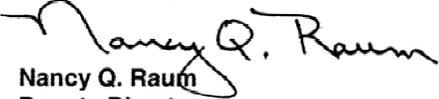


Office of Human Resource Management
Washington, DC 20590

Date: July 31, 2002

SUBJECT: Interim Policy on Grievance Procedures

FROM: 
Nancy Q. Raum
Deputy Director
Office of Human Resource Management

Attached please find our interim policy on Grievance Procedures.

If you have any questions concerning this interim policy, please contact Janet Cammarota on (202) 385-1234.

**U.S. DEPARTMENT OF TRANSPORTATION
TRANSPORTATION SECURITY ADMINISTRATION
HUMAN RESOURCES MANAGEMENT POLICY MANUAL**

DATE: July 29, 2002

HRM Letter 771- 1

SUBJECT: Interim Policy on Grievance Procedures

1. Purpose

The purpose of this instruction is to establish a grievance procedure for employees of the Transportation Security Administration.

2. Authority

These procedures are issued under the authority of the Aviation and Transportation Security Act.

3. Definitions

Terms have the following meaning in this letter:

- a. TSA: Transportation Security Administration.
- b. Day: Calendar day.
- c. First Step Official: The first line supervisor or the official who made the decision being grieved.
- d. Grievance: A request by an employee for personal relief in a matter of concern or dissatisfaction relating to his/her employment with TSA that is subject to the control of management.
- e. Personal Relief: A specific remedy directly benefiting the grievant and may not include a request for disciplinary or other action affecting another employee, including the employment or reassignment of another employee.
- f. Second step official: The lowest level official who was not involved in the decision being grieved and who has the authority to resolve the matter.
- g. Grievance file: A file that must be established for each grievance, containing all documents related to the grievance.

4. Coverage

- a. Employees.

With the exception of employees occupying positions determined by the Under Secretary or his designee to be equivalent to non-career Senior Executive Service or Schedule C positions because of their policy making, policy advocating, or confidential nature, all

employees of TSA are covered by the grievance procedure addressed in this letter.

b. Matters Covered.

Except as stated in subsection c of this section -- "Matters Not Covered" -- the grievance procedures cover all matters of concern or dissatisfaction relating to the employment of an employee if the matter is subject to the control of TSA management.

c. Matters Not Covered

The grievance procedure does not apply to:

- (1) Decisions made by other agencies or third parties such as courts, the Office of Personnel Management, or the Office of Workers Compensation;
- (2) Matters for which there is another avenue of redress including but not limited to discrimination complaints under 29 CFR 1614 or appeals to the Merit Systems Protection Board or the TSA's Discipline Review Board, see HRM Letter 752-1.
- (3) Oral and written counselings;
- (4) Progress reviews under the TSA's performance management system; Notices proposing an adverse action;
- (5) Non-selection for promotion or reassignment from a list of properly ranked candidates, or failure to receive a noncompetitive promotion;
- (6) Removal from a supervisory or managerial position during the supervisory or managerial probationary period;
- (7) Non-adoption of a suggestion or failure to grant a discretionary performance or incentive award;
- (8) The content of any law, regulation, policy, instruction, or directive, although the TSA's implementation as it relates to an employee may be grieved by that employee;
- (9) The substance of performance elements and standards;
- (10) The termination of a probationary employee, or the separation or termination of an employee during a trial period; and
- (11) The termination or expiration of a time-limited appointment, or a temporary or term appointment or promotion on the date specified.

5. Relationship Between the Grievance System and Alternative Dispute Resolution

- a. The grievance system is a formal process in which management adjudicates matters of employee concern or dissatisfaction. An employee who has a matter of concern or dissatisfaction, covered under the grievance system, may prefer to use less formal methods to resolve the complaint including methods of alternative dispute resolution made available by TSA.

- b. As an alternative to the grievance system, employees are encouraged to use any less formal means of resolving disputes. However, if an employee believes that he/she may subsequently file a grievance, the employee should request an extension of time to file the grievance. The request for an extension of time to file a grievance must be filed within the normal time period for filing the grievance (15 calendar days). The request must be in writing and should be addressed to the Director of the Human Resources Management Office.

6. Procedures

a. First Step.

- (1) An employee who wishes to grieve a matter under the grievance procedure must file a written grievance with the first step official.
- (2) The first step official is the management official who made the decision, took the action, or failed to take the action that the grievant is challenging. In most cases it will be the grievant's supervisor, but it could be a management official higher in the chain of command or it could be an official outside the chain of command such as an official of the Office of Human Resources Management.
- (3) To be timely, a grievance must be filed within 15 days of the action or decision being grieved or within 15 days of when the grievant first learned or with reasonable care could have learned of the decision or action. The first step official may waive the time limit on a showing of unusual circumstances. Failure to waive the time limit is not grievable.
- (4) The grievance must include (a) the action or decision being grieved; (b) reasons and any supporting documentation for the grievance; and (c) the remedy being sought.
- (5) The first step official has 15 days to respond to the grievance. If he/she does not have the authority to resolve the matter, he/she must refer it to someone who can resolve it who will then be the first step official.
- (6) The first step official must issue a written decision. If he/she does not issue a decision within 15 days of receipt of the grievance, the grievant may proceed to the second step or may wait until a decision is issued.
- (7) The decision will be in writing and will state the decision and provide reasons for that decision.
- (8) If the first step official denies the grievance in whole or in part, he/she must advise the grievant that he/she may file a grievance with the second step official, and the notice must provide the name and address of the second step official and the time limit for filing.

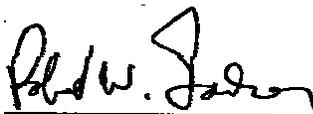
b. Second Step

- (1) The second step official is a higher-level official than the first step official. Generally, the second step official is the immediate supervisor of the first step official. He/she must have the authority to resolve the grievance and must not have been involved in the initial decision or action that gave rise to the grievance or in the first step decision.

- (2) The grievant must file with the second step official within 15 days after receiving the first step decision. The second step official may waive the time limit on a showing of unusual circumstances, but failure to waive the time limit is not grievable.

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- (3) The grievance must be in writing and must include (a) the matter being grieved; (b) the reasons and any supporting evidence for the grievance; (c) the remedy being sought; and (d) a copy of the step one decision.
- (4) If the second step official does not have the authority to resolve the matter or has been directly involved in the initial decision or first step grievance, the grievance must be referred to another second step official.
- (5) The grievance will normally be resolved based on the written record, but the second step official may meet with the grievant and may contact persons who have relevant information and discuss the matter with them informally. In unusual situations, the second step official may appoint an examiner to conduct a more formal review of the matter.
- (6) If an examiner is appointed, a written report will be prepared and will be made part of the second step official's decision.
- (7) Normally the second step official will issue a decision within 15 days of the receipt of the grievance. If this is not possible, he/she will inform the grievant and keep him/her informed of the status of the grievance at 15-day intervals.
- (8) The second step official will issue a written decision on the grievance which sets forth the decision, the reasons for the decision, and any supporting documentation including an examiner's report if an examiner was appointed.
- (9) The second step decision is the final decision, and there is no further right of review.



Robert W. Gardner
Associate Under Secretary for

Filing Instructions: File with other series 771 HRM Letters, Bulletins, and Guidance
Distribution: TSA affiliated HR Offices, Associate Under Secretaries, Office Directors
POC: TSAHR/Janet Cammarota/(202) 385-1234