

# **3 FAM 4440 FOREIGN SERVICE GRIEVANCE BOARD**

## **3 FAM 4441 ESTABLISHMENT AND COMPOSITION**

*(TL:PER-268; 6-6-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Employees Only)*

a. There is established a Foreign Service Grievance Board, hereinafter referred to as the "Board" for the Department of State, USAID, USIA, the Department of Commerce, and USDA, to consider and resolve grievances under these procedures.

b. The Board shall consist of no fewer than five members, including a chairperson. The members shall be independent, distinguished citizens of the United States, well known for their integrity, who are not employee or consultants of a foreign affairs agency or members of the Service, but may be retired employees.

c. The Board may act by or through panels or individual members designated by the chairperson, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Reference in these regulations to the Grievance Board shall be considered to be reference to a panel member of the Board where appropriate. All members of the Board shall act in an impartial manner in considering grievances.

d. The Chairperson and other members of the Board shall be appointed by the Secretary of State from nominees approved in writing by the agencies to which this regulation applies and the exclusive representative (if any) for each such agency.

e. Each member of the Board shall be appointed for a term of two years, subject to renewal with the same written approvals required for initial appointment. In the event of inability to obtain agreement on a nominee, each such agency and exclusive representative shall select two nominees and shall, in an order determined by lot, in turn strike a name from a list of such nominees until one name remains.

f. In the event of a vacancy on the Board, an appointment for the unexpired term may be made by the Secretary of State in accordance with the procedures specified in paragraphs d and e above.

### **3 FAM 4442 COMPENSATION**

*(TL:PER-268; 6-6-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Employees Only)*

Members of the Board, who are not employees of the U.S. Government, shall be paid for each day they are performing their duties (including travel time) at the daily equivalent of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

### **3 FAM 4443 REMOVAL**

*(TL:PER-268; 6-6-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Employees Only)*

The Secretary of State may, upon written notice, remove a Board member for corruption, neglect of duty, malfeasance, or demonstrated incapacity to perform the Board member's function, established at a hearing (unless the right to a hearing is waived in writing by the Board member). For these purposes, the Secretary shall designate a hearing officer who shall recommend disposition.

### **3 FAM 4444 REGULATIONS OF THE GRIEVANCE BOARD**

*(TL:PER-268; 6-6-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Employees Only)*

In accordance with section 1106 of the Act, the Board may adopt regulations concerning its organization and procedures. The text of the regulations of the Board (22 CFR, Chapter IX) is published in 3 FAH-1 H-4440.

### **3 FAM 4445 BOARD FACILITIES AND STAFF SUPPORT**

*(TL:PER-268; 6-6-95)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Employees Only)*

- a. The Board may obtain facilities, services, and supplies through the general administrative services of the Department of State. All shall be paid out of funds appropriated to the Department of State for obligation and expenditure by the Board.
- b. All expenses of the Board, including the cost of the travel and travel-related expenses of the grievant shall be borne by the Board.
- c. At the request of the Board, employees of the Department and members of the Service may be assigned as staff employees for the Board.
- d. Within the limit of appropriated funds, the Board may appoint and fix the compensation of such other employees as the Board considers necessary to carry out its functions. The individuals so appointed or assigned shall be responsible solely to the Board and the Board shall prepare the performance evaluation reports for such individuals.
- e. The records of the Board shall be maintained by the Board and shall be separate from all other records of the Department of State under appropriate safeguards to preserve confidentiality.

### **3 FAM 4446 THROUGH 4449 UNASSIGNED**