



# The Four Winds

National Weather Service Employees Organization

## NWSEO Negotiates and Signs New Addendum for GS5-12 Progression MOU

### Employees who Accepted Lower Grade Positions on the GS 5/7/9 Announcements and Served in that Grade for More than One Pay Period to Receive Back Pay

(March 18, 2020) NWSEO has successfully negotiated and signed a new addendum to the GS5-12 Memorandum of Understanding (MOU) which allows those employees who accept a lower graded position in a GS 5/7/9 bid to be returned to their previous higher pay grade the following pay period. Furthermore, those who have already served in the lower graded position for more than one pay period before being reinstated to their previous grade will receive back pay for all but the initial pay period. We have been informed that back pay requests have already been initiated for these employees.

For those affected, please contact *Christy Fox* at [membership@nwseo.org](mailto:membership@nwseo.org) if there are any issues with receiving your back pay.

The former addendum was rejected during Agency Head Review. The ruling from the Department of Commerce was as follows: "A voluntary downgrade to a lower graded position is not an appointment for the purposes of 5 CFR 330.502." Therefore 5 CFR 330.502 does not apply in this situation. If you'll recall NWS invoked 5 CFR 330.502 in the previous addendum which states in part that: "...An agency must wait at least 90 days after an employee's latest non-temporary competitive appointment before the agency may take the following actions:

- (1) Promote an employee.
- (2) Transfer, reinstate, reassign, or detail an employee to a different position; or
- (3) Transfer, reinstate, reassign, or detail an employee to a different geographical area."

Since the CFR did not apply, we were able to negotiate the amount of time an employee would have to remain in the lower pay grade that they bid on to just one pay period.

"This is a win for our employees. We are committed to working with management to ensure employees get a fair shake," commented NWSEO President *John Werner*.

NWSEO will continue working to ensure employees are treated fairly during the GS5-12 progression and work to protect the rights of our unwavering and dedicated workforce.

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.

*NWSEO proudly represents more NOAA employees than any other Union. NWSEO serves bargaining unit employees of National Weather Service, NESDIS Office of Satellite and Product Operations, Office of General Counsel, Aircraft Operations Center, and Atlantic Oceanographic and Meteorological Laboratory.*