



*National Weather Service
Employees Organization*

March 28, 2013

Dr. Louis W. Uccellini
Assistant Administrator for Weather Services
NOAA/NWS
1325 East West Highway
SSMC2 - Room 18150
Silver Spring, MD 20910

Dear Dr. Uccellini and Mr. Murray:

This letter is in initial response to the notice I received on March 27 informing NWSEO that the NWS was enacting an immediate hiring freeze, as well as to the "All-Hands" email from you informing NWS employees that you "will suspend spending on all personnel actions." As you are aware, except in the most limited of circumstances, Federal agencies may not implement changes of conditions of employment such as these without prior notice to their employees' collective bargaining representative and without providing that representative time to initiate and complete bargaining over the impact and implementation of those actions. Although Ms. Morse's letter and your broadcast emails state that the NWS now faces "some serious fiscal challenges," this does not justify abandoning your obligations to bargain with us before implementing these actions for numerous reasons:

- Although funding has been reduced from FY 12 levels, the NWS has already achieved substantial labor savings because it has already reduced the bargaining unit workforce by 5 percent since October 1, 2010.
- The NWS spends more than \$100 million on over 800 contractors, whose cost is nearly twice that of the average FTE. These contracts may be terminated at any time for the convenience of the government.
- The NWS distributes more than \$20 million annually in grants to outside entities for projects not essential to the agency's operations.
- The NWS has failed to implement millions of dollars in savings that were jointly identified and agreed to by NWSEO and NWS management during meetings held in Greenbelt, MD in 2011.
- On March 5, 2013, Appropriations Subcommittee Chairman Frank Wolf wrote the agency noting that "one of the most important Federal services is weather forecasting, which families and businesses rely on every day" and that "in order to ensure that sequestration does not negatively impact the National Weather Service's ability to forecast the weather . . . the

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Committee would be willing to consider a reprogramming on an expedited basis.” The NWS has not taken advantage of this opportunity.

- According to Ms. Morse’s letter, all vacancy announcements that have been advertised and closed will continue to be processed until the completion of hire, but only newly initiated recruitment actions will be frozen. This procedure is unlikely to obtain savings during the remainder of this fiscal year as it normally takes six months or more between the date recruitment actions are initiated and the date the eventual selectee comes on board. And since there will be no immediate savings, there is no need to freeze these recruitment actions until after the completion of negotiations.

On March 5, we met with the NWS’s CFO and with Mr. Murray to engage in predecisional discussions about a potential hiring freeze as required by Article 8, section 1 of the parties’ collective bargaining agreement. At that time, we were informed that the agency was considering a freeze on certain positions, but we were told that forecaster and hydrologist positions would be exempt from such a freeze. We were not consulted about a freeze that would affect forecaster and hydrologist positions. At that meeting and in follow up conversations, we offered concrete suggestions on a hiring timetable and other steps that might be taken to save the agency money, but we have not received the promised feedback to those ideas, and our input has obviously been ignored.

Furthermore, the parties have an extant, enforceable December, 1993 Memorandum of Understanding, which was amended in 2000, that specifies minimum staffing profiles at Weather Forecast Offices. The hiring freeze violates the explicit terms of that agreement.

For these reasons, we demand that you immediately rescind the hiring freeze implemented yesterday. Should we not promptly receive written confirmation that the freeze has been lifted with regards to bargaining unit positions, we will exercise our right to initiate a grievance over the unilateral implementation of the freeze and the related violation of our December 1993 MOU, our 2000 amendment thereto, and our master collective bargaining agreement.

Notwithstanding and without prejudice to our position that the agency action violates our agreement and that immediate implementation violates the agency’s statutory and contractual obligation to bargain in good faith, we hereby request, pursuant to Article 8, section 4 of the parties’ CBA, the following clarification of the change of which we were notified yesterday, and request, pursuant to Article 6, section 2 and 5 U.S.C. section 7114(b)(4), the following information. This information is necessary to understand the need for and basis of the agency’s actions, (including the claim that there is an “emergency budget situation” and to understand the extent of this purported emergency and the veracity of that claim); to draft impact bargaining proposals; and to ascertain whether NWSEO has a basis for, and to prepare and prosecute a grievance over unilateral implementation and the violations of the MOUs identified above:

1. The Director’s broadcast email stated that the agency will suspend spending on all personnel actions. Other than the hiring freeze, what will this “suspension” entail? Will career ladder promotions continue? Will the agency continue make temporary promotions as required by the Simmelkjaer arbitration award?

2. Please identify each and every vacant bargaining unit position and indicate whether it is an "emergency/essential" position and how long it has been vacant. Indicate the status of any ongoing efforts to recruit for or backfill each of these positions.
3. Please provide the total amount spent on labor for each financial management center during each of the past three fiscal years, and the amount during the first six months of FY 13.
4. Please identify the amount of anticipated savings to be obtained during the remainder of this fiscal year as a result of the hiring freeze. Please provide the amount that is anticipated to be obtained by freezing bargaining unit hiring if available.
5. Please identify the number of contractors currently working for the NWS and their annual costs. (By using the term "contractor" we are referring to those individuals listed as "contractors" by the NWS on the NOAA Staff Directory.)
6. Has the NWS cancelled any contracts or released any contractors identified in response to question 5, as a result of the funding reduction that is being used as a basis for the hiring freeze? If so, identify the amount of savings anticipated from this action.
7. Has the NWS cancelled any grants as a result of the funding reduction that is being used as a basis for the hiring freeze? If so, identify the amount of savings anticipated from the action.
8. Provide a copy of the Sandy Supplemental spend plan, and identify any items and amounts therein that were included in the President's budget estimate for Local Warnings and Forecasts for FY 13 submitted to Congress in February 2012.
9. Identify any reductions that were actually implemented as a result of the parties' Greenbelt meetings held in 2011.
10. What actions has the agency taken, or does the agency plan to take, to seek a reprogramming of funds as suggested by Appropriations Subcommittee Chairman Wolf?
11. Have any requests for annual leave submitted by bargaining unit employees been denied as a result of staffing vacancies?
12. Please clarify how the NWS anticipates it will ensure that "No WFO will have its staffing reduced below a level which would prevent two persons to be on shift around the clock" as required by Exhibit E, section 4 to the October 2000 "Floater Plan" despite the hiring freeze.
13. Dr. Sullivan's March 27 memorandum implementing the hiring freeze directs that "WFMO will forward to DAAs and Directors a listing of all recruitment actions for their respective offices currently in WFMO." Please provide a copy of the list supplied by WFMO that contains NWS bargaining unit positions.
14. Dr. Sullivan's March 27 memorandum directs each DAA to review all vacancies to determine those they believe are a high priority to fill. Please clarify how the NWS will identify or has identified which vacancies are a high priority to fill, and please provide us with a copy of the

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"prioritized list of all vacancies [you] believe necessary to fill, with justification for each" that Dr. Sullivan's memo directs you to submit.

15. Dr. Sullivan's March 27 memorandum states: "NOAA will continue to offer competitive lateral reassignment opportunities internal to NOAA and will submit a request to the Department of Commerce to allow NOAA to advertise promotions "NOAA-only." Please clarify how and whether this authority will be applied within the NWS and provide the status of the request to the Department.
16. Please provide the total amount spent per PPA for the first two quarters of FY 13.
17. For each bargaining unit vacancy filled in the past twelve months, please identify how long it took between the initial submission of a request for recruitment to WFMO and the date the employee eventually reported to duty. For each such action, indicate whether the selectee was an internal or external recruitment.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dan Sobien", written in a cursive style.

Daniel A. Sobien
National President