

DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES ARMY ALASKA  
Fort Richardson, Alaska 99505-5000

United States Army Alaska Regulation 690-2

31 October 1994

Civilian Personnel

Administrative Grievance System

**Summary.** This regulation implements the Department of Defense (DOD) Administrative Grievance System (AGS). It incorporates 6th Infantry Division (Light) Regulation 690-5 with United States Army Alaska (USARAK) Regulation 690-2. This regulation gives instructions to nonbargaining unit employees on the procedures used to file administrative grievances.

**Impact on New Manning System.** This regulation does not contain information that affects the New Manning System.

**Applicability.** This regulation applies to Department of the Army (DA) employees, including supervisors and managers, of USARAK who are paid from appropriated funds and are not covered by a negotiated grievance procedure. It also applies to DA employees serviced by the USARAK Civilian Personnel Office (CPO), who are not otherwise covered by an administrative grievance procedure. This system does not apply to employees who are members of a bargaining unit officially represented by a union. Such employees are covered by the negotiated grievance procedure. Additionally, this system does not apply to nonappropriated fund (NAF) employees.

**Supplementation.** Supplementation of this regulation is prohibited without prior approval from the Fort Richardson CPO. Send requests for exception, with justification, through command channels to APVR-RCP-A.

**Interim changes.** Interim changes to this regulation are not official unless they are authenticated by the USARAK Signal Officer. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

**Suggested improvements.** The proponent agency of this regulation is the Fort Richardson CPO. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to APVR-RCP-A.

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\*This regulation supersedes 6th Infantry Division (Light) Regulation 690-5, dated 28 January 1992.

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**Appendix**

**A. Special Department of Army Grievance Procedures .....A-1**

## **1. Purpose**

The purpose of this regulation is to establish policies and procedures for resolving employment dissatisfaction. Matters of employment that may not be grieved under this AGS are discussed in paragraph 6 below.

## **2. References**

a. Required publications.

(1) Army Regulation (AR) 25-400-2 (The Modern Army Recordkeeping System (MARKS)). Cited in paragraph 9c.

(2) DOD Administrative Grievance System (AGS) 5 Code of Federal Regulations (CFR), Part 771, Agency Administrative Grievance System. Cited in paragraph 5a.

b. Referenced form. DA Form 2028 (Recommended Changes to Publications and Blank Forms) is a referenced form. It is cited in the suggested improvements statement.

## **3. Explanation of abbreviations**

The abbreviations used in the regulation are explained in the glossary.

## **4. Responsibilities**

a. The commander will—

(1) Implement the mandatory provisions of the DOD AGS.

(2) Ensure compliance with this regulation.

b. The CPO will—

(1) Publicize this grievance procedure within the command.

(2) Ensure compliance with this regulation.

## **5. Policy**

Employees covered by this AGS are entitled to present grievances and to communicate with supervisors or managers and officials in their servicing CPO without restraint, interference, coercion, discrimination or reprisal. Their grievances shall be considered expeditiously, fairly, and impartially. The grievant and his or her representative shall have full access to relevant information and will be permitted a reasonable amount of official time, if otherwise in a duty status, to prepare and present a grievance and to communicate with management and personnel officials.

## **6. Employment matters covered**

a. Any matter may be grieved under this procedure, except as provided by 5 CFR 771.105(b) and 5 CFR 771.105(c) which preclude grievances over—

(1) The content of established agency regulations and policy; any matter covered by a negotiated grievance procedure 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); any matter which the employee files under another

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review procedure, a reconsideration procedure or a dispute resolution process within DOD; and nonselection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.

(2) Notices of actions which would otherwise be grievable or appealable if effected; the substance of an employee's performance elements, standards, and/or work objectives; determinations concerning performance awards or incentive awards (including suggestions or inventions), additional step increases, recruiting or relocation bonuses, retention allowances, supervisory differentials, critical position pay, or dual compensation waivers; and any action taken under a voluntary, formal agreement involving geographic relocation or return from an overseas assignment.

(3) Termination of a probationer, return of an employee serving supervisory or managerial probation to a nonsupervisory or nonmanagerial position, or separation or termination of an employee during a trial period; for Senior Executive Service (SES) employees, reassignment following receipt of an unsatisfactory rating, return to another pay system during the 1-year period of probation or for less than fully successful executive performance, and failure to be recertified, conditional recertification or termination during probation for unacceptable performance.

(4) Termination or expiration of a term or temporary appointment or promotion, whether in the competitive or excepted service, in accordance with the conditions of the appointment or promotion, provided the employee was informed in advance of the temporary nature of the appointment or promotion and is returned to his or her former or equivalent position.

(5) SES performance evaluations and awards (including meritorious or distinguished executive rank awards) and SES or Senior Level pay rate increases.

(6) A separation or termination action except as provided in paragraph b below and any action taken under 32 United States Code 709(e) involving National Guard technicians.

b. Nonpreference eligible employees covered by the Civilian Intelligence Personnel Management System (CIPMS) (title 10, United States Code, section 1590) may grieve their removal, suspension, reduction in grade or pay, or furlough for 30 days or less, if they have completed 1 year of current continuous service in the same or similar positions in DOD under other than a temporary appointment of 2 years or less. The termination of a CIPMS employee under section 1590(e)(1) of Title 10, United States Code is not covered. In the case of a grievance over a removal of a CIPMS employee covered by this procedure, an impartial hearing is normally conducted (such hearings may be provided on a reimbursable basis by the Defense Civilian Personnel Service's Office of Complaint Investigations (OCI) at the request of an activity).

c. Special Department of Army grievance procedures for grievances involving DA career programs, Alcohol Drug Abuse Prevention and Control Program (ADAPCP) certification, and decisions made or matters controlled by DA activities other than the grievant's local command are at appendix A.

## **7. Alternate dispute resolution**

Alternate dispute resolution (ADR) techniques encompass a broad range of informal, nonadversarial techniques for settling employee-management disagreements. These techniques emphasize problem-solving as a means of dealing with conflict and seeking solutions satisfactory to all parties. ADR techniques such as mediation, settlement conferences, peer review panels or other ADR approaches are encouraged. Information concerning ADR techniques, sources and the appropriateness of their use are available at the CPO. Descriptions of some techniques are listed below:

a. Mediation. An attempt to effect a peaceful settlement or compromise through the intervention of a neutral third party.

b. Settlement conference. A settlement conference will consist of a facilitator, the decision maker, employee, the representative and witnesses determined appropriate in order to define the issues, agree to stipulations and discuss the possibility of settlement.

c. Peer review panel. A peer review panel will only be used under the formal administrative grievance procedure; however, complaints involving performance ratings are barred from the peer review process.

Note: The use of any technique is dependent on availability of participants trained in that technique.

## **8. Office of Complaints Investigation**

The Defense Civilian Personnel Service's OCI will provide expert grievance investigations, fact-finding, and mediation on a reimbursable fee-for-service basis. This fee is paid by the grievant's employing activity.

## **9. Grievance procedure**

a. Problem-solving (informal stage). An employee may informally present any work-related problem to his or her immediate supervisor before filing a formal grievance. If the problem involves a matter or action directly involving that supervisor, the employee may present it to the next level supervisor. The problem must be presented within 15 calendar days following the date of the act or event creating 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.

Note: When calculating time limits, the day of an action or receipt of a document is not counted. The last day of the time limit is counted unless it is a non-workday, in which case the time limit expires at the end of the grievant's next scheduled workday.

(1) A supervisor must consider the employee's problem and attempt to resolve it, even though it may not be covered by the administrative grievance procedure. However, if the supervisor believes the matter is not covered, the supervisor should so inform the employee. Coverage may be addressed as a threshold issue in the formal grievance process.

(2) The problem-solving stage normally shall be concluded within 30 calendar days. In any event, a final determination on the employee's problem shall be issued no later than 60 days from the date it is first raised. If the employee presents the problem orally, the supervisor's determination may be oral or written. If the problem is presented in writing, the determination shall be in writing. Where a determination is oral, the supervisor should prepare a memorandum documenting the matter and give the employee a copy.

b. Administrative grievance procedure (formal stage). An employee may file a formal, written grievance when a problem is not resolved during the problem-solving process, or when the employee chooses to bypass that process and invoke the administrative grievance procedure. If the employee used the problem-solving process, the employee must file a grievance no later than 15 calendar days from the conclusion of that process. When the employee raises the matter initially as a grievance, the 15-day time limit described in the problem-solving process above applies.

(1) Employees shall be given the right to represent themselves or to be represented by an individual of their own choice in filing a grievance. The deciding official may disallow the choice of a representative if it would result in a conflict of interest or position, conflict with mission priorities or result in unreasonable costs.

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(2) The grievance must be submitted, in writing, addressed to the servicing personnel office at Forts Richardson, Wainwright or Greely. The written, signed and dated grievance, at a minimum, must include—

(a) A sufficiently detailed statement of the specific issue(s) and the personal relief sought.

(b) Copies of documents in the employee's possession related to the grievance.

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

(d) A statement that the specific issue(s) have not been raised in any other grievance, appeal, or complaint.

(3) The deciding official is normally the second level supervisor or the first higher official not involved in the action. The deciding official—

(a) 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.

(b) May designate an individual, who has not been involved in the grievance or the matter being grieved or occupy a position subordinate to any official involved in the matter, to investigate a grievance and, when authorized, to make recommendations concerning its disposition.

(c) Shall fully and fairly consider the grievance and issue a written decision as soon as possible but no later than 60 days from the filing of the grievance. The decision memorandum should briefly summarize the grievance, the consideration given, and the conclusion reached including the basis for the decision. The deciding official may extend time frames when warranted by special circumstances (e.g., when those involved are geographically dispersed or where an outside fact-finder (OCI, mediator) is used in the process).

(d) Will consider input from the employee as to the means used for investigation, fact-finding, or ADR techniques.

(4) It is the responsibility of the deciding official to obtain official determinations from the appropriate Army proponent when the matter deals with foreign allowances, travel, transportation benefits or interpretation of regulations and policies, and provide a timely final decision to the grievant.

(5) A deciding official's decision on the merits of the grievance is final and not subject to review.

### **10. Canceling a grievance**

a. A grievance, or portion of a grievance, may be canceled or temporarily suspended at the grievant's request; if the grievant or grievance is excluded from coverage; if the grievant fails to comply with applicable time limits or procedural requirements or requests action be taken against another employee; or the employee raises the matter under another formal dispute resolution process.

b. An employee may request that an individual at the next higher management level review a decision to cancel a grievance. This request must be submitted, in writing, to the CPO within 15 calendar days of the cancellation by the deciding official.

### **11. Records and reports**

a. The deciding official must provide the CPO with the materials required for the grievance file.

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b. The CPO shall establish and maintain the official grievance file. This file will be kept separate from the Official Personnel Folder. The grievance file is the official record of the grievance proceeding; it must contain all documents related to the grievance including—

- (1) The written grievance.
- (2) The designation of a representative, if applicable.
- (3) The statements of witnesses.
- (4) A memorandum of problem-solving stage, and/or record of ADR techniques, if applicable.
- (5) The grievance decision.

b. The CPO will maintain the grievance file with disposition per with Army Regulation (AR) 25-400-2.

FOR THE COMMANDER:

OFFICIAL:

WALLACE E. MATTESON  
COL, GS  
Chief of Staff

//Original Signed//  
JEROME E. GRIFFITH  
LTC, SC  
USARAK Signal Officer

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1 - Commander, United States Army Pacific Command, Attention: APIM-OIR  
Fort Shafter, Hawaii 96858-5100



**Appendix A**  
**Special Department of the Army Grievance Procedures**

a. The employee will submit the written grievance to the individual designated to receive grievances at the activity level; i.e., the CPO. That individual will send it to the career referral activity at the major command or headquarters, DA level, depending upon where the alleged error occurred. The career referral activity, in coordination with the Career Program Manager or Functional Chief (or respective representative), will try to resolve the grievance.

b. Within 15 days after receipt of the grievance, the referral activity will send its response through the activity commander to the grievant. The referral activity's decision is final.

**2. Procedures for grievances involving Alcohol and Drug Abuse Prevention and Control Program certification**

a. When the only issue in a grievance is the denial, suspension, or revocation of a certification issued by the ADAPCP Clinical Certification Board (Board), the activity will omit the problem-solving process. The formal grievance will be submitted by the grievant, in writing, to Commander, Army Medical Department Center and School, Behavioral Science Division, Attention: HSHA-MB (Certification Program), 2250 Stanley Road, Fort Sam Houston, Texas 78234-6133. The Board will review the decision to deny, suspend or revoke certification. Within 45 days after receipt of the grievance, the Board will send its response to the grievant with a copy to the Clinical Director.

b. If the grievant is not satisfied with the response, he or she may, within 7 days of receiving the Board's response, inform the Board in writing that he or she requests that the grievance be investigated by the OCI. Notification will be timely, if mailed to the Board and postmarked not later than 7 days after receipt of the Board's response. The Board will forward the grievance to the proper OCI Regional Office for fact-finding and recommendations. The OCI report will be forwarded to the Commander, United States Army Medical Command (MEDCOM), Attention: MCHO-CI, 2050 Worth Road, Fort Sam Houston, Texas 78234-6000. The Commander, MEDCOM will issue a written final decision to the grievant, with a copy to the grievant's Clinical Director and to the Board, within 15 days of receipt of the OCI report. The Commander's decision is final.

**3. Procedures for grievances that challenge decisions made or matters controlled by the Department of the Army activities other than the grievant's local command**

a. The employee will submit the written grievance to the servicing CPO. The employee must file the grievance within the timeframes contained in paragraph 9a of this regulation. The CPO will, within 7 days, forward the grievance to the DA activity that made the decision or has control over the matter being grieved.

b. Within 30 days of receiving the grievance, the DA activity will issue a final decision through the servicing CPO to the employee. Grievances involving the referral process for SES positions and SES position change actions not otherwise appealable will be referred to the Headquarters, DA SES Office for processing.



**Glossary**

ADAPCP .....	Alcohol and Drug Abuse Prevention and Control Program
ADR .....	alternate dispute resolution
AGS .....	Administrative Grievance System
AR.....	Army Regulation
Board .....	Alcohol and Drug Abuse Prevention and Control Program Certification Board
CFR .....	Code of Federal Regulations
CIPMS .....	Civilian Intelligence Personnel Management System
CPO .....	Civilian Personnel Office
DOD.....	Department of Defense
EEOC.....	Equal Employment Opportunity Commission
FLRA.....	Federal Labor Relations Authority
MARKS.....	The Modern Army Recordkeeping System
MEDCOM .....	United States Army Medical Command
MSPB.....	Merit Systems Protection Board
NAF.....	nonappropriated fund
OCI .....	Office of Complaint Investigations
OPM.....	Office of Personnel Management
SES.....	Senior Executive Service