

ARTICLE 5 OFFICIAL TIME

5.1 DEFINITION OF OFFICIAL TIME: For purposes of this Article, official time means time expended by Immigration Judges, as Association representatives, during work hours, without charge to leave, and granted by EOIR in accordance with 5 U.S.C. § 7131. Within fifteen (15) calendar days of the execution of this Agreement, the Association will provide the Agency with a list of names of its designated Association representatives. The Association shall update this list within fourteen (14) days of any changes.

5.2 USE OF OFFICIAL TIME: Association representatives will receive reasonable official time to travel to, attend and/or perform representative functions in connection with:

- a. discussions between EOIR and one or more Judges concerning grievances, personnel policies or practices, or other general conditions of employment;
- b. meetings with EOIR regarding any matters relating to the terms and conditions of the Judges' employment, including, but not limited to, meetings required by this Agreement;
- c. grievance proceedings, arbitrations, and statutory appeals procedures;
- d. representation of a Judge in connection with an investigation if the Judge reasonably believes that the examination may result in disciplinary action and the Judge requests representation;
- e. preparation for and participation in negotiations, including work related to the resolution of any negotiability question or any impasse;
- f. reviewing EOIR proposals concerning negotiations and changes in policies, practices, and matters concerning work conditions;
- g. official IFPTE conferences, including the triennial IFPTE national convention and annual Congressional lobbying weeks;
- h. meetings with IFPTE and/or AFL-CIO in connection with the working conditions of Judges or other issues covered by this agreement;
- i. responding to Congressional contacts including: requests or subpoenas to attend a meeting, appear at a hearing, or provide other information to Congress or its committees and subcommittees;
- j. preparing replies to Agency proposals and proposed policy changes submitted to the Association for comment or consideration;
- k. handling communications from Judges relating to working conditions, disciplinary issues, and other representational matters;

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l. education of Association officers and/or representatives on labor law. Official time approved under this sub-section is limited to a total of 240 hours per calendar year, to be shared among all Association officers and representatives;

m. presentations to new Judges about the NAJJ and their rights under labor law;

n. conferring with affected Judges about matters for which remedial relief is available under the terms of this agreement; and

o. meetings or communication with NAJJ local representatives to seek input on agency and Department of Justice proposals and initiatives, to discuss grievances, personnel policies or practices, to advise them on and seek input about collective bargaining initiatives, work performance issues, or other terms and conditions of employment.

Official time may not be used to conduct internal Association business.

5.3 APPROVAL OF OFFICIAL TIME: Any representative or officer of the Association seeking to use official time must individually request the official time in writing from the management official designated by the Agency with a copy to his/her Assistant Chief Immigration Judge (ACIJ). Such requests must be submitted as far in advance as possible and must state the date for which the official time is requested, the anticipated amount of official time to be used, a brief explanation of the purpose for which the official time is requested, and an indication of which category specified in section 5.2 applies to the request. Requests complying with the terms of this Agreement will normally be approved, workload and court schedules permitting. All grants and denials of official time will be in writing.

5.4 AGENDA ACCOMMODATION: Officers of the Association shall have the following time periods set aside on their agendas, with a proportionate decrease in new and existing scheduled hearings. Officers agree to use their best efforts to direct representational duties to the time periods set aside on their agendas. If they do not exhaust these periods of time, they agree to return to their regular immigration judge duties. Any official time that is not used during any pay period will not carry over to any other pay period. Officers may request additional time as required, under the procedures set forth in sections 5.2 and 5.3 of this article.

President – 8 hours per pay period

Executive Vice President – 8 hours per pay period

Secretary – Treasurer – 4 hours per pay period

Vice President – East – 4 hours per pay period

Vice President – West – 4 hours per pay period

Director of Communications – 4 hours per pay period

Two Grievance Chairs – 4 hours per pay period each

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For the Agency:

Katherine H. Reilly

11-21-17
Date

For the National Association of Immigration Judges:

Dennis V. Simon Stavin

11-21-17
Date

Effective Date: December 6, 2017

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