



The Four Winds

National Weather Service Employees Organization

OCTOBER 2007

Union Grievance Alleges that HMTs Are Being Treated Like “Yesterday’s Trash.”

NWSEO has filed a union grievance alleging that Management violated the 2004 Agreement to revise WFO staffing by refusing to consider HMTs for vacancies in the HMT/Intern units. This grievance arose at WFO Raleigh when the MIC admitted to a highly qualified HMT applicant that he was not going to consider any of the HMTs who made the certificate of eligibles because he only wanted an intern for the position. Under the 2004 staffing agreement, all vacancies in the HMT/intern unit are to be bid as both an HMT and Intern vacancies, and both are to be fully and fairly considered for the vacancy. The failure to select a qualified HMT applicant (including one who is already a GS-12 OPL) for the position is particularly egregious because, according to the Raleigh MIC, the intern panel was weak and no selection was made.

The grievance also alleges that management is violating the Age Discrimination in Employment Act by disregarding the applications of qualified HMTs.

NWSEO President Dan Sobien wrote in the grievance that:

*The HMTs are well qualified, highly experienced and make a substantial contribution to the mission of the NWS. It appears from management’s initial 2004 proposal to eliminate all but one HMT at each WFO, and from its widespread efforts to subvert the September 2004 agreement which was intended to ensure their mobility and promotional opportunities, that **the National Weather Service considers HMTs as nothing more than yesterday’s trash.***

A copy of the grievance follows:

This is a union grievance filed pursuant to Article 10, Section 9 of the parties' CBA on behalf of Michael Nadolski, the OPL at WFO Paducah, and other HMTs whose identities are unknown to the union, who applied for the HMT vacancy at Raleigh, NC (Vacancy announcement No. NWS-ER-2007-0255).

The union alleges that management has violated the September 2004 Agreement to revise WFO staffing. Section 1 of this agreement provides that "WFO HMT/Intern Units will be staffed with either HMTs or Meteorologist Interns" and that all vacancies in such units will be simultaneously advertised as *both* HMT and intern vacancies. This agreement altered the 2000 staffing plan which guaranteed that there would be at least 3 HMTs at each WFO. In return for allowing management to fill billets previously reserved for HMTs with interns, management agreed that HMTs would be able to compete for any and all vacancies within the HMT/Intern unit.

According to the agency's October 15 response to Mr. Nadolski's information request, he and other HMT applicants were found fully qualified for the position at WFO Raleigh. This is not surprising since Mr. Nadolski presently encumbers a higher graded HMT position at Paducah. However, in a telephone conversation with the selecting official at Raleigh, Mr. Nadolski was informed that neither he nor any other HMT was going to be considered for the position because the selecting official wanted an intern – and only an intern – for the position. Ironically, according to the selecting official, there was no satisfactory intern applicant for the position, and the agency intends to rebid the position in order to get a different panel of intern applicants.

The selecting official's frank admission that Mr. Nadolski and other HMTs were not going to be considered for the position is a patent violation of the letter and intent of the September 2004 staffing agreement. The violation is particularly egregious in this case because there was no satisfactory HMT intern and it appears that the position remains vacant unnecessarily. The failure to consider HMT applicants for this position is a patent violation that goes to the essence of the agreement and thus also constitutes an unfair labor practice in violation of 5 USC section 7116(a)(1) and (5). It also appears that management is trying to subvert the remainder of the September 2004 agreement by ensuring that there is no HMT on station who would be eligible for primary and initial consideration for the anticipated OPL vacancy at Raleigh next spring. This is a separate violation of the September 2004 agreement because the creation of the GS-12 OPL positions was intended to provide promotional opportunities for HMTs whose mobility would be reduced by the agreement to abolish the minimum number of billets reserved for HMTs at each WFO.

We also allege that the refusal to consider the HMT applicants for this position constitutes age discrimination in violation of the Age Discrimination in Employment Act and Article 18, section 1 of the CBA because it has an adverse impact on employees, such as Mr. Nadolski, who are 40 years of age and older.

As relief for this grievance, we demand that Mr. Nadolski be placed in the Raleigh HMT vacancy, and that efforts to recruit intern candidates for that position cease. If this grievance is not resolved before the OPL position at Raleigh is filled next spring, we demand that Mr. Nadolski be placed in that position because he would have been the most senior (and only) HMT on station and would have been eligible for exclusive consideration for the position.

Let me add that this is the third time that Mr. Nadolski has been denied a GS-11 HMT position for which he is obviously well qualified. It appears to NWSEO as well as to virtually every HMT in the bargaining unit that management has no intention of fairly considering them for vacancies in the HMT/Intern unit. The HMTs are well qualified, highly experienced and make a substantial contribution to the mission of the NWS. It appears from management's initial 2004 proposal to eliminate all but one HMT at each WFO, and from its widespread efforts to subvert the September 2004 agreement which was intended to ensure their mobility and promotional opportunities, that the National Weather Service considers HMTs as nothing more than yesterday's trash.