

**Congress of the United States**  
**Washington, DC 20515**

March 24, 2014

The Honorable Katherine Archuleta  
Director  
U.S. Office of Personnel Management  
1900 E Street, N.W.  
Washington, D.C. 20415

Dear Director Archuleta:

According to OPM's fiscal year 2011 Official Time report, federal employees spent roughly 3.4 million hours—at a cost of more than \$155 million—conducting union business while on official duty that year. This practice, known as official time, can be used for union negotiations, filing grievances against agencies for unfair practices, or receiving employee complaints. The Office of Personnel Management (OPM) defines official time as “all time, regardless of agency nomenclature, granted to an employee by the agency to perform representational functions under 5 U.S.C. Chapter 71 and by collective bargaining agreement when the employee would otherwise be in duty status.”<sup>i</sup>

We believe that it is absolutely necessary to ensure that government employees spend their time serving the interests of their employers, namely, the American taxpayer. For this reason, we feel that it is imperative for Congress and the American public to have access to timely and accurate official time reports.

In June of 2002, under George W. Bush's administration, former OPM Director Kay Cole James' issued a memorandum requiring OPM to publicly release a report of official time usage by March of the following year.<sup>ii</sup> This practice continued until 2009, when the OPM report on official time inexplicably stopped. When the FY 2009 report was eventually released, it contained a disclaimer stating, “There are no legal or regulatory requirements to publish official time data.”<sup>iii</sup> Despite this claim, a report was released for FY 2010, and after news articles and multiple requests by our offices, the FY 2011 report was eventually made public.

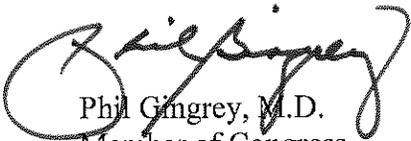
Unfortunately, at the Senate Homeland Security and Government Affairs Committee hearing on July 16, 2013 on your nomination to serve as OPM Director, your testimony raised concerns that you are not committed to the production of an annual official time report. As you no doubt remember, Senator Tom Coburn (R-OK) directly questioned whether—under your tenure as Director of OPM—you would commit to publishing a comprehensive list of official time expenditures in an annual report.<sup>iv</sup> You were unable to make that commitment, stating that you would “review the status of the report” and “I can't make that commitment. If I'm confirmed, I will look into it.”<sup>v</sup>

Since being sworn in on November 4, 2013, we have yet to hear anything from you or from OPM in general on when we can expect the release of the FY12 official time report. We feel sure that you would agree that continued and timely preparation of these reports is necessary to provide transparency in the use of official time and provide oversight of taxpayer dollars. Taxpayers have a right to know where their money is being spent. Failure to provide an official time report could contribute to a further erosion of trust in the federal government, as it seems to suggest that the government is unwilling to account for how its' employees spend their workday.

As part of our combined oversight efforts—and in concert with OPM's mission to recruit and retain a "world-class workforce for the American people"—we are writing to request that your office produce the FY 2012 official time report.<sup>vi</sup> Given that this information should be readily available—as agencies are supposed to document the use of official time—we feel confident that the continued production of the official time report should be possible and that its release will be expedient.

We ask that you provide the requested document and information by April 18, 2014. If it will not be possible to provide the requested information by the specified date, please provide an explanation as to why it is not possible. Should you have any questions, please contact Sally Rose Larson in Rep. Gingrey's office at (202) 225-2931 or via email at [sally.larson@mail.house.gov](mailto:sally.larson@mail.house.gov) or Kyle Glenn in Rep. Ross's office at (202) 225-1252 or [kyle.glenn@mail.house.gov](mailto:kyle.glenn@mail.house.gov).

Sincerely,



Phil Gingrey, M.D.  
Member of Congress



Dennis Ross  
Member of Congress

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<sup>i</sup> Office of Personnel Management, *Official Time Usage in the Federal Government Fiscal Year 2010 Survey Responses*, Oct. 2011, Appendix A.

<sup>ii</sup> Office of Personnel Management, Memorandum for Heads of Departments and Agencies regarding Official Time for Labor-Management Relations, Director Kay Cole James, (June 17, 2002).

<sup>iii</sup> Office of Personnel Management, *Official Time Usage in the Federal Government Fiscal Year 2009 Survey Responses*, May 2011, p.2.

<sup>iv</sup> *Nomination of Katherine Archuleta to be Director, Office of Personnel Management: Hearing Before the Committee on Homeland Security and Government Affairs of the U.S. Senate*. 113<sup>th</sup> Cong. 1 (2013).

<sup>v</sup> *Nomination of Katherine Archuleta to be Director, Office of Personnel Management*.

<sup>vi</sup> "Our Mission, Role and History." OPM.gov. Retrieved February 28, 2014 from <http://www.opm.gov/about-us/our-mission-role-history/>.