



The Four Winds

National Weather Service Employees Organization

U.S. Court of Appeals overturns the FLRA's decision on existing CBA and reaffirms NWS' unilateral termination of the contract was illegal – a message from our General Counsel

(August 3, 2020) As you may recall, NWS unilaterally and illegally terminated the existing/2001 Collective Bargaining Agreement (CBA) in July 2017. NWSEO took the matter to arbitration and an arbitrator ruled the termination was indeed illegal. The agency appealed to the FLRA, which overturned the arbitrator's ruling. NWSEO appealed that ruling, and late last week, our NWSEO General Counsel reported that the U.S. Court of Appeals for the District of Columbia Circuit overturned the FLRA's decision and reinstated the arbitrator's award that the NWS illegally terminated the 2001 CBA. This means that until a new CBA is in effect, the entire 2001 CBA remains in full effect, and the President's Executive Orders limiting official time and grievance rights cannot be applied to our bargaining unit.

NWSEO has now demonstrated, at the second highest court in the land, that the NWS has acted illegally in the most fundamental aspect of its labor relations- terminating its CBA - *an action personally approved by Secretary of Commerce Wilbur Ross.*

This is a profound victory not only for NWSEO, but for all the other Federal unions because the Court ruled that the FLRA has applied the wrong standard of review of arbitration awards and that they may not set aside arbitration awards if they deem the arbitrator's interpretation of the CBA "unreasonable." Using this improper standard, the FLRA has set aside nearly 2/3 of arbitration awards that have been in the union's favor, but none that have been in management's favor. Stated another way, the Court ruled that the FLRA may not substitute its judgment for that of an arbitrator's interpretation of the terms of a CBA. It remains to be seen, however, whether the FLRA will correct its ways, or whether it will continue to set aside arbitration awards illegally and with impunity.

A copy of the decision is attached ([\(19-1163%20Opinion.pdf\)](#))

-NWSEO-

No one cares more for National Oceanic and Atmospheric Administration (NOAA) employees than NOAA employees.

No one works harder for NOAA employees than NOAA employees.

We are NOAA employees. We are NWSEO.