



The Four Winds

National Weather Service Employees Organization

JANUARY 2010

NWSEO LEGAL VICTORY RESULTS IN ALL PART-TIME FEDERAL EMPLOYEES RECEIVING PREMIUM PAY AND BACK PAY FOR SUNDAY WORK

An NWSEO legal victory paves the way for all Federal part-time employees to receive premium pay and back pay for working on Sunday. On December 8, OPM Director John Berry directed Federal agencies to pay their part-time employees lost differential for any Sundays they worked in the past six years. This order came as a result of the May 26, 2009 decision in *Fathauer et al v. United States*, a lawsuit brought on behalf of five part-time forecasters by the National Weather Service Employees Organization.

For over thirty years, only full-time Federal employees have earned Sunday differential, which totals 25% of the employees' hourly rate. Although the Sunday premium pay statute does not limit the eligibility of Sunday premium pay to full-time employees, OPM regulations do so. Since these regulations were issued, many Federal employees have begun job sharing arrangements authorized by the Federal Employees Part-Time Career Employment Act. In 2007, NWSEO brought suit on behalf of five forecasters at WFO Spokane, WFO Fairbanks, and the New York CWSU, who had begun job-sharing. After an initial defeat in the trial court, last May the U.S. Court of Appeals ruled that the OPM regulations violated the Sunday premium pay statute, and that all Federal employees are entitled to premium pay if they work regularly scheduled shifts on Sunday.

The NWS will soon be sending part-time employees instructions on how to file claims for lost Sunday differential. Part-time employees will be eligible for back pay for the past six years. Those employees who benefit from this ruling should remember that their new pay entitlement is the result of the work of NWSEO. Membership strengthens our union. This legal victory is an example of how NWSEO members and all Federal employees benefit from the work of NWSEO membership. Please share this success with your co-workers and encourage others to join NWSEO today.