HRDG 4771 - Administrative Grievance System - Section C

Last Modified:

Subchapter 4771
Administrative Grievance System
Section C- Formal Procedure

- Purpose
- Filing
- Time Limit
- Rejection of Grievance
- Decision

Return to 4771 Table of Contents

Purpose	The purpose of this step is to resolve issues that the parties were unable to resolve during the informal procedure, as well as initially address disciplinary matters involving letters of reprimand, and suspensions of 14 days or less.

An employee may submit a **formal** grievance to the Chief, Employee & Management Relations Branch, within ***15 calendar days*** of when the employee first learned or reasonably should have learned of the issuance of a disciplinary letter of reprimand to a 14-day suspension. Additionally, when a grievant receives an unfavorable decision at the informal step, or the agency fails to complete processing of an informal grievance within the timeframe allotted, the grievant may elevate the grievance for further consideration to the next appropriate level.

Filing

The Grievant must file a formal grievance with the designated official (see below) within the time limits set forth in the memorandum closing out the informal grievance or in the agency's grievance regulations. The grievance must be provided in writing, must be signed by the Grievant or a designated representative, must identify the matters being grieved and must specify the **remedy** (**See Section A**) being sought. If a grievance was denied at the informal stage, the grievance appeal may not raise any issue that was not presented as part of the initial grievance.

For employees in:	The mailing address is:
APHIS	Chief, Employee & Management Relations Branch 4700 River Road, Unit 158 Riverdale, MD 20737
AMS & GIPSA	Office of the Administrator USDA AMS (or GIPSA) Attn: AMS/GIPSA Employee & Management Relations Branch 1400 Independence Ave. SW, Room 1723, MS 3442 Washington DC 20250
Foreign Service	Foreign Services Grievance Board (FSGB) Suite 3100 South, SA-15 Washington, DC 20522-1531

The grievance shall include the following:

- **Informal Grievance Summary** (71.3 KB), unless:
- the supervisor did not provide it (Indicate if the supervisor did not provide it.)
- the grievance is being filed initially at the formal level because it pertains to a letter of reprimand or a suspension of 14 days or less.
- All supporting documentation.
- Grievance Transmittal form completed by the grievant.
- An explanation of the issues/items which remain unresolved from the informal step, including why the grievant is dissatisfied with the decision regarding those issues/items. The grievance may not concern any matter which was not presented as part of the informal grievance, except for an allegation (if appropriate) that reprisal actions have been taken for filing the informal grievance.
- The remedy requested.

Time Limit	The time limit for appealing an informal grievance is **10 calendar days** from the date that the informal decision was received. The time limit for filing a formal grievance concerning a disciplinary letter of reprimand, or a suspension of 14 days or less, is ***15 calendar days*** of the date the employee first learned or reasonably should have learned of the issuance of the disciplinary letter of reprimand, or suspension of 14 days or less. **Note:** For information on time limit changes and extensions see **Time Limits** in **Section A**, General Provisions.
Rejection of Grievance	Upon receipt of the grievance, the Employee & Management Relations Branch will review it for procedural compliance, and may cancel or reject the grievance if: (1) it is untimely; or, (2) it concerns an issue excluded from coverage under the AGS. The Grievant may appeal the cancelation or rejection of a grievance to the Director, OHRM, **(See Section D**) through the appropriate Employee & Management Relations Branch.
Decision	The deciding official will issue a written decision sustaining or denying the grievance. The decision letter to the grievant will include the following: • A complete copy of the grievance file. • The agency's position on the grievance issues, and whether any adjustments or corrective actions will be implemented. • The agency's intent to close the grievance file with no further action if the grievant does not submit a request for further review within the allotted time frame. In such a situation, the decision will become final. • The Grievant's right to request a final decision by the agency head, with or without the benefit of a review and recommendation by a Grievance Examiner (GE) appointed by OHRM, if not satisfied with the agency's decision (**See Section D**).

Return to 4771 Table of Contents

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