



The Four Winds

National Weather Service Employees Organization

NWSEO Grievance Wins Big Payout for 247 Met Interns – Average payment is \$568

(June 9, 2010) Two hundred forty-seven Met Interns have shared \$140,418 in back pay and damages as a result of a grievance which NWSEO filed in August 2009. This grievance alleged that the NWS was violating the Fair Labor Standards Act by failing to pay the interns true time and one-half for their overtime work. Management initially denied the grievance, but changed its mind when NWSEO demanded arbitration.

Under the Fair Labor Standards Act, employees who have been improperly exempted are entitled to two years lost overtime wages plus an equal amount as liquidated damages. In settlement of the grievance, NWS has paid the interns for lost overtime going back to August 2007 plus an equal amount as liquidated damages and interest. Those interns who took compensatory time in lieu of overtime were paid the difference between the Title 5 overtime rate and true time and one-half FLSA rate, plus liquidated damages.

As a result of the grievance, the NWS converted all interns to non-exempt status earlier this year, so that they will receive true time and one-half for all overtime worked in the future.

During the back pay period of August 2007 to date, 273 individuals served as met interns. Of that number, 247 worked overtime and received varying amounts of back pay, ranging from a few dollars to over \$6,000, depending on the amount of overtime they worked.

Progress continues on a resolution of the second FLSA grievance which the union filed last summer on behalf of 185 other employees, at grades GS-12 and below, whose FLSA exemption was questionable. The NWS has now agreed that over 150 of those employees were improperly exempted from the FLSA, including the Facilities Engineering Technicians and the Regional Maintenance Specialists. A dozen of these employees have now received their back pay and damages, which totaled over \$25,000, or approximately \$2,000 per employee. Computation of the back pay for the other employees who management agrees were improperly exempt will take several months. These employees will eventually receive payment for lost overtime worked since August 2007 plus an equal amount as damages. Management and the union continue to discuss whether a final group of approximately 25 employees are properly exempt.