

negotiations are authorized official time in the same manner as those who negotiate at the level of exclusive recognition.¹⁴

(3) Preparation for Negotiations

Preparing for negotiations does not constitute internal union business under 5 U.S.C. 7131(b) and official time for this activity is negotiable under 5 U.S.C. 7131(d).¹⁵ The use of official time to prepare counter-proposals or to prepare for impasse proceedings also is negotiable under 5 U.S.C. 7131(d).¹⁶

(4) Travel and Per Diem for Negotiations

Union representatives engaged in negotiations are not entitled to travel and per diem.¹⁷ This does not preclude an agency from making travel and per diem payments to employees representing the union during negotiations if the agency determines that the payment of such travel and per diem expenses is in the primary interest of the government.

(5) Non-Bargaining Unit Employee Representatives in Negotiations

An agency is not required to grant official time to employees engaged in negotiations on behalf of a union if they are not members of the bargaining unit to which the right to negotiate the agreement applies.¹⁸

¹⁴ American Federation of Government Employees, AFL-CIO v. Federal Labor Relations Authority, D.C. Circuit Court of Appeals, Case No. 82-1272.

¹⁵ American Federation of Government Employees, AFL-CIO, Local 1692, and Hqs. 323rd Flying Training Wing (ATC), Mather Air Force Base, California, 3 FLRA No. 47.

¹⁶ Federal Uniformed Firefighters, Local F-169, and U. S. Army Armament Research & Development Command, Dover, New Jersey, 3 FLRA No. 49.

¹⁷ Bureau of Alcohol, Tobacco and Firearms v. Federal Labor Relations Authority, Supreme Court of the United States No. 82-799. FPM Letter 711-162 contains additional guidance on the interpretation and application of this decision.

¹⁸ United States Air Force, 2750th Air Base Wing Headquarters, Air Force Logistics Command, Wright-Patterson AFB, Ohio and Wright-Patterson AFB Fire Fighters Local F-88, International Association of Fire Fighters, AFL-CIO, 7 FLRA No. 118. See Also, American Federation of Government Employees, AFL-CIO, Local 2096 v. Federal Labor Relations Authority, United States Court of Appeals for the Fourth Circuit, Nos. 82-1897(L) and 83-1894.