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## **NWSEO Files Grievance Demanding Career Ladder Promotions for GS-11 Interns –**

### **Says Contract Entitles Interns to Noncompetitive Promotion to GS-12 Journeyman Level**

NWSEO has filed a grievance that alleges that management is engaging in a continuing violation of Article 14, section 7 by its ongoing failure to promote the 45 GS-11 meteorologist interns to the GS-12 journeyman level.

Article 14, Section 7 of the collective bargaining agreement states that “each bargaining unit employee below the journeyman level in a career ladder positions shall be promoted to the next highest grade on the pay period closest to his/her anniversary date” when he/she has met qualification requirements, demonstrated ability to perform higher level work, and meets time in grade requirements. Each of the first 45 meteorologists named below have served in excess of one year in their current grade and were (and continue to be) entitled to promotion to the journeyman level because they have met the requirements of Article 14, section 7.

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There can be little doubt that these GS-11 interns are in career ladder positions. The NAO addressing Merit Promotion in NOAA provides the following definition of “career ladder” in appendix B:

*Career ladders consist of the range of grade levels within a given occupational series through which employees can progress during the normal course of their careers from initial hire through journey level.*

The Forecaster Development Program, which interns must complete, also clearly states that it is intended “to provide uniform training and work experience to prepare meteorologist interns to progress to a full performance forecaster at a Weather Forecast Office” and to provide newly hired meteorologists “the knowledge and skills needed to progress to a full performance forecaster.”

However, the NWS has failed to provide GS-11 interns a career ladder promotion to the GS-12 journeyman level on their anniversary date, but has required these meteorologists to competitively bid for promotion, which, under Article 14, section 7, should be automatic if certain requirements are met.

In fact, the NWS *does* apply Article 14, section 7 when it automatically promotes interns from their entry level at GS-5 or GS-7 up through the GS-11 grade on their anniversary date, so there cannot possibly be a dispute that this provision applies to them. But Article 14, section 7 mandates that all employees in a career ladder who are *below* the journeyman level receive such annually promotions, which would therefore entitle the GS-11 interns to an automatic promotion until they reach the full journeyman performance level of GS-12.

We have discussed the agency’s failure to comply with the requirements of Article 14, section 7 with management representatives on many occasions over the course of several years and have received assurances that the matter would be reviewed. However, the number of GS-11 interns who have completed a year-in-grade has grown in the interim, as has the agency’s need for additional full-performance level meteorologists to whom journeyman level forecasting shifts can regularly be assigned. The

agency's mission now suffers as a result of the underutilization of these qualified individuals.

Although the agency's failure to comply with Article 14, section 7 is longstanding, the agency's practice cannot override the express terms of the CBA. Elkouri & Elkouri, *How Arbitration Works*, p. 627 (6<sup>th</sup> ed. 2003). Further, "a related rule is that a party's failure to file grievances or to protest past violations of a clear contract rule does not bar that party, after notice to the violator, from insisting on compliance with the clear contract requirement in future cases." *Id.* at 628. As noted, we have placed the NWS on notice of its failure to comply with Article 14, section 7 on numerous occasions.

As relief for this grievance, we demand that the employees be promoted to the journeyman level GS-12 with appropriate back pay. In addition, we demand that similar relief be granted to any additional GS-11 meteorologists whose promotion anniversary date occurs while this grievance is pending.

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