



Department of the Army
Volume 2014

Defense Civilian Intelligence Personnel System Employee Grievance Procedures

March 2012

SUMMARY of CHANGE

AP-V 2014

Defense Civilian Intelligence Personnel System (DCIPS) Employee Grievance Procedures

This new Army Policy Volume provides Employee Grievance Procedures policies and procedures governing civilian employees of the Defense Civilian Intelligence Personnel System

PRE-SIGNATURE

Department of the Army DCIPS Policy

VOLUME 2014 – Defense Civilian Intelligence Personnel System Employee Grievance Procedures

1. Purpose

a. *Overall Policy.* Refer to Department of the Army (DA) Policy-Volume 2001 (AP-V 2001), Defense Civilian Intelligence Personnel System (DCIPS) Introduction (Reference (a)).

b. *This Volume.* In accordance with references listed in Enclosure 1, this volume establishes Army policies, responsibilities and procedures for the DCIPS Employee Grievance Procedures and further supplements and must be used in concert with Reference (b). Additional supplementation is authorized except where prohibited.

2. References

See Enclosure 1.

3. Applicability

a. *This policy applies to Army civilian positions, employees or organizations as described in Reference (a) engaged in or in support of an intelligence or intelligence-related mission. It also covers former Army DCIPS civilian position employees with respect to matters arising during their previous employment at the Army DCIPS activity, provided that a remedy is available consistent with applicable laws and regulations (and that procedures contained in Enclosure 3 of this AP-V are followed). It does not apply to members of the Defense Intelligence Senior Executive Services (DISES) or the Defense Intelligence Senior Level (DISL) unless specifically addressed in References (c) or (d).*

4. Definitions

See Glossary.

5. Policy

It is Army policy that:

a. *Army DCIPS employees will be given the opportunity to present their grievances to the proper authority without fear of restraint, interference, coercion, discrimination, or reprisal. Disputes will be resolved impartially, equitably and promptly.*

b. *DCIPS policies and procedures will be followed when filing, working, and making decisions on grievances concerning Army DCIPS employees.*

c. *This policy must be used in concert with Reference (b).*

6. Responsibilities

See Reference (a) and Enclosure 2.

7. Procedures

See Enclosure 3.

Releasability

Unlimited. This policy is approved for public release.

Effective Date

This policy is effective immediately.

Enclosures

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Glossary

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ENCLOSURE 1

REFERENCES

(a) AP-V 2001, *Defense Civilian Intelligence Personnel System Introduction*, March xx, 2012

(b) DoD Instruction 1400.25, Volume 2014, *Defense Civilian Intelligence Personnel System Employee Grievance Procedures*, March 20, 2012

(c) AP-V 2002, *Defense Civilian Intelligence Personnel System DISES*, Date TBD

(d) AP-V 2003, *Defense Civilian Intelligence Personnel System DISL*, Date TBD

(e) AP-V 2007, *Defense Civilian Intelligence Personnel System Occupational Structure*, March xx, 2012

(f) AP-V 2011, *Defense Civilian Intelligence Personnel System Performance Management*, July 2011

(g) AP-V 2009, *Defense Civilian Intelligence Personnel System Disciplinary, Performance-Based, and Adverse Action Procedures*, March xx, 2012

(h) AP-V 2004, *Defense Civilian Intelligence Personnel System Adjustment in Force (AIF)*, March xx, 2012

(i) DoD Directive 5145.5, "Alternate Dispute Resolution (ADR)," April 22, 1996

(j) Section 2105 of title 5, United States Code

ENCLOSURE 2

RESPONSIBILITIES

Responsibilities in this enclosure supplement and must be conducted in concert with those listed in Reference (a)

1. The Secretary of the Army

The Secretary of the Army will:

- a. Implement the DoD Policy 1400.25-Volume 2014 (Reference (b)) within the DA; issue supplemental guidance as appropriate, monitor DA Programs for compliance with the provisions of this policy, and respond to reporting requirements established by the Under Secretary for Defense Intelligence USD(I).*
- b. Delegate the authority as appropriate, to implement this policy within Army.*

2. The Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA (M&RA))

See Reference (a) for roles and responsibilities of the ASA M&RA.

3. The Headquarters Department of the Army, Deputy Chief of Staff, G-1, Assistant G-1 (Civilian Personnel) (AG-1(CP))

See Reference (a) for roles and responsibilities of the AG-1 (CP).

4. The Headquarters Department of the Army, Deputy Chief of Staff, G-2 (HQDA, DCS, G-2)

The HQDA DCS, G-2 will establish the employee grievances programs' strategic direction, provide the overall policy framework, and approve policy guidance for administration of the DCIPS employee grievances.

5. The Headquarters Department of the Army, Assistant Deputy Chief of Staff, G-2 (HQDA, ADCS, G-2)

The HQDA, ADCS, G-2 will:

- a. Provide executive advice and consultation to the HQDA DCS, G-2 and direct the full spectrum of Army DCIPS employee grievances programs, policies, and systems through supervision of Headquarters Department of the Army, Deputy Chief of Staff, G-2, Director, Intelligence Personnel Management Office (IPMO).*
- b. Ensure the implementation of Army DCIPS employee grievance programs and compliance with policy guidance.*

6. The Headquarters Department of the Army, Office of the Deputy Chief of Staff, G-2, Director, Intelligence Personnel Management Office (IPMO) (HQDA, ODCS, G-2, IPMO)

The Director of the IPMO will provide advice and assistance to Civilian Human Resource Agency (CHRA) regarding Army DCIPS employee grievances.

7. Commanders of the Army Commands (ACOMs), Army Service Component Commands (ASCCs), Direct Reporting Units (DRUs) and the Administrative Assistant to the Secretary of the Army (AASA)

Commanders of the ACOMs, ASCCs, DRUs, and the AASA will:

- a. Manage command Army DCIPS employee grievance programs.
- b. Ensure implementation of this volume in their organizations.
- c. Give advice and guidance to subordinate organizations.
- d. Issue supplemental guidance where permitted and needed.
- e. Serve as the Deciding Official for formal Army DCIPS grievances, unless directly involved in the matter being grieved. It is encouraged that this role be further delegated in writing, by position title, to the lowest organizational level above any Army DCIPS employee involved in the grievance or having an interest in the grievance. If further delegated, a copy of the delegation letter shall be retained by the office assigning the responsibility and a copy shall be provided to the servicing Civilian Personnel Advisory Center (CPAC) of the organizations DCIPS employees. Delegations shall provide for an alternate deciding official for resolution when the deciding official is directly involved in the matter being raised.
- f. Commanders may delegate employee grievance procedures authority, as appropriate, in accordance with HQDA, G-2 Delegated Civilian Human Resources (CHR) Authorities

8. Assistant Deputy Chief of Staff, G-1, Civilian Human Resources Agency (CHRA), Civilian Personnel Advisory Centers (CPACs)

CPACs establish and maintain the official grievance file and will provide guidance on Army DCIPS employee grievances to activity commanders, supervisors/managers and employees, serve as the source of authoritative information, interpret policies and procedures concerning Army DCIPS employee grievances, and provide advice and assistance that management relies upon to ensure their decisions comply with governing policies.

9. Servicing Legal Counsel

The Servicing Legal Counsel will provide deciding officials and servicing CPAC advice and assistance on Army DCIPS employee grievances and provide the same to supervisors and managers as appropriate to the case.

10. Supervisors and Managers of Army DCIPS employees

Supervisors and managers will coordinate with the servicing CPAC, as needed, for guidance regarding formal employee grievances presented under this policy volume.

11. Army DCIPS Employees

Army DCIPS Employees will ensure they follow all relevant policies and procedures for filing employee grievances.

ENCLOSURE 3

PROCEDURES

1. General

a. Army DCIPS employees have the right to present grievances to the appropriate authority within the Army for the prompt and equitable consideration without fear of restraint, interference, coercion, discrimination, or reprisal.

b. Army DCIPS employees are entitled under this volume to present grievances on workplace issues that occurred during employment in an Army DCIPS position. Army DCIPS Employees may represent themselves, or designate someone of their choice and own expense, in writing, to represent them (see Appendix A). After consultation with servicing human resources and servicing legal office the choice of representative may be denied if it would result in a conflict of interest, conflicts with mission priorities, conflict with national security or results in unreasonable costs. Army DCIPS employees and their representatives shall have full access to relevant information and shall be given copies of such information unless to do so would be unduly burdensome or contrary to law or regulation. Army DCIPS employees shall be permitted a reasonable amount of official duty time, if otherwise in a duty status, to present grievances and to communicate with management and personnel officials. Army DCIPS employees may also be given a reasonable amount of official time to prepare a grievance.

2. Grievable Matters

Nothing in this policy precludes Army DCIPS employees from engaging in the informal problem solving process or presenting grievances concerning matters related to their employment except for:

- a. The content of established DoD or Army regulations and policy.*
- b. The content of DOD or Army alignment (job classification) and qualification standards. See Reference (e).*
- c. The substance of an Army DCIPS employee's performance elements, standards, or work objectives.*
- d. A rater or reviewing official's determination of ratings against performance objectives and elements, including an Army DCIPS employee's evaluation of record. DCIPS evaluations of record may be challenged through the administrative reconsideration process described in AP-V 2011 (Reference (f)).*
- e. Adverse performance or conduct-based actions (e.g., reductions in work level, pay band or pay, suspensions of more than 14 calendar days, furloughs of 30 calendar days or less, or removal). Such actions are not grievable but may be appealed under Army appeals processes, in accordance with AP-V 2009 (Reference (g)).*
- f. Non-selection for a position or promotion as the result of an approved candidate evaluation process, or failure to receive a noncompetitive assignment or promotion.*
- g. Determinations concerning additional compensation including the denial or non-receipt of monetary and non-monetary awards, recruitment or relocation bonuses,*

retention incentives, allowances, performance-based bonuses additional pay allowances or differentials, critical position pay, or dual compensation waivers.

h. Any matter already the subject of a formal review and adjudication by an internal or external authority, or any matter that the Army DCIPS employee has filed under another review or reconsideration procedure or dispute resolution process within the DoD.

i. Preliminary notice of an action that, if executed, would be covered under the grievance system or be the subject of formal review and adjudication by an internal or external authority.

j. Any action taken under a voluntary, formal agreement entered into by an Army DCIPS employee involving geographic relocation or return from an overseas assignment.

k. Termination of an Army DCIPS employee during a trial period.

l. Termination or expiration of a term or temporary appointment on the date specified (or earlier date) as a condition of employment at the time the appointment was made (or extension of a term or temporary appointment was made).

m. Any action taken under adjustment in force (AIF) proceedings. Such actions are not grievable, but may be appealed in accordance with AP-V 2004 (Reference (h)).

n. Any action taken pursuant to national security including determinations regarding eligibility for access to classified, compartmented, or other controlled access information (*includes removal procedures taken under Section 1609, Title 10*).

o. The terms of any *negotiated settlement agreement* that an Army DCIPS employee is a party to resulting from participation in the Alternative Dispute Resolution (ADR) Program.

p. Any additional exclusions requested by the Army and approved by the USD(I).

3. Informal Grievance Procedures

An Army DCIPS employee may informally dispute an issue prior to submitting a formal grievance. Informal disputes include:

a. Initial Informal Problem Solving. Army DCIPS employees may informally present a work-related matter to their immediate supervisor before filing a formal grievance. If the matter involves a matter or action directly involving the immediate supervisor, the Army DCIPS employee may present it to the next higher level in his/her supervisory chain.

b. Timely presentation of the matter. Army DCIPS employees must present an informal dispute within 15 days following the date of the act or event that the Army DCIPS employee believes created the problem, or the date the Army DCIPS employee became aware of (or reasonably should have become aware of) the act or event. The Army DCIPS employee may present a matter of concern regarding a continuing practice or condition at any time as long as the practice or condition is continuing at the time of the filing of the grievance.

c. Timely response to the matter. *Supervisors and managers must consider the matter raised by the Army DCIPS employee and attempt to resolve the dispute within 30 calendar days from the date the matter is first brought to their attention at the informal level. This time may be extended by mutual consent of the parties. Army DCIPS*

employees who do not receive a decision from the deciding official under the informal grievance procedure or do not agree to an extension request must pursue the matter further by filing a formal grievance, in accordance with paragraph 4, in order to continue pursuit of requested relief. The Army DCIPS employee may present a grievance regarding a continuing practice or condition at any time as long as the practice or condition is continuing at the time of the filing of the grievance.

d. Third Parties. At the discretion of the deciding official (*when appropriate and feasible from a security, mission, geographic, or communications point of view*), a neutral party, *such as a mediator*, may be utilized to help resolve an informal dispute.

4. Formal Grievance Procedures

a. Army DCIPS employee must submit the formal grievance, in writing (see Appendix B) to the deciding official within 15 days following the date of the action or event that the Army DCIPS employee believes created the problem or within 15 days following the date the Army DCIPS employee became aware (or should have become aware of (or reasonably should have become aware of) the act or the event. If the Army DCIPS employee used the informal grievance procedure, the Army DCIPS employee must file a formal grievance no later than 15 days from the conclusion of that procedure, or within 15 days of the deadline for receipt of a decision if no decision is received under the informal grievance procedure. The Army DCIPS employee may present a formal grievance regarding a continuing practice or condition at any time as long as the practice or condition is continuing at the time of the filing of the grievance.

b. An Army DCIPS employee grievance must be signed, dated, and contain:

(1) A detailed unclassified statement of the specific issue(s).

(2) The specific, personal relief sought. The relief must be personal to the Army DCIPS employee and may not include a request for disciplinary or other action affecting another employee.

(3) Copies of any documents in the Army DCIPS employee's possession related to the grievance. Classified information shall not be included, unless required to support a pertinent fact. If review of classified information is essential to the case, the grievance shall include a statement giving the location where the classified documents may be reviewed and the level of clearance required to do so.

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

c. Upon receipt of the formal grievance the deciding official will do one of the following as appropriate:

(1) Cancel the grievance if the matter concerned is not grievable (see paragraph 2, Grievable Matters, above), or if it was not filed timely, without good cause for delay, or for failure to follow procedural requirements. The deciding official must inform the grievant of the decision in writing and inform the grievant that he or she may request that an individual at the next higher management level within Army, if any, review the decision.

(2) Accept the grievance for decision on the merits if grounds for rejection do not exist, and contact the servicing CPAC to establish a grievance file.

d. If a grievance is accepted for decision on its merits, the deciding official may:

(1) Determine to join like or similar pending grievances;

(2) Determine that an investigation is required and appoint a fact-finder, as appropriate. If it is decided that a fact-finder is needed, the deciding official will identify a suitable individual for that purpose who has not been personally involved.

(3) Determine that an alternative dispute resolution (ADR) process, such as mediation, is appropriate and in accordance with reference (i). Any agreement resolving the matter through ADR must be in writing and reviewed by the servicing legal counsel prior to finalization. If ADR is conducted but does not resolve the grievance, the mediator will prepare a memorandum for record (MFR) stating that ADR was attempted during the formal grievance and was unsuccessful. The MFR will be filed in the servicing CPAC's grievance file.

e. If a grievance is accepted on its merits, and has not been resolved by ADR:

(1) The deciding official must determine whether to accept the grievant's requested representative as appropriate for the role;

(2) The deciding official must fully and fairly consider the grievance and issue a written decision (see Appendix C) with supporting rationale for the decision. The deciding official shall issue the decision as soon as possible but normally no later than 60 days from the filing of the grievance. The deciding official may extend time frames when warranted by exigent circumstances (e.g., by special mission considerations, geographically dispersed participants, or where a fact-finder is used in the process). However, a grievance decision should be rendered no more than 90 days from the filing of the grievance absent mutual agreement to extend this time limit to accommodate resolution of the dispute or exigent circumstances. If the deciding official fails to render a decision within 90 days absent such mutual agreement, the grievant may request review by the next higher management level, if any, within Army. A deciding official must be assigned to an organizational level higher than an Army DCIPS employee involved in the grievance or having a direct interest in the matter being grieved unless the deciding official was previously involved in the matter being grieved.

(3) A deciding official's decision on the merits of the grievance is final and not subject to further review (except when a grievance is cancelled under one of the conditions in paragraph 4.c.(1) of Enclosure 3).

5. Formal Grievance Files

The servicing CPAC will establish and maintain a separate unclassified file for each written formal grievance, and retain it for four years or as provided for in accordance with applicable laws, regulations and records retention schedules. The formal grievance file must include: (Note: Classified information must not be sent or included in any file maintained by the servicing CPAC.)

a. The Army DCIPS employee's written grievance

b. The written designation of representative, if any

c. In the case of fact finding, the written designation of the management representative

d. The report of findings and recommendations of the fact-finder or investigation, if any.

e. The grievant and/or the representative's written comments on the contents of the grievance file, if any.

f. A written offer of or request for ADR, or other written agreement to use ADR to resolve the grievance.

g. Any other documents and/or finding related to the grievance including documentation related to an investigation (if applicable), disciplinary memos (if applicable) and any other materials related to any disciplinary matter (if applicable).

h. Statement giving the location where the classified documents essential to the case may be reviewed and the level of clearance required to do so (if applicable).

i. Any written settlement agreements pertaining to the grievance.

j. The decision issued by the deciding official with supporting documents, if any.

PRE-SIGNATURE

APPENDIX A TO ENCLOSURE 3

SAMPLE DESIGNATION OF REPRESENTATIVE

MEMORANDUM FOR (Name of Deciding Official)

SUBJECT: Grievance

This provides notice that I have designated (name) of (organization) (telephone number) to represent me with regard to any and all matters relating to my grievance which was submitted on (date). I recognize that Army may disallow as my representative an employee whose activities as a representative would cause a conflict of interest or position, or whose release from his or her official position would give rise to unreasonable costs, or where priority work assignments preclude his or her release.

I further authorize the above-named individual full and complete access to any and all records concerning myself that may be held by management.

(Grievant's Signature and Date)

CF
(Name of Representative)

APPENDIX B TO ENCLOSURE 3

SAMPLE GRIEVANCE MEMO FROM GRIEVANT

MEMORANDUM FOR (Name, title, and mailing address of Deciding Official)

SUBJECT: Grievance

1. This is a (formal or informal) grievance under the Army Defense Civilian Intelligence Personnel System Employee Grievance Procedures.
2. The matter on which this grievance is based occurred on (give date) and is described in detail as follows: (Furnish sufficient detail to clearly identify the matter being grieved. Appropriate documents related to your grievance should be attached. Classified information shall not be included. If review of classified information is essential to the case, the grievance shall include a statement giving the location where the classified documents may be reviewed and the level of clearance required to do so.)
3. The personal relief (i.e., corrective action) I seek is: (Specify clearly.)

(Note: "Personal relief" means a specific remedy directly benefiting you and may not include a request for disciplinary or other action affecting another employee. For example, if you were suspended without pay, your "personal relief" request may be to cancel the suspension and reinstate your pay. Failure to provide sufficient information relating to your grievance or to clearly specify the personal relief you are requesting will result in your grievance being cancelled. It is preferable that you personally deliver your grievance when practicable. When mailing is used, the postmark usually determines the filing date of the grievance.)

I request Alternative Dispute Resolution (ADR), if offered, to attempt to resolve this grievance. (Yes/No).

Grievant's Signature

Date

Enclosures: (It is preferable to identify any enclosures.)

APPENDIX C TO ENCLOSURE 3

SAMPLE RESPONSE TO A FORMAL GRIEVANCE (DECISION MEMO)

(Letterhead)

(DATE)

MEMORANDUM FOR (Grievant Name, Title, Organization)

SUBJECT: Grievance Decision

1. This memorandum is in response to your formal grievance received on [DATE].
2. According to your formal grievance, you raised the following issues of concern: [STATE ISSUES]
3. As relief for your grievance, you are requesting that: [STATE RELIEF SOUGHT]
4. After carefully reviewing all of the facts and statements, I have reached the following decision:

a.[RESTATE ISSUE #1] DECISION ON ISSUE #1:

GRANT SOUGHT RELIEF, PARTIAL RELIEF OR NO RELIEF (State reason if relief not granted in full)

CANCEL GRIEVANCE: (State reason if grievance is cancelled)

The above is my decision to your formal grievance. This is my full and final decision based upon the grievance filed by you (address any fact-finding as applicable). [IF GRIEVANCE IS CANCELLED, INCLUDE THE FOLLOWING STATEMENT: You may request (Name of next higher Army management official) to review my decision to cancel this grievance.] You have the right to review the grievance file by contacting your servicing Civilian Personnel Advisory Center (address).

I am available to discuss any questions you may have about my decision.

(Deciding Official's Name/Title)

GLOSSARY

DEFINITIONS

Alternative Dispute Resolution (ADR)

See definition in glossary of Reference (g).

Days

All time limits are counted in calendar days. When calculating time limits under the DCIPS Employee Grievance Procedures, 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 Saturday, a Sunday, a legal holiday, or a day on which the employee is not regularly scheduled to work. In those cases the last day of the time limit shall be moved to the next regularly scheduled work day.

Deciding Official

See definition in glossary of Reference (g).

Employee

Any Federal civilian employee, as defined in Reference (j) who is covered by DCIPS, except for DISES and DISL employees.

Fact-Finder

An individual appointed by the deciding official to conduct an investigation into an issue(s) raised in 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 matter being grieved.

Grievance

Request by an employee, or group of employee acting as individuals, for personal relief in a matter of concern or dissatisfaction which is subject to control of agency management and relates to the employment of the employee(s).

Grievance File

A file established by the deciding official and maintained by the servicing CPAC for each grievance.

Grievant

A current or former (see Applicability section) Army DCIPS employee who files a grievance.

Personal Relief

A specific remedy that directly benefits the grievant. It may not include a request for an action (such as disciplinary action) that affects another employee.

Previously Involved

Anyone who directly influenced the decision regarding the matter being grieved (recommended, advised, made a decision on) or has a personal interest in the matter, as opposed to performing some ministerial process such as referring the grievance to another official. It does not include a cancellation of a grievance by the over timelines or purview.

PRE-SIGNATURE