

Service First



Administrative Grievance Procedures Comparison (10/04/2012)

	Dept. of Interior Agencies (FWS, NPS & BLM)	Forest Service
Reference/ Authorities	5 CFR 771 370 DM 771, Subchapter 3	5 CFR 771, 11/11/1995 USDA DR 4070-771, 10/6/2010 FSM WO Interim Directive 6170-2012-1, 3/13/2012, expires on 10/24/2013.
Covered Employees	All Employees not covered by a Bargaining Unit; In addition all supervisors, managers, confidential employees and others excluded from union coverage by statute.	All Employees not covered by a Bargaining Unit; In addition all supervisors, managers, confidential employees and others excluded from union coverage by statute.
Matters Covered	Any matter of concern which is subject to the control of management for which employee seeks personal relief, except for those matters listed as not covered in 370 DM 771, 3.6.	As listed in above cited CFR, USDA DR, and FSM WO ID.
Excluded Matters covered by other review methods	Performance Appraisal Govt. Housing & Utilities Separation of Probationers Classification of Position.	As listed in above cited CFR, USDA DR, and FSM WO ID.
Entitlement to Representation (but not covered by a union)	Yes. If another employee of DOI chosen, cannot conflict with priority needs of service, constitute clear conflict of position or interest, or cause unreasonable cost to government.	Yes, as addressed in above cited CFR, USDA DR, and FSM WO ID.
Use of Official Time	Employee/representative can use official time, if otherwise in duty status, to present grievance. Present includes discussions with supervisor, attendance at inquiry, meetings at formal stage (3.18E).	Reasonable amount of time if otherwise in duty status.

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Cancellation of Grievance	<p>A. At employee's request</p> <p>B. Upon termination of employment with the DOI, unless the personal relief sought may be granted after termination</p> <p>C. Upon death of an employee unless grievance involved a question of pay; or</p> <p>D. For failure to prosecute if employee does not furnish required information & duly proceed with advancement of grievance.</p> <p>E. If it becomes evident that the matter is excluded under paragraph 1.</p>	<p>As listed in USDA DR and FSM WO ID, a grievance may be cancelled, in whole or in part, at any step of the process and without review of the merits of the grievance when:</p> <p>(1) Grievant specifically requests such action.</p> <p>(2) Grievant or matter at issue is not covered by the AGS.</p> <p>(3) Grievant fails to specify the personal relief requested.</p> <p>(4) The person considering the grievance finds that no relief can be provided due to circumstances resulting in no legal means for relief or no means for a retroactive monetary award.</p> <p>(5) Grievant or designated representative fails to comply with appropriate time limits or procedures.</p> <p>(6) Grievant does not cooperate in the review of the grievance.</p> <p>(7) Grievant files an EEO complaint that encompasses the issues in a pending grievance.</p>
Procedures and Timeframes: Initial filing of grievance and subsequent steps.	<p>Informal and Formal stage.</p> <p>Step 1. Informal to supervisor within 15 calendar days following specific act or occurrence, but anytime for a continuing condition. Employees must seek informal resolution through the Alternative Dispute Resolution (mediation) process first, unless this is based on an action that was proposed and the employee had an opportunity to respond, and a decision was issued by a higher level supervisor. Supervisor has 7 calendar days from receipt to issue written decision.</p> <p>Step 2. Formal grievance filed with Servicing Personnel Office (SPO) within 5 calendar days following supervisor's decision in informal grievance.</p> <p>Deciding Official has 20 calendar days from receipt to issue a written decision.</p> <p>Step 3. OHA - Employee has 7 calendar days from receipt of decision in formal grievance to request, thru the SPO, review by the DOI's Office of Hearings and Appeals.</p>	<p>Informal and Formal stage.</p> <p>Informal: Employee must present informal grievance within 15 calendar days of act or occurrence that is the basis for the grievance.</p> <p>Total of 90 days for management to complete processing of the grievance. Typically informal response issued within 30 days of the filing of the grievance.</p> <p>If not resolved, employee has 15 days to file a formal grievance.</p> <p>Formal response issued within 30 days of the filing at the formal stage, although, if additional time is needed, management will contact and advise the grievant that a time extension is needed to reply to the grievance. Total of 90 days for management to complete processing of the grievance.</p> <p>If employee is not satisfied with the response, employee has 10 days after receipt of Formal response to request a final decision from the Chief, Forest Service, with or without a review and recommendation by a Grievance Examiner (GE) appointed by the Office of Human Resources Management (OHRM). USDA FS shall issue the final grievance appeal decision within 60 days of receipt of the grievance.</p>
Limitations on Relief Requested	<p>Employees cannot ask for relief not personal to themselves; e.g. they cannot ask that someone else be disciplined.</p> <p>Employees cannot be granted relief outside the control of management.</p>	<p>Employees cannot ask for relief not personal to themselves; e.g. they cannot ask that someone else be disciplined.</p> <p>Employees cannot be granted relief outside the control of management.</p>