



DEPARTMENT OF THE NAVY
COMMANDER
MILITARY SEALIFT FLEET SUPPORT COMMAND
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NORFOLK, VA 23511-2419

COMSFSCINST 12771.1
N1
12 Jun 06

COMSFSC INSTRUCTION 12771.1

From: Commander, Military Sealift Fleet Support Command

Subj: ADMINISTRATIVE GRIEVANCE SYSTEM (AGS) AND PROCEDURES

Ref: (a) SECNAV Instruction 12771.1
(b) DOD 1400.25-M, Subchapter 771

1. Purpose. To establish policy and procedures for an administrative grievance system in accordance with references (a) and (b) for Civilian Marine employees (CIVMARs).

2. Applicability. The provisions of this instruction apply to all CIVMARs of the Military Sealift Fleet Support Command. This provision does not cover those employees in bargaining units covered by the terms of a negotiated agreement between a labor organization and activity management unless the matter covered by the AGS cannot be grieved under a negotiated grievance procedure (NGP), either because an NGP is not in effect at the relevant time, or because it does not cover the matter being grieved.

3. Policy. A grievance is any request, formal or informal, written or oral, by the employee(s) for personal relief in a matter of concern or dissatisfaction relating to the employment of the employee(s) that is subject to the control of the head of the activity. Grievances by CIVMARs submitted under the provisions of this instruction, and in accordance with references (a) and (b) will be processed fairly, impartially, and expeditiously. All persons involved in this dispute resolution process shall be free from restraint, interference, coercion, discrimination, or reprisal. All time limits are counted in calendar days.

4. Procedures

a. Problem Solving/Informal Process

(1) Any CIVMAR, who feels himself/herself aggrieved, is to informally present a work-related problem to his or her

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immediate supervisor to resolve the issue at the lowest possible level, prior to filing a formal grievance. If the problem involves a matter or action directly involving that supervisor, and the employee has been unable to resolve the matter with that supervisor, the employee may present the matter to the next level supervisor. The problem must be presented within 15 calendar days following the date of the act or event that the employee believes created the problem, or the date the employee became aware of (or reasonably should have become aware of) the act or event. The employee may present a matter of concern regarding a continuing practice or condition at any time. The use of Alternative Dispute Resolution techniques, such as meditation, facilitation, problem-solving, etc., are encouraged throughout the process, consistent with the requirements set forth in this instruction.

(2) The supervisor must consider the employee's problem and attempt to resolve it within 15 calendar days, but no later than 30 calendar days from the date the problem is first brought to the supervisor's attention. The above time limit for resolving the problem may be extended by mutual agreement to accommodate resolution of the dispute.

b. Formal Grievance Process

(1) A CIVMAR may file a formal grievance with the Director, Human Resources and Manpower Department (N1) or designee when a problem is not resolved during the problem-solving/informal process or when the employee chooses to bypass that process and invoke the grievance process. If the employee used the problem-solving informal process, the employee must file a grievance no later than 15 calendar days after the process concluded or a decision was rendered on the informal grievance, and no later than 60 days following the date of the act or event that the employee believes created the problem, or the date the employee became aware of (or reasonably should have become aware of) the act or event. When the employee does not use the problem-solving informal process, but raises the matter initially as a formal grievance, the employee must present the grievance within 15 calendar days following the date of the act or event that the employee believes created the problem, or within 15 calendar 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.

(2) The grievance must be in writing, signed, and dated. It must contain a sufficiently detailed statement of the specific issue(s) and the specific, personal remedy sought; a statement that the employee has not filed an appeal or complaint (such as an IG or EEO complaint) on the same issue; 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.

(3) The deciding official shall fully and fairly consider the grievance and issue a written decision with supporting rationale for that decision. The deciding official shall issue the decision as soon as possible but normally no later than 60 calendar days from the filing of the formal grievance. The deciding official may extend timeframes when warranted by special circumstances. However, a grievance decision should be rendered no more than 90 calendar days from the filing of the grievance, absent mutual agreement to extend the time limit to accommodate resolution of the dispute. The deciding official's decision on the merits of the grievance is final and not subject to further review.

5. Director, Human Resources and Manpower may delegate authority to decide grievances to subordinate managers and supervisors as deemed appropriate.

6. Rights of Grievant and Representatives. Grievant and their representatives have the right to:

a. Be accompanied, represented and advised by any person of their own choice in processing a grievance under this instruction, except as noted in paragraph 8;

b. Freedom from restraint, interference, coercion, discrimination or reprisal in presenting a grievance or appeal as outlined herein; and

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c. A reasonable amount of official time, if otherwise in a duty status, to prepare and present grievances and to communicate with management and personnel officials.

7. Disallowance of Grievant's Representative. The deciding official may disallow the choice of an individual as a representative that would result in a conflict or apparent conflict of interest or position, a conflict with the priority needs of the activity or would give rise to an unreasonable cost to the Government.

8. Exclusions from the AGS. The following are excluded from resolution under the AGS:

a. The content of established DoD, DoN, MSC, and MSFSC policy, regulations, and instructions.

b. Any matter covered by a Negotiated Grievance Procedure (NGP) 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.

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 (b) above.

e. Appeal of Oral admonishments and letters of caution.

f. Appeal of Determinations concerning awards, recruitment, and retention allowances.

g. Termination of a probationer, or separation or termination of an employee during a trial period.

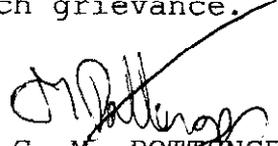
h. Termination of a temporary or term promotion.

i. Any additional exclusion as requested by a DoD Component and approved by the Department of Defense.

9. Cancellations and Suspensions. Where 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:

- a. The grievant requests such action;
- b. The grievant or grievance is excluded from coverage;
- c. The grievant fails to provide sufficient detail to identify clearly the matter being grieved or specify the personal relief requested;
- d. The grievant fails to comply with applicable time limits or procedural requirements or requests actions against another employee; or
- e. The grievant raises the same matters under another formal dispute resolution process.

10. Grievance Files. Grievance files shall be established and maintained by the Employee Labor Relations Branch (N171) in accordance with applicable laws, regulations, and record retention schedules. The file shall contain all documents or copies of documents related to each grievance.


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List I and II