

3 FAM 4740 ADMINISTRATIVE REVIEW

*(CT:PER-582; 10-25-2005)
(Office of Origin: HR/G)*

3 FAM 4741 DEFINITION

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

An administrative review entails an investigation of the case in question and a review of the factors by a designee of the Deputy Assistant Secretary (DAS) for Human Resources (HR). Such reviewer may consult with the grievant regarding any of the matters raised in the grievance.

3 FAM 4742 ACTION ON REQUEST

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

- a. If, within 15 calendar days of having received a bureau report under 3 FAM 4733, and after consultation (if any) with the grievant, the designated official cannot resolve the grievance in a manner acceptable to the employee, the grievance shall be referred to a qualified examiner.*
- b. The Department shall appoint a qualified examiner whose participation would not result in a conflict of interest or position.*
- c. The examiner shall conduct an inquiry into the issues involved in the grievance. At the examiner's discretion, an inquiry may include:*
 - (1) The securing of documentary evidence;*
 - (2) Personal interviews;*
 - (3) A group meeting;*
 - (4) A hearing; or*
 - (5) Any combination of items (1) through (4) above.*

3 FAM 4743 GRIEVANCE FILE

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

The examiner shall establish a grievance file containing all documents related to the grievance and a report of the hearing when a hearing is held. When the examiner's inquiry has been completed, the grievance *file shall be made available to the employee (and the employee's representative, if any)* for review and comment. The grievant shall be allowed seven calendar days *to review the file*, unless the grievance examiner determines an extension is appropriate.

3 FAM 4744 HEARING

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

At the discretion of the examiner, a hearing may be held to determine the facts concerning the grievance. When the hearing is reported verbatim, the *examiner shall include the transcript in the record of proceedings*. When the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made. When agreed to in writing by the parties, the summary shall constitute the report of the hearing and *shall be made* part of the record of the proceedings. If the examiner and the parties fail to agree on the summary, the parties shall be entitled to submit written exceptions to any part of it. Those written exceptions and the *summary shall* constitute the report of the hearing and *shall be* made part of the record.

3 FAM 4745 EXAMINER'S FINDINGS

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

- a. The examiner shall prepare a report of findings and recommendations and shall submit that report, with the grievance file, to the Deputy Assistant Secretary, Bureau of *Human Resources*, or designated representative.
- b. Within 10 calendar days the Deputy Assistant Secretary, Bureau of *Human Resources*, or designated representative, shall:
 - (1) *Accept* the examiner's recommendations and issue the decision on the grievance; *or*
 - (2) Grant the relief sought by the employee without regard to the

examiner's recommendations; or

- (3) Determine that the examiner's recommendations are unacceptable in whole or part and that the relief sought by the employee should not be granted.

c. *Copies of the Deputy Assistant Secretary's final decision shall be sent to the executive office of the organizational unit concerned and to the grievant, along with copies of the grievance examiner's report.*

3 FAM 4746 CANCELLATION OF GRIEVANCE

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

The Department shall cancel a grievance:

- (1) At the grievant's request;
- (2) Upon termination of the grievant's employment with the Department, unless the personal relief sought by the grievant may be granted after termination of employment;
- (3) Upon death of the grievant, unless the grievance involves a question of pay *or other money allegedly owed to the decedent by the Department; or*
- (4) For failure on the part of the grievant to furnish required information and duly proceed with the grievance.

3 FAM 4747 NO FURTHER APPEALS

(CT:PER-582; 10-25-2005)

(State Only)

(Applies to Civil Service Employees)

Decisions under the Department's administrative grievance system are not subject to any further administrative or judicial review.

3 FAM 4748 THROUGH 4749 UNASSIGNED