



# The Four Winds

National Weather Service Employees Organization

## NWSEO Grieves Discrimination against Internal Applicants for GS 5/7/9 DE/CR Vacancies

(January 10, 2020) On January 6, 2020, NWSEO filed a grievance over the NWS's disqualification of internal applicants for GS 5/7/9 met DE/CR vacancies. The Union demanded the NWS award one affected bargaining unit member the position and location for which he was initially selected but later disqualified because he was not a new hire. In addition, NWSEO requested that all regions be issued written guidance instructing them not to disqualify internal applicants for GS 5/7/9 DE/CR vacancies.

Last fall, a current GS-11 forecaster applied for meteorologist positions in five different locations on USAJobs. He made the panel and was referred to the selecting official for at least one of them. The interview took place and the member received an email informing him that he would not be hired for the position because the manager was directed to hire *new* meteorologists into the NWS instead. In a subsequent phone call, the MIC told the employee that he was her original selection but that her selection was overruled by the region. NWSEO has since learned that the direction to select only new hires came from the highest levels of the NWS.

This action violates the agreement signed by the NWS and the NWSEO on November 21, 2019 to continue to allow and to hire internal candidates for GS 5/7/9 DE/CR vacancies, provided they accept a 90-day reduction in grade as required by OPM regulations. The grievance also alleges that even assuming there was no agreement to continue to hire internal applicants for GS 5/7/9 DE/CR vacancies, the new policy violates past practice and is a unilateral change in conditions of employment, which violates not only the CBA, but is also an unfair labor practice in violation of the Federal Service Labor Management Relations Statute.

Furthermore, the grievance alleged that the automatic disqualification of internal candidates violates merit system principles, 5 U.S.C. section 2301(b)(1), which states in part that, "selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity." An applicant's status as a current employee is a "non-merit-based factor" prohibited by OPM regulations. Therefore, the grievance also alleges that the affected bargaining unit member is a victim of a prohibited personnel practice.

NWSEO is committed to fighting for opportunities for our employees. We appreciate all of our members who support this organization.

**No one cares more for National Weather Service employees than  
National Weather Service employees.**

**No one works harder for National Weather Service employees than  
National Weather Service employees.**

**We are NWSEO.**