



DEPARTMENT OF THE NAVY  
NAVAL TRAINING CENTER  
GREAT LAKES, ILLINOIS 60088-5000

NTCGLAKESINST 12771.1  
N23

06 AUG 1990

NTC GREAT LAKES INSTRUCTION 12771.1

From: Commander Naval Training Center, Great Lakes

Subj: ADMINISTRATIVE GRIEVANCE PROCEDURE

Ref: (a) Civilian Personnel Instruction (CPI) 771

1. Purpose. This instruction establishes the administrative grievance procedure under which covered employees may seek redress of matters of personal concern and dissatisfaction, grieve Letters of Reprimand, Letters of Requirement, and suspensions of 14 calendar days or less.

2. Cancellation. NTCGLAKESINST 12000.2, Chapter V, Subchapter 5. This instruction has been substantially revised and should be reviewed in its entirety.

3. Policy. It is the policy of the Department of the Navy (DON) that such matters be given objective consideration and resolved promptly. The procedures set forth in this instruction are designed to achieve these objectives in accordance with reference (a).

4. Definitions

a. Grievance. A written or oral request by an employee, or a group of employees acting as individuals for personal relief in a matter of concern or dissatisfaction relating to the employment of the employee(s) which is subject to the control of the head of the activity. Letters of Reprimand or Requirement and Suspensions of 14 calendar days or less may be grieved through this procedure.

b. Employee. A present nonbargaining unit employee, an employee in a bargaining unit which does not have a negotiated agreement in effect, or any former employee of an activity serviced by the Naval Training Center Consolidated Civilian Personnel Office (NTC CCPO) for whom a remedy can be provided.

c. Bargaining Unit Employee. An employee included in an appropriate bargaining unit for which a labor organization has been granted exclusive recognition.

d. Personal Relief. A specific remedy directly benefiting the grievant(s). A request for disciplinary or other action affecting another employee is not an acceptable form of personal relief.

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e. Deciding Official. The head of an activity or subordinate official designated by the activity head to make a final decision on a grievance. The deciding official must be at a higher organizational level than any employee involved in any phase of the grievance, except when the Secretary of the Navy is involved.

f. Fact-Finder. An individual appointed by a deciding official to conduct an investigation of a grievance. The fact-finder must be a person who has not been involved in the matter being grieved and who does not occupy a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matters being grieved. The fact-finder may be an employee of the activity, an employee of another activity, or the Office of Civilian Personnel Management (OCPM), or an individual contracted specifically for this purpose.

g. Hearing Examiner. An individual authorized by a deciding official to conduct a hearing on a grievance. The hearing examiner will be an employee of OCPM who has been trained in the conduct of hearings and must be a person who has not occupied a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter being grieved.

h. Day. Calendar day.

i. Activity. A field installation, headquarters command or office.

5. Employee Coverage. This instruction applies to all civilian employees in activities serviced by the NTC CCPO, Great Lakes, EXCEPT FOR:

a. Employees of nonappropriated funds instrumentalities (nonappropriated fund employees).

b. A bargaining unit employee covered by a negotiated agreement.

c. An applicant for employment who does not meet the definition of an employee as stated in paragraph 4b.

6. Grievance Coverage. This instruction applies to matters defined in paragraph 4a EXCEPT FOR:

a. The contents of published agency regulations and policy.

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b. A decision which is appealable to the Merit Systems Protection Board or subject to final administrative review by the Office of Personnel Management (OPM) or the Equal Employment Opportunity Commission (EEOC) under law or regulations of the Office of the Commission.

c. Nonselection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.

d. A preliminary warning notice of an action which, if effected, would be covered under the grievance procedure or excluded from coverage by paragraph 6b above.

e. An action which terminates a temporary promotion within a maximum period of two years and returns the employee to the position from which the employee was temporarily promoted, or reassigns or demotes the employee to a different position that is not at a lower grade or pay than the position from which the employee was temporarily promoted.

f. An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay.

g. The substance of the objectives and critical elements of, and performance standards for, an employee's position.

h. The granting or recommendation of, or failure to grant or recommend an employee's performance award; the adoption of or failure to adopt an employee's suggestion or invention; or the granting or recommending of or failure to grant or recommend an award for meritorious or distinguished executive service.

i. The receipt of, or failure to receive a quality salary increase.

j. A decision to grant or not to grant a general increase, merit increase, or performance award under the Performance Management and Recognition System, or a decision on the granting of or failure to grant cash awards or honorary recognition.

k. The termination of the initial appointment of a probationer to a competitive position for unsatisfactory performance.

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l. Return of an employee from an initial appointment as a supervisor or manager to a nonsupervisory or nonmanagerial position for failure to satisfactorily complete the probationary period.

m. An action taken under the terms of a formal agreement voluntarily entered into by an employee which either (1) assigns the employee from one geographical location to another; or (2) returns an employee from an overseas assignment.

n. A separation action not otherwise excluded above.

o. Oral admonishments and Letters of Caution or Admonishment.

p. A decision to include an employee's position in the pool of activity positions subject to random drug testing.

q. A matter excluded from coverage under a negotiated grievance procedure.

## 7. Responsibilities

a. Activity Heads. Heads of activities have the authority to act as deciding officials on all grievances filed by employees under their command except when personally involved in the events giving rise to the grievance. If the head of the activity has been involved, the next higher level of management in the chain of command will be designated deciding official. Activity heads may delegate authority to subordinate managers and supervisors to act as deciding officials to the extent they deem appropriate on a case-by-case basis.

b. Grievant. The grievant is responsible for:

(1) Notifying the immediate supervisor orally of the grievance in a timely manner and giving sufficient information to enable the supervisor to attempt to resolve the problem.

(2) Filing the grievance in writing, if required, in a timely manner, with the head of the activity.

(3) Providing a clear statement of the issue(s).

(4) Stating the specific personal relief sought to resolve the grievance.

c. Deciding Official. The deciding official is responsible for:

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(1) Determining whether to accept, reject, or remand all or part of a grievance.

(2) Determining which issue(s), if any, will be investigated if the grievance is accepted.

(3) Determining whether to allow grievant's choice of representative.

(4) Determining a reasonable amount of time to be afforded the grievant and representative to present the grievance.

(5) Giving fair and objective consideration to the grievance.

(6) Determining the method which will be used to resolve the grievance which may include one or more of the following:

(a) Utilizing the facts presented in the written grievance.

(b) Conducting personally a fact-finding inquiry.

(c) Initiating third party fact-finding with a report of the findings of fact to the deciding official. The deciding official may request the fact-finder to make recommendations.

(d) Initiating a hearing conducted by a hearing examiner. The examiner will provide the deciding official with a report of findings and recommendations.

(7) Issuing a written final decision within the established time limits set forth in paragraph 11.

8. Right to Seek Advice. Employees have the right to communicate with the NTCCCPO, Equal Employment Opportunity Counselor, a counselor (deputy counselor) designated to be utilized in conflict of interest situations or a Civilian Employee Assistance Program Contact and Referral Counselor.

9. Rights of Grievants and Representatives

a. Grievants have the right to be accompanied, represented and advised by a representative of their own choice in processing a grievance under this procedure. The deciding official may disallow the choice of an individual as a representative which 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 unreasonable cost to the government.

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b. If a grievant's representative is disallowed, that decision may be grieved to the next higher level of management. The decision on that matter is final and is not subject to further review. Processing of the original grievance will be held in abeyance pending the resolution of the question of representation.

c. Grievants and their representatives must be assured:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal in presenting a grievance.

(2) A reasonable amount of official time, as determined by the deciding official, to present the grievance if an employee of the agency and otherwise in a duty status.

10. Grievance Procedure. The grievance procedure consists of two steps: (1) an informal (oral) consideration at the first level of supervision; and (2) a decision by the deciding official following a review by a fact-finder or grievance examiner, if appropriate. The following basic principles are applicable to the processing of grievances under this administrative procedure:

a. The first step is at the immediate supervisor's level and most grievances should be settled at this level. The grievance must be taken up at this step before processing at higher levels except as specified in paragraph 10b below. A written grievance and reply are not required at this step. It is also an indispensable principle of good grievance resolution that the supervisor approach a grievance in good faith and attempt to resolve it fairly seeking any advice he/she deems necessary.

b. Grievances which constitute an appeal of a disciplinary action from a Letter of Reprimand through suspensions of 14 calendar days or less, will be initiated by the grievant at the management level next above the level that effected the disciplinary action.

c. This grievance procedure assigns specific roles and responsibilities to only two levels of management. However, management officials, especially at the lower levels, may consult with higher levels to assure a sound and equitable approach.

d. An employee may not specify disciplinary action against a management official or another employee as the corrective action desired to resolve a grievance. The corrective action desired must be directly applicable to the grievant. If, as a result of the grievance, disciplinary action appears warranted against a management official or another employee, such action will be considered separately.

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11. Grievance Processinga. Informal Step

(1) An employee must inform his/her immediate supervisor orally of his/her grievance, stating in sufficient detail the nature and scope of the grievance and the corrective action desired. The grievance must be initiated no later than 15 calendar days after the date of the incident, or knowledge of it, which gave rise to the grievance. This time limit does not apply to grievances concerning a continuing practice or condition.

(2) The immediate supervisor shall meet with the employee and the employee's representative, if any, promptly to discuss the grievance.

(3) The supervisor will inform the employee of his/her decision within 15 calendar days after receiving initial notification of the specific grievance.

(4) In the event the immediate supervisor cannot meet these time frames because of extended leave, travel, etc., the next higher level supervisor may assume this role.

b. Formal Step

(1) If the grievant desires to pursue the grievance after the immediate supervisor's informal step decision, it must be submitted in writing to the head of the activity within seven (7) calendar days after the decision at the informal step. However, if no informal decision is rendered by the immediate supervisor within 30 calendar days after initiating the grievance, the grievant may forward the written grievance directly to the head of the activity.

(2) The head of the activity may designate a deciding official to resolve the grievance. This official must be at a higher administrative level than any official who was actively involved in the grievance at the informal step.

(3) The deciding official must first determine whether to accept or reject in whole or in part any grievance received. It must be determined if the grievance is timely; if it is covered by the administrative grievance procedure; if it meets the requirements for clarity of issues and relief sought; and if it has been processed through the informal step. If the grievance was not processed through the informal step, the deciding official must return the grievance to the employee with instructions to use the informal step. If the issues of the grievance or relief sought are not clearly described, the

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deciding official may remand the grievance to the grievant for clarification or additional information. If the grievance does not meet the requirements for timeliness or does not fall within the coverage of the grievance procedure, the grievance may be rejected, in writing, stating the reason(s) for the rejection. If a deciding official rejects all or part of a grievance, that decision may be grieved to the next higher level of management who will make a final decision on that issue only. If accepted, the original grievance is remanded to the deciding official for final decision.

(4) If the grievance meets the conditions listed above, the deciding official must attempt to resolve it by:

(a) Determining which issues, if any, will be investigated if the grievance is accepted.

(b) Determining whether to allow the grievant's choice of representative.

(c) Giving fair and objective consideration to the grievance.

(d) Determining which of the following methods will be used to resolve the grievance:

1. Using the information presented in the written grievance.

2. Conducting a fact-finding inquiry.

3. Initiating third party fact-finding with a report of the findings of fact to the deciding official. The fact-finder may be requested to provide a recommendation for resolution.

4. Initiating a hearing conducted by a hearing examiner. The examiner will provide a report of findings and provide a recommendation for resolution. The deciding official will establish a time frame for completion of the fact-finding or hearing process.

(e) A final written decision will be issued within 90 days after the grievance was initiated if a hearing is not held or within 120 days if a hearing is held. This requirement may be extended by 10 days if the deciding official is at a higher level than the activity commanding officer.

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(5) The Labor Relations Division, NTC CCPO, will be promptly notified if the services of a Navy hearing examiner are needed and will make a telephone request immediately to the Office of Civilian Personnel Management Northeast Region for assignment of a hearing examiner. A case file will be assembled for mailing and the grievant will be notified of this action.

(6) The examiner's inquiry shall be of a nature and scope appropriate to the issue(s) involved in the grievance. The inquiry may consist of:

- (a) The securing of documentary evidence;
- (b) Personal interviews;
- (c) A group meeting;
- (d) A hearing; or
- (e) Any combination of (a) through (d) above.

(7) A grievance file will be established by the deciding official when fact-finding or a hearing is involved. The report of the fact-finder or hearing examiner must be included and the file will be made available to the grievant and his/her representative for review and comment prior to issuing a decision.

(8) The deciding official will issue a final written decision containing pertinent findings and the reason(s) for the decision. This decision will be issued within established time limits.

(9) If the activity head was personally involved in the matter being grieved, the final decision will be made by the next higher level of management in the chain of command. In such a case, a copy of the forwarding letter will be provided to the grievant.

12. Grievances Against Another Activity. An employee of one activity and/or the employee's representative may present a grievance to the head of another activity who took the action being grieved. Travel expenses and per diem are not authorized in the pursuit of a grievance against another activity. The grievance will be processed in accordance with the procedures of the activity against which the grievance is filed.

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13. Time Limits

a. Time limits for initiating a grievance and advancing a grievance to the formal step indicated in paragraph 11 above must be observed. Failure to do so may be the basis for rejection. However, a review should be made to determine whether timely filing was within the grievant's (representative's) control. Management will also observe the time limits specified in paragraph 11 for responding to the grievance.

b. Employees may be granted an extension of the time limits for filing grievances at the various steps upon written request when reasonable cause for delay is shown.

c. When circumstances prevent management officials from meeting the stated time limits, the grievant will be notified, in writing, of the reason(s) and the anticipated date of action.

14. Advice and Assistance

a. The Labor Relations Division, NTC CCPO, is responsible for monitoring the grievance procedures to assure compliance; for advising management officials on grievance matters; for determining whether a grievance is to be processed under this or a negotiated procedure; and for counseling employees upon their request.

b. If the deciding official requires the assistance of a hearing examiner from OCPM or a fact-finder from another activity, the request will be made by the NTC CCPO.

c. A grievance file will be established by the deciding official in all cases. Where fact-finding or a hearing is involved, the report of the fact-finder or hearing examiner shall be included. The file must be made available to the grievant and his/her representative for review and comment prior to the issuance of a decision.

d. Grievance files established by the deciding official will be maintained by the NTC CCPO, Labor Relations Division, for a period of three years from the date the case is closed.

e. The NTC CCPO will prepare any reports required by reference (a).

16. Allegations of Discrimination. If an allegation of discrimination because of race, color, national origin, sex, age, religion, or handicapping condition (physical or mental) is raised at any stage of the grievance procedure, the deciding

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official will inform the grievant, in writing that introduction of the allegation will serve to terminate processing of the matter under this procedure. The grievant must then be given the opportunity to withdraw the allegation and continue under the administrative grievance procedure or proceed under the discrimination complaint procedure commencing with the counseling stage. The grievant's decision must be documented and made a part of the case file. If the grievant opts for the discrimination complaint procedure, the grievance shall be canceled, the grievant notified, and the grievance file forwarded to the Labor Relations Division, NTC CCPO, for retention.



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