



J. David Cox, Sr.  
National President

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September 12, 2017

**Please Oppose the Johnson Amendment, SA 878**

Dear Senator:

AFGE strongly urges you to oppose the Johnson Amendment, #878, offered to the FY 2018 National Defense Authorization Act. This amendment would arbitrarily take away federal employees' pensions as a penalty for exercising their right to join and be represented by a federal employee labor union through the use of official time.

Official time is **NOT** used for union time. **Current law already prohibits that and our union adheres scrupulously to that law**<sup>1</sup>. Federal employees are also prohibited from participating in political activities under the HATCH Act. This amendment is part of a systematic attack against hard-working federal employees who are dedicated public servants. It is unconscionable to take away federal employees' pensions as a penalty for the use of official time in the workplace. Without official time, there is no system in place that allows federal employees to safely report issues of discrimination and abuse of federal resources, or provide ways in which agencies can improve the delivery of public services.

The Johnson Amendment #878 would strip federal employee union representatives of their earned pensions by taking their creditable service for any time spent conducting official representational duties in excess of an arbitrary limit. The pension penalty, along with changes in how official time can be used within the federal workplace will effectively eliminate the use of official time. The threat to federal employees' pensions will serve as an enormous financial disincentive for employees to serve as union representatives, thus eliminating employee representation, and penalize federal employees for exercising their legal right to join and be represented by a union. The loss of federal employee pensions is too steep a price to pay, even for employees dedicated to improving agencies' delivery of public services and protecting the rights of workers.

Federal employees conduct official agency business while on official time. Official time is the use of volunteer union representatives to conduct limited representational activities while in an official duty status. In the federal government union membership is optional—it is a choice. By law, federal employee unions are required to provide representation for all employees in units that have elected union representation, even for those who choose not to join the union or pay

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<sup>1</sup> Title 5, United States Code, Section 7131(b) states that...*“Any activities performed by any employee relating to the internal business of a labor organization (including the solicitation of membership, elections of labor organization officials, and collection of dues) shall be performed during the time the employee is in a non-duty status.”*

dues. In exchange for the legal obligation to provide the same services to those who pay as well as those who choose not to pay, the Civil Service Reform Act of 1978 allowed federal employee unions to bargain with agencies over official time. All official time use must be approved by management. Official time is a longstanding, necessary tool that gives federal agencies and their employees the means to expeditiously and effectively utilize employee input to address mission-related challenges, as well as bring closure to conflicts that arise in all workplaces.

The Johnson Amendment #878 will make it more difficult for management to schedule official time to improve work processes, and address issues involving whistleblowers, worker safety, unfair treatment, and discrimination. More specifically, this amendment undermines agencies' ability to utilize official time in the most efficient way when it is needed, and it would prevent agencies from deciding the schedules or best use of employee representatives. Federal managers and their employees are fully competent to negotiate the terms of official time, when it is needed, how much is needed, and where it should be used to address unique agency and workplace issues. The Johnson Amendment #878 is a misguided attempt to eliminate the use of official time and federal employees' right to representation.

**Please oppose, the Johnson Amendment #878. For questions please contact Alethea Predeoux at [alethea.predeoux@afge.org](mailto:alethea.predeoux@afge.org) or (202) 639-6953.**

Sincerely,



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