



NWSEO Case Prompts FLRA Charges OPM with Violation of Labor Law in Capping Federal Employee Awards

(February 3, 2012) In response to a charge filed by the National Weather Service Employees Organization, the General Counsel of the Federal Labor Relations Authority has issued an unfair labor practice complaint against the Office of Personnel Management, accusing it of violating federal labor laws when it and OMB issued a directive capping federal employee performance awards at 1 percent of an agency's payroll. The complaint, issued on January 11, 2012 alleges that OPM failed to consult with NWSEO before issuing the June 10, 2011 directive, as required by the Federal Service Management Relations Statute. Under this law governing federal employee labor relations, OPM is required to notify and obtain the views and recommendations of federal employee unions before issuing any government-wide rules or regulations that make a substantive change in conditions of employment.

The June 2011 guidance was the first time that OPM or OMB has placed a cap on the amount that Federal agencies can allocate for employee performance awards.

A trial date of March 14, 2012 has been set before a Federal Administrative Law Judge. Although OPM did not consult with any union prior to issuing the June 2011 directive, NWSEO was the only Federal employee union that filed unfair labor practice charges against OPM. NWSEO represents the forecasters and other employees at the National Weather Service nationwide, as well as employees in four other line offices in the National Oceanic and Atmospheric Administration.

NOAA has traditionally set aside 1.5 percent of what it budgets for payroll for employee awards. "OPM's actions were a patent violation of the basic principles and requirements of the federal labor statute," said Richard Hirn, the Washington attorney who represents NWSEO and other federal employee unions. "OPM ignored its obligations to federal employee unions in a mad rush to appease the Tea Party and others by cutting federal employees' paychecks," Hirn said.

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