



NWSEO Garners Non-Exempt Status and Back Pay For an Additional 116 Employees

(May 18, 2010) NWSEO's recent request for an NWS review of the Fair Labor Standards Act (FLSA) exempt status of 165 employees resulted in the NWS conceding that an additional 116 employees were improperly excluded from FLSA coverage. NWS has agreed to pay two years' lost overtime wages and liquidated damages for those employees, as well.

This is the result of a grievance filed by NWSEO last year on behalf of 187 bargaining unit members seeking review of their FLSA exempt status. These employees, who were at grades GS-12 and below, were classified as exempt from the coverage of the Fair Labor Standards Act (meaning that they did not receive true time and one half overtime pay) based solely on their generic Department of Commerce position description, rather than an analysis of the actual duties performed by the employee.

When management initially answered the grievance, they admitted that 22 employees had been improperly exempted from the FLSA, and agreed to pay them true time and one-half for overtime work in the future. Additionally, the National Weather Service agreed to pay 12 of those employees, who had worked overtime during that past two years, their lost overtime wages plus an equal amount as liquidated damages.

NWSEO then asked a Federal arbitrator to review the propriety of excluding the remaining 165 employees from the FLSA and true time and one-half overtime. The NWS completed a more thorough review and has conceded that an additional 116 employees were improperly excluded from FLSA coverage.

The NWS maintains that the other 49 employees are properly exempt from the FLSA and is providing NWSEO with a detailed analysis of the basis for these employees' exemptions. NWSEO General Counsel Richard Hirn is carefully reviewing each position and will ask the Arbitrator to resolve any positions which remain in dispute.

When NWSEO filed this grievance last fall, the union also filed a separate grievance challenging the FLSA exempt status of met interns. That grievance was granted by management last November. The interns should soon receive back pay equal to 2 years' lost overtime wages plus an equal amount as additional liquidated damages. NWSEO is asking the met interns to let them know when they receive this payment. Met interns will all receive true time and one-half for any overtime they work in the future.

Met interns and the 138 employees who are now on FLSA non-exempt status should realize that this success is the work of NWSEO. Our union is diligent and strong. The strength comes entirely from union membership.

In an effort to keep the union strong and increase membership, there is currently a \$100 rebate paid to any new member who signs up on Standard Form 1187 by the end of this month. In addition, anyone who recruits 2 or more new members will have their way paid to the NWSEO convention in Miami this October.