



Written by [Michael Tennant](#) on July 6, 2013

IRS Pays 201 Employees to Do Full-time Union Work

Americans are paying the salaries of over 200 Internal Revenue Service (IRS) employees not to process tax returns or to assist confused taxpayers but to perform labor-union tasks, and two congressional Republicans are trying to pry the details of this legal-but-shady arrangement out of the agency.

Last month, in response to a Freedom of Information Act request, [Americans for Limited Government](#) (ALG) obtained documents from the IRS showing that the agency has on its payroll 201 employees who, while they have job titles indicating that they do IRS work, actually spend all their time on the job taking care of union business. (The IRS has other employees who do union work only part of the time, but ALG did not inquire about them.)

“A lot of people are not aware that under federal law, a federal agency is allowed to enter into a collective bargaining agreement with a union that has provisions where employees of the agency, in this case the IRS, are allowed to do union work on the taxpayer’s time and get paid for it,” ALG president Nathan Mehrens told the [Daily Caller](#).

The practice, known as “official time,” was added to the U.S. Code as part of the Civil Service Reform Act of 1978 — not coincidentally, a year in which Democrats controlled both houses of Congress and the presidency.

“Official time is seen by supporters as compensation for the fact that unions are required to handle labor issues related to all employees, not just union members,” [Fox News](#) explained in 2011. “When union officials negotiate with federal managers over work rules, like appropriate attire and other human resource requirements, those functions are carried out under official time.”

Opponents, however, consider official time to be an affront to taxpayers.

“It is a subsidy to a private entity to do the private entity’s job,” Mehrens told the *Daily Caller*. “Why should we as taxpayers be paying for this? It is not as if taxpayers are paying to subsidize my organization.”

Sen. Tom Coburn (R-Okla.) and Rep. Phil Gingrey (R-Ga.) agree. In a [letter](#) to acting IRS commissioner Daniel Werfel, they wrote: “While the IRS continues to request more funding to further close the ... tax gap, especially under the current budget crunch and sequestration, it makes little sense to use taxpayer resources to pay for union work. This kind of practice takes place only in the government — in the private sector, union work and staff are paid for by union dues.”

“The IRS has shut down on certain days, and required employees to take unpaid furloughs, due





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supposedly to the effects of sequestration,” the legislators observed. “However, the IRS is also planning to pay out \$70 million in employee bonuses, and pays more than 200 employees to work for the union, instead of fulfilling the duties described in their positions of record.”

Coburn and Gingrey pointed out that “more than 40 of these employees ... are paid over \$100,000 a year.” One, according to the documents obtained by ALG, makes over \$138,000 annually.

The two lawmakers asked Werfel to provide them with specifics on the IRS’ “100 percent official time” employees and the agency’s policies with regard to them. They are seeking such things as the number of such employees over the last decade, what these employees actually do, how the IRS gets these employees’ government work done, and how it evaluates their performance.

“Are any employees on 100 percent official time involved in the processing of refunds?” they ask, following up with an even more pointed question: “How many taxpayer refunds for the 2012 tax year were late?”

They also request a tally of all official time for which the IRS has paid over the last 10 years — and its total cost.

Official time in all federal agencies over the past decade is estimated to have cost taxpayers \$1.3 billion, according to [Gingrey’s blog](#). “The Office of Personnel Management revealed that in 2011 — the most recent report available — bargaining employees at all federal agencies spent a total of 3,395,187 hours performing representational work, at a cost of approximately \$155 million,” the *Daily Caller* reported.

The Veterans Administration (VA), to take just one more egregious offender, has [over 250 full-time official-time employees](#), among them at least 85 nurses and dozens of other medical and security personnel. The VA, meanwhile, is trying to fill open nursing positions and has a backlog of nearly 900,000 disability claims. (Coburn, along with Sen. Rob Portman (R-Ohio), is also trying to get some answers about these 100-percent official-time employees from VA Secretary Eric Shinseki.)

Gingrey, for his part, isn’t merely interested in discovering the details of federal employees’ official-time activities; he wants to put a stop to them altogether. In January he introduced the [Federal Employee Accountability Act](#), which would repeal the portion of the 1978 law that permits official time. That bill remains in committee.

If he can’t end official time, however, Gingrey at least wants to force the government to inform taxpayers of how much union activity they are being fleeced to fund. To that end, he is cosponsoring a bill introduced in February by Rep. Dennis Ross (R-Fla.) — who, as it happens, cosponsored Gingrey’s bill — to require the Office of Personnel Management to submit an annual report to Congress detailing the number of employees engaged in official time, how much time they spent on it, and how much they cost taxpayers. That bill, the [Official Time Reporting Act](#), has made it out of committee and is awaiting a vote on the floor of the House of Representatives.

“At a time when our country is more than \$16 trillion in debt, we need to ensure that we are cutting all wasteful spending of taxpayer dollars, no matter for which political side the union employees are advocating,” Ross said in a [press release](#) at the time he introduced his bill.

“Addressing government-wide use of official time would improve oversight of taxpayer dollars and create more efficiency in the federal workforce,” Gingrey said in the same release. The bills he and Ross introduced, he argued, “will help restore fiscal responsibility, increase transparency, and end the union practice of draining public coffers for political gain.”



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One or both of these bills might pass the House, but getting either one past the Democrat-dominated Senate and a Democratic president is considerably less likely. Still, it's worth a try if only to expose the scam that is official time.



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