



## **Federal Employee Advocates file complaint with U.S. Special Counsel to Prohibit NWS from Imposing Gag Orders on NWSEO**

(October 8, 2015) The Public Employees for Environmental Responsibility (PEER) is filing a complaint with U.S. Special Counsel to lift the multiple nondisclosure policies that National Weather Service is imposing on NWSEO. PEER reached out to NWSEO upon learning of three confidentiality agreements that NWS is pressuring NWSEO leaders to sign this year. NWSEO has not signed any of the agreements.

PEER is a service organization that assists federal, state and local public employees. One of their areas of expertise is in curbing the use of blanket “gag orders.” Below is the news release that is being distributed jointly by NWSEO and PEER today, along with a link to the PEER complaint filed on behalf of NWSEO.

### **Press Release**

**For Immediate Release: Thursday, October 8, 2015**

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### **National Weather Service Employees Tethered by Illegal Gag Orders Special Counsel Asked to Reverse Recent Raft of Blanket Nondisclosure Policies**

Washington, DC — National Weather Service employees face growing restrictions on their ability to disclose information about the inner workings of their agency, according to a complaint filed today by the National Weather Service Employees Organization (NWSEO) and Public Employees for Environmental Responsibility (PEER). They contend these gag orders are illegal and are pressing U.S. Special Counsel Carolyn Lerner to lift these nondisclosure policies and take action against responsible officials.

A key provision of the Whistleblower Protection Enhancement Act of 2012 curbed the use of blanket nondisclosure policies or agreements, otherwise known as “gag orders,” implemented by federal agencies. The act lays out specific exceptions which must be included as a part of any such confidentiality directive.

“The National Weather Service knows it’s unethical for union representatives to keep critical information from the employees they represent. By the very nature of a union, we are bound to communicate with our members and include their input on decisions affecting their jobs,” said NWSEO Executive Vice President Bill Hopkins. “As a taxpayer, I find it highly disturbing that a government agency

continues to push gag orders to hide how they operate. This is the work of the American government, owned by the American public, and should be open to the American public.”

The complaint cites three gag orders issued in recent weeks by the National Weather Service and its parent agencies, the National Oceanic & Atmospheric Administration and the Department of Commerce. These orders forbid disclosure of information arising out of:

- **Organizational planning.** This confidentiality order forbids disclosure of anything about the Weather Service Organization Workforce Analysis, which has the effect of muzzling any revelations about agency planning and the rationale for planned actions;
- **Grievance settlements.** In July, the Commerce General Counsel instituted a policy that any settlement of grievances must include a nondisclosure clause. While it has an exception for “whistleblower cases” that exception comes nowhere close to meeting requirements of the WPEA and would block release of grievances involving actions by agency managers which constitute violations of law or regulation, waste of funds, mismanagement or abuse of authority; and
- **Collective Bargaining.** The National Weather Service has just added a confidentiality clause to its ground rules for Collective Bargaining Agreement negotiations which requires that all information about the CBA bargaining process must be held “confidential.”

“The National Weather Service is about the last place where national security-style secrecy rules need to be enforced,” stated PEER Executive Director Jeff Ruch, noting that the broad scope of the gag orders put much of what goes on inside the agency under wraps. “Everyone is free to talk about the weather except for the people working inside the National Weather Service. Go figure.”

Imposition of a nondisclosure policy or order not meeting WPEA requirements is classified as a “prohibited personnel practice” contravening fundamental tenets of the federal merit system. The Office of Special Counsel has enforcement powers to abate such violations, including seeking disciplinary action against officials who commit them.

-NWSEO-

*Read the complaint*

[http://www.peer.org/assets/docs/noaa/10\\_8\\_15\\_NWS\\_gag\\_complaint.pdf](http://www.peer.org/assets/docs/noaa/10_8_15_NWS_gag_complaint.pdf)

*View Whistleblower Protection Enhancement Act anti-gag language*

[http://www.peer.org/assets/docs/noaa/10\\_8\\_15\\_WPEA\\_anti-gag\\_language.pdf](http://www.peer.org/assets/docs/noaa/10_8_15_WPEA_anti-gag_language.pdf)

*See Organization Workforce Analysis nondisclosure agreement*

[http://www.peer.org/assets/docs/noaa/10\\_8\\_15\\_Org\\_Workforce\\_Analysis\\_gag.pdf](http://www.peer.org/assets/docs/noaa/10_8_15_Org_Workforce_Analysis_gag.pdf)

*Learn about grievance gag policy*

[http://www.peer.org/assets/docs/noaa/10\\_8\\_15\\_Grievance\\_Gag\\_Order.pdf](http://www.peer.org/assets/docs/noaa/10_8_15_Grievance_Gag_Order.pdf)

*Examine Collective Bargaining confidentiality provision*

[http://www.peer.org/assets/docs/noaa/10\\_8%2015\\_Collective\\_Bargaining\\_gag.pdf](http://www.peer.org/assets/docs/noaa/10_8%2015_Collective_Bargaining_gag.pdf)

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