



## *National Weather Service Employees Organization*

February 18, 2014

Dr. Louis Uccellini  
Assistant Administrator for Weather Services  
1325 East-West Highway  
Room 18130  
Silver Spring, MD. 20815

Dear Dr. Uccellini:

This is a union grievance filed pursuant to Article 10, section 9 of the parties' collective bargaining agreement over the unilateral reduction in the amount allocated for awards for bargaining unit employees in FY 14.

As you are aware, the NWS has historically allocated the equivalent of 1.5% of payroll for employee awards, and has paid substantially that amount on an annual basis to unit employees. On November 4, 2013, the Department of Commerce's Director for Human Resource Management issued a memo to DOC HR Managers implementing a 1% cap on employee awards for FY 14, ostensibly based on OPM and OMB guidance. However, this memo reminded DOC agencies that they may not unilaterally implement this reduction in the amount of funds allocated without bargaining over the reduction with the Department's unions:

. . . [M]anagement must provide the exclusive representative (union) for each of the Department's bargaining units with the appropriate advance notice of the Department's implementation of the OPM and OMB guidance on established limitations on performance based awards. Management must allow the respective unions an opportunity to request bargaining over 1) the decision to implement the cap for bargaining unit employees and 2) the impact and implementation of that decision. Bureaus are instructed to notify union representatives and provide the unions with an opportunity to request to bargain . . . Bureaus should expect requests to bargain over the actual decision to implement (including proposals over the level of the cap, if any, and what awards will be covered by the cap) as well as over the impact and implementation of the decision. It is important to note that OPM and OMB guidance does not represent a bar to negotiations. . .

. . . Management must maintain the status quo during discussions and negotiations until the bargaining process is complete.

(emphasis in original).

On November 5, 2013, NWSEO received a notice from Renee Desrosiers of NOAA's intent to implement this new policy. I enquired whether this notice represented an opportunity to exercise NWSEO's national consultation rights with NOAA, or whether it was intended to serve as a notice of the NWS's intent to implement a change in working conditions for employees' in the NWS bargaining unit. On November 22, 2013, Ms. Desrosiers sent me an email stating that "NOAA is rescinding the email notification sent to you on 5 November 2013 regarding non-SES awards spending policy for Fiscal Year 2014." We have not subsequently received any further notification from any NOAA or NWS official of intent to reduce the amount allocated for awards for NWS bargaining unit employees for FY 14 so we assumed the NWS had decided not to change its practice of allocating 1.5% of payroll for employee awards.

However, we have just learned that the NWS has already secretly implemented a reduction in the award amounts to 1% without providing NWSEO with any notice or opportunity to bargain. We have obtained *from a bargaining unit employee* this copy of the Central Region's "FY 2014 Field Office Award Allocations" that, when compared to the same document for FY 13, reveals that the amount of funds allocated for each field office has been reduced by 33%: a reduction from 1.5% to 1% of payroll.

Attachment B

**FY 2014 FIELD OFFICE AWARD ALLOCATIONS**

OFFICE	AWARDS BUDGET
ABR	\$14,100
APX	\$14,200
ARX	\$14,800
BIS	\$16,100
BOU	\$16,800
CYS	\$13,400
DDC	\$14,900
DLH	\$14,200
DMX	\$15,800
DTX	\$15,700
DVN	\$15,100
EAX	\$16,200
FGF	\$14,800
FSD	\$15,600
GID	\$14,100
GJT	\$16,000
GLD	\$14,200
GRB	\$14,200
GRR	\$15,100
ICT	\$14,000
ILX	\$15,000
IND	\$16,600
IWX	\$15,000

OFFICE	AWARDS BUDGET
JKL	\$14,300
KRF	\$12,800
LBF	\$14,200
LMK	\$15,200
LOT	\$18,700
LSX	\$15,700
MKX	\$14,300
MPX	\$16,800
MQT	\$13,600
MSR	\$12,900
OAX	\$15,200
PAH	\$17,000
PUB	\$14,300
RIW	\$15,000
SGF	\$14,000
TOP	\$14,300
UNR	\$14,300
ZAU	\$2,000
ZDV	\$2,000
ZID	\$2,000
ZKC	\$2,000
ZMP	\$2,000
TOTALS	\$608,500

**FY 2013 FIELD ALLOCATIONS & EXPENDITURES - AWARDS**  
Through PP 18 - September 21, 2013

Office	AWARDS BUDGET	CASH AWARDS	SPOT AWARDS	AWARDS BALANCE
ABR	\$22,500	\$22,500		\$0
APX	\$23,000	\$23,000		\$0
ARX	\$23,600	\$23,345	\$254	\$1
BIS	\$25,800	\$25,800		\$0
BOU	\$26,000	\$26,000		\$0
CYS	\$23,100	\$23,100		\$0
DDC	\$24,300	\$24,300		\$0
DLH	\$22,900	\$22,900		\$0
DMX	\$25,300	\$25,300		\$0
DTX	\$25,600	\$25,600		\$0
DVN	\$24,200	\$24,200		\$0
EAX	\$24,900	\$24,900		\$0
FGF	\$23,700	\$19,350	\$4,328	\$22
FSD	\$25,500	\$23,850	\$1,638	\$12
GID	\$22,500	\$21,404	\$696	\$400
GJT	\$25,800	\$24,900		\$900
GLD	\$23,000	\$23,000		\$0
GRB	\$21,500	\$21,500		\$0
GRR	\$24,600	\$24,600		\$0
ICT	\$24,300	\$24,300		\$0
ILX	\$24,000	\$24,000		\$0
IND	\$25,600	\$25,600		\$0
IWX	\$24,400	\$24,400		\$0

Office	AWARDS BUDGET	CASH AWARDS	SPOT AWARDS	AWARDS BALANCE
JKL	\$21,600	\$21,600		\$0
KRF	\$20,500	\$20,500		\$0
LBF	\$23,000	\$21,870	\$1,080	\$50
LMK	\$26,400	\$26,100		\$300
LOT	\$30,800	\$30,800		\$0
LSX	\$25,100	\$25,100		\$0
MKX	\$24,200	\$24,200		\$0
MPX	\$26,800	\$26,138	\$662	\$0
MQT	\$21,000	\$21,000		\$0
MSR	\$21,400	\$21,400		\$0
OAX	\$24,800	\$24,800		\$0
PAH	\$26,400	\$26,400		\$0
PUB	\$23,100	\$22,217	\$883	\$0
RIW	\$24,100	\$24,100		\$0
SGF	\$24,300	\$24,300		\$0
TOP	\$23,100	\$23,100		\$0
UNR	\$23,100	\$23,099		\$1
ZAU	\$3,500	\$3,500		\$0
ZDV	\$3,500	\$3,500		\$0
ZID	\$3,500	\$3,500		\$0
ZKC	\$3,500	\$3,500		\$0
ZMP	\$3,500	\$3,500		\$0
TOTALS	\$983,300	\$972,073	\$9,542	\$1,685

NWSEO's Central Region chair enquired about this and in a February 14, 2014 email, the Acting Regional Deputy Director confirmed "there was a reduction from the FY13 numbers."

This unilateral implementation of a 1% cap on the amount of funds allocated for bargaining unit awards is, obviously, a violation of an explicit DOC policy directive. It is also a violation of Article 8, sections 3, 6 and 7 of the parties' collective bargaining agreement. It also constitutes an unfair labor practice in violation of 5 U.S.C. section 7116(a)(1) and (5).

As relief we demand that (a) this unilateral change be rescinded; (b) the NWS immediately notify each and every manager responsible for issuing awards to bargaining unit employees that the amount allocated for such awards for FY 14 is restored to the 1.5% level, and that we be provided a copy of that notification. In order to ensure that this relief is implemented, we demand that we be provided a copy of any and all documents showing the dollar amounts that were allocated in FY 13 in each office in which unit employees are employed for awards, as well as the amounts that are being allocated for FY 14. Also, as a remedy for this unfair labor practice, we demand that you sign and post the attached notice to employees in accordance with FLRA procedures, and send a copy of this notice to each unit employee electronically. NWSEO also demands attorney fees incurred in investigating this matter, and in drafting and prosecuting this grievance.

In closing, let me note that this unilateral action, on the heels of the unilateral implementation of last year's hiring freeze, once again demonstrates to us that the National Weather Service has no intention of ever engaging in collective bargaining with NWSEO. The agency continues its unilateral actions as well as its unilateral repudiations of those agreements we have previously negotiated. The fact that this latest unilateral action was implemented in secret undermines what little is left of our confidence in the agency's integrity.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dan Sobien", with a stylized flourish at the end.

Daniel A. Sobien  
NWSEO National President