



# *The Four Winds*

*National Weather Service Employees Organization*

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## **NWS Appeals to FLRA to Restrict Rotating Shift Workers Right to Court Leave**

(July 26, 2013) The new leadership of the National Weather Service has instructed agency lawyers to appeal a recent arbitration decision to the Federal Labor Relations Authority in an attempt to rescind the longstanding right of rotating shift workers to take court leave while they are on jury service on their days off.

Under Article 19, section 11 of the collective bargaining agreement, rotating shift workers are entitled to court leave beginning on the first day of their jury service continuously until the jury is discharged at the end of the case. This section of the CBA also guarantees shift workers court leave on weekends if they are called for jury service on their days off. The Comptroller General has approved granting of court leave in these circumstances in order to ensure that employees are not required, as a result of jury service, to work 6 or 7 days a week. This provision has been in the parties' collective bargaining agreement since 1988 and has been honored until last year when the NWS refused to give a Western Region steward court leave while serving jury duty on his days off.

Last month, a Federal Labor Arbitrator ruled that the NWS violated the collective bargaining agreement and ordered the NWS to pay the steward for the court leave days he was denied or to let him take corresponding days off in the future. At the arbitration hearing, NWS Southern Region Director William Proenza testified that this provision of the collective bargaining agreement benefits not only the employee, but the agency and the public as well because it ensures that employees are rested for scheduled shifts and if they are called in for overtime.

At present, the FLRA does not have a quorum and is not issuing decisions. The NWS's appeal will remain pending until Congress approves the President's pending nominations for the two vacancies on the FLRA and the FLRA then clears its backlog of pending cases. This may take several years, but NWSEO is confident that the FLRA will reject the NWS's appeal.

In the meantime, any employee who is denied court on any day during which they are serving on a jury (even if the jury is not meeting on that particular day) or who is denied court leave on the weekend before or after they serve on a jury on their day off, should contact their NWSEO region chair so that a grievance may be filed.

-NWSEO-

**No one cares more for National Weather Service employees than  
National Weather Service employees.**

**No one works harder for National Weather Service employees than  
National Weather Service employees.**

**We are NWSEO.**