



Unfair Labor Practice Charge against DOC Resolved – Awards Money to be Paid; Awards Freeze Misinformation Remains Unexplained

(August 12, 2011) The National Weather Service Employees Organization has withdrawn the unfair labor practice charge filed against the Department of Commerce over the unilateral freeze in awards payments as a result of DOC's assurance that it has begun to process and pay all awards previously approved and submitted to NOAA Workforce Management.

On June 10, OMB and OPM issued new guidance placing a government-wide cap of one percent of an agency's aggregate payroll for FY 12. This guidance also instructed agencies to make progress towards reducing the amount of awards paid to its employees in the remainder of FY 11. (Historically, NOAA line offices budget 1.5 percent of aggregate payroll for awards.) In order to implement this guidance, on July 1 the Department of Commerce issued an order freezing payment of all pending awards submissions.

Under the Federal Service Labor Management Relations Statute, DOC must consult with, and consider the recommendations of NWSEO before implementing changes in personnel practices on a department-wide level. (Individual line agencies, such as the NWS, must also bargain over the impact of any change before new policies are implemented). However, DOC failed to provide NWSEO with any prior notice of the freeze or an opportunity to make recommendations about how DOC might comply with the new guidance from OMB and OPM. On July 8, NWSEO filed an unfair labor practice charge against DOC with the Federal Labor Relations Authority alleging the DOC failed to accord NWSEO its "national consultation rights."

Immediately following the filing of the charge, NWSEO was informed in writing that the freeze had been lifted. Representatives from management in three of NWSEO bargaining units- the NWS, NOAA Office of General Counsel, and Wallops Command and Data Acquisition Station each sent NWSEO an identical email stating, "I am writing to inform you that the hold on processing of awards has been lifted." The NWS corporate board was also provided this false information. **NWSEO conducted an investigation and spoke personally with the awards processing personnel in NOAA Workforce Management who confirmed that the awards freeze had not been lifted.** NWSEO has not been given an explanation or an apology for having been provided with false and misleading information.

NWSEO was later informed that \$3.9 million in awards previously approved for NOAA employees remained frozen as of July 22. \$1.9 million of this amount was awards approved for NWS employees. The amounts frozen for other NWSEO represented bargaining units were: NOAA Office of General Counsel - \$189,911; Aircraft Operations Center - \$14,000; Wallops CDA - \$7,100; and AOML - \$11,700.

On August 4, NWSEO counsel met with DOC's Director for Human Resource Management, NOAA's Labor Relations Officer, and DOC counsel in an effort to resolve the unfair labor practice charge and get the awards money paid. Following the meeting, NWSEO was notified

that NOAA would start paying the frozen awards. **DOC has agreed that all awards approved for NWSEO represented employees for FY 11 will be paid.**

During the August 4 meeting, NWSEO also informed DOC officials that it expects that the past practice of budgeting 1.5 percent of payroll for awards for NWSEO represented employees to be honored in FY 12 despite the June OMB and OPM guidance, and that NWSEO would fight any efforts to reduce the amount of awards paid to the employees it represents.

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