

CHAPTER 2: FAA GRIEVANCE PROCEDURE

201. Purpose

The purpose of the FAA administrative grievance system is to provide a fair, equitable, and timely forum for internal review and resolution of disputes on employment-related matters arising in the Federal Aviation Administration. The FAA grievance system encourages all managers, supervisors, and employees and their representatives to make efforts to seek early, informal resolutions of disputes. The following process sets forth requirements for the establishment and administration of the FAA administrative grievance system.

Employees and supervisors involved in grievances or appeals shall be free from restraint, interference, coercion, discrimination, reprisal, and intimidation in connection with their respective roles in such proceedings.

Actions on the part of employees or supervisors intended to intimidate, coerce, or take reprisal against witnesses offering information in such cases are expressly prohibited and can result in disciplinary action.

202. Definitions

A. Day: Calendar day.

B. Employee: A permanent employee of the FAA who is not serving a probationary or trial period or on a temporary appointment.

C. Personal Relief: A specific remedy personally benefiting the grievant(s) that may not include disciplinary action or other action affecting another employee.

203. Coverage

A. Matters of personal concern or dissatisfaction to an employee or group of employees acting as individuals subject to control of FAA management or any matter where an employee alleges that coercion, reprisal, or retaliation have been practiced against him/her may be the subject of a grievance.

B. Sustained written reprimands.

C. Denials of within-grade increases.

D. Suspensions of 14 days or less.

204. Exclusions

A. Any employee covered by a collective bargaining agreement.

B. Retirement.

C. Life or health insurance.

D. National security determinations under 5 USC 73.

E. Examination, certification, or appointment.

F. Classification of any position that does not result in reduction in grade or pay.

G. Removal of employees on a trial or probationary periods, except employees in a first-time supervisory/managerial probationary period.

H. Matters that are covered by any other statutory appeals process.

I. An action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee and the FAA.

J. Revocation or denial of security clearances.

K. Matters relating to overtime entitlement or designation of status under FLSA.

L. Decision by a manager to fill a vacant position with no competition, either permanently or temporarily.

M. A decision on an earlier grievance.

N. Matters involving waivers of offsets to military retired pay or civilian reemployed annuitant salaries.

O. Matters involving highest previous rate determinations.

P. Matters involving requests for part-time work schedules.

Q. Matters that are subject to appeal under the FAA appeals procedure. (NOTE: Also see FAA PMS Chapter III, Section 4(C) for additional exclusions.)

205. Grievance Procedure

A. Stage 1: Problem Solving

When an issue arises, it shall be submitted to the supervisor orally or in writing within 10 days of the incident or within 10 days of the time the employee may have been reasonably expected to have learned of the incident.

A meeting shall be held within 10 days of notification to allow the employee to freely present, receive, and exchange information and his/her views on the situation. The employee may have a representative present during the meeting. A resolution will be sought; and if one is found, it will be acted upon with mutual agreement. Resolution is highly encouraged at this level. The supervisor may use whatever tools necessary to resolve the issue at this level. If no resolution is reached within 10 days after the meeting, the employee may elevate the grievance to the formal stage by filing it in writing with the next level manager within 5 days from the expiration of above time period.

A grievance involving a denial of a within-grade increase or a suspension of 14 days or less must be filed at the formal stage within 10 days of the receipt of the decision letter, with the next level above the deciding official for the action. A grievance involving a written reprimand must be filed at the formal stage within 10 days with the next level above the deciding official after the employee has provided his/her reply, unless the supervisor returns the reprimand to the employee. (For ARA grievances see ARA PRIB 17C for additional guidance.)

B. Stage 2: Formal

A meeting shall be held with the manager within 10 days of the employee's having filed the formal grievance to allow the employee to freely present, receive, and exchange information and his/her views on the situation. The employee is entitled to have a representative of his/her choice during this meeting. If travel is necessary to attend the meeting, the employee will pay for the travel of his or her representative. If the employee's representative is an FAA employee, the request for representation by an FAA employee can be denied if either operational considerations or the nature of the requested representative's official duties presents a conflict. A decision to deny a request for representation by an FAA employee shall be made by the head of the requested representative's line of business/staff. The manager has 10 days to resolve the grievance from the close of the meeting with the employee. The decision shall be in writing and will specify that relief is

granted, if any, or why the grievance is denied. This decision is the final decision of the FAA grievance procedure. (For ARA grievances see ARA PRIB 17C for additional guidance.)

206. Cancellation of a Grievance

A grievance may be canceled for any of the reasons listed below:

- A. At the employee's request.
- B. As the result of a settlement agreement.
- C. Upon the death of the employee, unless the grievance involves a financial consideration on the part of the employee.
- D. For the failure of the grievant to comply with the appropriate time frames and procedures contained in this policy or if other procedural deficiency(s) cancel the grievance or suspend processing of the grievance and are not corrected as required.
- E. When the grievant has previously filed or later files a formal appeal, complaint, or other challenge on the same matter.