



DEPARTMENT OF DEFENSE
Defense Commissary Agency
Fort Lee, VA 23801-1800

DIRECTIVE

Administrative Grievance System

DeCAD 50-30
January 11, 2013

Human Resources
OPR: DeCA/COHL

References: See Enclosure 1

1. REISSUANCE AND PURPOSE. This Directive:

- a. Replaces Memorandum, Director of Human Resources, May 8, 2006, Subject: "DoD Administrative Grievance System," (Reference (a)).
- b. Is established in compliance with references listed in Enclosure 1.

2. APPLICABILITY. This directive applies to employees as defined under "DoDI 1400.25-M, Subchapter 771," December 1996 (Reference (b)) as follows: current appropriated fund nonbargaining unit Department of Defense (DoD) employees as defined in "Title 5 United States Code, Section 2105," (Reference (c)). It also covers former DoD employees with respect to matters arising during their previous employment at the activity, provided that a remedy is available consistent with applicable law and regulation. The Administrative Grievance System (AGS) covers bargaining unit employees 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. The AGS does not cover 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 (NAF) employees.

3. POLICY. It is DeCA policy that:

- a. Use of the AGS is mandatory throughout DeCA, provided the matter is not excluded from coverage or covered under a negotiated grievance procedure.

b. DeCA employees shall be entitled to present disputes under the AGS and have them considered expeditiously, fairly, and impartially, and resolved as quickly as possible. All persons involved in the dispute resolution process shall be free from restraint, interference, coercion, discrimination, or reprisal.

c. Employees will be allowed a reasonable amount of official time to prepare and present grievances. In determining what is reasonable, consideration will be given to the complexity of the issues involved, the amount of time allowed for similar cases and the fair and equitable treatment of employees.

d. The Deciding Official will be the lowest level official who has not been directly involved nor has a direct interest in the matter being grieved. An official's general knowledge of an incident does not necessarily mean that the individual has been directly involved in the matter and shall not preclude the official from serving as the Deciding Official. Additionally, when an official orders an investigation or review of an incident, such action does not necessarily mean that the official has been directly involved and shall not preclude the official from serving as the Deciding Official.

e. Employees are encouraged to seek the informal resolution of their grievances through the use of the problem solving process. This will generally involve the first line supervisor and may include a third party such as a mediator, facilitator or arbitrator. This does not preclude the use of other forms of Alternative Dispute Resolution as contained in DeCA Directive 80-13, "Alternative Dispute Resolution Program," October 2001 (Reference (d)), if agreeable to both management and the grievant.

4. RESPONSIBILITIES:

a. Director, Defense Commissary Agency. The Director, Defense Commissary Agency shall ensure the implementation and application of the AGS within DeCA.

b. Director, Human Resources. The Director, Human Resources shall:

(1) Make this directive available to employees, their representatives, and others.

(2) Provide advice, guidance and assistance to supervisors, Deciding Officials, and employees, and ensure a timely and equitable resolution of grievances.

(3) Maintain a separate grievance file for each written grievance filed under the DeCA AGS in accordance with Reference (b).

c. Deciding Officials. The Deciding Official shall:

(1) Make decisions concerning grievances consistent with the requirement in Reference (b).

(2) 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.

(3) The Deciding Official may also designate an impartial individual to examine a grievance and, when authorized, to make recommendations concerning its disposition.

d. Supervisors and Managers. Supervisors and managers shall:

(1) Consider the employee's problem and attempt to resolve it within the prescribed time limits, of their decision on informally presented grievances.

(2) Notify employees in the appropriate format (i.e., written or oral) and advise them of their right to file a formal grievance including the time limit for filing a formal grievance if the matter is not resolved in the problem solving process.

(3) Inform the employee if the matter is not covered by the grievance process and advise them of the appropriate process, if any, for resolving the problem.

(4) Record the date when an informal grievance begins and ends.

(5) Use a neutral (e.g., mediator, facilitator, or conciliator) to resolve grievance, where appropriate.

(6) Cancel an informal grievance when requested by the employee.

e. Employees. Employees shall follow the procedures contained in References (b) and DeCA Manual 50-30.1, "Administrative Grievance System," January 11, 2013, (Reference (e)) and this guidance.

5. MANAGEMENT CONTROL SYSTEM. This Directive does not contain internal management control provisions that are subject to evaluation, testing, and other requirements of DeCA Directive 70-20, "Internal Control Program," December 17, 2007 (Reference (f)) and as specified by the Federal Manager's Financial Integrity Act.

6. RELEASABILITY– UNLIMITED. This Directive is approved for public release and is located on DeCA's Internet Web site, www.commissaries.com.

7. EFFECTIVE DATE: This guidance remains in effect until rescinded, superseded, or replaced. By order of the Director of DeCA, this Directive is effective immediately.


Teena Standard
Chief, Executive Services Division

Enclosures:

1. Definitions
2. Acronyms

ENCLOSURE 1

REFERENCES

- (a) Memorandum, Director of Human Resources, May 8, 2006, Subject: DoD Administrative Grievance System (hereby cancelled)
- (b) DoDI 1400.25-M, Subchapter 771, December 1996
- (c) Title 5 United States Code, Section 2105
- (d) DeCA Directive 80-13, "Alternative Dispute Resolution Program," October 2001
- (e) DeCA Manual 50-30.1, "Administrative Grievance System," January 11, 2013
- (f) DeCA Directive 70-20, "Internal Control Program," December 17, 2007
- (g) DoD Directive 5105.55, "Defense Commissary Agency (DeCA)," March 12, 2008

GLOSSARY

DEFINITIONS

alternative dispute resolution. A variety of techniques, methods, or processes involving a neutral third party, which are used as alternatives to the traditional dispute resolution process. ADR includes, but is not limited to, the following ADR techniques: problem solving, facilitation, and mediation.

Deciding Official. The official designated to make decisions on grievances. The Deciding Official must be at a higher organizational level than any employee involved in the grievance, except when the Director, DeCA, has been involved. The Deciding Official's decision on the merits of the grievance is final and not subject to further review.

employee. An individual who is currently, or was formerly, employed in an appropriated position by DeCA for whom a remedy can be provided.

facilitation. A form of ADR. Facilitation involves the use of techniques to improve the sharing of information in a meeting between parties to a dispute. Facilitation focuses on providing procedural assistance to the parties to assist them in resolving a dispute.

facilitator. A person trained in facilitation techniques who serves as a neutral third party.

grievance. A request by an employee or group of employees, who submitted a written request under formal procedures for personal relief in a matter of concern or dissatisfaction, not excluded by this Reference (b) or (e), which is subject to the control of DeCA management and relates to the employment of the employee. This includes any matter on which an employee(s) alleges that coercion, reprisal, or retaliation has been practiced against him or her for filing a grievance

investigator. An individual authorized by the Deciding Official to analyze grievances, conduct inquiries or investigations, and make recommendations concerning the disposition of a grievance.

mediation. A form of ADR. Mediation is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a dispute.

mediator. A person trained in mediation techniques, who serves as a neutral third party and facilitates open discussions between the parties and assists them in negotiating a mutually acceptable resolution. The mediator does not have the authority to impose a decision or resolution on the parties.

personal relief. The specific remedy personally benefiting the grievant(s), which may not include disciplinary or other actions affecting another employee.

problem-solving process. An informal work-related problem presented by the employee to his or her supervisor, before filing a formal grievance. This process in itself is not a grievance.

GLOSSARY

ACRONYMS

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| ADR | Alternative Dispute Resolution |
| AGS | Administrative Grievance System |
| DeCA | Defense Commissary Agency |
| DeCAD | Defense Commissary Agency Directive |
| DoD | Department of Defense |
| NAF | Nonappropriated Fund |
| NGP | Negotiated Grievance Procedure |
| USC | United States Code |