



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NC 28542-0004

BO 12771.2B
MCCS

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BASE ORDER 12771.2B

From: Commanding Officer
To: Distribution List

Subj: NONAPPROPRIATED FUND (NAF) ADMINISTRATIVE GRIEVANCE
PROCEDURE

Ref: (a) MCO P12000.11A
(b) MARADMIN 011/09

Encl: (1) Administrative Grievance Procedure for Marine Corps
Community Services (MCCS), Camp Lejeune
(2) Administrative Grievance Procedure (Family
Readiness Officers)
(3) Administrative Grievance Procedure (Installations
and Environment Department-Bachelor Housing)
(4) Administrative Grievance Procedure for All Other NAF
Employees

1. Situation. This Order provides instructions concerning the Marine Corps NAF Administrative Grievance Procedure. This is the system under which covered employees (managers, supervisors, and others excluded from the bargaining unit) may seek redress of matters of personal concern and dissatisfaction, and grieve letters of reprimand and suspensions of 30 calendar days or less. It is Marine Corps policy that such matters be given objective consideration and addressed promptly. The procedures set forth in this Order are designed to achieve these objectives in accordance with the references.

2. Cancellation. BO 12771.1A.

3. Mission

a. To establish policy for NAF employees not covered by a negotiated grievance procedure through which they may present complaints and grievances to management officials for prompt and equitable consideration.

b. Summary of Revision. This Order has been revised and should be reviewed in its entirety.

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distribution is unlimited.

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4. Execution

a. Grievance. Is a request by an employee, or group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of the employee(s) which is subject to the control of the Installation Commander, unless another adjudicatory procedure exists for the action.

b. Employee. A current non-bargaining unit employee (managers, supervisors and other employees excluded from the bargaining unit).

c. Bargaining Unit Employee. An employee included in the bargaining unit represented by the Union.

d. Personal Relief. A specific remedy directly benefiting the grievant(s) which may not include a request for disciplinary or other action affecting another employee.

e. Day. A calendar day.

f. Right to Grieve. Employees have the right to present their complaints and grievances to management officials for prompt and equitable consideration.

(1) An employee may exercise this right in person or through a representative of the employee's choosing. A grievance can only be initiated by the aggrieved employee and not by an unauthorized third party.

(2) An employee may not grieve the following:

(a) Any matter which is subject to final administrative review above the Installation Commander and any matter over which the Installation Commander does not have control or the authority to change.

(b) The content of published policy.

(c) Nonselection for promotion, except for procedural error.

(d) A matter covered by or excluded from a negotiated grievance procedure.

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(e) An action terminating a temporary promotion or detail.

(f) An action terminating a flexible or probationary employee.

(g) Nonadoption of a suggestion or disapproval of any type of discretionary award.

(h) A proposed action, notice of warning or caution, or any other prospective discretionary management action.

(i) Alleged discrimination.

(j) Any action for which another adjudicatory procedure exists.

(k) Failure to receive a pay increase or the amount of a pay increase.

(l) A business-based action on grounds other than regulations and procedures were not properly applied.

(m) Re-assignment.

g. Grievance Procedure. A grievance must be initiated within seven calendar days following the condition or circumstances which caused the employee to be aggrieved and follow the procedures contained in the enclosures.

h. Responsibilities

(1) Grievant. The grievant is responsible for:

(a) Filing the grievance in a timely manner.

(b) Providing a clear statement of the issues.

(c) Indicating the specific personal relief or corrective action sought.

(2) Management. Management is responsible for:

(a) Giving prompt, objective and equitable consideration to the grievance.

(b) Making every effort to settle the grievance at the lowest level possible.

(3) Marine Corps Community Services (MCCS) Human Resources. MCCS Human Resources is responsible for:

(a) Administering the Administrative Grievance Procedure.

(b) Providing advice to supervisors, managers, individual employees, and other interested parties as to the application of this Order and details of the Administrative Grievance Procedure.

(c) Maintaining necessary records and following up at all stages to ensure timely processing.

(d) Providing copies of the enclosure for official bulletin boards.

i. Allegations of Discrimination. 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 procedure, the deciding official will inform the grievant in writing that introduction of the allegation will serve to terminate processing of the matter under this procedure. The grievant must be given the opportunity to withdraw the allegation and continue under the administrative grievance procedure or proceed under the discrimination complaint procedure commencing with the counseling stage. The grievant's decision must be documented and made a part of the case file. If the grievant opts for the complaint procedure, the grievance shall be cancelled, the grievant notified, and the grievance file forwarded to the Human Resources Division, MCCS, Camp Lejeune.

j. Right to Seek Advice. Although employees are encouraged to first discuss their problems with supervisors, employees have a right to communicate with and seek advice from:

(1) The MCCS NAF Human Resources Division.

(2) An Equal Employment Opportunity Counselor.

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k. Action. All Nonappropriated Fund Instrumentalities (NAFI's) serviced by the Human Resources Division, MCCS, Camp Lejeune shall comply with the instructions contained herein. The Director, MCCS, Commanders of Family Readiness Officers, the Director, Installations and Environment, and any Manager/Supervisor of a NAF employee will ensure that all subordinate managers and supervisors (military and civilian) are thoroughly familiar with the contents of this Order and the Order is made available to employees upon request.

5. Administration and Logistics. Point of contact is Ms. Pat Turner at (910) 451-6769.

6. Command and Signal

a. Command

(1) Applicability. This Order applies to all NAF employees of the MCCS Department, Camp Lejeune; Family Readiness Officers; Installations and Environment Department (Bachelor Housing employees); and any other NAF employee except those employees covered by the Negotiated Agreement with American Federation of Government Employees, Local 2065.

(2) Concurrence. This Order has been coordinated with and concurred with by the Directors, MCCS and Installations and Environment.

b. Signal. This Order is effective date signed.


W. A. MEIER
By direction

DISTRIBUTION: A

ADMINISTRATIVE GRIEVANCE PROCEDURE MARINE CORPS COMMUNITY
SERVICES (MCCS), CAMP LEJEUNE

1. Definition. The administrative grievance procedure is conducted on the basis of a three-step procedure (with the potential for a fourth 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.

2. 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 the grievant's own choice, subject to the willingness and availability of the person chosen to serve, with no conflict of interest or position, and the priority needs of the local NAFLI. 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 local NAFLI. 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.

3. Step 1 - Informal Oral Presentation. The aggrieved employee will orally present his or her grievance 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.

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4. Step 2 - Division Director. If the informal oral grievance was not resolved to the satisfaction of the employee at Step 1, the employee has seven calendar days from receipt of the supervisor's oral response to present a written grievance to the Division Director. The written grievance must state the specific nature of the grievance and the corrective action desired. The supervisor will provide the Division Director with any information necessary to complete a review of the grievance. The Division Director will attempt to resolve the grievance and will provide a final written response to the grievant within seven calendar days after receipt of the written grievance. In cases where the Division Director was personally involved in events leading to the grievance, the employee may continue to Step 3.

5. Step 3 - M CCS Director/Designee. If the grievance was not resolved to the satisfaction of the employee at Step 2, the employee has seven calendar days from receipt of the Division Director's written response to present a written grievance to the M CCS Director/Designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The Division Director will provide the M CCS Director/Designee with any information necessary to complete a review of the grievance. The M CCS Director/Designee 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/Designee was personally involved in events leading to the grievance, the employee may continue to Step 4.

6. Step 4 - Installation Commander. In cases where the M CCS Director/Designee was personally involved in the matter initially grieved, and the grievance was not resolved to the satisfaction of the employee at Step 3, the employee has seven calendar days from receipt of the response from the M CCS Director/Designee to present a written grievance to the Installation Commander, through the M CCS Director/Designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The M CCS Director/Designee will provide the Installation Commander/Designee with any information necessary to complete a review of the grievance. The Installation Commander or designated official will provide a final written response to the grievant within 20 calendar days.

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7. 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 Installation Commander or designated official not personally involved in the events leading to the grievance.

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ADMINISTRATIVE GRIEVANCE PROCEDURE (FAMILY READINESS OFFICERS)

1. The administrative grievance procedure is conducted on the basis of a two-step procedure (with the 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.

2. 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 the grievant's own choice, subject to the willingness and availability of the person chosen to serve, no conflict of interest or position, and the priority needs of the Command. 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 the organizational commanding officer's 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.

3. Step 1 - Informal Oral Presentation. The aggrieved employee will present his or her grievance orally, to the organizational commanding officer, 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 commanding officer, or if the aggrieved employee feels that discussion of the problem with the commanding officer would be prejudicial to his or her interest, the employee (after notifying the commanding officer) will present the problem to the next senior commander in the chain of command, or his/her designee. Every effort shall be made to resolve the issue at this level. The commanding officer to whom the grievant presents his or her grievance will provide an oral response to the grievant within seven calendar days after receipt of the informal oral grievance.

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4. Step 2 - Next Senior Commander in the Chain of Command/Designee. If the informal oral grievance is not resolved to the satisfaction of the employee at Step 1, the employee has seven calendar days from receipt of the organizational commanding officer's oral response to present a written grievance to the next senior commander in the chain of command/designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The organizational commander will provide the next senior commander in the chain of command/designee with any information necessary to complete a review of the grievance. The next senior commander in the chain of command/designee will attempt to resolve the grievance and provide a final written response, a letter of decision, to the grievant within seven calendar days after receipt of the written grievance. In cases where the next senior commander in the chain of command/designee was personally involved in events leading to the grievance, the employee may proceed to Step 3.

5. Step 3 - Second Level Senior Commander/Designee. If the grievance is not resolved to the satisfaction of the employee at Step 2, the employee has seven calendar days from receipt of the Step 2 official's letter of decision to present a written grievance to that official's decision. The written grievance must state the specific nature of the grievance and the corrective action desired. The next senior commander in the chain of command/designee will provide the second level senior commander/designee with any information necessary to complete a review of the grievance. The second level senior commander/designee 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.

6. 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 second level senior commander/designee or designated official not personally involved in the events leading to the grievance.

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ADMINISTRATIVE GRIEVANCE PROCEDURE (INSTALLATIONS AND
ENVIRONMENT DEPARTMENT - BACHELOR HOUSING)

1. The administrative grievance procedure is conducted on the basis of a three-step procedure (with the potential for a fourth 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.

2. 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 the grievant's own choice, subject to the willingness and availability of the person chosen to serve, no conflict of interest or position, and the priority needs of the Command. 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 the supervisory determination, as to when such time may be used in light of priority needs of Bachelor Housing. 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.

3. Step 1 - 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.

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4. Step 2 - Second Level Supervisor. If the informal oral grievance was not resolved to the satisfaction of the employee at Step 1, the employee has seven calendar days from receipt of the supervisor's oral response to present a written grievance to the Second Level supervisor. The written grievance must state the specific nature of the grievance and the corrective action desired. The supervisor will provide the second level supervisor with any information necessary to complete a review of the grievance. The Second Level supervisor will attempt to resolve the grievance and will provide a final written response to the grievant within seven calendar days after receipt of the written grievance. In cases where the Second Level supervisor was personally involved in events leading to the grievance, the employee may continue to Step 3.

5. Step 3 - Director, Installations and Environment/Designee. If the grievance was not resolved to the satisfaction of the employee at Step 2, the employee has seven calendar days from receipt of the response from the Second Level supervisor to present a written grievance to the Director, Installations and Environment/Designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The supervisor will provide the Director, Installations and Environment/Designee with any information necessary to complete a review of the grievance. The Director, Installations and Environment/Designee will attempt to resolve the grievance and provide a final written response to the grievant within seven calendar days after receipt of the written grievance. In cases where the Director, Installations and Environment/Designee were personally involved in events leading to the grievance, the employee may continue to Step 4.

6. Step 4 - Installation Commander. If the grievance was not resolved to the satisfaction of the employee at Step 3, the employee has seven calendar days from receipt of the response from the Director, Installations and Environment/Designee to present a written grievance to the Installation Commander through the Director, Installations and Environment/Designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The Director, Installations and Environment/Designee will provide the Installation Commander with any information necessary to complete a review of the grievance. The Installation Commander 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.

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7. 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 Installation Commander or designated official not personally involved in the events leading to the grievance.

ADMINISTRATIVE GRIEVANCE PROCEDURE FOR ALL OTHER NAF EMPLOYEES

1. The administrative grievance procedure is conducted on the basis of a two-step procedure (with the 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.

2. 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 the grievant's own choice, subject to the willingness and availability of the person chosen to serve, no conflict of interest or position, and the priority needs of the Command. 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 the supervisory determination, as to when such time may be used, in light of priority needs of the Command. 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.

3. Step 1 - 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.

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4. Step 2 - Second Level Supervisor in the Chain of Command/Designee. If the informal oral grievance was not resolved to the satisfaction of the employee at Step 1, the employee has seven calendar days from receipt of the supervisor's oral response to present a written grievance to the Second Level Supervisor in the Chain of Command/Designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The supervisor will provide the Second Level Supervisor in the Chain of Command/Designee with any information necessary to complete a review of the grievance. The Second Level Supervisor in the Chain of Command/Designee will attempt to resolve the grievance and provide a final written response to the grievant within seven calendar days after receipt of the written grievance. In cases where the Second Level Supervisor in the Chain of Command/Designee was personally involved in events leading to the grievance, the employee may continue to Step 3.

5. Step 3 - Installation Commander. If the grievance was not resolved to the satisfaction of the employee at Step 2, the employee has seven calendar days from receipt of the response from the Second Level Supervisor in the Chain of Command/Designee to present a written grievance to the Installation Commander through the Second Level Supervisor in the Chain of Command/Designee. The written grievance must state the specific nature of the grievance and the corrective action desired. The Second Level Supervisor in the Chain of Command/Designee will provide the Installation Commander with any information necessary to complete a review of the grievance. The Installation Commander 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.

6. 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 Installation Commander or designated official not personally involved in the events leading to the grievance.