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After a Rocky Start, Some Progress Made during Negotiations

Highlights

- Federal Mediator is turned away by NWS Chief Negotiator.
- NWSEO files grievance against NWS for violating ground rules for mediation.
- NWSEO Subject Matter Expert on EEO and Diversity discounted by NWS Chief Negotiator.
- First tentative agreement on a complete section in two months.

(November 01, 2017) Negotiations for the new NWS-NWSEO Collective Bargaining Agreement (CBA) continued in Silver Spring, MD at NWS Headquarters during a two-week session October 16th through October 27th, 2017. This session began with the NWS' Chief Negotiator refusing the services of the Federal Mediation and Conciliation Service (FMCS), whose presence had been requested by the NWSEO in an attempt to get negotiations moving forward. When the mediator arrived, since NWS did not agree that FMCS' presence was needed, the mediator said that both Parties had to agree to the services of the FMCS, so he left and said he would be available in the event the Parties agree that FMCS services were needed. One of the agreed upon negotiation ground rules stated that *either* party can call upon a mediator for assistance, and NWSEO filed grievance against the NWS for a violation of this ground rule, and requested that the NWS agree to future FMCS services amongst other relief sought.

Upon resuming negotiations, the Parties put most of their energies this session into resuming discussions on Article 18 – Equal Employment Opportunity, Diversity and Inclusion (NWSEO Proposed Title) and Equal Employment Opportunity (NWS Proposed Title), and discussing a new Article 26 – Telework. Sadly, as has been the case in recent sessions, the atmosphere during this session was often tense as intimidation, bullying, and the frequent talking over and interrupting of people as they tried to speak continued. This type of environment limits constructive dialogue and progress, and led to the NWSEO requesting outside help of the FMCS. The NWS Chief Negotiator continues to largely initiate this counter-productive environment, and NWSEO continues to call for the toning down of the aggressive posturing, and to work with us toward finding common ground so we might successfully create and ratify a new CBA.

Article 18 - Equal Employment Opportunity, Diversity and Inclusion (NWSEO Proposed Title) and Equal Employment Opportunity (NWS Proposed Title)

During the first day of negotiations, the Director of the NWS Equal Opportunity and Diversity Management Division (EODMD) was gracious enough to attend our meeting and speak with both Parties as a NWSEO-called Subject Matter Expert (SME). During the August 21 through September 1, 2017 negotiation session, both Parties had agreed to table Article 18, Sections, 1, 2 and 3 until both Parties could meet with an Equal Employment Opportunity SME. Unfortunately, despite the SME sharing his perspective and experience, and in addition to long, animated discussions culminating with several counter proposals, the Parties were only able to agree to disagree. When we tried to lean upon the testimony of the SME, the NWS Chief Negotiator stated that he did not accept the EODMD Director as the Agency's authority on key matters, and openly questioned some of his statements and experiences. In discussing this Article, the Parties ventured into NWSEO's new Article 28 on Mutual Respect, and even delved a little into Article 12, Discipline. NWSEO even made a counter to Article 28, but as in Article 18, no tentative agreements were reached.

Article 26 – Telework

By the final day of week 1, the NWS Chief Negotiator refused any further discussion on Article 18 and our focus turned to Article 26, Telework, a new article in which the NWS and NWSEO submitted proposals. The remainder of the negotiation session was spent discussing the proposals. A tentative agreement on Section 1. This is the first tentative agreement reached on a section of an Article in two months!

SECTION 1. *Telework is a flexible work arrangement under which an employee performs the duties and responsibilities of his/her position and other authorized activities from an approved alternate worksite other than the employee's designated traditional Federal workplace.*

Telework is a workplace flexibility available to an employee, subject to Management approval, which can facilitate the timely and effective accomplishment of the NWS mission. An employee's decision to request to telework is voluntary.

If telework is a condition of employment for employees such as for employees designated as "emergency" employees, or as an Emergency Response Group (ERG) member under the requirement to continue Government operations in the time of emergency (COOP) those employees are required to have a telework agreement in effect. Employees who are emergency essential, who are not required to carry out operational duties at a facility, may be placed on telework.

Telework is intended to promote:

- A. Continuing operations during emergency conditions;*
- B. Recruiting and retaining the best possible workforce;*
- C. Management effectiveness; and*
- D. Enhancing work-life balance by allowing employees to better manage their work and personal obligations.*

Any matters not specifically covered in by this Article are subject to the bargaining in accordance with Article 8 of this Agreement.

As negotiations continued, NWSEO agreed to Management's language in nine of NWS's subsections in Section 2: Definitions; and Section 3: Request for Telework. In addition, the NWS agreed to NWSEO's language in eight subsections, primarily in NWSEO's Section 3: Definitions; and Section 4: General Arrangements for Telework. There was an agreement of one subsection each in NWSEO's Section 6: Compensation and Benefits; and Section 7: Leave. Discussions on Article 26 will continue during the next negotiation session, scheduled for November 6-17, 2017 in Silver Spring, MD.

NWSEO Negotiation Team for this session included:

- 1. Dan Sobien, NWSEO President & Chief Negotiator, Meteorologist, Tampa Bay Area, WFO (Ruskin), FL
- 2. JoAnn Becker, NWSEO NCEP Regional Chair, Senior Aviation Meteorologist at the Aviation Weather Center, Kansas City, MO
- 3. John Werner, NWSEO Southern Region Chair, Senior Meteorologist, WFO Mobile, AL
- 4. Christopher Jacobson, NWSEO Pacific Region Chair, Senior Meteorologist, WFO Honolulu, HI
- 5. Mike Dion, NWSEO Headquarters Chair, Digital and Graphical Information Support Branch, NWS Headquarters, Silver Spring, MD
- 6. DeLyne Kirkham, Hydrometeorological Technician (HMT), WFO Elko, NV

The Agency/NWS Negotiation Team for this session included:

- 1. Kenneth Brown, J.D., National Weather Service Chief Negotiator
- 2. Michael Mercer, Chief, Environmental & Scientific Services Division, NWS/Alaska Region Headquarters, Anchorage, AK
- 3. Mike Vescio, Meteorologist in Charge, WFO Pendleton, OR
- 4. David Murray, NWS Labor-Management Relations (LMR) Liaison, Silver Spring, MD
- 5. Steven Wilkinson, Meteorologist in Charge, WFO, Greenville-Spartanburg, SC (Absent Week 2)

Contract Connect, the negotiation newsletter for bargaining unit employees from bargaining unit employees, brings the latest news from the negotiations table to you. It is distributed as quickly as possible after each CBA negotiation session.

Note: NWSEO will not always go into specifics for every article as it may be to our disadvantage with ongoing negotiations.

Thank you for your continued membership and support!

-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.