

## **Policy Template: Administrative Grievance Process for Schedule Policy/Career**

### **Template General Instructions**

1. The purpose of this document is to provide federal agencies with a template that they may quickly adapt to their internal administrative grievance policies to align with OPM's final regulations on Schedule Policy/Career.
2. This process is intended to provide a prompt, fair, and internal review of personnel decisions while preserving agency discretion and managerial flexibility consistent with Executive Order 13957, as amended, and OPM's Schedule Policy/Career regulations.
3. The grievance process established under this policy is entirely administrative, applies only within the agency, and does not create any right to appeal or seek review outside the agency.
4. Agencies are not required to set up such processes, and doing so is entirely discretionary.
5. Agencies may adapt this template to meet mission needs. Absent extraordinary circumstances, agencies should complete processing of any grievance within **30 calendar days** from the date the grievance is filed.
6. In the template, text boxes are used to show template instructions or notes that would not be part of the policy document issued by the agency. Those instructions and notes are intended to assist agencies as they use the template to create an agency policy document.

## **Template Policy on Administrative Grievances under Schedule Policy/Career**

[Instructions: This document sets forth changes to agency policies regarding administrative grievances filed by Schedule Policy/Career employee. Agencies may adapt this template to meet their mission needs.]

### **A. Applicability**

This policy applies to all positions placed into Schedule Policy/Career by the President at [AGENCY NAME].

### **B. Authority**

Executive Order 13957, as amended by Executive Order 14171, establishes Schedule Policy/Career as a new schedule in the excepted service. In compliance with these Executive Orders and OPM regulations, including 5 C.F.R. Parts 432, 752, and 771, this policy establishes the rules governing administrative grievances filed by Schedule Policy/Career employees.

### **C. Policy Statement**

It is the policy of the [AGENCY NAME] to provide Schedule Policy/Career employees with a limited, internal administrative mechanism to grieve certain personnel actions to ensure consistency, accountability, and sound decision-making while preserving the agency's authority to manage its workforce in an efficient and effective manner.

Decisions issued under this policy are final and are not subject to further administrative or judicial review. This process does not create any property interest, expectancy of continued employment, or substantive or procedural rights beyond those expressly provided in this policy.

### **D. Scope**

1. This policy applies to:
  - a. All [AGENCY NAME] employees currently or formerly serving in Schedule Policy/Career positions.
  - b. The following personnel actions: suspensions without pay regardless of length; reduction in grade or pay; and terminations from an employee's position and federal service.

2. This policy does not apply to:
  - a. Any [AGENCY NAME] current or former employees not serving in a Schedule Policy/Career position.
  - b. Any personnel action not explicitly covered in paragraph 1.b. in this Section.
  - c. Any complaint, grievance, action, or other matter covered by a collective bargaining agreement, agency policy such as the [AGENCY NAME]'s policy on prohibited personnel practices, or legal process defined in law, rule, or regulation.

#### **E. Procedures**

1. An employee may file an administrative grievance within seven (7) calendar days from the effective date of a personnel action.
2. To file an administrative grievance, the employee must file a written statement along with any supporting documentation to the Office of General Counsel at the following email address: [AGENCY OGC EMAIL ADDRESS].
3. The written statement must clearly identify:
  - a. the personnel action being challenged,
  - b. a concise statement of the reasons the employee believes the action was improper,
  - c. any known witnesses and documentation supporting the grievance,
  - d. the relief sought by the employee,
  - e. contact information of the current or former employee and any designated representative, and
  - f. a designation of representative, if applicable.
4. A current or former employee filing an administrative grievance may select a representative of his or her choice to assist in the preparation and presentation of a grievance, provided that the employee submits a designation of representative in writing related to the specific grievance to the Office of General Counsel. If the selected representative is a Federal employee, the representative may not perform such representational functions while in a duty status (including while on official time under 5 U.S.C. 7131), nor may the representative claim agency reimbursement

for any expenses incurred while performing such representational function.

[AGENCY NAME] may, in its sole and exclusive discretion, disallow a current or former employee's choice of representative when the representative is an employee of the responsible agency and his or her activities as a representative would cause a conflict of interest or position; that employee cannot be released from his or her official duties because of the priority needs of the Government; or that employee's release would give rise to unreasonable costs to the Government.

5. Failure to submit a timely or complete grievance may result in dismissal of the grievance without further review.

6. The designated agency official will acknowledge receipt of the employee's grievance.

7. The designated agency official may conduct an investigation including gathering information from agency personnel, documents, and other materials.

8. The employee has no right to conduct discovery, access to materials gathered or produced by the designated agency official, or a hearing.

9. Absent extraordinary circumstances, the designated agency official will provide a final decision responding to the employee's grievance within 30 calendar days from the date the employee filed the grievance.

10. The designated agency official may grant or deny the requested relief, or fashion an appropriate remedy consistent with law, rule, regulation, and Presidential and agency policies.

11. The decision of the designated agency official may only be reviewed, modified, cancelled, or reversed by the head of the agency or other delegated official who is Presidentially appointed, Senate-confirmed. There is no right to arbitral, judicial, or other third-party review of a decision under this policy.

## **F. No Retaliation**

No [AGENCY NAME] employee may retaliate against an individual for filing or participating in an administrative grievance under this policy. Allegations of retaliation may be addressed through the [AGENCY NAME]'s policy on prohibited personnel practices.

## **G. Relationship to Other Procedures**

This policy does not limit an employee's rights to raise matters through channels specifically authorized by law, rule, regulation, or agency policy.