



DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON/
JOINT FORCE HEADQUARTERS-NATIONAL CAPITAL REGION
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ANPE-CPD

MAR 14 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter – DoD Administrative Grievance System – Memorandum #9

1. REFERENCE. Department of Defense Civilian Personnel Manual 1400.25-M, Subchapter 771, Administrative Grievance System.
2. PURPOSE. To provide guidance to the Joint Force Headquarters-National Capital Region and United States Army Military District of Washington (JFHQ-NCR and USAMDW) personnel on the Department of Defense (DoD) Administrative Grievance System (AGS).
3. APPLICABILITY. These procedures are applicable to current appropriated fund non-bargaining unit DoD employees assigned to and/or under the operational control of JFHQ-NCR and USAMDW. In addition, it includes former JFHQ-NCR and USAMDW employees with respect to matters arising during their previous employment at the activity, provided that a remedy is available consistent with applicable law and regulation. Further, it applies to bargaining unit employees of JFHQ-NCR and USAMDW when a matter covered by the AGS cannot be grieved under a negotiated grievance procedure (NGP). This may occur either because an NGP is not in effect at the relevant time or because it does not cover the matter being grieved.
4. POLICY. The AGS is an avenue for employees to address matters of personal concern or dissatisfaction relating to their employment except for those addressed in paragraph 5, below. The authority to decide grievances is delegated to the following officials who may further delegate this authority to a designated direct report:
 - a. Staff Directorate Principals.
 - b. JFHQ-NCR and USAMDW Chief of Staff.
 - c. JFHQ-NCR and USAMDW Deputy Commander.
 - d. Major Subordinate Commander's. This includes Commanders of: 3d U.S. Infantry Regiment (The Old Guard), The U.S. Army Band, The U.S. Army Field Band, and Army Air Operations Group (including Davison Army Airfield Division, U.S. Army 12th Aviation Battalion, and U.S. Army Priority Air Transport).

5. PROCEDURES. Any employment matter may be grieved under the AGS except for the following:

- a. The content of established agency regulations and policy.
- b. Any matter covered by a negotiated grievance procedure or subject to formal review and adjudication by the Merit Systems Protection Board (MSPB), the Office of Personnel Management (OPM), the Federal Labor Relations Authority (FLRA), or the Equal Employment Opportunity Commission (EEOC); or, any matter that the employee files under another review or reconsideration procedure, or dispute resolution process within the DoD.
- c. Non-selection for promotion from a group of properly ranked and certified candidates, or failure to receive a noncompetitive promotion.
- d. Preliminary notice of an action that, if effected, would be covered under the grievance system or excluded from coverage under paragraph 5a.
- e. The substance of an employee's performance elements, standards, or work objectives.
- f. Determinations concerning awards, additional step increases, recruitment or relocation bonuses, retention allowances, physicians comparability or additional pay allowances, supervisory differentials, critical position pay, or dual compensation waivers.
- g. Any action taken under a voluntary, formal agreement entered into by an employee involving geographic relocation or return from an overseas assignment.
- h. Termination of a probationer, return of an employee serving supervisory or managerial probation to a non-supervisory or non-managerial position, or separation or termination of an employee during a trial period.
- i. Termination or expiration of a time-limited excepted appointment, a term or temporary appointment or promotion on the date specified as a condition of employment at the time the appointment or promotion was made.
- j. The termination of a temporary or term promotion at a time other than in subsection 5.L, provided the employee was informed in advance of the temporary nature of the appointment or promotion and the employee was returned to his or her former position from which temporarily promoted, or to a different position of equivalent grade and pay.
- k. Senior Executive Service (SES) employees' performance evaluations and awards including meritorious or distinguished executive rank awards, reassignment following receipt of

an unsatisfactory rating, return to another pay system during 1-year period of probation or for less than fully successful executive performance or for failure to be recertified, conditional recertification, or termination during probation for unacceptable performance.

1. A separation or termination action except as provided in subsection SC771.4.3., Civilian Intelligence Personnel Management System (CIPMS) Employees, renamed Defense Civilian Intelligence Personnel System (DCIPS). Non-preference eligible DCIPS employees employed under reference (e) of 10 U.S.C. 1590, may grieve their removal, suspension, reduction in grade or pay or for 30 days or less, if they have completed one year of current continuous service in the same or similar position in the Department of Defense under other than a temporary appointment of 2 years or less, except terminations for national security reasons under reference (e) of 10 U.S.C. 1590(e) (1).

6. PROCESS (Subchapter 771, Administrative Grievance System).

a. An employee may file a formal, written grievance with the designated deciding official in accordance with SC771. The employee must present the grievance within 15 days following the date of the act or event that the employee believes created the problem, or within 15 days following the date the employee became aware of (or reasonably should have become aware of) the act or event. The employee may present a grievance regarding a continuing practice or condition at any time.

b. An employee's grievance must be signed, dated, and contain a sufficiently detailed statement of the specific issue(s) and the specific, personal remedy sought; copies of any documents in the employee's possession related to the grievance; and, the name, address, and telephone number of the employee's representative, if any. The remedy must be personal to the employee and may not include a request for disciplinary or other action affecting another employee. An employee may not grieve the same matter raised in any other grievance, appeal, complaint, or other dispute resolution process.

c. The deciding official shall determine whether to join similar or identical grievances; whether to require, and how to conduct an investigation; whether to allow the grievant's requested representative; and how much official time shall be granted to the employee and the employee's representative. The deciding official may also designate an impartial individual to examine a grievance and, when authorized, the make recommendations concerning its disposition.

d. The deciding official shall fully and fairly consider the grievance and issue a written decision with supporting rationale for the decision. The deciding official shall issue the decision as soon as possible, but normally no later than 60 days from the filing of the grievance. The deciding official may extend time frames when warranted by special circumstances (e.g., when

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those involved are geographically dispersed or where a fact finder is used in the process). However, a grievance decision should be rendered no more than 90 days from the filing of the grievance, absent mutual agreement to extend missed time limit to accommodate resolution of the dispute. If the deciding official fails to render a decision within 90 days, absent such mutual agreement, the grievant may request review by the next higher management level.

e. Wherever possible, the deciding official should rule on the merits of a grievance. However, the deciding official may cancel or temporarily suspend a grievance, or the appropriate portion of a grievance, if:

- (1) The grievant requests such action.
- (2) The grievant or grievance is excluded from coverage.
- (3) The grievant raises the same matters under another formal dispute resolution process.
- (4) The grievant fails to comply with applicable time limits or procedural requirements or requests actions be taken against another employee.
- (5) The grievant fails to provide sufficient detail to identify clearly the matter being grieved or specify the personnel relief requested.

7. A deciding official's decision on the merits of the grievance is final and not subject to further review. However, an employee may request that an individual at the next higher management level, review a decision to cancel a grievance.

8. PROPONENT. The Chief Civilian Personnel Division, J/G1, (202) 685-0489/DSN 325, is responsible for this JFHQ-NCR/USAMDW Policy.


BRADLEY A. BECKER
Major General, US Army
Commanding

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