



NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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Request Notification of Change (NASA Only)

Subject: NASA's Administrative Grievance System (AGS)

Responsible Office: Office of Human Capital Management

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Chapter 4 Grievance Procedures

The intent of the following procedures is to allow employees to present grievances to management and have those grievances considered expeditiously, fairly, and impartially.

4.1 Informal Grievance Procedures/Timelines (Step 1)

4.1.1 An employee shall present an informal grievance in writing to his/her immediate supervisor, within 15 days following the date of the act or event being grieved 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. The employee may present the matter orally, with the supervisor's concurrence. When making an oral presentation, the employee shall clearly state that he/she is presenting a grievance. The supervisor may grant a request for extension of the timeframe.

4.1.2 The employee shall present the issue of concern and the personal relief sought and provide all available information related to the issue.

4.1.3 If the matter being grieved directly involves the immediate supervisor, the employee may submit to the HRD a request that the next-level supervisor allow him/her to bypass the informal procedure and move immediately to a formal grievance.

4.1.3.1 The employee shall clearly state that he/she is requesting to bypass the informal grievance process, and explain the reason(s) for the request with appropriate supporting information (e.g., describe actions already taken to seek resolution with the immediate supervisor).

4.1.3.2 The HRD's decision to grant or deny such a request is final.

4.1.4 The supervisor shall accept the grievance under the informal procedure, unless the grievance is untimely or the matter is excluded from the AGS, and then:

a. Consider the issue raised by the grievant and attempt to resolve it within a reasonable time, normally within 15 days from the date it is first brought to the supervisor's attention.

b. As appropriate, seek advice and assistance and obtain additional or clarifying information to try to resolve the matter. If a resolution is outside of the supervisor's authority/control, he/she should address the matter with the individual who has the authority to resolve the matter.

c. If a resolution is reached, document the results. For example, send the grievant an e-mail describing the resolution reached and ask for a response by e-mail confirming that the matter is resolved as described.

d. If a resolution is not reached, provide a written determination to the grievant, addressing the issue and the rationale for granting partial or no relief.

e. If the issue is not resolved and relief is not granted in full, the written determination shall inform the employee of the time limits for filing a formal grievance (10 days from receipt of the informal decision).

4.1.5 If the matter is not covered by the AGS or the grievance is untimely, the supervisor, in consultation with the HRO, shall inform the employee and advise the employee of the appropriate process, if any, for resolving the matter.

4.2 Exceptions to Informal Grievance Procedures

4.2.1 Grievances regarding the following matters shall be filed directly under the formal procedures:

- a. Suspensions of 14 days or less and formal reprimands.
- b. Performance ratings issued under the Employee Performance Communication System, after the employee has received a decision on a request for reconsideration of the rating.

4.3 Formal Grievance Procedures (Step 2)

4.3.1 An employee may file a formal written grievance to the HRD, or designee, when a matter is not resolved through informal procedures or when informal procedures are not required (reference paragraph 4.2).

4.3.2 A formal grievance must be filed within ten days from the date on which any of the following are received by the employee:

- a. An informal grievance decision, including a notice that an informal grievance was untimely or covers matters excluded from the AGS.
- b. A formal reprimand or decision on a suspension of 14 days or less.
- c. A decision on a request for reconsideration of a rating.
- d. A notice approving the grievant's request to bypass the informal procedure (per paragraph 4.1.3).

4.3.3 Formal grievances shall:

- a. Be submitted in writing to the HRD by e-mail or in hard copy and signed and dated if in hard copy.
- b. Contain sufficient detail to clearly identify the matter being grieved.
- c. Specify the personal relief requested.
- d. Provide a copy of the informal decision, if any, and any other relevant material.
- e. Provide the name, address, and telephone number of the grievant's representative, if any.

4.3.4 Upon receipt of a formal grievance, HRDs, or designees, shall:

a. Review the grievance for procedural compliance and, if not in compliance (e.g., untimely, excluded from coverage), return the grievance to the employee within ten days, with written reason(s) as to why the grievance was not accepted.

b. Identify the appropriate deciding official, considering the following guidelines:

- (1) The deciding official will normally be the next higher management official above the supervisor who handled the informal grievance, and who was not involved in making or influencing a decision directly related to the matter at issue.
- (2) If the Center Director handled the informal grievance or was involved in the matter at issue, he/she may serve as deciding official or request that a management official at Headquarters or another Center do so.
- (3) If the requested relief is under the authority of a Center organization other than the grievant's, a management official in the other organization should be identified as the deciding official.
- (4) If the grievance can only be resolved by an official of another Center, the HRD shall inform the Center Director and the AA, HCM of the need to direct the grievance to a deciding official outside of the Center, then coordinate and forward the grievance to the other Center's HRD for appropriate action.

c. Forward accepted formal grievances to the identified deciding official for action within seven days of receipt and inform the employee of the date the grievance was forwarded and the name of the deciding official.

4.3.5 Upon receipt of a formal grievance, deciding officials shall:

- a. Fully and fairly consider the grievance.
- b. Conduct any fact finding necessary to render an informed decision. Designate a fact finder (if desired), in consultation with the HRD, to assist with conducting an inquiry of relevant facts regarding the grievance issue(s). If

the grievance issues or the requested relief require input by Agency individuals other than the deciding official, coordinate with such individuals to obtain any necessary input.

c. Establish a grievance file that will ultimately contain, but not be limited to:

- (1) The informal and formal grievances.
- (2) The informal and formal grievance decisions.
- (3) Materials submitted by the grievant.
- (4) Documents generated during the deciding official's review and fact finding, such as personnel documents, supervisory memoranda, and witness statements.
- (5) Administrative documents, such as agreements to extend time frames, requests and decisions to permit bypassing the informal process, and decisions relating to identification of the deciding official.

d. If any documents described in paragraph 4.3.5c (4) above were added to the grievance file, provide the grievant and/or his representative at least seven days to review the file and submit any comments, before issuing a decision.

e. Issue a written decision with supporting rationale. The decision will be provided to the grievant within 45 days from the date the deciding official receives the grievance from the HRD. If the deciding official determines that more than 45 days is needed (e.g., to complete fact-finding), the grievant will be notified of the reason for the delay and the date by which a decision should be issued.

4.3.6 The deciding official's decision on the grievance is final. There are no provisions for further review.

4.4 Group Grievances

4.4.1 A group of employees with a common complaint may present a grievance under the provisions of this NPR. One person will be identified by the group as its representative so the grievance can be handled efficiently and expediently. If employees in the group work for different supervisors, the HRD shall identify the official to whom the group should present its grievance under the informal procedure.

4.5 Grievance Cancellation

4.5.1 The deciding official may cancel a grievance:

- a. At the grievant's request.
- b. Upon termination of the grievant's employment with the Agency unless the personal relief sought may still be granted.
- c. When the grievant fails to comply with applicable time limits or procedural requirements (e.g., when the grievance is untimely or covers matters excluded from the AGS).

4.6 Time Limits

4.6.1 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, a Sunday, or a legal holiday. 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. The following time limits shall be followed during the AGS process. An employee may request an extension on these time limits by submitting a written request to the HRD explaining the reason the extension is needed, except in regard to the submission of an informal grievance, which may be approved by the immediate supervisor based on a verbal or written request.

Action	Responsible Individual	Timeframe
Submission of informal grievance	Grievant or representative	Within 15 days
Response to informal grievance	Immediate supervisor or designee	Normally within 15 days of receipt
Submission of formal grievance	Grievant or representative	Within ten days of receipt of prior management decision

Formal grievance - determine acceptability and forward to Deciding Official or return to grievant.	HR Director or designee	Within seven days of receipt
Employee comments to grievance file.	Grievant or representative	Within seven days of receipt of notice to review file and provide comments
Final Decision	Deciding official	Normally within 45 days of receipt of grievance from HRD

Figure 1-1, AGS Time Limits

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