



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
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CAMP LEJEUNE NC 28542-0005

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CHRO-E

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MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
12771.1

From: Commanding General
To: Distribution List

Subj: CIVILIAN MARINE ADMINISTRATIVE GRIEVANCE SYSTEM

Ref: (a) DOD 1400.25-M, Subchapter 771, "DoD Civilian Personnel
Management System: Administrative Grievance System,"
December 26, 2013
(b) SECNAVINST 12771.3
(c) MCO 12771.2

1. Situation. To revise policy and responsibility for the Department of the Navy (DON) Administrative Grievance System (AGS) in compliance with references (a) through (c), and to provide a procedural avenue through which employees may voice their concerns and seek relief.

2. Cancellation. BO 12771.1A Ch 1.

3. Mission

a. Grievances presented by Civilian Marines under the AGS will be considered expeditiously, fairly, impartially, and resolved as quickly as possible. The AGS is a dispute resolution process. All employees involved in the dispute resolution process shall be free from restraint, interference, coercion, discrimination, or reprisal. The procedures set forth in this instruction are designed to achieve these objectives.

b. Alternative Dispute Resolution (ADR) techniques should be used to resolve disputes consistent with the requirements of this instruction. ADR techniques include a broad range of approaches for dealing with conflict and seeking solutions satisfactory to all parties. These techniques include, but are not limited to, problem-solving, mediation, facilitation, conciliation, early-neutral evaluation, fact-finding, and settlement conferences.

c. Summary of Revision. This Order has been completely revised to update the references to ensure compliance with current policies and procedures. This Order should be reviewed in its entirety.

4. Execution

a. Commander's Intent and Concept of Operations

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(1) Commander's Intent. In accordance with the references, Commanders and Department Heads shall implement the AGS and encourage employee participation in the ADR process when appropriate.

(2) Concept of Operations

(a) As authorized by reference (b), Commanders shall make decisions on grievance matters and may delegate this authority to subordinate managers and supervisors who will serve as the deciding official(s).

(b) The AGS covers current appropriated fund non-bargaining unit Civilian Marines. It also covers former Civilian Marines with respect to matters arising during their previous employment at the activity or command, provided a remedy is available consistent with applicable laws, rules, and regulations.

(c) The AGS is used when a matter covered by the AGS cannot be grieved under a negotiated grievance procedure (NGP), either because an NGP is not in effect at the relevant time, or because it does not cover the matter being grieved.

(d) The AGS does not cover:

1. An applicant for employment who is not a present or a former Civilian Marine for whom a remedy can be provided.

2. Reinstatement and transfer eligibles who have applied for a position under a merit promotion program, non-citizens recruited overseas and appointed to overseas positions or non-appropriated fund employees.

(e) Employment matter may be grieved under the AGS "except" for the following:

1. The content of published DON regulations, policy and guidance or, Marine Corps Orders policy and guidance;

2. Any matter covered by an NGP or subject to formal review and adjudication by the Merit Systems Protection Board, the Office of Personnel Management, the Federal Labor Relations Authority, or the Equal Employment Opportunity (EEO) Commission, or any matter that the employee files under another review or reconsideration procedure, or dispute resolution process within the Department of Defense (DoD);

3. Non-selection for promotion from a group of properly ranked and certified candidates, or failure to receive a noncompetitive promotion;

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4. Preliminary notice of an action that, if effected, would be covered under the grievance system or excluded from coverage under paragraphs 4a(2)(c) above;

5. The substance of an employee's performance elements, standards, or job objectives;

6. Determination concerning awards, additional step increases, recruitment or relocation bonuses, retention allowance, physicians' comparability or additional pay allowances;

7. Supervisory differentials, critical position pay, or dual compensation waivers;

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

9. Termination of a probationer, return of an employee serving supervisory, or managerial probation to a non-supervisory or non-managerial position, or separation or termination of an employee during a trial period; and

10. Oral admonishments and letters of caution.

b. Tasks

(1) Heads of Marine Corps Commands

(a) Are authorized to decide all grievances filed by employees under their command.

(b) May delegate authority to decide grievances to subordinates managers and supervisors.

(c) Ensure managers and supervisors implement policies within this Order as intended.

(2) Deciding Officials

(a) Must be assigned to an organization level higher than any employee involved in the grievance or having a direct interest in the matter being grieved unless the deciding official is the head of the activity or command.

(b) Must determine whether to accept, suspend, or cancel all or part of the grievance; and limits.

(c) Must issue a final decision within the prescribed time.

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(d) Must coordinate all grievance decisions with their servicing Civilian Human Resource Office (CHRO).

(3) Grievant

(a) Must present the grievance to the deciding official in writing and within the prescribed time limits.

(b) Must provide a clear statement of the issues and indicate the specific personal relief sought in the AGS.

(4) Management

(a) Must give prompt and objective consideration to the grievance.

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

(5) Servicing Civilian Human Resources Office-East (CHRO-E)

(a) Provide advice, guidance, and necessary assistance of ADR and the processing of grievances to managers and employees and provide the grievant with the name of the command/activity ADR Convener.

(b) Maintain a separate grievance file for each written grievance filed under the Marine Corps AGS for a period of four years after the case is closed. The file shall contain all documents or copies of documents related to the grievance.

(c) Use the ADR Tracker online tool to record and track the total number of ADR processes attempted along with their success rate.

(d) Address barriers to the use of ADR.

(e) Use the DoD Labor and Employee Relations Case Management and Tracking System to record and track grievances.

c. Coordinating Instructions

(1) Rights of Grievant and Representative

(a) Grievant has the right to be accompanied, represented, and advised by a representative of their own choice in processing a grievance under this procedure unless as noted in paragraph 8 below.

(b) Entitled to freedom from restraint, interference, coercion, discrimination, or reprisal in presenting a grievance.

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(c) Entitled to a reasonable amount of official duty time, as determined by the deciding official, to present a grievance and to communicate with management and personnel officials, if they are Marine Corps employees and are in a duty status. Employees shall be given a reasonable amount of official time to prepare a grievance.

(d) 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.

(2) Time Limits. When calculating time limits under the AGS, 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, 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. All time limits are counted in calendar days.

(3) Processing Grievances. ADR techniques should be used where practicable in the resolution of disputes. ADR techniques include a broad range of approaches for dealing with conflict and seeking solutions satisfactory to all parties. These techniques include, but are not limited to problem-solving, mediation, facilitation, early-neutral evaluation, fact-finding, settlement conferences, and arbitration.

(a) Problem Solving/Informal Process

1. An employee may informally present a 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, and the employee has been unable to resolve the matter with that supervisor, the employee may present the matter to the next level supervisor, if any, within the activity or command. The problem must be presented within 15 days following the date of the act or event that the employee believes created 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.

2. A supervisor must consider the employee's problem and attempt to resolve it within 15 days, and no later than 30 days from the date the problem is first brought to the supervisor's attention, even though it may not be covered by the grievance process. When appropriate, the use of a neutral party (e.g., facilitator or mediator) is encouraged. 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 must be in writing. If the problem is not resolved, the supervisor shall inform the employee of the time limits for filing a formal grievance. If the supervisor believes the matter is not covered by the grievance process, the supervisor shall so inform the

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employee and advise the employee of the appropriate process, if any, for resolving the problem.

3. The above time limit for resolving the problem may be extended by mutual agreement to accommodate resolution of the dispute.

(b) Formal Grievance Process

1. An employee may file a formal, written grievance with the deciding official when a problem is not resolved during the problem-solving process or where the employee chooses to bypass that process and invoke the grievance process. If the employee used an ADR process, the employee must file a grievance no later than 15 days after the process concluded or a decision was rendered on the informal grievance. Where the employee does not use the problem-solving process, but raises the matter initially as a grievance, the employee must present the grievance within 15 days following the date of the act or event that the employee believes created the problem or within 15 days following the date the employee became aware of (or reasonably should have become aware of) the act or event. The employee may present a grievance regarding a continuing practice or condition at any time.

2. An employee's grievance must be signed, dated, and contain a sufficiently detailed statement of the specific issue(s) and the specific, personal remedy sought; a statement that the employee has not filed an appeal or complaint (such as an Inspector General or EEO complaint) on the same issue; copies of any documents in the employee's possession related to the grievance; and, the name, address, and telephone number of the employee's representative, if any. The remedy must be personal to the employee and may not include a request for disciplinary or other action affecting another employee. An employee may not grieve the same matter raised in any other grievance, appeal, complaint, or other dispute resolution process.

3. The deciding official shall determine whether to join similar or identical grievances; whether to require and how to conduct an investigation; 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 examine a grievance and, when authorized, to make recommendations concerning its disposition.

4. The deciding official shall fully and fairly consider the grievance and issue a written decision 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 special circumstances (e.g., when those involved are geographically dispersed 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

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of the grievance absent mutual agreement to extend the time limit to accommodate resolution of the dispute. 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, with the Marine Corps.

5. Whenever possible, the deciding official should rule on the merits of a grievance. However, the deciding official may cancel or temporarily suspend a grievance, or the appropriate portion of a grievance, if the grievant requests such action; the grievant fails to provide sufficient detail to identify clearly the matter being grieved or specify the personal relief requested; the grievant fails to comply with applicable time limits or procedural requirements or request actions to be taken against another employee; or the grievant raises the same matters under another formal dispute resolution process.

6. A deciding's official's decision on the merits of the grievance is final and not subject to further review. However an employee may request that an individual at the next higher management level within the Marine Corps, if any, review of a decision to cancel a grievance or a portion of a grievance. The employee's request for review of a decision to cancel a grievance or a portion of a grievance must be submitted within 15 days from the date of receipt of the decision to cancel the grievance.

(c) Disallowance of Grievant's Representative. The deciding official may disallow the choice of an individual as a representative, if it would result in a conflict or apparent conflict of interest or position, a conflict with the priority needs of the activity or command, or would give rise to an unreasonable cost to the Federal Government. If a deciding official disallows the grievant's choice of representative, that decision may be grieved within 10 days to the next higher level of management, unless the deciding official is the head of the activity or command. The decision on that grievance is final and is not subject to further review.

(d) Combining Grievances. When two or more employees within the same activity have identical grievances (the dissatisfaction expressed and the relief requested are the same), the activity may process them as one grievance. The employees will be so notified and required to designate a common representative.

5. Administration and Logistics. Not Applicable.

6. Command and Signal

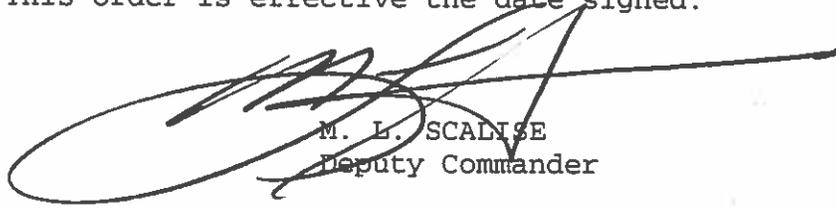
a. Command

(1) This Order is applicable to all Marine Corps Base, Camp Lejeune and Marine Corps Air Station, New River commands to include its subordinate and tenant commands.

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(2) Installation Commanders/Commanding Officers may adapt guidance contained in this Order. Such guidance and policies must be consistent with the provisions of this Order, but commands may adopt more detailed rules to meet specific needs. Tenant commands supported by CHRO-E may elect to comply with this Order in its entirety or may describe more detailed rules to meet specific needs as required.

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



M. L. SCALISE
Deputy Commander

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