

**ASCS
HANDBOOK**

EMPLOYEE RELATIONS AND SERVICES

For All Offices (Except Counties)

SHORT REFERENCE

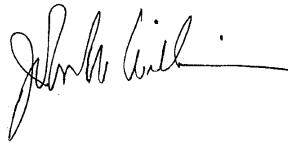
15-PM

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Washington, DC 20250

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

Employee Relations and Services 15-PM	Amendment 26
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Approved by: Deputy Administrator, Management



1 Amendment Transmittal

A

**Reasons for
Amendment**

Exhibit 2 has been added to include definitions of terms used in this handbook.

Exhibit 4 has been amended to incorporate regulatory uniformity for all the organizations in the FFAS Administrative Grievance System.

Page Control Chart		
TC	Text	Exhibit
1, 2		1, page 1 2, pages 1, 2 (add) 4, pages 1-16 page 17 page 18 (add)

Table of Contents

Page No.

Part 1 (Withdrawn--Amend. 16)

- 1-12 (Withdrawn--Amend. 16)
- 13-16 (Reserved)

Part 1.5 Intra-Management Communication and Consultation

16.3	Relationships Among Levels of Management	10.5
16.4	Guidelines for Supervisory Participation	10.5
16.5	Techniques for Intra-Management Communication	10.5
16.6	Association of Supervisors	10.6
16.7	Dues Withholding	10.6

Part 2 Grievance Appeals Procedure

17	Policy	11
18, 19	(Withdrawn--Amend. 25)	
20-26	(Reserved)	

Part 3 Procedure for Handling Debt Complaints

27	Policy	15
28	Responsibility	15
29	Indebtedness Other Than Tax Obligations	15
30	Tax Obligations	16
30.5	Garnishment of Wages (Child Support/Alimony)	17

Part 4 Employee Organizations or Groups

31	Purpose	19
32	Policy	19
33	(Withdrawn--Amendment 8)	19
33.5	Meeting Places	19
34	USDA Clubs	20.5
35	Credit Unions	21
36	Mail and Messenger Service	21
37	Bulletin Boards	21
38	Sale of Tickets and Admission Charges	22

Table of Contents (Continued)

Page No.

Part 5 Employee Orientation

39	Purpose	23
40	Policy	23
41	Materials To Be Furnished Employees	23
42	Materials About Which Employees Should Know	24
43	Orientation Subjects	24

Part 6 The Alcohol and Drug Abuse Program

44	Purpose	27
45	Policy	27
46	Responsibility	27
47	Identification of Problems	28
48	Availability of Program	28
48.5	Confidentiality	28

Part 7 Federal Executive Boards

49	Purpose	31
50	Responsibility of the Boards	31
51	Locations	31
52	Support and Cooperation	31
53	Guidelines for Cooperation	32

Part 8 Requests for Asylum by Foreign Nationals

54	Policy	33
55	Requests in the U.S. or Areas Outside Any Foreign Jurisdiction	33
56	Requests Within Foreign Jurisdictions	33
57	Press Releases	34

Exhibits

1	Reports, Forms, Abbreviations, and Redelegations of Authority
2	Definitions of Terms Used in This Handbook
3	(Withdrawn--Amend. 16)
4	FFAS Administrative Grievance System
5	Locations of Federal Executive Boards

15-PM

PART 1 (WITHDRAWN-AMEND. 16)

1-12 (WITHDRAWN-AMEND. 16)

13-16 (RESEVED)

*--PART 1.5 INTRA-MANAGEMENT COMMUNICATION AND
CONSULTATION

16.3 RELATIONSHIPS AMONG LEVELS OF MANAGEMENT

Supervisors are an integral part of the management structure, because they are the implementors of management policy. They are responsible for administering labor-management agreements, evaluating the views and suggestions of employees and of unions, conveying management's objectives and policies to employees and unions, and relaying constructive views and ideas proposed by employees and unions to top management. Due to the importance of their understanding management's goals and policies, supervisory participation in the formulation of management policy is most necessary. In view of his importance to the entire management framework, communications between supervisors and top management will establish clarified policies, objectives and direction throughout ASCS.

16.4 GUIDELINES FOR SUPERVISORY PARTICIPATION

- A Supervisors shall assist top management in formulating policy and shall be included in the decision-making process.
- B Supervisors are encouraged to present constructive recommendations which they feel could improve operational efficiency and employee morale and are to be informed on how their recommendations were implemented, or why their recommendations could not be implemented.
- C Supervisors shall be consulted on an individual basis if they are not affiliated with an association of supervisors.

16.5 TECHNIQUES FOR INTRA-MANAGEMENT COMMUNICATION

The following are offered as techniques or practices in establishing system(s) for communicating and consulting with supervisors:

- A Written communications.
- B Supervisor's Newsletter.
- C Circulating material of interest.
- D Meetings and conference.--*

- *--E Training (work procedures and skills).
- F Review of proposals.
- G Open door policy.
- H Management luncheons.
- I Visits by management officials.
- J Discussion groups.

16.6 ASSOCIATION OF SUPERVISORS

- A General. A division or office may establish a consultative relationship with an association of supervisors if a sufficient number of supervisors would make such a relationship practicable.
- B Request for Consultative Relationship. The association must submit a written request to the head of the office which includes:
 - 1 Evidence that it is not affiliated with a labor organization or federation of labor organizations.
 - 2 The number of supervisors who are members of the association within the organization for which the consultative relationship is requested. Membership or 20 percent or more of the supervisors involved is considered appropriate.
 - 3 A copy of the constitution and bylaws of the associations.
 - 4 Statement of the aims and objective of the association.
- C Approval. If the head of the office determines that the requirements of paragraphs A and B above are met, he shall forward the request with his recommendation of approval to the PM division.

16.7 DUES WITHHOLDING

A dues withholding agreement with an association of supervisors will be forwarded to PM Division for approval.--*

PART 2 GRIEVANCE APPEALS PROCEDURE

17 POLICY

Employees' access to responsible administrative officials for the discussions of individual problems affecting their status and welfare is essential to good personnel administration. Such problems shall receive prompt and reasonable consideration.

Employees may appeal regarding any aspect of their working environment and working relationships with supervisors that is subject to management control and the implementation of personnel policies.

Employees shall be free from restraints, interference, coercion, discrimination, or reprisal in any connection with regard to an appeal or complaint.

--See Exhibit 4 for the FFAS Administrative Grievance System.--

18, 19 (WITHDRAWN--AMEND. 25)

20-26 (RESERVED)

PART 3 PROCEDURE FOR HANDLING DEBT COMPLAINTS

27 POLICY

*--ASCS will not consider as a fit employee anyone who, without adequate reason, fails to pay just debts in a proper and timely manner. Failure to pay Federal income taxes will result in deductions from salary. Deductions from salary are not authorized to pay other debts. Creditors or collectors shall be denied access to employees while on official duty. Disciplinary action may be taken where it is determined that the employee's actions reflect adversely on USDA.

28 RESPONSIBILITY

The personnel officer or the person who normally handles personnel matters shall act on debt complaints. Required action includes:

- A Counseling the employee,
- B Assisting in planning a payment schedule, and
- C Promptly advising the creditor.

29 INDEBTEDNESS OTHER THAN TAX OBLIGATIONS

A If the employee acknowledges the debt as just, or if it has been reduced to a judgment by court, advise him that he is excepted to liquidate the obligation. The method of payment shall be in accordance with the purchase agreement or some other method satisfactory to the creditor. The employee shall furnish a written statement acknowledging the debt and stating the agreed method of liquidation. If he is found to be financially unable to pay the debt immediately, require him to state in writing:

- 1 Why he cannot make payment in accordance with the purchase agreement.
- 2 When he expects to be able to make payments.

B If the employee does not acknowledge the debt as just, and it has been reduced to a judgment by a court, require him to state in writing:

- 1 Why he feels the debt is not just, and---*

- *--2 His intention to initiate action to have the judgment modified or set aside. Unless he proceeds promptly, the responsible official should insist on payment.
- C If the employee does not acknowledge the debt as just, and it has not been reduced to a judgment by a court, require him to state in writing why he considers the debt unjust. Notify the creditor or collector that:
- 1 The employee does not acknowledge the debt and
 - 2 Nothing can be done unless it is reduced to a judgment.
- D If the employee fails to follow through on the promises made to the agency, disciplinary action may be taken. Where such action is deemed necessary, document the case and send it to the appropriate personnel office. The documentation must reflect the circumstances surrounding the employee's failure to cooperate. Before recommending disciplinary action, give the employee every assistance in resolving his financial difficulties.

30 TAX OBLIGATIONS

- A Responsibility of Employees to Pay All Taxes When Due. Employees are expected to pay their Federal, State, and local taxes in accordance with the laws of the jurisdiction in which they reside or work. When unable to do so, they should make satisfactory arrangements for payment with the proper taxing authorities.
- B Federal Income Taxes. The Internal Revenue Code of 1954 permits IRS to collect delinquent taxes from Federal employees by levy upon their accrued salaries or wages. Generally, collections by this method will not be restored until the employee has been given opportunity to make a settlement.
- C State and Local Taxes. Employees are expected to cooperate with State and local tax authorities in effecting any proper payment or adjustment of tax bills owned by them. Disciplinary action should be recommended when employees fail to cooperate.--*

*--30.5 GARNISHMENT OF WAGES (CHILD SUPPORT/ALIMONY)

- A Responsibility of Employee to Meet Legal Obligations for Child Support and/or Alimony. Employees are required to meet any legal obligations to provide child support or make alimony payments.
- B Garnishment of Wages. Wages of employees are subject to garnishment to enforce any legal obligations of the employee to provide child support or make alimony payments.
- C Forwarding Court Orders for Garnishment. Forward court order and any notice of garnishment or attachment of wages in child support and/or alimony cases to Director, PED along with the following information concerning the employee involved.
- 1 Amount of biweekly gross salary.
 - 2 Itemized list of all deductions per pay period (i.e. Federal tax, State tax, FEGLI, FEHBA, bonds, allotments, etc.)
- D Receipt of Court Order in PED. PED shall process court order and:
- 1 Notify employee of the reason for the deductions, the amount of arrears, the biweekly deductions, and the date deductions will begin.
 - 2 Furnish copy of notification to field office for inclusion in official personnel folder.
- E Receipt by Field Office of Notification From PED. File copy of notification on the temporary (left) side of the employee's official personnel folder. Remove when deductions are completed.
- F Separation of Employee. Notify PED promptly, by telephone and follow up with memorandum.--*

--PART 4 EMPLOYEE ORGANIZATIONS OR GROUPS--

31 PURPOSE

To set forth the procedures governing the establishment and operation of employee welfare and recreation associations and other activities of employees in Washington and field offices. This excludes organizations whose purpose is the improvement of working conditions, personnel policies and practices which, for this purpose, are governed by Part 1.

32 POLICY

ASCS will assist employee groups insofar as laws and regulations permit. Such groups shall act for the benefit of employees in general and not for the benefit of an individual or special group.

33 (WITHDRAWN--AMENDMENT 8)

*--33.5 MEETING PLACES

A Policy for Use of Meeting Places. Meeting places under the control of ASCS may, when not required for official use, be used by recognized employee organizations or groups for non-official purposes.

B Criteria for Recognizing Employee Organizations or Groups. Recognition may be granted to an employee organization or group, not otherwise recognized specifically in writing under USDA regulations, which consists wholly or predominantly of USDA employees and meets the following criteria:

- 1 It does not practice or advocate discrimination based upon race, color, religion, sex, or national origin.
- 2 The purpose of the organization is to promote the social, health, welfare, or employment interests of USDA employees and is otherwise consistent with the law and other applicable regulations.
- 3 It has been in existence for the last three months.

C Procedures for Recognizing Employee Organizations or Groups.

- 1 Applications for recognition must be submitted in writing to the Director, PM Division, for the Washington, D.C. Metropolitan Area and to the heads of field offices outside the D.C. area and must contain:--*

- *--a Name and address of the organization or group.
 - b Name, title, work address, and telephone numbers of the officers, if any, of the organization or group.
 - c Name, title, work address, and telephone numbers of the officers or other persons designated to represent the organization or group. Such persons must be employees of USDA.
 - d Date of establishment of the organization or group.
 - e Purpose of the organization or group and nature of its activity.
 - f Number of members.
 - g How often the organization or group holds meetings.
 - h Statement that the organization or group consists wholly or predominantly of USDA employees.
 - i Either:
 - (1) A copy of the constitution and by-laws of the organization or group; or
 - (2) A statement the the organization or group has no constitution or by-laws.
 - j Statement that the organization or group does not practice or advocate discrimination based upon race, color, religion, sex, or national origin.
- 2 Any change in the information supplied shall be submitted in writing to the official who granted the recognition within 30 days following the change. For this purpose, a change in subparagraph C 2 need only be reported when a new representative has been designated.
- D Suspension or Revocation of Recognition. Such action may be taken by the granting official or his designee upon a finding that the organization or group is no longer qualified for such recognition, or has failed to abide by applicable law and regulation.--*

--E Employee Attendance at Meetings of Recognized Organizations or Groups. If held during duty hours, arrangements must be made with supervisors. Normally, such time will be on annual leave of the employee involved when it is outside of or exceeds the specified lunch period.--

34 USDA CLUBS

Employees in some offices have organized USDA clubs as a means of keeping posted on the broad phases of the agricultural program and developing personal acquaintance among employees of the various agencies. This agency encourages the establishment of these clubs and their activities as they improve employees services go the public.

35 CREDIT UNIONS

Credit unions have been established both in Washington and in many cities in the field. Employees may save money by purchasing shares on which an annual dividend is paid and may borrow money, with the credit committee's approval, at a low interest rate and be repaid monthly.

36 MAIL AND MESSENGER SERVICE

ASCS will extend the use of its mail and messenger service to aid employee groups in the distribution of their material without review or prior approval of any agency official.

37 BULLETIN BOARDS

Bulletin boards are established in the building corridors for the posting of official information and unofficial information concerning employee welfare. Employee groups and individual employees may post material which conforms to these procedures. All notices must be neat and dignified and they must not contain any discriminatory provisions.

A Material that May be Posted Without Specific Approval.

- 1 Information concerning agency or Department employee groups, including prices of recreational activities, but not including discount price lists or other material of this nature.
- 2 Ads, including prices, of living accommodations for rent or wanted
--to rent by employees of the agency. Notice of rental of housing, including rooms for rent, shall bear the legend: "This housing is offered to any person without regard to race, creed, color or national origin."--
- 3 Ads for rides, riders, or rotators by agency employees.

B Material Which May be Posted on Approval.

- 1 Information concerning recognized, nonprofit, community-wide activities. This may include prices.
- 2 Information on organizations or events recognized as profit-making activities; such as, concerts, lectures, etc., if the activities are actually recreational or educational in nature. This may include prices.

--C Posting and Removing Material. Each office head shall designate an employee to be responsible for controlling the office bulletin boards. This employee shall be responsible for replacing or removing any material. A 3 x 5 card containing the employee's name and telephone number shall be posted on the board.--

38 SALE OF TICKETS AND ADMISSION CHARGES

The sale of tickets in buildings under the control of the agency of the charging of admission to auditoriums or other rooms is permitted only if directly related to employee activities; such as plays, concerts, etc. or in connection with the work of the Department of Agriculture Graduate School. In either case, approval by the head of the office must be obtained in advance.

PART 5 EMPLOYEE ORIENTATION

39 PURPOSE

The purpose of this part is to establish responsibilities of various officials to acquaint employees with the work of ASCS and define their rights, benefits, obligations, and privileges resulting from their employment.

40 POLICY

It is necessary to the accomplishment of the objectives of ASCS that a well-trained, competent and productive work force be maintained. To do this, personnel officers, administrative officers, SED's and supervisors shall develop and present to their respective new employees information and material designed to orient and assist them in meeting their responsibilities.

41 MATERIALS TO BE FURNISHED EMPLOYEES

Personnel offices, administrative officers, and SED's will furnish new employees with the following materials:

- A USDA Employee Handbook.
- B Information concerning the ASCS Merit Promotion Program.
- C Information concerning the ASCS Training Program.
- D SF-105, Membership Certificate Civil Service Retirement System.
- E Pamphlet "Your Social Security."
- F Form G-3385, "Federal Employees' Group Life Insurance."
- G The Agency Incentive Awards Program.
- H Group Life Insurance for Federal Civilian Employees.
- I Materials about the Federal Employee's Health Benefits Act.
- J Post attach memorandum.
- *--K CA-11, a pamphlet which summarizes basic employees rights under FECA.
- L CA-13, a wallet-size card which informs employees of what to do when injured a work.--*

42 MATERIALS ABOUT WHICH EMPLOYEES SHOULD KNOW

Employees should be given the following and informed that use is optional:

- A Authorization for purchase of U.S. Savings Bonds, Treasury Department, Form No. 2254.
- B Designation of Beneficiary, Civil Service Retirement System SF-2808.
- C Designation of Beneficiary, unpaid compensation of deceased civilian employee, SF-1152.
- D Designation of Beneficiary, SF-54, for insurance payable under the Federal Employee's Group Life Insurance Act of 1954.
- E USDA Graduate School pamphlet, for employees in metropolitan area, Washington, D.C.

43 ORIENTATION SUBJECTS

In order to assist new employees to become productive and fit into the organization as soon as possible, the subject listed below should be included in orientation programs. This information can be made a matter of discussion by the employees's supervisor or other appropriate officials. Divisions and offices whose orientation program provide for material to be given employees of local interest may include the subjects listed below.

- A The functions of the employee's particular organizational segment and how it fits into the total organization.
- B Introduction to other supervisor, associates and others with whom he will deal.
- C Work place, desk, equipment, and supplies.
- D Layout of the office and facilities.
- E Lines of authority.
- F Where to go for information.
- G Duties and responsibilities.
- H Performance standards for the job.

- I Training arrangements and plan for learning the job.
- J Location of bulletin boards.
- K Location and use of PM handbooks.
- L Office practices such as lunch, rest periods, hours, leave, use of telephone, etc.
- M Community resources, as necessary, on housing, transportation, schools, recreational facilities, shopping, banking.
- N Legal assistance to employees.

*--PART 6 THE ALCOHOL AND DRUG ABUSE PROGRAM

44 PURPOSE

- A To provide background for the implementation of the program as outlined in 8-PM.
- B To establish basic responsibilities of the employee, supervisor, and agency in identifying those employees with an alcohol or drug problem which is affecting their job performance or conduct.

45 POLICY

ASCS recognizes alcoholism and drug dependency as illnesses which can be treated successfully in most cases. No intrusion will be made into an employee's private life; the choice to use alcohol or drugs is a personal matter when such use does not affect job performance or conduct. However, when such use contributes to poor job performance or unsatisfactory conduct, it becomes ASCS's obligation to assist employees in overcoming their problems.

46 RESPONSIBILITY

- A Employee. Is primarily responsible for his own job performance and conduct, and for taking any action or treatment necessary to maintain such performance.
- B Supervisor. Will ultimately make the decision which may adversely affect a valuable employee. Second only to the employee, the supervisor has the most to gain from early identification of the problem. The supervisor should:
- 1 Promptly identify the employee with a problem.
 - 2 Assume an understanding attitude.
 - 3 Motivate him to seek assistance by using his failure to meet performance and conduct standards.--*

*--C Agency. Shall provide assistance by referral to outside professional sources for diagnosis and treatment when an employee seeks, or is identified as needing treatment. Failure to accept assistance may result in disciplinary action up to an including removal, depending upon the effect of the employees' problem on job performance or conduct. The intention is to assist employees in solving problems which are affecting their job performance or conduct because of the use of alcohol or drugs.

47 IDENTIFICATION OF PROBLEMS

Declining job performance may be caused by a number of personal factors, including alcoholism or drug abuse. Employees with either of these problems may be identified through poor job performance and conduct. Symptoms such as declining work performance, poor interpersonal relations with fellow employees, marked changes in work patterns, changes in personal appearance, or demonstration of inappropriate conduct may indicate that an employee is suffering from alcoholism or drug abuse, except when some obvious crisis or change in life style has occurred.

48 AVAILABILITY OF PROGRAM

Available to all employees on a self-referral basis through the personnel office. See 8-PM for program procedure.

48.5 CONFIDENTIALITY

Is assured for any employee, whether self-referred or referred by a supervisor. Program participation is not reflected in any official personnel record. (See 8-PM.)--*

*--PART 7 FEDERAL EXECUTIVE BOARDS

49 PURPOSE

Federal Executive Boards are established by the President and are located in metropolitan areas of the country where there are significant concentrations of Federal activity. The boards have been created to provide a means for improving the Federal service through the development of a sense of partnership between Federal, State, and local governments.

50 RESPONSIBILITY OF THE BOARDS

- A To coordinate activities of national interest at the local level.
- B To provide channels of communication from the President to the public.
- C To improve communications about the activities of the Federal Government.
- D To provide management improvement across department and agency lines.

51 LOCATIONS

See Exhibit 5.

52 SUPPORT AND COOPERATION

ASCS officials are expected to support the Federal Executive Boards and their activities with particular emphasis in the following areas:

- A Government-wide policies requiring the full cooperation of all Government agencies can be carried out more effectively through Federal Executive Board leadership. Examples include equal employment opportunities and summer youth program.
- B Federal Executive Boards can serve the Community Chest Campaigns, blood donor drives, and other continuing and emergency community needs.
- C Federal Executive Boards can help improve efficiency of operations, service to the public, sharing of space and equipment, and employee recognition.--*

*--53 GUIDELINES FOR COOPERATION

Heads of offices at locations where Federal Executive Boards are established shall cooperate within their delegated authority. Comply with requests from the Boards for information and assistance in carrying out approved local projects, subject to the following conditions:

- A The information requested is available locally and is not beyond the office(s) scope of responsibility, or
- B Requests to spend significant amount of time on board projects shall be reported to the appropriate deputy administrator for decision.--*

*--PART 8 REQUESTS FOR ASYLUM BY FOREIGN NATIONALS

54 POLICY

Both within the U.S. and abroad, foreign nationals who request asylum of the U.S. Government because of persecution or fear of persecution should be given full opportunity to have their request considered on its merits. The request of a person for asylum or temporary refuge shall be arbitrarily or summarily refused.

55 REQUESTS IN THE U.S. OR AREAS OUTSIDE ANY FOREIGN JURISDICTION

- A Coverage. Requests received within territory under the jurisdiction of the U.S., or aboard a U.S. vessel or aircraft in or over U.S. territorial waters or on or over the high seas.
- B Notification of Department of State.
- 1 Upon receipt of request for asylum or an indication that a request is imminent, immediately notify the Department Operations Officer at the Operations Center of the Department of State (telephone area code 202, 632-1512).
 - 2 Forward the following information when available but do not delay initial report pending its development:
 - a Name and nationality of the individual seeking asylum.
 - b Date, place of birth, and occupation.
 - c Reason for claiming asylum.
 - 3 Telephone notification should be confirmed as soon as possible with an IMMEDIATE telegram to the Department of State summarizing all available information.
- C Notification of Director, PM Division. Notify through channels as soon as possible, providing all available information.
- D Queries from Foreign Authorities. Senior official present shall reply that the case has been referred to headquarters for instructions.

56 REQUESTS WITHIN FOREIGN JURISDICTIONS

- A Coverage. Requests received at U.S. installations, vessels, or aircraft in foreign jurisdictions.--*

*--B Notification. Upon receipt of request for U.S. asylum made by any foreign national, immediately notify the nearest American diplomatic or consular office in the country in which the request is made. Furnish information as prescribed in subparagraph 55 B 2.

57 PRESS RELEASE

No press release may be issued in the U.S. or abroad concerning asylum being sought. An acknowledgment may be made to the press that a request has been received and is under consideration in Washington, if this is applicable and is consistent with security and local considerations. The Department of State should be immediately notified of any such acknowledgment.--*

Reports, Forms, Abbreviations, and Delegations of Authority

Reports None

Forms None

Abbreviations Not Listed in 1-CM This table lists all abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Use
ADR	Alternative Dispute Resolution	Ex. 4
RD	Rural Development	Ex. 4
SES	Senior Executive Service	Ex. 4

Delegations of Authority None

***--Definitions of Terms Used in This Handbook**

**Alternative
Dispute
Resolution
(ADR)**

ADR is a series of problem solving tools used to assist in the resolution of conflicts between people or organizations

Examples: Mediation, neutral evaluation, facilitation, and conciliation.

**Bargaining Unit
Employee**

A bargaining unit employee is an employee included in an appropriate exclusive bargaining unit as determined by the Federal Labor Relations Authority for which a labor organization has been granted exclusive recognition.

**Factfinder or
Agency
Grievance
Examiner**

A factfinder or an Agency grievance examiner is a person appointed to conduct appropriate inquiry into a formal grievance and recommend a decision on the issue or issues of the grievance.

Grievance

A grievance is a request by an employee or a group of employees, acting as individuals, for personal relief in a matter of concern or dissatisfaction that is subject to the control of Agency management.

Grievance File

A grievance file is a file established expressly for the purpose of creating and preserving a record of all documents and evidence pertinent to a grievance. This includes, but is **not** limited to:

- letters and memoranda generated by the person filing the grievance
- letters and memoranda generated by the involved supervisor
- statements of witnesses
- official records
- documents upon which the proposed and final dispositions of the grievance are based.

Note: The grievance file may **not** contain any document or item **not** made available to the grievant for review before a final decision on the grievance.--*

Continued on the next page

***--Definitions of Terms Used in This Handbook (Continued)**

Personal Relief Personal relief is a specific remedy directly benefitting the grievant. Failure to request personal relief in a grievance may be grounds for rejection of the grievance.

Note: A request for disciplinary action against another employee is **not** a request for personal relief.--*

FFAS Administrative Grievance System

***--1 Overview**

A**Purpose**

This exhibit provides FFAS, RD, and NRCS procedures for filing and considering employee grievances. The Administrative Grievance System:

- gives employees an opportunity to:
 - present grievances
 - seek a resolution
 - incorporates and supplements the Department Personnel Manual, Chapter 771.
-

B**Delegations of Authority**

Authority to resolve a grievance is delegated to the lowest level individual that can make a decision on the matter being resolved.

2 Administrative Grievance Coverage

A**Employees Covered**

The Administrative Grievance System applies to all:

- nonbargaining unit employees of FFAS, RD, and NRCS
 - bargaining unit employees **not** covered by a negotiated grievance procedure.
-

B**Employees Excluded From Coverage**

The Administrative Grievance System excludes from coverage all:

- applicants for employment
 - bargaining unit employees covered by a negotiated agreement
 - members of the Foreign Service of the United States covered under the Foreign Service Grievance System as defined by the Foreign Service Act of 1980.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--2 Administrative Grievance Coverage (Continued)**

C**Subject Matter
Covered**

The Administrative Grievance System applies to any matter of concern or dissatisfaction relating to the employment of an employee that is subject to the control of management, including but not limited to:

- improper application of or failure to follow rules and regulations
- unfair treatment
- prohibited personnel practices covered by the EEO complaint system
- working conditions

Exception: Discrimination based on race, religion, national origin, gender, age, disability, and sexual orientation.

- performance appraisals

Exception: A Summary Rating of Results Achieved.

- nonselection for training
 - suspension from duty without pay for 14 calendar days or less and letters of reprimand or warning
 - changes in assignments, including details and reassignments
 - allegations of partisan political discrimination
 - separation of an employee during a probationary period for reasons of misconduct.
-

D**Subject Matter
Not Covered**

The Administrative Grievance System does **not** apply to the following:

- separation of employees serving under Schedules A through C appointments
 - the content of published Agency procedures and policy--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--2 Administrative Grievance Coverage (Continued)**

D**Subject Matter
Not Covered
(Continued)**

- matters appealable to EEOC, MSPB, OPM, the Federal Labor Relations Authority, or the Comptroller General

Note: Such decisions include, but are **not** limited to:

- adverse action, except suspension of 14 calendar days or less
 - denial of a within-grade salary increase
 - position classification action
 - allegation or complaint of discrimination or sexual harassment
 - reduction-in-force action
 - violation of re-employment priority rights
 - violation of re-employment or reinstatement rights
 - violation of military restoration rights
 - salary-retention decision
 - fitness-for-duty examination
 - life insurance decision
 - health benefits decision.
- nonselection for promotion or lateral reassignment from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion
 - a preliminary warning notice of an action that, if effected, would be covered or excluded from coverage under the grievance system
 - an action that:
 - terminates a temporary or term promotion
 - returns the employee to either of the following:
 - the position from which the employee was temporarily promoted
 - a different position, **not** lower in grade, where the employee is informed in advance that the promotion is only temporary--*

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--2 Administrative Grievance Coverage (Continued)**

D**Subject Matter
Not Covered
(Continued)**

- return of an officer or employee from SES to the General Schedule during the 1-year period of probation or for less than fully successful executive performance
 - the substance of the critical elements and performance standards of an employee's position
 - performance appraisal of a member of SES according to 5 U.S.C. 4312(d)
 - return of an employee from an initial appointment as a supervisor or manager to a nonsupervisory or nonmanagerial position for failure to satisfactorily complete the probationary period
 - termination of a probationer for unsatisfactory performance or misconduct
 - reassignment of an SES employee after the employee receives an unsatisfactory rating
 - granting or failure to grant, accepting or failure to accept an employee performance award or a quality salary increase, and adopting or failure to adopt an employee suggestion
 - the termination of an SES career appointee during probation for unsatisfactory performance
 - actions taken according to terms of a formal agreement voluntarily entered into by an employee are **not** grievable.--*
-

FFAS Administrative Grievance System (Continued)

***--3 Definitions**

A**Grievance**

A grievance is a request by an employee or a group of employees, acting as individuals, for personal relief in a matter of concern or dissatisfaction that is subject to the control of Agency management.

B**Factfinder or
Agency
Grievance
Examiner**

A factfinder or an Agency grievance examiner is a person appointed to conduct appropriate inquiry into a formal grievance and recommend a decision on the issue or issues of the grievance.

C**Bargaining Unit
Employee**

A bargaining unit employee is an employee included in an appropriate exclusive bargaining unit as determined by the Federal Labor Relations Authority for which a labor organization has been granted exclusive recognition.

D**Personal Relief**

Personal relief is a specific remedy directly benefitting the grievant. Failure to request personal relief in a grievance may be grounds for rejection of the grievance.

Note: A request for disciplinary action against another employee is **not** a request for personal relief.--*

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--3 Definitions (Continued)**

E**Grievance File**

A grievance file is a file established expressly for the purpose of creating and preserving a record of all documents and evidence pertinent to a grievance. This includes, but is **not** limited to:

- letters and memoranda generated by the person filing the grievance
- letters and memoranda generated by the involved supervisor
- statements of witnesses
- official records
- documents upon which the proposed and final dispositions of the grievance are based.

Note: The grievance file may **not** contain any document or item **not** made available to the grievant for review before a final decision on the grievance.

F**Alternative
Dispute
Resolution
(ADR)**

ADR is a series of problem solving tools used to assist in the resolution of conflicts between people or organizations

Examples: Mediation, neutral evaluation, facilitation, and conciliation.--*

FFAS Administrative Grievance System (Continued)

***--4 General Processing Requirements**

A**Choosing a Representative**

Employees are entitled to be accompanied, represented, and advised at any stage of a grievance by a representative of their choice who has been designated in writing.

The representative chosen by an employee may be disallowable if the representative:

- has a conflict of interest or conflict of position
- is required for other work to meet priority needs of the Agency
- would create unreasonable costs for the Government.

An employee may request review of any disallowance of a representative by the Director, Appeals and Grievances Staff, OHRM, who will make a final decision in the matter.

Note: This review should be requested within 7 calendar days of the receipt of disallowance.

B**Granting Official Time**

The grieving employee and his or her representative shall be granted a reasonable amount of official time, not to exceed 8 hours, to prepare and present the grievance.

The reasonable amount of official time shall be determined at the discretion of the employee's supervisor.

C**Resolving or Withdrawing the Grievance**

Nothing shall prohibit reasonable attempts by managers to resolve, at any time, a grievance that is being processed. Informal resolutions are encouraged at any stage of the process. The employee may withdraw the formal grievance at any stage of the process by notifying, in writing, the official who is considering the grievance. Any successful resolution or withdrawal of the grievance shall be in writing and communicated to the official who is then considering the grievance.--
*

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--4 General Processing Requirements (Continued)**

D**Requesting an
ADR Process**

An employee may request the ADR process be used to resolve employment-related disputes before or in connection with the administrative grievance process. He or she may contact their servicing personnel office for information on the ADR process.

E**Rejecting EEO
Complaints,
MSPB, Federal
Labor Relations
Authority, or
OPM Appeals**

To avoid dual processing, a dispute over a matter for which an employee has either of the following will be rejected under the Administrative Grievance System:

- an entitlement to file an appeal
- a formal challenge in some other forum.

The grievance may be reinstated if the grievance issues are **not** addressed during the appeal process or any other forum.

The official considering the formal grievance shall:

- inform the grievant that the grievance is being rejected
 - return the grievance to the grievant.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--4 General Processing Requirements (Continued)**

F**Canceling or
Rejecting
Grievances**

A formal grievance may be canceled or rejected at any step of the grievance process by the considering official if:

- **no** relief can be granted because of the separation of the grievant
- the relief requested by the grievant is granted
- the matter is raised in another forum in addition to the Administrative Grievance System
- any other action or circumstances results in there being no other basis for other retroactive relief or monetary reward.

The cancellation or rejection of a grievance must:

- be communicated to the grievant, in writing, within 90 calendar days of the initiation of an informal grievance
 - advise the grievant of the right to have the cancellation or rejection reviewed by the Director, Appeals and Grievances Staff, OHRM.
-

G**Freedom From
Reprisal**

Grievants and their representatives shall be free from restraint, coercion, intimidation, or reprisal in presenting a grievance. Allegations of these actions may, at the option of the grievant, be handled according to the either of the following:

- added immediately to the grievance being presented for review
 - submitted directly to the Director, Appeals and Grievances Staff, OHRM.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--4 General Processing Requirements (Continued)**

H**Requesting
Payment of
Attorney Fees**

Employees may request payment of attorney fees in cases where back pay is awarded and the employee's representative otherwise meets the requirements for attorney fees as provided in 5 CFR Part 550. Fees are not payable under any other circumstances.

5 Informal Grievance Procedure

A**Submitting an
Informal
Grievance**

An employee who has a grievable issue shall present the matter as an informal grievance to the lowest level individual who can make a decision on the matter being grieved. If this individual is unknown to the employee, the grievance shall be submitted to the employee's immediate supervisor.

B**Identifying an
Informal
Grievance**

An informal grievance may be presented either orally or in writing. A written explanation should **not** be required from the employee. However, in presenting a grievance, it is the employee's responsibility to:

- identify the matter of concern
 - identify the corrective action sought
 - clearly identify that he or she is initiating the grievance process.
-

C**Timeframe for
Presentation**

An employee shall present an informal grievance within 15 calendar days after either of the following:

- the date of the act or occurrence that is the basis for the grievance
 - the date he or she became aware of the act or occurrence.
-

D**Waiving the
Informal Process**

The informal grievance procedure shall be waived and a formal grievance may be filed in the case of a suspension of 14 calendar days or less. In this situation, an employee may file a formal grievance within 15 calendar days of the effective date of the suspension.--*

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--5 Informal Grievance Procedure (Continued)**

E
Resolving the Informal Grievance Use the following steps to resolve informal grievance actions.

Step	Action
1	The individual receiving the informal grievance shall determine whether he or she has the authority to resolve the grievance. If the individual does not have the authority to resolve the grievance, the individual shall forward the grievance to the proper level where the grievance can be resolved and inform the grievant of this action.
2	The official who has the authority to resolve the informal grievance shall make a determination as to whether it is possible to resolve the informal grievance.
3	<p>If the informal grievance cannot be resolved according to step 2, the official who is considering the grievance shall prepare a memorandum to the grievant that includes:</p> <ul style="list-style-type: none"> • the grievance issues • the attempts to resolve the grievance issues • the termination of the informal grievance process • the right to file a formal grievance • that a formal grievance may be filed with the supervisor of the official who considered the informal grievance (second level supervisor) • the 10-calendar-day timeframe in which a formal grievance should be filed • that the grievant may elevate the grievance to the Director, Appeals and Grievances Staff, OHRM, if the grievance process is not completed within 90 calendar days after initiating the informal grievance.
4	The informal process must be completed by issuing a memorandum or resolution of the grievance within 20 calendar days after its initial presentation. If this deadline is not met, the employee may file a formal grievance.

Note: The informal grievance should be addressed whether or not it is presented within the timeframe, although it may be rejected as a formal grievance.--*

FFAS Administrative Grievance System (Continued)

***--5 Formal Grievance Procedure**

A**Filing and
Acceptance**

All formal grievances shall be filed by submitting the grievance, in writing, to the supervisor of the official who considered the informal grievance (second level supervisor).

The second level supervisor shall:

- inform the employee of acceptance of the formal grievance or reject it as:
 - untimely
 - a matter excluded from coverage
 - **not** meeting a requirement for processing
 - a matter **not** presented as a part of the informal grievance, except as specified in subparagraph 2 C
 - a matter excluded from coverage because it was filed by an employee excluded from coverage
- send a copy of the formal grievance to the Employee Relations Staff within 5 calendar days after receiving the formal grievance.

Within 7 calendar days after receipt of a rejection of a grievance, the employee may request a review of the rejection by the Director, Appeals and Grievances Staff, OHRM.

B**Submitting a
Formal
Grievance**

A formal grievance must be submitted in writing. To be acceptable as a grievance, it must:

- be signed by the employee or the designated representative
 - state the subject of the grievance
 - specify the corrective action being sought.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--5 Formal Grievance Procedure (Continued)**

C**Timeframe for Filing**

A formal grievance must be filed within 10 calendar days after receiving either of the following:

- the memorandum closing the informal process
 - notification of the 10-calendar-day timeframe.
-

D**Grievance Examination**

If a grievance is accepted, a representative will be designated to review and attempt to resolve the grievance. This will normally be a member of the Employee Relations Staff. A proposed disposition will be issued that will:

- include reasons for any determination on the grievance
 - specify what corrective actions, if any, are to be implemented
 - notify the grievant of:
 - the right to a final decision by the Administrator if the matter has not been resolved to the employee's satisfaction
 - the 10-calendar-day timeframe to request a final decision
 - the need to indicate:
 - which matters are unresolved
 - the corrective action being sought
 - any additional arguments and evidence the grievant wishes to have considered
 - new issues that may **not** be raised as a part of the grievance at this time, except as stated in subparagraph 4 G
 - the Agency's intention to close out the grievance with no further action if the employee does **not** submit a request for further review within the allotted timeframe, and that the proposed disposition will become the Agency's final decision on the grievance.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--5 Formal Grievance Procedure (Continued)**

E**Grievance File
Availability**

All of the material and information on which the proposed disposition is based shall be provided to the grievant or an authorized representative, along with the proposed disposition, if **not** provided previously.

F**Referral to
USDA Grievance
Examiner**

If the grievance is **not** resolved to the satisfaction of the employee, the employee may request factfinding within 10 calendar days after receiving the proposed disposition. The Agency will promptly refer 1 copy of the grievance file containing all documents considered by the Agency and the grievant's request, to the Director, Appeals and Grievances Staff, OHRM, for assignment to a grievance examiner. The referral by the Agency shall:

- address the merits of any additional arguments or evidence presented by the grievant
- certify that the grievant has received a copy of all documents in the grievance file
- include an index of the grievance file.

The notice from the employee indicating that the proposed disposition does **not** resolve the grievance shall include:

- the matter or issues over which there remains disagreement
 - any evidence available to the employee to support the continued request for corrective action.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--5 Formal Grievance Procedure (Continued)**

G**Appointment of
a Grievance
Examiner**

The Director, Appeals and Grievances Staff, OHRM, will appoint a grievance examiner. The grievance examiner is responsible for:

- conducting any inquiry necessary to resolve any disputes as to facts
- developing sufficient basis on which to recommend a decision.

At the discretion of the grievance examiner, the inquiry may include, but is **not** necessarily limited to, any of the following:

- review of the records and documents
 - personal interviews
 - written inquiries
 - group meetings
 - hearings.
-

H**Duties of
Grievance
Examiner**

The grievance examiner will:

- ensure that the employee or designated representative is given an opportunity to review all the information on which a recommended decision will be based and to comment on it
 - will send the grievant and the Administrator a recommended decision that contains:
 - a report of findings of fact
 - an analysis of the issues
 - a recommendation of a decision based on the grievance, including any corrective action that may be necessary.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--5 Formal Grievance Procedure (Continued)**

**I
Final Decision**

The deciding official on a formal grievance shall be the Administrator. The deciding official may:

- issue a final decision to the grievant within 60 calendar days after receiving the request for a final decision without factfinding by a grievance examiner
- accept the grievance examiner's recommendation as the final decision on the grievance
- grant more relief to the grievant than recommended by the grievance examiner
- appeal the grievance examiner's recommendation to the Director, Appeals and Grievances Staff, OHRM, within 15 calendar days after the deciding official received the recommended decision when the recommended decision can be shown to be any of the following:
 - contrary to law, rule, regulation, or published Agency policy
 - supported by less than substantial evidence
 - a precedent of such wide and detrimental impact on the Agency that further review is necessary

Note: The Director, Appeals and Grievances Staff, OHRM, will render the Department's final decision on the grievance after ensuring that the grievant has had an opportunity to review and comment on the Agency's appeal.

- the decision made by the Administrator or by the Director, Appeals and Grievances Staff, OHRM, is final.--*
-

FFAS Administrative Grievance System (Continued)

***--6 Timeframe for Decisions on Formal Grievances**

A**Completion of Processing**

The complete processing of a grievance shall not exceed 90 calendar days. The 90-day period begins on the date that the employee definitively indicates that an informal grievance is being initiated. "Completion of processing" means 1 of the following:

- rejection of the grievance
 - cancellation of the grievance
 - resolution of the grievance to the satisfaction of the grievant
 - issuance of a proposed disposition on the grievance that included the employee's rights to request further review by a Departmental grievance examiner.
-

B**Final Decision**

If the employee decides that the proposed disposition was not acceptable, he or she may request either of the following within 10 calendar days after receiving the proposed disposition:

- a final decision by the Administrator without factfinding

Note: The Administrator shall render the final decision.

- a further review of the grievance by a grievance examiner. The grievance examiner's recommended decision shall be issued to the grievant and the Administrator.--*
-

Continued on the next page

FFAS Administrative Grievance System (Continued)

***--6 Timeframe for Decisions on Formal Grievances (Continued)**

C**Administrator's
Decision**

Within 20 calendar days after the recommended decision, the Administrator shall adopt 1 of the following decisions:

- the grievance examiner's recommended decision
 - grant additional relief
 - exercise the right of appeals to the Director, Appeals and Grievances Staff, OHRM.
-

D**OHRM
Grievance
Examiner**

If the 90-day processing period is exceeded by the Agency, the employee may request that the grievance be assigned to a grievance examiner by the Director, Appeals and Grievances Staff, OHRM. The grievance examiner shall:

- determine the most appropriate method of resolving the grievance
 - use mediation or inquiry to make a recommended decision on the grievance.
-

E**Labor
Management
Obligations**

Where exclusive representation exists, bargaining may be requested to the extent allowed by applicable statutes. Where contract language already addresses these policies and procedures for bargaining unit employees, contract language prevails.--*

LOCATION OF FEDERAL EXECUTIVE BOARDS

Albuquerque	Denver	New York
Atlanta	Detroit	Newark
Baltimore	Honolulu	Philadelphia
Boston	Kansas City	Pittsburgh
Buffalo	Los Angeles	Portland
Chicago	Miami	St. Louis
Cincinnati	Minneapolis - St. Paul	
Cleveland	New Orleans	San Francisco
Dallas -Fort Worth		Seattle