



The Four Winds

National Weather Service Employees Organization

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NWSEO Grievances Net Back Pay for Nearly 200 NWS Employees – FLSA Exempt Status of 165 Others to be Resolved

(April 6, 2010) By the end of April, nearly 200 NWS employees should receive back pay for overtime as a result of NWSEO grievances. Last fall, NWSEO filed two grievances challenging the FLSA exempt status of met interns, GS-12 regional maintenance specialists, GS-11 facilities engineering technicians, and approximately 80 other positions. Under the Fair Labor Standards Act (FLSA) employees are entitled to receive true time and one-half of their base hourly rate for overtime work, but professional and administrative employees are exempt from the FLSA and their overtime is computed at a lower rate.

As a result of the grievances, the NWS agreed that met interns should not be exempt from the FLSA because they perform the same work as HMTs. The NWS converted all met interns to non-exempt status earlier this year and began paying them true “time and one half” for overtime worked. As a result of the grievance, the NWS also agreed to reimburse 174 met interns for the difference in the overtime they were paid for the last two years, and what they actually would have earned under the FLSA, *plus* an additional equal amount as liquidated damages due to the violation of the FLSA. Interns who took compensatory time will also receive the back pay for the hours of compensatory time they took in lieu of overtime. The National Finance Center is processing the back payments, and the NWS reports that employees should see the back payments by the end of April.

NWSEO filed a second grievance on behalf of 187 other employees who the union alleged were improperly exempted from the FLSA, including the RMSs and FETs. In its initial response to the grievance, the NWS agreed that 22 of the employees were improperly exempted from the FLSA. Twelve of those employees worked overtime and will also receive lost overtime wages, plus an additional amount as liquidated damages, by the end of April. The NWS agreed to carefully review the duties of the remaining 165 employees covered by the grievance, including the RMSs and FETs, by the end of April and to share its analysis with the union. The agency preliminarily reports that many of the 165 employees may also have been improperly exempted. Those employees who the agency agrees were improperly exempted will receive lost overtime wages and liquidated damages at a later date and will be paid true time and one-half for all overtime hours worked in the future. Union and NWS lawyers have agreed to meet to review the agency’s justification for exempting any remaining employees from FLSA coverage. The parties have selected a Federal Arbitrator who will review the FLSA status of any employee who remains in dispute after those discussions.