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BY ORDER OF THE COMMANDER 440TH AIRLIFT WING
AIR FORCE INSTRUCTION 36-1203

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Civilian Personnel

ADMINISTRATIVE GRIEVANCE SYSTEM

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This supplement implements and extends the guidance of Air Force Instruction (AFI) 36-1203, 1 May 1996, and AFRC Supplement 1, 12 February 1997. This supplement applies to units serviced by the 440 AW Civilian Personnel Flight.

SUMMARY OF REVISIONS: This supplement describes 440 Airlift Wing procedures to be used in conjunction with the basic instruction and the AFRC Supplement.

2.1. (Added) The Employee Relations Specialist in the Civilian Personnel Flight (CPF) is designated as the point of contact for administrative grievances.

3.1. (Added) Commanders. The applicable Group Commander or Wing Commander (for AW organizations), except as provided below, will make the final written decision on grievances. This includes decisions on the rejection and cancellation of grievances.

7.1. (Added) Use of Official Time: Employees and their representatives will be allowed, upon request, a reasonable amount of duty time, if otherwise in a duty status, to prepare and present a grievance. The employee's immediate supervisor will determine what constitutes a reasonable amount of duty time based on the facts and circumstances of each case. Disagreements on this issue will be referred to the Civilian Personnel Flight.

9.1. (Added) Grievance Files: The activity shall establish and maintain a separate file for each written grievance filed under this administrative grievance system and retain that file for four years in accordance with applicable laws, regulations, and records retention schedules. The file contains all documents or copies of documents related to the grievance and will be maintained in the Civilian Personnel Flight.

10.1. (Added) The problem must be presented no later than 15 calendar (all references to "days" in this document are to be considered "calendar" days unless otherwise specified) days following (1) the date of the act or event creating the problem or (2) 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. A grievance involving an action that was effected through a notice of proposed action, a right to answer, and a notice of final decision (such as those concerning most disciplinary actions) may be filed directly under the formal grievance procedure outlined below.

10.4. (Added) A supervisor must consider the employee's problem and attempt to resolve it within 15 days even though it may not be covered by the AGS. However, if the supervisor believes the matter is not covered by the AGS or it is untimely, the supervisor should so inform the employee. Coverage may be addressed as a

threshold issue in the formal grievance process. Upon receipt of a grievance, a supervisor should contact the Employee Relations Specialist of the Civilian Personnel Flight for advice, guidance, and assistance concerning the processing and resolution of the grievance.

10.5. (Added) The problem-solving stage is normally concluded within 15 days by providing the employee a written decision. If this time limit cannot be met, the supervisor shall inform the employee (and the employee's representative, if any) in writing of the date by which a decision will be received. In any event, a final determination on the employee's problem shall be issued no later than 30 days from the date it is first raised. The above time limits may be extended by mutual agreement to accommodate resolution of the dispute. If the problem is not resolved, the supervisor shall inform the employee of the procedures and time limits for filing a formal grievance as well as the name of the Civilian Personnel Flight employee who can advise the employee regarding procedures for requesting further grievance consideration. If the supervisor believes the matter is not covered by the grievance process, the supervisor shall so inform the employee and advise the employee of the appropriate process, if any, for resolving the problem.

11.1. (Added) An employee may file a formal written grievance through the Civilian Personnel Flight to the deciding official (Group or Wing Commander – see A2 above) no later than 15 days following (1) the date of the act or event creating the problem or (2) the date the employee became aware of or reasonably should have become aware of the act or event. If the employee used the informal procedure, the employee must file a grievance no later than 15 days from the conclusion of that process or, if management's time limit expired with no decision, within 15 days following such expiration. The employee may present a matter of concern regarding a continuing practice or condition at any time. Any matter concerning working conditions within the control of Air Force management and not otherwise excluded (see attachment) may be grieved under this procedure.

11.2 (Added) An employee's grievance must be signed, dated, and contain:

11.2.1. A sufficiently detailed statement of the specific issue(s) and the personal relief sought. The relief or remedy must be personal to the employee and may not include a request for disciplinary or other action affecting another employee.

11.2.2. Copies of any documents in the employee's possession related to the grievance. c. A statement that the employee has not filed an appeal or complaint on the same issue. An employee may not grieve the same matter raised in any other grievance, appeal, complaint, or other dispute resolution process. AND

11.2.3. The name, address, and telephone number of the employee's representative, if applicable. A designation of representative may be changed only by written notification to the deciding official.

11.3. (Added) Formal grievances under this system must be addressed to:

Group Commander (AW/CC, OG/CC, SPTG/CC OR LG/CC as applicable)
THRU: Civilian Personnel Officer

11.4. (Added) A grievance or a portion of a grievance may be canceled or temporarily suspended:

11.4.1. If the grievant or grievance is excluded from coverage;

11.4.2. If the grievant fails to comply with applicable time limits or procedural requirements or requests actions be taken against another employee;

11.4.3. If the grievant fails to provide sufficient detail to clearly identify the matter being grieved or specify the personal relief requested;

11.4.4. at the grievant's request or;

11.4.5. if the employee raises the matter under another formal dispute resolution process.

The Civilian Personnel Officer has been authorized to cancel or suspend grievances under these circumstances. Prior to referring a grievance to the applicable Wing or Group Commander, the Employee Management Specialist, will determine if Alternative Dispute Resolution (ADR) is appropriate and, if so, strongly encourage the parties to participate in that process. If ADR is used, the Employee Relations Specialist will coordinate the selection and appointment of a wing mediator.

11.5. (Added) The deciding official determines whether to join similar or identical grievances, whether to require an investigation and how it shall be conducted, whether to allow the grievant's requested representative, and how much official time shall be granted to the employee and the employee's representative. The deciding official may also designate an impartial individual to investigate a grievance and, when authorized, to make recommendations concerning its disposition. An impartial investigation is recommended when the grievance concerns a suspension. The Commander may designate an investigator from their staff or request HQ AFRC/DPC appoint an investigator. The designated investigator must not have been involved in the events leading to the issue being grieved or in the supervisory chain of command. In addition, the investigator should be sufficiently familiar with laws, regulations, and policies related to the issue to render an informed recommendation to the deciding official. HQ AFRC/DPC maintains a roster of qualified personnel to perform this role.

11.6. (Added) Final Written Decision.

11.6.1. The deciding official shall fully and fairly consider the grievance and issue a written decision, which shall address all issues and shall provide the reasons for the decision. The decision shall be issued as soon as possible but normally no later than 60 days from the filing 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 when a third party fact-finder is used in the process). If extensions are used, a grievance decision must be issued no later than 90 days from the filing or 120 days from the filing if a third party fact-finder is utilized. If the deciding official fails to render a decision within the above time limits, the grievant may request review by the next higher management level.

11.6.2. The decision is final and not subject to review with the following exceptions

11.7. (Added) Request for Review

A deciding official's decision on the merits of the grievance is final and not subject to review unless:

11.7.1. The decision did not grant the relief sought when the grievance involved a suspension.

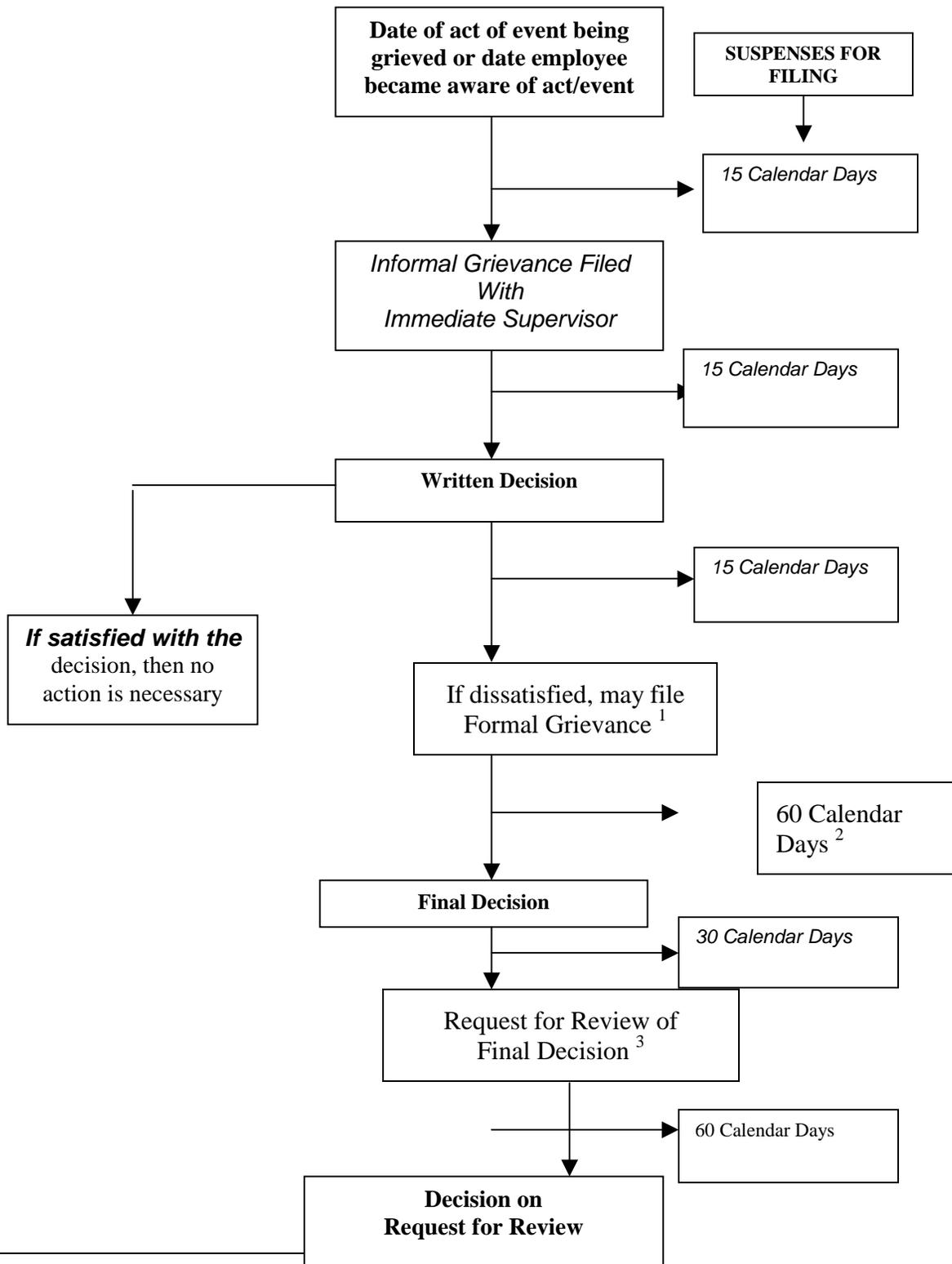
11.7.2. Any decision to reject, cancel, or otherwise terminate a grievance without a decision on its merits may also be reviewed.

MICHAEL L SMITH, Col USAFR
Commander

Requests for review must be filed within 30 calendar days after the date of receipt of the decision letter to the next higher official in the chain of command, through the Civilian Personnel Flight. The decision on eligible requests for review should normally be provided within 60 calendar days of receipt of the request for review.

ATTACHMENT 1 (ADDED)

ADMINISTRATIVE GRIEVANCE SYSTEM - FLOWCHART



¹ Address to Applicable Wing or Group Commander, Thru DPC (Refer to para A2 above)

² Time limit for final decision may be extended by the deciding official when warranted by special circumstances

³ Limited basis for requesting review of the final decision (see para C2g for details). If eligible, request for review is submitted to next higher level in the chain of command above the deciding official of the final decision. For example, if LG/CC made the final decision, the AW/CC would make the decision on the request for review.