



## UNITED STATES MARINE CORPS

MARINE FORCES RESERVE  
MARINE FORCES NORTHERN COMMAND  
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NEW ORLEANS, LA 70146-5400

ForO 12771.1  
CivPers  
08 Feb 2013

### FORCE ORDER 12771.1

From: Commander  
To: Distribution List

Subj: ADMINISTRATIVE GRIEVANCE PROCEDURES

Ref: (a) Code of Federal Regulations 5, Chapter 771  
(b) DoD 1400.25M, Subchapter 771  
(c) MCO P12000.11A, Marine Corps NAF Personnel Policy Manual

Encl: (1) General Schedule (GS)/Non-Appropriated Fund (NAF) Grievance Process Flow Chart

1. Situation. To establish administrative grievance procedures for civilian employees not covered by a negotiated contract.

2. Mission. This Order establishes an avenue through which employees may voice their concerns and seek relief from the occasional instance of dissatisfaction that may arise from the work situation, management decision, or personnel actions.

### 3. Execution

#### a. Commander's Intent

(1) It is the policy of the Department of Defense (DoD), Department of the Navy (DoN), Headquarters Marine Corps (HQMC) and this command to treat all employees fairly; to ensure that employees will be unimpeded and assured freedom from restraint, interference, coercion, discrimination, or reprisal action in initiating grievances in accordance with the procedures outlined herein; and to consider and dispose of such matters promptly and to the extent possible at the lowest organizational level.

(2) The procedures established herein are designed to achieve the objectives in reference (a). Discriminatory or reprisal action on the part of any individual in this command, as the result of a grievance submitted in accordance with this procedure, will result in appropriate corrective action. This policy is also extended to employees who appear as witnesses for the employee engaged in the grievance proceedings.

#### b. Concept of Operations

(1) Grievance Rights. Employees who believe they have been treated unfairly have a right to present their grievances to management officials for consideration and resolution. They may do so on their own behalf or may choose to be advised and represented by another individual. The employee or his/her representative should specify that the matter being presented is a grievance. Employees have a right to present grievances and to communicate with supervisors, managers, and officials in their Civilian Personnel Office (CPO) without restraint, interference, coercion, discrimination, or reprisal. Use of informal problem solving and dispute resolution techniques at the lowest department level is strongly encouraged to obtain as early as possible resolution of issues.

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(2) Grievance Coverage. Employees may file grievances on almost any matter of concern or dissatisfaction that relates to their employment and is under the control of the command management. References (b) and (c) provide specific coverage information. In general, the following matters are not grievable: Receipt or non-receipt of awards; performance plans; recruitment non-selection; proposed notices and warnings; decisions that can be appealed to the Merit Systems Protection Board, or that are subject to administrative review by the Office of Personnel Management (OPM), the Federal Labor Relations Authority; recruitment and relocation bonus; retention allowances; supervisory differentials; additional step increases; and waiver of dual compensation restrictions.

(3) Employee Representative. Grievants have the right to be accompanied, represented and advised by any one person who is willing to represent him/her in the presentation of the grievance. The Deciding Official may disallow the choice of an individual as a representative which could result in a conflict of interest or position, a conflict with the priority needs of the activity, or would give rise to unreasonable cost to the Government. If the representative is rejected by either the supervisor or section/department supervisor, the employee has the right to request a command decision regarding accepting the identified representative. The employee must request to the Marine Forces Reserve (MARFORRES)/Marine Forces Northern Command (MARFORNORTH) CPO a request for consideration in accepting the identified representative. The CPO will notify the Command Counsel of the request in writing, and within 15 days the Deciding Official will rule on the acceptance of the individual as the employee's identified representative. During this time, the grievance will be placed on hold, pending the outcome of the request to accept an employee's representative.

c. Tasks

(1) Grievant's Responsibility

(a) File the grievance in writing in a timely manner. This must be accomplished within the timelines established in references (b) and (c).

(b) Provide a clear statement of the issues.

(c) Indicate the specific personal relief sought.

(d) Submit the written grievance to the immediate supervisor. If the immediate supervisor is the subject of the grievance, submit the grievance to the section/department supervisor. If the section/department supervisor or the command is the subject of the grievance, submit the grievance to the Civilian Personnel Officer.

(2) Management's Responsibility. The recognition and correction of causes of grievances are fundamental and major responsibilities of management. Management officials shall ensure that the procedure for initiation and disposition of grievances is made available to all employees.

(3) G-1 Civilian Personnel Office (CPO)

(a) Receive the written grievance from either the individual employee filing a grievance or from the department head of an individual filing a grievance. Document the date and time of receipt of the grievance to ensure the processing is accomplished in accordance with this instruction.

(b) Forward all written grievances to the Human Resources Office, Kansas City (HROM) for external investigation and recommendations.

(4) Human Resources Office, Kansas City (HROM)

(a) Provide advice and assistance to management officials regarding the resolution of grievances and requirements under this policy. Conduct a fact finding inquiry on any grievance forwarded by the CPO.

(b) Provide written suggested course(s) of action to remedy the grievance to the Command Counsel.

(c) If during the investigation process by HROM it is determined that the best course of action would be to utilize an Alternate Dispute Resolution (ADR) process, HRO may set aside the investigation and pursue the ADR process after notifying the CPO. If a resolution is not found after the ADR process, the investigation process by HROM will continue.

(d) If an allegation of discrimination because of race, color, national origin, sex, age, religion, or handicap (physical or mental) is raised at any stage of the grievance investigation process, the Deciding Official; Command Counsel; and the CPO will be informed. The grievant will be informed in writing that introduction of such an allegation will serve to terminate processing of the matter under the grievance procedure. The grievant must be given the opportunity to withdraw the allegation of discrimination and continue under the administrative grievance procedure, or under the discrimination complaint (Equal Employment Opportunity) procedure commencing with the counseling stage. The grievant's decision will be documented and made a part of the case file. If the grievant elects the discrimination complaint procedure, the grievance shall be cancelled, the grievant notified, and the grievance file forwarded to the CPO for action.

(5) Command Counsel

(a) Review the inquiry provided from HROM to determine that advised corrective action(s) have merit and are legally supportable.

(b) Provide a written overview of the situation for action by the Deciding Official. Provide any/all additional courses of action for the Deciding Official to consider which are supportable and arguable as appropriate.

(6) Deciding Official

(a) The Commander or his/her designee, is the Deciding Official on all formal written grievances.

(b) The Deciding Official can decide on a given course of action, or may impose a different remedy after considering all the information provided.

(c) The Deciding Official's decision on the merits of the grievance is final and not subject to further review, in accordance with reference (b).

d. Coordinating Instructions

(1) Administrative Grievance Procedures for Appropriated Civilian Employees

(a) Informal Grievance Procedures

1. All grievances must be initially filed at the informal stage. An employee may present in writing any work-related problem to his/her immediate supervisor or section/department supervisor before filing a formal grievance. An informal grievance must be able to be rectified at the section/department level. If the immediate supervisor is/has been directly involved in the matter at issue, the employee may present it to the next higher-level supervisor or section/department supervisor. In any case, the grievance must be presented within 15 days of the act or event at issue, or within 15 days of the date the employee became aware of (or reasonably should have been aware of) the act or event.

2. The immediate supervisor or the official to whom the matter is referred will make the appropriate investigation into the matter. Upon completion of the investigation, the official involved will inform the employee of the findings either orally or in writing within 15 days of the date the employee initiated the grievance. If the official fails to respond to the grievance, it automatically moves into step one of the formal stage.

3. A package containing a copy of the informal grievance, written memorandum from the supervisor covering the acceptable corrective action, and letter from the initiator of the grievance stating the matter has been satisfactorily resolved are required to be forwarded to the CPO for filing and accumulation of statistics on grievances. Files on grievances are required to be kept for five years from date of closure.

4. Upon receipt of the official's decision at the informal stage, the grievant may elect to submit the grievance at Step One of the formal stage. The grievant must submit the formal grievance to the CPO within 15 days of receipt from the official's informal grievance decision.

(b) Formal Grievance Procedures

1. Step One. An employee, or their designated representative, may submit a formal grievance to the official one level above the official who rendered a decision in the informal stage. The grievance must be in writing and must contain the desired relief sought. The grievance must be filed within 15 days of the informal grievance decision. The Step One official has 15 days to investigate and respond to the grievance. If the official fails to respond to the grievance within the 15 day period, the grievance automatically moves to Step Two.

2. Step Two

a. Upon receipt of the official's decision at the Step One stage, the grievant may elect to submit the grievance at Step Two of the formal stage. The grievant must submit the grievance within 15 days of receipt from the step one official's decision. Failure to do so will result in the grievance being deemed untimely. Step Two formal grievances are to be submitted to the CPO for action.

b. The CPO must forward all grievances to the HROM for action within 5 days of receipt.

c. The HROM may conduct a formal investigation into the grievance, either through telecommunications or on-site investigation. The HROM will submit its recommendations and a copy of the grievance file to the Command Counsel, who will review and provide final recommendations to the Deciding Official.

d. The Command Counsel will review the grievance file and recommendations and forward his written recommendation to the Deciding Official within 10 days.

e. The Deciding Official will review the written recommendations of the HROM and the Command Counsel. The Deciding Official will render a decision on the grievance within 30 days of the date of the Step Two grievance.

(2) Administrative Grievance Procedures for Nonappropriated Fund (NAF) Employees

(a) The procedures established herein are designed to achieve the objectives in reference (c), Chapter 5. The administrative grievance procedure is conducted on the basis of a two-step procedure (with potential for a third step) that uses a review method consisting of a personal presentation to the official designated to decide the grievance, or a personal presentation to an agent designated by the deciding official (to review the grievance and submit a report of findings and, optionally, recommendations), or a review of the written record by the Deciding Official.

(b) Right to Representation. The grievant has the right at any step of the grievance procedure, to be accompanied, represented and advised by a person of grievant's own choice subject to the willingness and availability of the chosen person to serve, no conflict of interest or position, and the priority needs of the organization. The employee will designate the representative in writing to the first stage Deciding Official. Any fees charged by the employee's representative are the responsibility of the employee. The employee and his or her designated representative may use reasonable amounts of official duty time subject to supervisory determination as to when such time may be used in light of priority needs of the organization. Such time may be used to prepare and present grievances and appeals. The employee and representative will be free from restraint, coercion, discrimination or reprisal stemming from the presentation of the grievance.

(c) Step One - Informal Oral Presentation. The aggrieved employee will present his or her grievance orally, to the immediate supervisor within seven calendar days following the condition or circumstances which caused the employee to be aggrieved and specify the relief requested. If the grievance is against the immediate supervisor or if the aggrieved employee feels that discussion of the problem with the immediate supervisor would be prejudicial to his or her interest, the employee (after notifying the immediate supervisor) will present the problem to the next higher supervisor. Every effort shall be made to resolve the issue at this level. The supervisor will provide an oral response to the grievant within seven calendar days after receipt of the informal oral grievance.

(d) Civilian Personnel Office (CPO). If the informal oral grievance was not resolved to the satisfaction of the employee at Step One, the employee has seven calendar days from receipt of the supervisor's oral response to present a written grievance to the CPO. The CPO will initiate a tracking plan for the grievance to ensure it flows properly and within time constraints through the remainder of the process. The CPO will ensure the written grievance states the specific nature of the grievance and the corrective action desired. Within five days of receipt, the CPO will forward the written grievance to the Marine Corps Community Services (MCCS) Director for action.

(e) Step Two - M CCS Director. The M CCS Director will attempt to resolve the grievance and provide a final written response to the grievant within 20 calendar days after receipt of the written grievance. In cases where the M CCS Director was personally involved in events leading to the grievance, the employee may request the grievance continue to Step Three.

(f) Step Three - Chief of Staff. In cases where the grievance was not resolved to the satisfaction of the employee at Step Two, the employee has seven calendar days from receipt of the response from the M CCS Director to request the CPO forward the written grievance to the Chief of Staff, via Command Counsel. The Counsel will provide the Chief of Staff or designee with any information necessary to complete a review of the grievance. The Chief of Staff or designee will provide a final written response to the grievant within 20 calendar days.

(g) A final written decision must be provided to the grievant within 90 calendar days of the initial presentation of the oral grievance. The final decision will be made by the Chief of Staff or Designated Official not personally involved in the events leading to the grievance.

4. Administration and Logistics. The enclosure is provided as a sequential reference. Recommendations concerning the contents of this Order may be forwarded to the CPO.

5. Command and Signal

a. Command. This Order is applicable to nonbargaining appropriated civilian employees and NAF employees of MARFORRES and MARFORNOR.

b. Signal. This Order is effective the date signed.

  
S. A. HUMMER

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# GS / NAF Grievance Process Flowchart

