NWSEO Files Unfair Labor Practice Charge against Department of Commerce for failing to engage union in re-entry, telework plans

(Washington, D.C., March 28, 2022) - The National Weather Service Employees Organization filed a charge against the Department of Commerce alleging that the agency committed an unfair labor practice last week by failing to consult with the union before ordering employees back to the office effective on April 25. The charge, which was filed with the Washington Regional Office of the FLRA on March 26, 2022, alleges that the Department violated the union’s “National Consultation Rights” when it failed to provide the union an opportunity to provide its recommendations on a proposed reentry day, as well as by unilaterally changing its telework policy. In the March 25 broadcast email to employees, the Secretary of Commerce announced a new telework policy “that will offer staff up to two days of telework per week.” This was a unilateral change in the prior DOC policy which previously provided: “Supervisors/managers are encouraged to support telework for eligible employees of at least 4 days per biweekly pay period.” (Emphasis added).

The Federal Service Labor-Management Relations Statute provides that unions which represent a substantial number of employees in an agency are entitled to “national consultation rights” and to “be informed of any substantive change in conditions of employment proposed by the agency and be permitted reasonable time to present its views and recommendations regarding the changes.” NWSEO was granted National Consultation Rights by the Department of Commerce in 2002. These consultation rights are in addition to the bargaining rights which NWSEO has with the National Weather Service and other line offices within NOAA. The Federal labor statute makes it an “unfair labor practice” to “refuse to consult or negotiate in good faith with a labor organization as required by this chapter.”

DOC’s failure to engage NWSEO in its reentry plans not only violates the labor statute, but thumbs its nose at a June 2021 memorandum from the Office of Management and Budget and Office of Personnel Management that directs
agencies to satisfy their labor obligations prior to issuing a 30-day reentry notice.

In addition to filing the unfair labor practice charge, NWSEO has demanded that DOC rescind the March 25 announcement of the April 25 re-entry date, and to withdraw its new, restrictive telework policy until it has consulted with NWSEO and other DOC unions on the date and conditions for reentry and engaged NWSEO and other unions in developing a new telework policy. The charge will now be investigated by the Federal Labor Relations Authority’s (FLRA’s) Office of General Counsel. If the FLRA’s Regional Director determines as a result of her investigation that there was a violation of the Federal labor statute, she will issue a formal complaint against the Department of Commerce and bring it to trial before a Federal Administrative Law Judge.

-NWSEO-

No one cares more for National Oceanographic and Atmospheric Administration (NOAA) employees than NOAA employees.

No one works harder for NOAA employees than NOAA employees.

We are NOAA employees. We are NWSEO.