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Please see below.

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## ARTICLE 8

# **Official Time and Travel Expenses for Representational Activity**

### **Section 1 – General**

- A. Management recognizes that official time and travel expenses spent by bargaining unit employees in the conduct of labor-management business is spent as much in the interest of Management as that of the NCFLL and bargaining unit employees.
- B. Official duty time and travel expenses shall not be allowed for internal Union business.
- C. Official time and travel expenses for the conduct of labor-management relations business will be granted to NCFLL Stewards and Officials, and to affected employees as specified in this Article. Official time and travel expenses will be granted to NCFLL Stewards and Officials in accordance with their designation in Articles 6 and 7 of this Agreement.

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## **Section 2 - Official Time for Stewards and NCFLL Officials**

### **A. Grievances and Appeal**

1. An NCFLL Steward or Regional NCFLL Official may utilize a reasonable amount of official time to confer with an affected bargaining unit employee(s) with respect to any matters for which remedial relief may be sought pursuant to the terms and conditions of this Agreement or pursuant to a statutory appeals procedure or labor-management relations appeals procedure, provided that only one representative at a time may be entitled to official time in connection with a given representational matter. An NCFLL Steward or Regional NCFLL Official may utilize a reasonable amount of official time to communicate with other Stewards or Officials in connection with a representational matter.
2. Subsection 1 above includes time to counsel a bargaining unit employee(s), to investigate a potential grievance, and to prepare and present a grievance at the Steps of the grievance procedure specified in Article 15, Grievance Procedure, of this Agreement. Also included is time to investigate, prepare, and present a reply to a notice of proposed adverse action or performance based action; an adverse action, performance based action, or RIF appeal; an EEO discrimination complaint; a request for reconsideration or an appeal of an acceptable level of competence determination; and a classification appeal. In addition, Subsection 1 above includes time to investigate, prepare, and, if required, participate in an FLRA (ULP or Unit Clarification), FSIP, or OWCP proceeding.

### **B. Meetings with Management**

An NCFLL Steward or Regional NCFLL Official may utilize a reasonable amount of official time to prepare for and be present at meetings with Management, including Safety and Health Committee meetings, Labor-Management Relations Committee meetings, etc., concerning personnel policies, practices, and other matters affecting working conditions of employees in the bargaining unit. Such meetings may be initiated by either the Union or Management. An NCFLL Steward or Regional NCFLL Official may utilize a reasonable amount of official time to communicate with other Stewards or Officials in connection with such meetings.

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The Department and the NCFLLE encourage informal meetings to resolve potential problems at the work site and preclude, if at all possible, the need for formal dispute procedures to be initiated.

C. Preparing LM Forms

Union Officials (one per Local) may utilize up to four hours of official time annually to prepare the annual financial report which must be filed with the Department of Labor pursuant to 5 U.S.C. 7120, Standards of Conduct for Labor Organizations. Union officials may also utilize up to 2 hours of official time to prepare IRS Form 990.

D. Review of Bi-Weekly Dues Deduction Reports.

Union Officials may utilize a reasonable amount of time for review and initiation of corrective action related to the bi-weekly dues deduction report.

E. Formal Discussions

The NCFLLE shall be given the opportunity on official time to be represented at any formal discussion, as prescribed in Article 1, Section 1D.

F. Midterm Bargaining

Union Representatives will be on official time for all midterm bargaining initiated by Management.

### **Section 3 - Official Time for Bargaining Unit Employees**

A. Grievances and Appeals

A bargaining unit employee(s) may utilize a reasonable amount of official time to confer with a Steward, Regional NCFLLE Official, or National NCFLLE Official.

B. Meetings with Management and Third Party Proceedings

A bargaining unit employee(s) may utilize a reasonable amount of official time to attend meetings with Management and third party proceedings when he/she is the affected employee or a witness in a grievance or statutory appeal proceeding. If the parties cannot agree on necessary witnesses, the determination shall be made by the third party.

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### C. Representation of Multiple Grievants

If two or more bargaining unit employees file a group grievance, the following number of those employees will be granted official time to discuss the matter(s) with an NCFLL Steward or Official, and to attend grievance meetings pursuant to Article 15, Grievance Procedure.

Number of Grievants Time	Number of Grievants Entitled to Official
2-10	1
11-20	2
more than 20	3

This Section does not apply to persons who are no longer employed by the Department.

### Section 4 - Definition of “Reasonable Amount of Time”

- A. The determination of what constitutes a “reasonable amount of time” under this Article is a matter requiring mutual agreement between the employee and his/her supervisor prior to the employee’s release under Section 5 of this Article, taking into account the need to balance the effective conduct of the Department’s business with the rights of employees to be represented in matters relating to their employment.
- B. A factor to be considered by the parties in determining what constitutes a “reasonable amount of time” is the amount of time that is necessary to accomplish the specific task for which time is requested.
- C. If, during the transition period prescribed in Section 6 of this Article, there is a dispute between a newly elected or appointed National NCFLL Official and his/her supervisor concerning what constitutes a “reasonable amount of time,” the matter will be referred to the Department’s Labor-Management Relations Center and the NCFLL President for resolution.

### Section 5 - Use of Official Time: Check-Out, Check-In

- A. A bargaining unit employee(s) or the designated Union Representative who desires to use official time under this Article may be authorized a “reasonable amount of time” as follows:

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1. A designated Union Representative or employee(s) who wishes to use official time under this Article will request permission of his/her immediate supervisor. Such request should be made as early as possible, i.e., generally as soon as the need for the official time is known.
  2. A Union Representative or employee(s) who wishes to use official time under this Article in an organizational unit not under the direction of his/her own supervisor will request permission of the supervisor of the organizational unit involved before engaging in such activity.
  3. Permission as described in Subsections (1) and (2) above will be granted unless compelling reasons require the presence of the Union Representative or employee(s) at Agency tasks which he/she is then performing. If such permission is denied, the manager or supervisor refusing such permission will give the reasons for refusal in writing, upon request, to the representative or employee(s) who was so denied.
  4. The Union Representative or employee(s) will report his/her return to work to his/her immediate supervisor upon conclusion of use of official time under this Article.
- B. A designated Union Representative who is not an employee of the Department will follow the check-out and check-in procedures in this Section.

## **Section 6 - NCFLL National Officials**

Due to the responsibilities of the NCFLL National Officials, they (not to exceed 11) will be on 100% official time. When employees are newly elected or appointed to the National Office, the NCFLL will notify the Department and there will be a 90-day transition period from the date of receipt of such notice before the employee begins utilizing 100% official time. When an NCFLL National Official leaves office, he/she will normally have a right to return to the position of record. In any case, the Official will normally have a right to return to a position in the commuting area.

## **Section 7 - Travel Expenses**

The Department and the NCFLL have a mutual commitment to contain travel expenses in connection with representation. Therefore, the parties agree to the following provisions.

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## A. Union Representatives

1. The Department and the NCFLL agree that, ordinarily, representation of employees or the Union on official time will be performed by Union Representatives from within the commuting area and, to the extent practicable, from within the same DOL Agency or in accordance with the Steward designations pursuant to Article 6.
2. If there is no Union Representative in the commuting area, the Department will pay appropriate travel expenses of the nearest representative. This includes representation at Steps 1 and 2 of the grievance procedure and for institutional grievances.
3. If the Union designates a representative from outside the commuting area when one exists within, the Department will have no obligation for the representative's travel expenses. Where there is no representative in the commuting area and the Union does not designate the nearest representative, the Department will pay constructive or comparable cost travel expenses. This includes representation at Steps 1 and 2 of the grievance procedure and for institutional grievances.
4. Exceptions to Subsections 2 and 3 above:
  - a. The Department will pay travel expenses for the NCFLL Representative at an arbitration proceeding.
  - b. The Department will pay travel expenses for the NCFLL Representative within a Region at other third party proceedings (as delineated in Section 2A.2. of this Article) when an employee has designated a Union Steward or Official as his/her personal representative.
  - c. If any question arises over travel expenses concerning representation in connection with third party proceedings, it shall be referred to the NCFLL President and DOL Director of Labor-Management Relations Center for resolution.
5. The Department will pay travel expenses for NCFLL Representatives for midterm bargaining initiated by Management.
6. The Department will pay for travel to Labor-Management Relations Committee meetings.

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## B. Bargaining Unit Employees

Bargaining unit employees will be reimbursed for travel expenses in connection with meetings with Management, face-to-face oral responses to proposed disciplinary suspensions or adverse actions, or participation in grievances or arbitrations or other third party proceedings (as delineated in Section 2A.2. of this Article).