National Capital Region Medical Directorate
ADMINISTRATIVE INSTRUCTION

NUMBER 1400.04
OCT 15 2014

PERS

SUBJECT: Administrative Grievances System (AGS)

References: See Enclosure 1

1. PURPOSE. This administrative instruction (AI), based on the authority of References (a) through (c), establishes the National Capital Region Medical Directorate (NCR MD) policy and procedure for an AGS. This AI issues grievance direction and actions for civilian employees as required by References (d) through (h).

2. APPLICABILITY. This AI applies to the NCR MD, Walter Reed National Military Medical Center to include the DiLorenzo Clinic and the Tri-Service Dental Clinic, Fort Belvoir Community Hospital to include the Dumfries and Fairfax Clinics, and the Joint Pathology Center. Hereafter, these facilities are collectively referred to as Joint Medical Treatment Facilities (MTFs) and Centers. For more exact circumstances where this AI applies or does not apply, please see Enclosure 2 for more information.

3. POLICY. It is NCR MD policy that:

a. In accordance with (IAW) Subchapter 771 of DoD 1400.25-M (Reference (e)), employees will be treated equitably. Those who believe that they have not been so treated have a right to present their grievances to appropriate management officials for prompt consideration and an equitable decision.

b. Employees and their representatives, if any, will be unimpeded and free from restraint, interference, coercion, discrimination, or reprisal in presenting a grievance.

c. An NCR MD employee, not regulated by any other procedure, may grieve his or her receiving a less than fully successful performance rating. If that employee files an appeal concerning any personnel action resulting from that rating, such as to the Merit Systems Protection Board (MSPB) or Equal Employment Opportunity Commission (EEOC), that rating no longer comes under the coverage of the administrative grievance procedure. No further action or processing of the employee's grievance concerning his or her receiving a less than fully successful rating will be considered after the date the employee files an appeal with the MSPB or EEOC.

d. Impartial and prompt consideration will be given to all grievances. Employee grievances shall be resolved informally at the lowest possible supervisory level and as early as possible after being made known to the supervisor.

e. Use of Alternative Dispute Resolution (ADR), when appropriate, as an alternative to formal administrative procedures is highly encouraged. The major processes of the ADR process include, but are not limited to: mediation, facilitation, and peer resolution panel.

f. Any employment matter may be grieved under the AGS except for those items specifically mentioned in Enclosure 2.

4. RESPONSIBILITIES. See Enclosure 3

5. PROCEDURES. See Enclosure 4

6. RELEASABILITY. **Cleared for public release**. This AI is approved on the Internet from the NCR MD Website at www.capmed.mil.

7. EFFECTIVE DATE. This AI:

a. Is effective immediately.

b. Will expire 10 years from the publication date if it hasn't been reissued or cancelled before this date in accordance with DoD Instruction 5025.01 (Reference (i)).

R. C. BONO
RADM, MC, USN
Director

Enclosures
1. References
2. Additional Applicability Information
3. Responsibilities
4. Procedures

Glossary

ENCLOSURE 1

REFERENCES

(a) Deputy Secretary of Defense Action Memorandum, "Implementation of Military Health System Governance Reform," March 11, 2013
(b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
(c) National Capital Region Medical Directorate (NCR MD) Concept of Operations, September 10, 2013
(d) Parts 8, 77, 752 and 771, Title 5, Code of Federal Regulations
(e) Subchapters 511and 771 of DoD 1400.25-M, "Department of Defense Civilian Personnel Manual," date varies by Volume
(f) DoD Directive 1400.5, "DoD Policy for Civilian Personnel," January 12, 2005
(g) Sections 2105(c), 2301(b), 2302(b), 3592, 4314, and 7121 of Title 5, United States Code
(h) Section 1471 of Title 22, United States Code
(i) DoD Instruction 5025.01, "DoD Directives Program," June 6, 2014
(j) Equal Employment Opportunity Commission Management Directive 110, current version
(k) Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953, as amended
(l) Joint Task Force National Capital Region Medical Instruction 1400.02, "Performance Appraisal Program for DoD Civilian Employees," November 9, 2011

ENCLOSURE 2

ADDITIONAL APPLICABILITY INFORMATION

1. This AI also applies to:

a. Appropriated fund non-bargaining unit civilian employees as defined by Title 5, U.S. Code (U.S.C.) (Reference (g)).

b. Bargaining unit employees when a matter covered by the AGS cannot be grieved under a negotiated grievance procedure (NGP), either because the NGP is not in effect at the relevant time, or because it is not grievable under the NGP. The decision as to whether a matter may be grieved under the AGS shall be made by the Director, Civilian Human Resources Center (CHRC), whose decision shall be final.

c. Former NCR MD employees with respect to matters arising during their employment in a NCR MD organization provided that a remedy is available consistent with applicable law and regulation.

d. A request by an employee or a group of employees for personal relief in such matters as working conditions; improper rating and ranking of a candidate for merit promotion; a change in assignment; failure of a supervisor to establish critical elements and performance standards; performance appraisal rating of less-than-fully-successful for General Schedule (GS), GS Physicians and Dentists, and wage system employees; and disciplinary actions to include reprimand and suspensions of 14 days or less.

e. Any employment matter may be grieved under the AGS except for those issues specifically mentioned in section 2. below.

2. This AI does not apply to:

a. A non-citizen appointed pursuant to part 8 of Title 5, Code of Federal Regulations (Reference (d)).

b. An alien appointed pursuant to section 1471 of Title 22, U.S. Code (U.S.C.) (Reference (h).

c. An employee paid from funds as defined in section 2105(c) of Title 5, U.S.C. (Reference (g)).

d. An applicant for employment.

e. A decision that is appealable to the MSPB or subject to final administrative review by the Office of Personnel Management (OPM), the EEOC, Federal Labor Relations Authority, or any

matter under another review or reconsideration procedure, or dispute resolution process within the DoD.

f. Discrimination complaints of alleged bias or unfairness as a result of an employee's race, color, religion, sex, age, national origin, physical or mental disability, genetic information or reprisal for participation in prior protected activity, covered by procedures set forth in EEOC Management Directive 110 (Reference (j)).

g. Actions taken for security reasons pursuant to Executive Order 10450 (Reference (k)).

h. The content of published NCR MD policy, except as they are applied to an employee that, through misinterpretation or misapplication of any law, rule, or regulation, affects the conditions of employment.

i. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.

j. A grievance covered by procedures established under a collective bargaining agreement pursuant to section 7121 of Title 5 (Reference (g)).

k. A notice of proposed suspension or adverse action which, if effected, would be covered under either the grievance system, a NGP, or a statutory appeals process such as an appeal to the MSPB.

l. An action that terminates a temporary promotion within a maximum period of 2 years and returns the employee to the position from which the employee was temporarily promoted; or an action that 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, unless the termination is based on misconduct or unacceptable performance.

m. An action that terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of 2 years, but not more than 5 years, and returns the employee to the position from which promoted or to a different position at an equivalent grade and pay, provided that the return is not based on misconduct or unacceptable performance.

n. The substance of critical elements or performance expectations or their equivalent and performance standards established by a supervisor for an employee's position. The supervisor's failure to identify performance expectations/critical elements or their equivalent and to establish performance standards for an employee, or an employee's performance rating that is less than fully successful, are grievable pursuant to this AI.

o. The failure to grant or recommend an employee performance award or the adoption or failure to adopt an employee suggestion or invention.

p. The receipt of or failure to receive a performance award (Senior Executive Service (SES) bonus) or a quality salary increase.

q. A decision to grant or not to grant a general increase, a quality step increase or a performance award, an incentive award, honorary recognition, recruitment or relocation bonuses, retention allowances, or dual compensation waivers.

r. The termination of a probationer for unsatisfactory performance or misconduct.

s. The return of an employee from an initial appointment as a supervisor or manager to a non-supervisory or non-managerial position for failure to satisfactorily complete the probationary period.

t. An action that terminates temporary employment or the separation of a non-career executive or Schedule C employee.

u. A separation action not otherwise excluded above and not appealable to the MSPB or subject to final administrative review by OPM or EEOC under law or the regulations of OPM or EEOC.

v. SES or Senior-Level pay changes.

w. Non-disciplinary actions (e.g. letters of counseling, leave restrictions).

x. Bargaining unit employees when the matter is grievable under the NGP.

y. The issuance of a Performance Improvement Plan.

ENCLOSURE 3

RESPONSIBILITIES

1. DIRECTOR, NCR MD. The Director, NCR MD will:

a. Ensure the effective administration of the NCR MD AGS and compliance with OPM and DoD regulations.

b. Ensure that all employees are free from restraint, interference, coercion, discrimination, or reprisal when exercising their rights under this AI.

2. NCR MD CHIEFS AND DIRECTORS OF THE JOINT MTFS AND CENTERS. The NCR MD Chiefs and Directors of the Joint MTFs and Centers will:

a. Ensure the timely and equitable resolution of grievances.

b. Serve as deciding officials or designate an official within their organization at the appropriate level to serve as a deciding official for grievances arising from actions taken by personnel within their organization.

c. Take appropriate action to hold personnel accountable for adhering to the principles described in this AI.

d. Ensure funding is available in the annual budget for payment of grievance examiners as needed.

3. DIRECTOR, CHRC. The Director, CHRC will:

a. Provide guidance and assistance to supervisors, deciding officials, NCR MD, DoD facility organization representatives, and employees.

b. Make this AI available to employees, their representatives, and other interested parties.

c. Determine if a grievance is properly presented and is an appropriate matter for consideration.

d. Determine whether an employee's request for a Grievance Examiner shall be granted taking into account the nature of the grievance; the requested relief; and the cost (in both time and money) of utilizing a Grievance Examiner. The CHRC Director's determination will be final and non-reviewable.

e. Establish the method of selecting properly trained grievance examiners, and assign them to specific cases.

f. Review the employee's choice of a representative taking into consideration any conflict of interest or conflict of position or unreasonable costs to the Government.

g. Assist the employee and employee's representative, if needed, with obtaining a copy of the grievance examiner's report of findings and recommendations.

h. Maintain a copy of the complete grievance file for 3 years.

4. CHIEFS OF HUMAN RESOURCE (HR) DEPARTMENTS AND HR LIAISONS. Chiefs of HR Departments and HR Liaisons will provide support to supervisors and deciding officials in carrying out their responsibilities under this AI. The support provided is limited to referral of the manager or employee to this AI and to the Labor and Management Employee Relations (LMER) Specialists in the CHRC.

5. DECIDING OFFICIALS. Deciding officials will:

a. Accept a formal grievance with the concurrence of the Director, CHRC, as applicable.

b. Consider and process the formal grievance IAW this AI, attempting to resolve it in a manner acceptable to the employee and IAW Agency mission, policy and/or regulation.

c. Use a neutral party (e.g., mediator, facilitator, or conciliator) to resolve the grievance, where appropriate.

d. Decide whether to join similar or identical grievances; whether to require and how to conduct an investigation; approval of employee representative requested by grievant; and how much official time shall be granted to the employee.

e. Cancel or terminate a formal grievance only:

(1) At the employee's request.

(2) When the employee's employment terminates, unless the relief sought can be granted after the termination of his or her employment.

(3) Upon the employee's death, unless the grievance involves pay.

(4) For failure to prosecute, if the employee does not furnish the required information, and duly proceed with the advancement of the grievance.

f. Notify the employee, in writing, of the decision within the specified time limits.

6. SUPERVISORS. Supervisors will:

a. Make this AI available to employees.

b. Accept and attempt to resolve informal grievances objectively and equitably within the specified time limit.

c. Record the date when an informal grievance begins and ends.

d. Notify employees within 15, but not more than 30, calendar days of their decision on informally presented grievances and advise them of their right to file a formal grievance.

e. Use a neutral party (e.g., mediator, facilitator, or conciliator) to resolve grievances, where appropriate.

f. Cancel an informal grievance when requested by the employee.

g. Allow the employee a reasonable amount of official time (i.e., maximum of 2 hours) to present the grievance if the employee would otherwise be in a duty status. If the authorized representative is an employee covered by this AI who would otherwise be in a duty status, the representative shall also be allowed a reasonable amount of official time for the preparation and presentation of the grievance for management. The approval of official time shall be coordinated with the employee's supervisor and the CHRC.

7. GRIEVANCE EXAMINER. For formal grievance, the Grievance Examiner will:

a. Establish an employee grievance file.

b. Eliminate from consideration all matters not covered under the grievance system.

c. Conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance.

d. Upon completion of the inquiry, make all documents available to the employee and the employee's representative for review and comment.

e. Prepare and submit a report of findings and recommendations to the Deciding Official.

8. EMPLOYEE OR A GROUP OF EMPLOYEES. The employee or a group of employees will:

a. Present a grievance in a timely fashion (see Enclosure 4).

b. Clearly state the basis of the grievance and the requested relief.

c. Attempt to resolve the grievance informally whenever possible.

ENCLOSURE 4

PROCEDURES

1. INFORMAL GRIEVANCE PROBLEM SOLVING PROCEDURE

a. Presenting the Problem

(1) An employee may informally present a work-related problem concerning a continuing practice or condition of employment within 15 calendar days of the date of the act or occurrence, or the date the employee became aware of or reasonably should have become aware of it.

(2) An employee may present a problem in writing for informal consideration. The employee must identify and clarify the basis for the presentation and specify the relief sought which must be directly personal to the employee. The employee must advise the official hearing the presentation of the name of the employee's representative, if any.

(3) An employee normally makes the initial presentation to the immediate supervisor; however, it may be made to an official of higher rank. When the problem concerns a decision made by an official of higher rank than the immediate supervisor, the initial presentation shall be made to that official or one of higher rank, providing a copy to the immediate supervisor. Problems or presentation may not be initially submitted to the official responsible for making the final decision (Deciding Official).

(4) The employee completes the informal grievance problem-solving procedure before a grievance is accepted. Exception: An employee may present a grievance and bypass the informal process if it concerns an action effected through an advance written notice, with right to reply and contest the action, and a final written decision.

(5) An employee who receives a performance rating of less than fully successful may grieve such rating under the procedures described in section 4 of this enclosure.

b. Consideration. The supervisor who receives the problem or grievance presentation shall discuss it with the employee and attempt to resolve it. Where appropriate, the use of a neutral party (e.g., conciliator, facilitator, or mediator) is encouraged. The supervisor shall notify the employee of the action taken within 15, but not more than 30, calendar days of the date of the presentation that the supervisor has made a decision. The supervisor shall inform the employee that if the solution is not satisfactory, the employee may present a formal grievance. The supervisor's determination must be in writing.

2. FORMAL GRIEVANCE PROCEDURE

OCT 15 2014

a. Presenting the Grievance. If the employee is not satisfied with the results of the problem-solving procedure or the results for personal relief, the employee may present a formal grievance within 15 calendar days of the date of notification of the results of the supervisor's or other management official's effort to resolve the formal grievance. The formal grievance must be in writing, signed, dated, and submitted to the deciding official through the CHRC LMER. The grievance must include:

(1) Name of employee and name, address, and telephone number of the employee's representative, if any.

(2) Employee position, title, and grade.

(3) Assigned organizational entity of employee.

(4) A clear statement of the issue, including sufficient detail to identify and clarify the matter being grieved (times, dates, names, places, and other pertinent data).

(5) A specific statement of the relief sought that must be directly personal to the employee.

(6) Copies of any documentation in the employee's possession relevant to the grievance.

b. Choice of Representative

(1) When presenting a grievance, the grievant may be accompanied, represented, and advised by a representative chosen and paid for by the employee. The CHRC Director decides if the employee's choice of a representative presents any conflict of interest, conflict of position or unreasonable costs to the Government by the proposed representative being removed from his or her regularly assigned duties. The representative is assured freedom from restraint, interference, coercion, discrimination, or reprisal.

(2) Challenges to the decision to disapprove a fellow employee representative may be made to the Director of Business Operations, NCR MD, or Directors of the Joint MTFs and Centers. The employee shall obtain a decision before proceeding with the grievance. The decision regarding the challenge shall be made not later than 10 calendar days after receipt of the employee's challenge. The decision shall be final.

c. Processing the Formal Grievance

(1) Rejection of the Grievance. If the grievance is not properly presented, the Director, CHRC may:

(a) Return it to the employee for correction and resubmission within a specified time limit.

(b) Reject it as untimely.

(c) Reject it as an inappropriate matter for consideration under this AI.

(2) Acceptance of the Grievance. If the grievance is properly presented, the Director, CHRC shall forward it to the Deciding Official.

(3) Options. The Deciding Official shall:

(a) Attempt to resolve the formally presented grievance.

(b) Notify the employee in writing of his or her decision and any action to be taken within 60 calendar days of receipt of the formal grievance. The Deciding Official may extend time frames when warranted by special circumstances (e.g., when those involved are geographically dispersed or where a fact-finder is used in the process). A grievance decision from the Deciding Official should be rendered no more than 90 calendar days from the filing of the formal grievance absent mutual agreement to extend this time limit to accommodate resolution of the dispute.

(c) Include in the written decision, a notification that if the resolution of the grievance is unacceptable, the employee must notify the deciding official within 5 calendar days, and may request the assignment of a Grievance Examiner.

(d) When a timely notification of non-acceptance of the grievance decision from the employee is received with a request for assignment of a Grievance Examiner, forward the grievance and pertinent correspondence to the Director, CHRC.

(4) Assignment of the Grievance Examiner. The Director, CHRC, may, at his or her discretion, assign a properly selected and trained Grievance Examiner when requested. If the Director chooses not to assign a Grievance Examiner, he or she shall notify the grievant in writing and notify the grievant that the decision of the Deciding Official is final.

(5) Grievance Examiner's Inquiry and Report. The Grievance Examiner shall conduct an inquiry into the formal grievance, complete the grievance file, and submit the report to the deciding official through the Director, CHRC, within 30 calendar days of the Grievance Examiner's assignment to the inquiry.

(a) The Grievance Examiner shall conduct an inquiry which, at the examiner's discretion, may consist of:

1. Securing documentary evidence;

2. A personal interview;

3. A group meeting;

4. A hearing; or

5. Any combination of the above.

(b) If a hearing is held, it shall be conducted by a Grievance Examiner to bring out pertinent facts and develop pertinent records.

1. Attendance. The hearing is not open to the public or the press. Attendance shall be limited to those persons determined by the examiner to have a direct connection with the grievance or the right to attend. One or more representatives of both the Judge Advocate General and the LMER CHRC shall be entitled to attend and, as appropriate, represent the agency and agency witnesses. The examiner may exclude any person from the hearing for conduct or misbehavior that obstructs the hearing.

2. Hearing Procedures. Rules of evidence are not strictly applied, but the examiner shall rule out irrelevant or unduly repetitive testimony. The examiner shall make decisions on the admissibility of evidence or testimony. Testimony shall be given under oath or affirmation and the parties provided an opportunity to cross-examine witnesses who appear and testify.

3. Witnesses. Both parties are entitled to produce witnesses and to introduce a signed, sworn statement. The approval of the witnesses shall be made by the Grievance Examiner.

a. Employees to whom this AI applies are in a duty status during the time they are made available as witnesses and shall be free from restraint, interference, coercion, discrimination, or reprisals in presenting their testimony.

b. Employees to whom the provisions of this AI apply normally shall be made available as witnesses when requested by the examiner. The Director, CHRC shall arrange for the testimony of employee witnesses.

c. The Director, CHRC shall notify the examiner and justify in writing when it is determined that it is administratively impracticable to comply with the examiner's request for the testimony of an employee witness.

4. Record of the Hearing. The examiner shall determine how the hearing is reported.

a. When a verbatim transcript is ordered, the Director, CHRC shall make the necessary arrangements.

b. When the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made by the examiner and submitted to both parties for acceptance or written comment.

c. If the examiner and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary. Such exceptions must be received within reasonable time limits set by the examiner.

d. Timely written exceptions and the summary constitute the report of the hearing.

5. Grievance File. The examiner shall establish a grievance file containing all documents related to the grievance, including statements of witnesses, records or copies thereof, and the report of the hearing when held.

a. Upon completion of the inquiry, the examiner shall make the grievance file available to the employee and the representative for review and comment.

b. Written comments received within a reasonable time limit, as set by the examiner, shall be incorporated in the file.

6. Grievance Examiner's Report. The examiner shall prepare a report of the findings and recommendations and submit it, with the grievance file, to the deciding official through the Director, CHRC. The Director, CHRC, shall send the report to the Deciding Official.

d. Decision on the Grievance

(1) The Deciding Official may accept and direct the implementation of the examiner's recommendations and notify the employee and representative in writing within 20 calendar days of the date the deciding official receives the report, except if:

(a) The Deciding Official decides to grant the relief sought by the employee; the decision shall be issued accordingly.

(b) The Deciding Official determines if the examiner's recommendations are unacceptable. He or she shall transmit the grievance file with a specific statement addressing the basis for that determination to the Director, NCR MD or Directors, Joint MTFs and Centers, for decision, unless there is an intervening level of management between the deciding official concerned and the Director, NCR MD or Directors, Joint MTFs and Centers. In that case, the file shall be forwarded through the intervening management official who may accept the grievance examiner's recommendation and issue the written decision or send the case file to the Director, NCR MD for decision.

(2) The Director, NCR MD or his or her designee will issue a written notice of the decision. This decision is final. The notice must include a specific statement of findings on all issues covered by the examiner in the inquiry. The notice shall be sent to the employee with a copy for the representative and one copy incorporated in the grievance file.

e. Records. The grievance file will be sent to, and retained by, the CHRC LMER.

3. MERIT PROMOTION GRIEVANCE PROCEDURES

a. These procedures are applicable only to employees of NCR MD and applicable Joint MTFs and Centers who believe they were not rated and ranked properly in a merit promotion action.

b. The presentation and processing of a problem or informal grievance under this section shall be IAW sections 1 and 2 of this enclosure, with the following exceptions:

(1) The presentation of the problem shall be made to the Chief of Staffing, CHRC.

(2) If the employee is not satisfied with the results of the problem-solving procedure, he or she may present a formal grievance to the Director, CHRC.

(3) The Director, CHRC, will obtain the services of a personnel official with expertise in the examining function from outside the CHRC to serve as an examiner. This person may not have been involved in the merit promotion action and may not occupy a position subordinate to any official who recommended, advised, made a decision on, or was otherwise involved in the merit promotion action.

(4) The examiner will conduct an inquiry into the grievance, complete the grievance file, and submit his or her report of findings and recommendation to the Director, CHRC, within 30 calendar days of the date the examiner received the case. If an extension is needed and granted, the employee will be notified in writing that the extension was granted and the new date for completion.

(5) The Director, CHRC, will fully consider the examiner's recommendations and notify the employee and representative of the decision within 20 calendar days of the date the report is received. If an extension is needed and granted, the employee will be notified in writing that the extension was granted and the new no-later-than date. The notice to the employee shall advise him or her that the decision is final and not subject to further review or appeal.

4. PERFORMANCE RATING GRIEVANCE PROCEDURE

a. These procedures apply only to an employee's final performance appraisal rating of less than fully successful that has been properly certified by the appropriate management official under established Performance Appraisal guidelines IAW Reference (l).

b. An employee who is dissatisfied with his or her performance rating of less than fully successful, which has been certified by the appropriate management official, may grieve such rating. The grievance must be signed, dated, and presented in writing within 15 calendar days of the date the employee was notified of the rating. The grievance must include:

(1) Name of the employee, position title, grade, and the organizational entity to which assigned.

(2) Name of the employee's representative, if any.

(3) Date the employee was notified of his or her performance rating.

(4) A complete copy of the employee's performance appraisal and related documents.

(5) A clear and concise statement of the specific reason why the employee disagrees with the rating based on his or her demonstrated performance in relation to the performance standards developed for each critical element at issue.

(6) The performance rating the employee believes is warranted based on his or her demonstrated performance in relation to the performance standards developed for each critical element at issue. Sufficient detail must be included to show how, why, and in what manner the employee's performance warrants a higher rating than the one received based on the demonstrated performance for each critical element.

(7) The grievance must be submitted to the Director, CHRC.

c. Processing the Formal Grievance. The procedures in paragraph 2.c. of this enclosure apply.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
AGS	Administrative Grievance System
AI	Administrative Instruction
CHRC	Civilian Human Resources Center
EEOC	Equal Employment Opportunity Commission
GS	General Schedule
HR	Human Resource
IAW	in accordance with
LMER	Labor and Management Employee Relations
MSPB	Merit Systems Protection Board
MTFs	Medical Treatment Facilities
NCR MD	National Capital Region Medical Directorate
NGP	Negotiated Grievance Procedure
OPM	Office of Personnel Management
SES	Senior Executive Service
U.S.C.	United States Code

PART II. DEFINITIONS

bargaining unit employee. An employee included in an appropriate exclusive bargaining unit, as determined by the Federal Labor Relations Authority, for which a labor organization has been granted exclusive recognition.

Deciding Official. An official at a higher administrative level than any official who took an action or made a decision that is an issue in the grievance and who was not involved in the attempt to resolve the grievance informally, except when the Secretary of Defense has been involved.

employee. Includes a non-bargaining unit employee or any former employee for whom a remedy can be provided through the AGS.

grievance. A request by an employee or by a group of employees for personal relief in a matter of concern or dissatisfaction relating to the employment of the employee or employees, which is under the control of NCR MD, applicable Joint MTFs or Centers' management, including any matter on which an employee alleges that coercion, reprisal, or retaliation has been practiced against the employee.

Grievance Examiner. A person assigned to conduct an investigation or hearing – or both – concerning a grievance. The grievance examiner must be a person who was not 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 otherwise was involved in the matter being grieved.

grievance file. A file that contains all documents related to the grievance, including but not limited to any statements of witnesses, records or copies thereof, the report of a hearing when one is held, statements made by the parties to the grievance, and the decision.

personal relief. A remedy that benefits the employee and that management has the authority to grant. Personal relief may not include a request for disciplinary or other action affecting another employee.