 83 percent of the managers and 100 percent of the URs from Council 221 reported that both the nature and duration of the activity were the determining factors.

OFFICIAL TIME REQUESTS WERE RARELY DENIED

The majority of managers and URs reported that official time was rarely denied. Only 13 percent of the managers and 18 percent of the URs reported an instance of denying official time more than once a year (see Table 4). The most common reason provided for denying time was workload consideration. Other reasons for denying official time were for nonapproved activities and for hours requested that were in excess of the URs' allotment.

Table 4
Frequency of Denial for Official Time Requests

	Managers	Union Representatives
A Couple of Times a Month	0%	9%
A Couple of Times a Year	13	9
Rarely (Less Than Once a Year)	67	56
Only Once	3	9
Never	7	4
Other	10	13

A MAJORITY OF THE MANAGERS AND MANY URs DID NOT KNOW HOW MANY OFFICIAL TIME HOURS WERE AVAILABLE, THUS CREATING A POTENTIAL FOR EXCEEDING OFFICIAL TIME

The appendices to the *Agreement* sets forth the amount of time available for representational activities. This time is allocated based upon union title with the higher ranked positions receiving greater allotments. The highest ranked positions are provided "reasonable" official time with no limit on the amount used.

The majority of managers (52 percent) and many of the URs (28 percent) reported they did not know how many official time hours the UR was allocated annually. Moreover, 40 percent of the managers and 29 percent of URs did not know how official hours were distributed. Consequently, managers could have been authorizing and URs could have been using official time without knowing how many hours were available.

SOME MANAGERS SUSPECTED ABUSE OF OFFICIAL TIME

We asked the managers, but not the URs, about suspected abuse of official time. Twenty-three percent of the managers suspected abuse of official time. Section 3 of Article 30 addresses the issue of allegations of abuse of official time. It states:

“Alleged abuses of official time shall be brought to the attention of an appropriate management official on a timely basis by supervisors and management officials. The management official will then discuss the matter with the local or council president as appropriate.”

Over half of the managers who suspected abuse of official time either spoke with the UR who was suspected of abuse (19 percent) or discussed it with or reported it to superiors (32 percent). Twenty-six percent of managers reported they did nothing. The other 23 percent of managers reported various other responses. A few reported that they investigated, but found they had little control over the situation.

URs WERE MORE LIKELY THAN MANAGERS TO REPORT THAT THE OFFICIAL TIME REPORTING SYSTEM WAS ACCURATE AND EFFECTIVE

System Accuracy

The managers and URs had differing opinions on the accuracy of the system for reporting official time. Almost twice as many URs as managers reported the system to be very accurate (see Table 5).

Table 5
Accuracy of System for Reporting Official Time

	Managers	Union Representatives
Very Inaccurate	12%	10%
Somewhat Inaccurate	15	7
Somewhat Accurate	36	17
Very Accurate	33	62
Other	1	0
Did Not Know	3	4

The majority of the URs (81 out of 106) had favorable comments on the accuracy of the system. When asked to qualify why they found the system accurate, some of the URs

stated that they took the reporting seriously and all official time was reported promptly and accurately. Others reported that they could not use official time without reporting it to management.

Fifty-eight (out of 125) of the managers commented favorably on the system's accuracy. Some reported the URs to be reliable and conscientious; and, therefore, felt that all official time was reported accurately. Others said that every use of official time was properly documented or monitored in their office.

When asked to elaborate on their responses, 50 managers (out of 125 who responded to this question) and 14 URs (out of 106) had disapproving comments on the accuracy of the system. Some managers said they really had no way of knowing exactly what the UR was working on. Consequently, they had to accept the UR's word for both the reported time and activity. Others had concerns that official time was reported only when management was aware of union activity or that only large blocks of time were reported. A few of the managers stated that anything self reported was error prone. Still others were concerned that "partnership" time was not included as reported official time. Some URs stated that official time reporting was not accurate because small periods of time were skipped or that management time related to union activity was not tracked.

Even though many of the managers did not find the reporting system to be very accurate, they did not have solutions to change it. When asked what changes they would make in the system for reporting official time, 71 percent of managers responded that they would make no changes and 3 percent did not know. Three percent of the managers thought there should be clearer guidelines on requesting and using official time and another 6 percent said reasons for the time requested should be shown on the official time form.

Seventeen percent of the managers provided various other suggestions. Two managers suggested the need for more specificity of activities reported. Two others indicated a need to implement a system of accountability. One manager thought penalties needed to be imposed for improper reporting. One UR suggested that union officials should be required to fully document how their time was spent.

System Effectiveness

Managers' and URs' opinions also differed on the effectiveness of the system for supervising official time. Forty-six percent of the managers reported the system of supervision to be somewhat or very ineffective. Conversely, the majority of URs responded that the system was very effective (see Table 6).

Table 6
Effectiveness of System for Supervising Official Time

	Managers	Union Representatives
Very Ineffective	25%	8%
Somewhat Ineffective	21	4
Somewhat Effective	31	19
Very Effective	21	61
Did Not Know	2	8

The majority of managers (63 out of 121 who responded to the question) and a few URs (9 out of 108) had disapproving comments when asked why they perceived the effectiveness of the system as they did. Generally, the managers thought it was difficult to supervise official time because of its confidential nature. Therefore, many managers report a resigned acceptance of official time reported by the UR. One manager said there was no way to know whether reported time was for an appropriate activity or for internal union business. Another expressed concern over the difficulty of tracking and supervising the use of crossover time. Crossover time represents the allowance of a UR in one component to engage in representational activities in another component.

Favorable responses were furnished by 84 URs (out of 108) and 39 managers (out of 121) when asked to elaborate on their responses concerning the effectiveness of the system for supervising official time. URs reported that the system seems to be running effectively. They cited trust as the most important element in promoting effectiveness and that they reported all use of official time. Many reported that the manager knew what they were doing all of the time. Most of the approving responses from managers said a good working relationship with the UR was a key for supervising official time.

We also asked the participants of the survey what changes they would make to the system for supervising official time to make it more effective. Seventy-one percent of the managers said they would make no changes for supervising official time even though many reported unfavorably on the system. Ninety-one percent of URs responded similarly. Three percent of the managers and URs reported they did not know what changes to make. Six percent of the URs reported other responses, e.g., questioning why management should even supervise official time.

Of the managers who made suggestions to change the system for supervising official time, 4 percent said there should be an emphasis on accountability and 6 percent thought there should be more detail on the official time form. Seventeen percent of the managers provided numerous other responses. One suggested enforcing the rules governing the amount of official time a UR is allowed. Another said better official time guidelines are needed.

MANAGERS HAD NOT RECEIVED SUFFICIENT GUIDANCE ON THE USE OF OFFICIAL TIME

Almost half the managers reported they had not received any training on the use of official time. Fifty-three percent said they had training, but of these, many reported the training was not received recently. Most of the managers who were trained reported the training to be accurate (97 percent), timely (91 percent), and helpful (91 percent).

The managers' perceived lack of sufficient guidance may explain why there was differing opinions on who can use official time. Most managers (84 percent) and URs (94 percent) reported that someone who is not a UR could not successfully submit an official time form report/request. Managers and URs who believed otherwise said a request for official time could be submitted for an employee who wanted to consult with a UR or prepare for a grievance, or for an employee who was not a UR but was designated by the union to act in an official capacity.

Almost all of the managers (93 percent) reported they had an office they can turn to for assistance on the use of official time for union-related activities. Most of the managers have found the office to be useful. Ninety-one percent found it accurate, 84 percent found it timely, and 91 percent found it helpful.

NOT SURPRISINGLY, URs SPENT MORE THAN FOUR TIMES AS MUCH OF THEIR TIME AS MANAGERS ON UNION ACTIVITIES

On average, managers reported spending 6.5 percent of their time on union activities. Not surprisingly, URs reported spending considerably more time on union activities—an averaged 26.5 percent. Table 7 provides the various levels of time spent on union activity for both managers and URs.

Table 7
Time Spent on Union Activity

	Managers	Union Representatives
1 percent	32%	7%
2 percent	13	6
3 percent	4	3
4 percent	1	1
5 percent	24	12
6-10 percent	15	17
11-20 percent	7	12
21-25 percent	2	9
26-99 percent	2	25
100 percent	0	8

Managers and URs reported that the time spent on union activities was spent doing a few different tasks. The majority of URs reported grievances/potential grievances as the most common union activity while most of the managers reported a large portion of their time is spent on official time forms. Both the managers and URs reported consultation with each other on operations as the second most common union activity. However, 42 percent of the managers and 52 percent of the URs reported no or rare involvement in the managers' decision making process. Only 17 percent of the managers and 14 percent of the URs reported frequent involvement (defined as almost daily). The remaining managers (41 percent) and URs (34 percent) reported the involvement as 1 or 2 times per month.

CONCLUSION

The responses to the questionnaires disclosed that managers and URs generally had differing observations concerning the official time system at SSA. URs found the official time system more accurate and effective than the managers. The managers believed that they had not received adequate guidance on the use of official time. Moreover, some managers reported a suspicion of abuse by some URs in their use of official time. The majority of managers and many of the URs did not know how many official time hours were available for each UR to use. The responses by managers and URs revealed that there was a lack of understanding by some on how to properly report and use official time.

AGENCY COMMENTS

The full text of the Agency's comments are contained in Appendix C. SSA emphasized that the OIG non-Council 220 report is a collection of opinions and perceptions based on an unscientific sample. Nevertheless, the Agency saw value in the observations of URs and field office/teleservice managers. SSA noted that decisions by arbitrators and the FLRA established case law that sets forth the practices, procedures and limitations governing the use and management of official time. The Agency believed that the limitations established by case law undoubtedly had an effect on the perceptions of office managers.

Responding to specific findings, SSA indicated that procedures are in place for dealing with allegations of official time abuse and that the report noted over half of the managers who suspected abuse initiated action for resolution. The Agency also stated that the observations in the report displayed a clear awareness and a comparable level of understanding by both managers and URs about the need and circumstances for completion of the official time form, but also indicated that there is no specific requirement to request official time in advance. Finally, with regard to the amount of official time available, SSA stated that time to be granted for representational activities is not allocated by the union and that the Office of Labor-Management and Employee Relations monitors official time usage.

OIG RESPONSE

We disagree with the Agency's characterization of our report as a collection of opinions and perceptions based on an unscientific sample. The methodology section of the report indicates that sound scientific samples were used for this survey. At least 50 percent of the URs and their managers were included in our sample for each

council/chapter. In fact, we sent questionnaires to 100 percent of URs and their managers for most of the councils/chapters.

SSA states that case law has established limitations on the Agency's ability to question the use of official time. Even so, we believe that it was appropriate to use the *Agreement* and the NTEU and NFFE union contracts as the basis for our review since those documents establish the criteria for official time use.

We believe that the perceptions provided by the URs and managers highlight potential weaknesses with the use and reporting of official time. Twenty-six percent of the managers reported that they took no action when they suspected abuse of official time. Managers and the URs reported that official time forms were completed after official time use and that the duration of time needed for union activities was a consideration in whether or not to report official time. SSA indicated agreement that, in general, official time should be requested in advance. Also, there is no contractual stipulation that duration of time should be a consideration when determining whether to complete an official time form. The lack of reporting small amounts of official time used and lack of knowledge of how many official time hours were available creates an environment where individual URs could unknowingly exceed their allotted official time caps.

The responses to the survey suggest that there are managers and URs who are uncertain about official time procedures and that the procedures are not adhered to in some SSA offices. In the comments for this report, SSA indicated that it is actively providing guidance on the use and management of official time to its managers. It may be appropriate to provide guidance to all individuals involved in the use of official time, including URs, to help ensure compliance with all of the policies and procedures contained in the *Agreement* and the NTEU and NFFE union contracts.

APPENDICES

APPENDIX A

MANAGER QUESTIONNAIRE

OFFICE OF THE INSPECTOR GENERAL



UNION ACTIVITIES AT THE
SOCIAL SECURITY ADMINISTRATION
CIN-02-98-02002

Manager Questionnaire

INSTRUCTIONS

INSTRUCTIONS

You are one of over 500 employees at SSA selected to participate in our survey. This questionnaire asks questions about the use of official time for union activities.

Please answer the questions on the following pages. It should take about 10 minutes to finish this questionnaire. Most questions have directions printed in **CAPITAL DARK LETTERS**. Please be sure to read and follow these directions. The answers you give should be based on **your own** practices and opinions, and should refer to **your** experience within Social Security.

If you have any questions about this survey, please call John Molnar at 212-264-5295 or toll-free at 1-800-772-8246. He will be happy to help you.

Please return the completed questionnaire in the postage-paid envelope. The envelope has the appropriate address on it. If you misplace the postage-paid envelope, please mail the questionnaire in an envelope addressed to:

SSA/OIG/OA
Room 39-118
26 Federal Plaza
New York, NY 10278

Attention: John Molnar

PLEASE FILL IN THE FOLLOWING INFORMATION:

NAME_____

DATE_____/_____/____

PHONE NUMBER_____

OFFICE NAME_____

OFFICE CODE_____

SSA Component: (circle one)

PSC OPIR RPIR OHA Hq OHA Field RO-other HQ-other

1. How long have you been a team leader/supervisor?
_____ years
2. What are the primary **administrative** concerns you address each day as a team leader/supervisor?
3. About what percent of your time is spent on union activities?
_____ percent
4. What are typical union activities for you and what percent of your union time do you spend on each?
(✓ AS MANY AS APPLY)

Typical Activities	Percent of Union Time (must equal 100%)
a. <input type="checkbox"/> consulting with union on operations	_____
b. <input type="checkbox"/> grievances and potential grievances	_____
c. <input type="checkbox"/> completing 75s/official time forms	_____
d. <input type="checkbox"/> other; specify _____	_____
e. <input type="checkbox"/> other; specify _____	_____

TOTAL 100%
- 5a. Could you document the amount of time you spent on union activities?

___no

___yes; 5b. What type of documentation do you have?

6. How could management time related to union activities be tracked?

7. What are typical union activities for your union representative and about what proportion of their official time do they spend on each?

(AS MANY AS APPLY)

Typical Activities	Percent of Official Time (must equal 100%)
--------------------	---

- | | |
|--|-------|
| a. <input type="checkbox"/> consulting with management on operations | _____ |
| b. <input type="checkbox"/> grievances/potential grievances | _____ |
| c. <input type="checkbox"/> union administrative matters | _____ |
| d. <input type="checkbox"/> other; specify _____ | _____ |
| e. <input type="checkbox"/> other; specify _____ | _____ |

TOTAL 100%

8. How often does your union representative complete the form (SSA-75) to request/report the use of official time?

(**ONLY ONE**)

- each activity
- each day
- each pay period
- other; specify _____

9. Does your union representative **usually** complete this form before or after they use official time?

(**ONLY ONE**)

- before
- after
- about equal

10. What factor primarily determines when official time must be reported?

(**ONLY ONE**)

- nature of activity
- duration of activity
- both the nature and duration of activity
- other; specify _____

11. Does your union representative always complete the form to request/report the use of official time or skip it for small periods of time (e.g. 15 minutes)?

(**ONLY ONE**)

- always
- skip small periods of time

12. What do you do with the completed form requesting/reporting the use of official time?

(**AS MANY AS APPLY**)

- a. keep copy
- b. send copy to my supervisor
- c. send copy to my L/MR office
- d. give copy to union representative
- e. other; specify _____

13. How long do you keep your copy of the form?

14. When do you usually return the approved official time form to your union representative?

(**ONLY ONE**)

- within one day
- within one week
- within one pay period
- other; specify _____

15. How do you know that your union representative is a union representative?

(✓ AS MANY AS APPLY)

- a. he/she told me
- b. someone else told me; Who? **(TITLE)** _____
- c. I was notified in writing; By whom? **(TITLE)** _____
- d. other; specify _____

16a. Could someone who is not a union representative successfully submit a form requesting/reporting the use of official time?

- no
- yes; 16b. How could this happen?

17. Do you know how official time hours are distributed to union representatives?

- no
- yes
- Not applicable **(IF NOT APPLICABLE, SKIP TO QUESTION 19a)**

18a. Do you know how many official time hours your union representative gets per year?

- no
- yes; 18b. Do you know how many they have left for this year?
 - no
 - yes

19a. Have you ever denied a request for official time?

- no
- yes; 19b. Why?

19c. How often does this happen?

(**ONLY ONE**)

- more than once a week
- about once a week
- a couple of times a month
- a couple of times a year
- rarely (less than once a year)
- other; specify_____

20. Does your union representative sign in and out each day?

- no
- yes

21a. Is this similar to the procedures used by your other staff?

- no; 21b. Why not?

- yes

22. With regard to signing in and out, what does your union representative **usually** do if they are off-site?

(**AS MANY AS APPLY**)

- a. they call in to me
- b. they call in to me or any supervisor
- c. they call in to anyone
- d. they give me advance notice
- e. other; specify _____

23. How often are they off-site?

(**ONLY ONE**)

- more than once a week
- about once a week
- a couple of times a month
- rarely (less than once a month)
- other; specify _____

24. Do you work at the same site as your union representative?

- no
- yes

25. Would you say your supervisor's policy on **reporting** the use of official time is formal or informal?

(**ONLY ONE**)

- very formal
- somewhat formal
- somewhat informal
- very informal

26a. Have you ever suspected abuse of official time?

- no; 26b. What would you do if you did?

- yes; 26c. What did you do?

27a. How accurate is the system for **reporting** the use of official time?

(**ONLY ONE**)

- very inaccurate
- somewhat inaccurate
- somewhat accurate
- very accurate

27b. Why do you say that?

28a. How effective is the system for **supervising** the use of official time?

(**ONLY ONE**)

- very ineffective

- somewhat ineffective
- somewhat effective
- very effective

28b. Why do you say that?

29. What changes would you make in the systems for:

a. distributing block/cap hours? none not applicable

b. reporting official time? none

c. supervising official time? none

30. What administrative support does SSA provide your union representative for union activities and how much does it cost annually?

(**✓ AS MANY AS APPLY**)

(WRITE “0” FOR NONE, OR “DK” FOR DON’T KNOW)

a. Travel-- \$_____

b. Space-- \$_____

c. Phones-- \$_____

d. Supplies-- \$_____

31a. Have you ever denied any administrative support to your union representative?

no

yes; 31b. What happened?

32. What administrative support does the union provide your union representative?

33. Are you or your union representative personally involved in any partnership councils?

no (**IF NO, SKIP TO QUESTION 35**)

yes

34a. Has partnership increased the use of official time?

no

yes; 34b. Will it continue to?

no

yes

35. How often do you involve your union representative in your decision making process?

(**ONLY ONE**)

frequently (almost daily)

sometimes (1 or 2 times a month)

rarely (1 or 2 times a year)

never

36a. Have you received any training on the use of official time for union-related activities?

no

yes; 36b. Was the training generally:

b. accurate? no yes

c. timely? no yes

d. helpful? no yes

37a. Do you have an office you can turn to for assistance on the use of official time for union-related activities?

no

yes; 37b. Is their assistance generally:

b. accurate? no yes

c. timely? no yes

d. helpful? no yes

38a. Is official time authorized for any other activities such as management organizations or other nonunion activities?

no

yes; 38b. Which ones?

38c. About how many hours are used per month for each?

39. Is there anything else you would like to share with us about reporting and supervising official time at SSA?

APPENDIX B

**UNION REPRESENTATIVE
QUESTIONNAIRE**

OFFICE OF THE INSPECTOR GENERAL



UNION ACTIVITIES AT THE
SOCIAL SECURITY ADMINISTRATION
CIN-02-98-02002

Union Representative Questionnaire

INSTRUCTIONS

You are one of over 500 union representatives at SSA randomly selected to participate in our survey. This questionnaire asks questions about the use of official time for union activities. Your supervisor was also selected for the survey.

Please answer the questions on the following pages. It should take about 10 minutes to finish this questionnaire. Most questions have directions printed in **CAPITAL DARK LETTERS**. Please be sure to read and follow these directions. The answers you give should be based on **your own** practices and opinions, and should refer to **your** experience within Social Security.

If you have any questions about this survey, please call John Molnar at 212-264-5295 or toll-free at 1-800-772-8246. He will be happy to help you.

Please return the completed questionnaire in the postage-paid envelope. The envelope has the appropriate address on it. If you misplace the postage-paid envelope, please mail the questionnaire in an envelope addressed to:

SSA/OIG/OA
Room 39-118
26 Federal Plaza
New York, NY 10278

Attention: John Molnar

PLEASE FILL IN THE FOLLOWING INFORMATION:

NAME_____ DATE_____/_____/____

PHONE NUMBER_____

OFFICE_____

OFFICE CODE_____

SSA Component: (circle one)

PSC OPIR RPIR OHA Hq OHA Field RO-other HQ-other

1. What is your job title? _____

2. How long have you been a union representative?

_____ years

3a. Do you hold any executive officer position in your union?

_____ no

_____ yes; 3b. What is your title? _____

4. About what percent of your time is spent on union activities per year?

_____ percent

5. What are typical union activities for you and what portion of your official time do you spend on each?

(AS MANY AS APPLY)

Typical Activity	Percent of Official Time (must equal 100%)
a. <input type="checkbox"/> consulting with management on operations	_____
b. <input type="checkbox"/> grievances/potential grievances	_____
c. <input type="checkbox"/> union administrative matters	_____
d. <input type="checkbox"/> other; specify _____	_____
e. <input type="checkbox"/> other; specify _____	_____

TOTAL 100%

6. How often do you complete the form (SSA-75) to report/request your use of official time?

(**ONLY ONE**)

each union activity

each day

each pay period

other; specify_____

7. Do you **usually** complete this form before or after you use official time?

(**ONLY ONE**)

before

after

about equal

8. How do you determine when official time must be reported?

(**ONLY ONE**)

nature of activity

duration of activity

both the nature and duration of activity

other; specify_____

9. Do you always complete the form to report/request the use of official time or skip it for small periods of time (e.g. less than 15 minutes)?

- always
- skip small periods of time

10. What do you do with the completed form reporting/requesting your use of official time?

(AS MANY AS APPLY)

- a. keep copy
- b. send copy to the union
- c. give copy to my supervisor/team leader
- d. other; specify _____

11. When does your supervisor/team leader usually return the official time form to you?

(ONLY ONE)

- within one day
- within one week
- within one pay period
- other; specify _____

12. How does your supervisor/team leader know that you are a union representative?

(AS MANY AS APPLY)

a. I told him/her

b. someone else told him/her; Who?

(TITLE) _____

c. he/she was notified in writing; By whom? (TITLE) _____

d. other; specify _____

e. don't know

13a. Could someone who is not a union representative successfully submit a form reporting/requesting the use of official time?

no

yes; 13b. How could this happen?

IF YOU USE "REASONABLE" HOURS, SKIP TO QUESTION 16a

14. Do you know how official time hours are distributed to union representatives?

no

yes

15a. Do you know how many official time hours you get per year?

no

yes; 15b. Do you know how many you have left for this year?

no

yes

16a. Have you ever had a request for official time denied?

no (**SKIP TO QUESTION 17a**)

yes; 16b. Why?

16c. How often does this happen?

(**ONLY ONE**)

- more than once a week
- about once a week
- a couple of times a month
- a couple of times a year
- rarely (less than once a year)
- other; specify_____

17a. Do you sign in and out each day?

no; 17b. Why not?

yes

18a. Is this similar to the procedures used by your coworkers?

no; 18b. Why not?

yes

19. What do you usually do about signing in and out if you are off-site?

(**AS MANY APPLY**)

a. I call in to my supervisor/team leader

- b. I call in to any supervisor/team leader
- c. I call in to anyone
- d. I give my supervisor/team leader advance notice
- e. other; specify _____

20. How often are you off-site?

(**ONLY ONE**)

- more than once a week
- about once a week
- a couple of times a month
- rarely (less than once a month)
- other; specify _____

21. Do you work at the same site as your supervisor/team leader?

- no
- yes

22. Would you say your supervisor's policy on **reporting** official time is formal or informal?

(**ONLY ONE**)

- very formal
- somewhat formal
- somewhat informal
- very informal

23a. How accurate is the system for **reporting** the use of official time?

(**ONLY ONE**)

- very inaccurate
- somewhat inaccurate
- somewhat accurate
- very accurate

23b. Why do you say that?

24a. How effective is the system for **supervising** the use of official time?

(**ONLY ONE**)

- very ineffective
- somewhat ineffective
- somewhat effective
- very effective

24b. Why do you say that?

25. What changes would you make in the systems for:
a. distributing block/cap hours? none not applicable

b. reporting official time? none

c. supervising official time? none

26. What administrative support does SSA provide you with for union activities and how much does it cost annually?

(WRITE "0" FOR NONE & USE "DK" FOR DON'T KNOW)

a. Travel-- \$_____

b. Space-- \$_____

c. Phones-- \$_____

d. Supplies-- \$_____

27a. Have you ever had an administrative support cost denied?

- no
- yes; 27b. What happened?

28. What administrative support does the union pay for and how much does it cost?

29. Are you personally involved in any partnership councils at SSA?

- no (**IF NO, SKIP TO QUESTION 31**)
- yes

30a. Has partnership increased your use of official time?

- no
- yes; 30b. Will it continue to rise?
 - no
 - yes

31. How often does your supervisor/team leader involve you in his/her decision making process?

(**ONLY ONE**)

- frequently (almost daily)
- sometimes (1 or 2 times a month)
- rarely (1 or 2 times a year)
- never

32. Is there anything else you would like to share with us about reporting and supervising official time at SSA?

APPENDIX C

AGENCY COMMENTS

MAJOR CONTRIBUTORS TO THIS REPORT

Office of the Inspector General

E. Scott Patterson, Director, Management Audits and Technical Services

Tim Nee, Deputy Director

Robert T. Blake, Senior Auditor

Alan L. Lang, Senior Auditor

For additional copies of this report, please contact the Office of the Inspector General's Public Affairs Specialist at (410) 966-9135. Refer to Common Identification Number A-02-98-02002.

APPENDIX E

SSA ORGANIZATIONAL CHART
