



U.S. General Services Administration (GSA)

## **GSA Order: GSA Administrative Grievance Procedures**

HRM 9771.1A

Office of Human Resources Management

### **Purpose:**

This Order issues and transmits the General Services Administration's (GSA) Administrative Grievance policy. This policy outlines procedures for the fair, efficient and orderly filing, processing, review, and disposition of employment-related and workplace grievances.

### **Background:**

This Order is issued pursuant to Title 5, "Administrative Personnel Chapter I. Office of Personnel Management, Subchapter B. Civil Service Regulations. Part 771. Agency Administrative Grievance System."

### **Applicability:**

This Order applies to all agency components and all GSA employees, with the exception of:

1. Schedule C Employees. This policy does not apply to GSA employees who have Schedule C appointments. This includes positions that are excepted from the competitive service because of their policy-determining nature or because they involve a close and confidential working relationship with the agency head or other top appointed official.
2. Direct Reports of the Administrator and Deputy Administrator. This policy does not apply to GSA employees who report directly to the GSA Administrator or Deputy Administrator.
3. The Office of Inspector General (OIG), given its independence under the Inspector General Reform Act of 2008 (5 U.S.C. §§ 401-424).

### **Cancellation:**

This Order cancels GSA Order 9771.1 HRM, GSA Administrative Grievance Procedures, dated October 26, 2022.

**Summary of Changes:**

In accordance with Executive Order 14251, Exclusions from Federal-Labor Management Relations Programs, this Order is updated to allow employees who were formally covered by a bargaining unit to file a grievance under these procedures and to remove references to labor organizations.

**Roles and Responsibilities:**

The Office of Human Resources Management will ensure compliance with governing laws, regulations, and Executive Orders, related to agency grievance procedures.

**Signature**

/S/ \_\_\_\_\_

Arron E. Helm  
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Office of Human Resources Management

9/18/2025 \_\_\_\_\_

Date

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# 1. Introduction

This Order describes the General Services Administration's policy for Administrative Grievance procedures. GSA employees may use this procedure to obtain review and resolution for decisions, actions, or conditions relating to their employment that they believe are arbitrary or unjust. This Order provides a fair, efficient and orderly procedure for obtaining consideration and redress of these concerns.

## 2. Roles and Responsibilities

### **2.1. The Office of Human Resources Management (OHRM) will:**

- a. Provide guidance to employees, supervisors and management officials concerning this Order;
- b. Assist the Deciding Official with identifying an appropriate factfinder, as defined below, and provide administrative assistance to the factfinder, when required, or serve in the role of factfinder;
- c. Ensure the Deciding Official adheres to the provisions of the grievance procedure, including timeframes; and
- d. Maintain records of the grievance, supporting documentation and decision in a separate file system from the employee's personnel records, for a time period as defined in the General Records Schedule.

### **2.2. The Deciding Official will:**

- a. Promptly review grievance submissions and consult with OHRM on the appropriate next steps;
- b. Inform the grievant in writing of the date by which they expect to issue the grievance decision;
- c. Make factual determinations regarding the matter being grieved and determine what personal relief, if any, is to be granted to the grievant; and
- d. Issue grievance decisions according to the timeframes outlined in this policy.

### **2.3. The Grievant will:**

- a. Submit the grievance and any related documents to the Deciding Official and servicing Human Resources Office; and

- b. Ensure the grievance submission contains the required information and is submitted within the required timeframe.

### 3. Rights of employees

3.1. Employees are assured of freedom from restraint, interference, coercion, discrimination, or reprisal;

3.2. Employees may be accompanied, represented, and advised by a person of their own choosing, provided that the person meets the criteria in paragraph 4.1; and

3.3. In presenting a grievance, an employee has the right to a reasonable amount of official time if the employee is in a duty status. This allowance of time does not extend to the preparation of a grievance. Supervisory approval for the use of official time must be obtained in advance after consultation with the servicing Human Resources Office to determine whether the amount of official time requested is reasonable.

### 4. Grievant's representative

4.1. The person chosen by the grievant to serve as the grievant's representative must be willing to serve and may not be disallowed in accordance with Section 5.

4.2. An individual who chooses to act as a grievant's representative will be required to show a written designation signed by the grievant.

4.3. At any given time, only one individual may be recognized as the grievant's representative. The grievant is free to change the designation of representative at any time but must accept responsibility for the consequences of any acts of commission or omission made by the designated representative.

4.4. An employee of GSA who meets the criteria in 4.1. shall be assured of freedom from restraint, interference, coercion, discrimination, or reprisal when acting as a grievant's representative.

4.5. In presenting a grievance, an employee representative who is employed by GSA shall be allowed a reasonable amount of official time if the representative is otherwise in a duty status. This allowance of time does not extend to the preparation of a grievance. Supervisory approval for the use of official time must be obtained in advance after consultation with the servicing Human Resources Office to determine whether the amount of official time requested is reasonable.

### 5. Disallowance of a grievant's choice of representative

5.1. A grievant's choice of representative may be disallowed based on the following:

- a. **Priority needs of the government.** If the representative's supervisor believes that release of the employee to serve as the grievant's representative would have a significant negative impact on the organization's ability to meet program goals, to provide required services, or to meet project deadlines, authority for use of official time should be denied because of priority needs of the government. (Normally, the same criteria that is used for approving annual leave should be used for approving the use of official time for representational duties. However, in rare instances when annual leave is approved near the end of the leave year to avoid a forfeiture of leave, it might nevertheless be appropriate to deny the use of official time for representational duties.)
- b. **Unreasonable cost to the government.** If the representative's supervisor believes that authorization of official time would involve substantial travel costs (travel outside the normal commuting area) or other related expenses, authority for use of official time should be denied because of unreasonable costs to the government.
- c. **Conflict of position.** Conflict of position refers to an incompatibility between the representative's official duties and the representation function. For example, an HR Director may not serve as a grievant's representative in a complaint concerning a personnel action over which the HR Director has control, or has participated in, or of which they have knowledge by virtue of their assigned duties.
- d. **Conflict of interest.** Conflict of interest can take many forms. For example, a conflict of interest may be present when the representative's responsibilities to another employee or their own personal interests, could significantly restrict their ability to consider, recommend, or carry out an appropriate course of action for the grievant.

5.2. A disallowance decision based on priority needs of the government, unreasonable costs to the government, or conflict of position shall be made by the designated representative's supervisor or a management official in the chain of command. A disallowance decision based on conflict of interest shall be made by a person in the line of supervision over the grievant. Heads of Services and Staff Offices and Regional Administrators may establish any controls or procedures considered desirable or necessary to ensure that uniform standards are applied in the approval and disapproval of a grievant's choice of representative.

5.3. A disallowance decision may be made at any time during the processing of a grievance.

5.4. The supervisory official who makes a disallowance decision shall inform the grievant and the representative in writing of the reason(s) for the decision.

## 6. Allegations of discrimination

Allegations of discrimination because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), or genetic information are excluded from coverage by the grievance procedures. If an employee presents such an allegation in connection with a grievance, the employee shall be advised, in writing, by the servicing Human Resources Office to present the allegation to an Equal Employment Opportunity Counselor within 45 calendar days of the date of the alleged discriminatory act, event, or personnel action. The remaining issues of the grievance shall be processed to final decision without reference to the allegation of discrimination because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), or genetic information.

## 7. Payment of expenses

7.1. A GSA employee who is participating in the administrative grievance process as a grievant, factfinder, representative, or witness shall be paid in the same manner as if performing their assigned duties. The employee must be in a duty status, and official time must be approved in advance.

7.2. The organization against which the grievance was filed shall pay the following expenses, if applicable:

- a. Authorized travel and per diem costs for any GSA employee participant;
- b. Salary and authorized travel and per diem costs for a factfinder on reimbursable detail from another agency;
- c. Contract services of a factfinder;
- d. Costs of a court reporter and copies of transcripts; and
- e. Clerical support required by a factfinder who is a GSA employee.

7.3. Given that interviews and meetings can be conducted virtually or by phone, travel and per diem costs should be authorized only in rare instances.

## 8. Deciding Official

8.1. The Deciding Official is a supervisor or management official who is responsible for issuing the grievance decision. Any official involved in recommending, advising or participating in attempts to informally resolve the matter at issue in the grievance cannot serve as the Deciding Official.

8.2. The person who issues the grievance decision must generally be in the supervisory chain of command over the official responsible for the decision, action, or condition that is grieved. However, there may be instances in which a supervisor or management official outside the chain of command is designated as the Deciding Official.

8.3. The person who issues the grievance decision must be at a higher level in the chain of command than any person who was involved in the matter being grieved when the Deciding Official is in the same organization. A supervisor or management official outside the organization who is designated as the Deciding Official does not have to be at a higher level than any person who was involved in the matter being grieved.

8.4. The Chief Human Capital Officer (CHCO), or designee, shall be the Deciding Official for grievances against a Head of Service or Staff Office. The CHCO has discretionary authority to assume jurisdiction of a grievance or grievance process at any stage in the proceedings, when deemed necessary.

8.5. The Deputy Administrator shall designate a Deciding Official for grievances filed against the CHCO or Regional Administrators.

8.6. A supervisor or management official may limit the authority of a subordinate supervisor, wholly or in part, to issue decisions on grievances.

## 9. Burden of proof

The concept of burden of proof, that is, the duty of proving a disputed assertion or charge, is normally applied to adversary proceedings and is generally not of concern in an agency grievance procedure. There are exceptions, however, that apply when the grievance concerns an action taken by management which is directly and personally adverse to the employee. Examples of such actions are:

- a. When management has taken disciplinary action against an employee, management bears the burden of proving a reasonable cause for such action.
- b. In the matter of performance ratings, management bears the burden of proof in defending ratings of less than Fully Successful. Similarly, employees bear the burden of proving entitlement to ratings of better than Fully Successful.
- c. The significance of assigning burden of proof to one party or the other lies in the fact that if the party bearing the burden is unable to prove the allegation(s) made and if the Deciding Official is unable to establish the truth of the allegation(s), then the allegation(s) must be adjudged to be without merit.

## 10. Matters covered

10.1. The procedures described in this chapter apply to any matter not excluded under paragraph 10.2.

10.2. An employee may not use these procedures for any matter that could be grieved under a negotiated agreement and may not file a grievance concerning the following:

- a. The content of published agency policy and regulations;
- b. Matters within the jurisdiction of:
  - i. The Equal Employment Opportunity Commission (EEOC), specifically informal or formal complaints that are or have been raised and adjudicated or which are pending adjudication within the EEOC administrative system;
  - ii. The Office of Personnel Management (OPM) (such as pay matters);
  - iii. The Merit Systems Protection Board (MSPB), including any adverse action or other claim within the jurisdiction of the MSPB such as removals, suspensions of more than 14 calendar days, reductions in force, demotions, within-grade increase withholding, claims based on service in a branch of the military, or whistleblowing;
  - iv. The Comptroller General;
  - v. The Federal Labor Relations Administration (FLRA);
  - vi. The Federal Mediation Conciliation Service (FMCS);
  - vii. The Office of Special Counsel (OSC); or
  - viii. Workers Compensation claims within the jurisdiction of the Department of Labor (DOL)
- c. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a non-competitive promotion;
- d. A preliminary notice of an action which, if effected, would be covered under these procedures or excluded from coverage as described above (e.g., proposed disciplinary action, GSA Form 225, etc.);

- e. A Senior Executive Service (SES) appointee's performance evaluation, an SES appointee's reassignment following receipt of an unsatisfactory rating, the return of an SES career appointee to the General Schedule or another pay system during a probationary period or for less than fully successful executive performance, pay adjustments, SES recertification decisions, the termination of an SES career appointee during probation for unacceptable performance, and the granting of, or failure to grant, an award to an SES appointee;
- f. An action that terminates a temporary promotion and returns the employee to the position from which they were temporarily promoted, or to a different position that is not at a lower grade or pay than the position from which he/she was temporarily promoted;
- g. An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two (2) years but not more than five (5) years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay;
- h. The substance of the critical elements and performance standards of an employee's position;
- i. The adoption of, or failure to adopt an employee suggestion or invention;
- j. The granting of, or failure to grant, or the amount of a performance or incentive award, quality step increase (QSI), or within-grade increase;
- k. The termination of an employee serving in a probationary or trial period;
- l. An action taken in accordance with the terms of a formal agreement entered into by an employee;
- m. The return of an employee from an initial appointment as a supervisor or manager to a non-supervisory or non-managerial position for failure to satisfactorily complete the probationary period;
- n. A separation action not excluded by the above; and
- o. Any matters in which the GSA Administrator or Deputy Administrator were involved in recommending, advising or participating in attempts to informally resolve the matter at issue in the grievance.

## 11. Time limit for filing a grievance

11.1. An employee may present a grievance concerning a continuing practice or condition at any time.

11.2. A grievance concerning a particular act or occurrence must be presented within fifteen (15) calendar days of the act or occurrence unless the grievant can show, to the satisfaction of the Deciding Official, that circumstances beyond their control prevented filing within that period. When a single act or occurrence is considered to be illustrative of a pattern of unfair or arbitrary conduct by management toward the employee, the employee may cite as many incidents as necessary to demonstrate the pattern, but the most recent incident must be a grievable matter that occurred or was discovered within fifteen (15) calendar days of the filing of the grievance.

11.3. The Deciding Official may extend the fifteen (15) calendar day time limit in the interest of timely resolution of employee complaints.

## 12. Informal resolution

12.1. Employees may attempt to resolve an employment matter informally prior to filing an administrative grievance. Any attempts at informal resolution must be addressed to the supervisor or management official who was directly involved in the employment matter. Employees may not elevate the employment matter to a higher level supervisor or management official during the informal resolution stage.

12.2. Supervisors may seek advice from the servicing Human Resources Office regarding the employment matter and options to address the employee's request for informal resolution.

12.3. When ongoing efforts at informal resolution threaten the time limit for filing a grievance, that time limit may be extended by the parties involved. The parties can create an extension by jointly preparing and signing an extension statement which outlines the problem and sets a date, not more than fifteen (15) calendar days later than the date of the statement, by when efforts at informal resolution will be completed. Each party will retain a signed copy of this statement. If efforts at informal resolution are not successful and a formal grievance is filed, the aggrieved employee's copy of the extension statement must be attached to the letter that is forwarded to initiate the formal process. Under no circumstance will there be more than one extension of this nature.

12.4. Attempts at informal resolution may be continued even after a formal grievance is filed.

## 13. Submission of a grievance

13.1. The aggrieved employee may seek advice from the [servicing Human Resources Office](#) on matters such as personnel regulations applicable to the matter of

concern, the appropriate official to receive the grievance, and the applicability of the grievance procedure.

13.2. To initiate the formal grievance process, the aggrieved employee must submit an email and any related documents to the appropriate Deciding Official who has authority to provide or recommend personal relief. In accordance with paragraph 8.2., the appropriate Deciding Official is generally in the supervisory chain of command over the official responsible for the decision, action, or condition that is grieved. At the time of submission, the grievant must also forward a copy of the grievance to the [servicing Human Resources Office](#) for their information.

13.3. The grievance submission must include the following information:

- a. The date of the action giving rise to the grievance or the date the grievant became aware of the action;
- b. A description of the grievance (*i.e.*, an explanation of the action, incident, or event giving rise to the grievance);
- c. The personal relief requested;
- d. Whether an appeal or complaint regarding the matter was filed with the EEOC, OPM, MSPB, FLRA, FMCS, OSC, or the local union office; and
- e. The name and contact information of the grievant's representative, if applicable.

13.4. A grievance that does not include the necessary information and which cannot be clarified by amendment in accordance with paragraph 14.1(b), may be rejected by the Deciding Official.

## 14. Initial review of a grievance

The management official who receives a grievance should review it promptly, personally or by means of an agent, and make the following determinations in the order shown and in consultation with the [servicing Human Resources Office](#):

- a. **The appropriate Deciding Official.**
  - i. If the management official who received the grievance is disqualified from being the Deciding Official in accordance with Section 8, they should consult with their servicing Human Resources Office to determine who the appropriate Deciding Official is and forward the grievance to that official. The grievant should be informed in writing of this referral.

- ii. If the management official who received the grievance is not disqualified in accordance with Section 8, but feels that a lower ranking official is also qualified, they may refer the grievance to that official. It is recommended the management official consult with their servicing Human Resources Office prior to this referral. The grievant should be informed in writing once the grievance has been referred to another management official.
  - iii. The Deciding Official must inform the grievant in writing of the date by which they expect to issue the grievance decision. If the anticipated date of decision is more than thirty (30) calendar days from the date the grievance was received, the Deciding Official should describe the intermediate steps involved in the decision-making process with anticipated dates for accomplishing each step.
  - iv. Copies of any and all communications with a grievant will be provided to the [servicing Human Resources Office](#).
- b. **The subject of the grievance.** The grievance should describe the specific matter(s) of concern to the employee. Any questions concerning the subject of the grievance should be resolved through prompt consultation with the grievant, and the grievance should be amended as necessary in the interest of clarity.
  - c. **The personal relief requested.** The grievance should describe the specific personal relief that the employee is seeking. Any questions concerning the personal relief requested should be resolved through prompt consultation with the grievant, and the grievance should be amended as necessary in the interest of clarity.
  - d. **Whether informal resolution is feasible.** When the grievance is being clarified, the Deciding Official may explore the possibility of informal resolution. The Deciding Official shall consult with the [servicing Human Resources Office](#) to discuss the proposed resolution. If the matter is resolved informally, the Deciding Official and the grievant shall both sign a written agreement that the grievance has been resolved and is not to be further pursued. A copy of such an agreement must be sent to the [servicing Human Resources Office](#) by the Deciding Official participating in the resolution.
  - e. **Whether a factfinder is appropriate.** The determination of whether a factfinder should be used shall be made by the Deciding Official in accordance with Appendix B.

## 15. Use of factfinders

15.1. Factfinding procedures shall be carried out only by a person who was not involved in the matter being grieved and who does not occupy a position subordinate to any official who was involved in the matter being grieved. The factfinder may be:

- a. The Deciding Official;
- b. A person subordinate to the Deciding Official;
- c. An employee of the same service or staff office who is not subordinate to the Deciding Official;
- d. A GSA employee from another service, staff office and/or region; or
- e. A person who is not a GSA employee (*i.e.*, a contractor specifically hired to conduct a factfinding).

15.2. When the factfinder is not the Deciding Official, the sole requirement of these procedures is that the factfinder shall make and report a finding of facts without a recommendation for resolution of the grievance. However, this provision does not preclude a Deciding Official from requesting, receiving, or considering a recommendation from the factfinder.

## 16. Factfinding procedures

16.1. A factfinder may acquire evidence through any one or any combination of the following means to be chosen solely at the factfinder's discretion:

- a. The securing of documents; and
- b. Personal interviews.

16.2. The factfinder must develop a file of evidence concerning the disputed facts which includes:

- a. Copies of all documents considered to be relevant; and
- b. Written summaries, signed by the interviewees, for any interviews that are conducted.

16.3. Face-to-face interviews, either in-person or virtual, are generally preferable, but telephone interviews may also be used. When interviews are conducted a signed summary must be obtained.

16.4. If an interviewee declines to sign a summary of interview, the factfinder shall annotate the summary and indicate the reason given for refusal.

16.5. It is mandatory that the grievant be given an opportunity to review the file of evidence before a report of findings is submitted to the Deciding Official. The purpose of the review is to give the grievant an opportunity to suggest additional sources of evidence and to deny, refute, or otherwise challenge any evidence in the file. Any statement made by the grievant upon review should be added to the file. The factfinder shall include in the file an acknowledgment of the grievant's statement and a listing of any additional evidence the factfinder obtained or sought after receiving this statement. If no further inquiry was made after receiving the statement, the factfinder shall include an explanation for this.

## 17. Report of findings

17.1. The factfinder shall submit a written report of findings to the Deciding Official, which shall consist of the following four parts:

- a. A brief statement of the facts in dispute;
- b. A description of the opposing points of view;
- c. A discussion of the evidence; and
- d. The conclusions regarding the facts.

17.2. The factfinder shall furnish copies of the report of findings to the grievant and the grievant's representative.

17.3. When the Deciding Official serves as their own factfinder, a report of findings shall be included in the grievance decision.

## 18. Grievance decision

18.1. The Deciding Official has the final responsibility for factual determinations.

18.2. The grievance decision should be issued within ten (10) calendar days after all the relevant and available facts have been established to the satisfaction of the Deciding Official. If the Deciding Official determines that further inquiry is necessary after receiving the factfinder's report of findings, the grievant shall be informed of that determination, the type of inquiry that is to be made, and the approximate date that a decision will be issued.

18.3. The decision shall consist of the following parts:

- a. A statement of the issue(s), including a description of all the matters that the grievant considers to have been unfair and the personal relief requested.

- b. A statement of the facts relevant to the issue(s), identifying those that are not in dispute and those that are in dispute.
- c. A report of findings for any relevant facts that were in dispute, if any.
  - i. If the Deciding Official served as the factfinder, the report shall include the parts identified in paragraph 17.1(b), (c), and (d).
  - ii. If the Deciding Official used another person as factfinder and accepts the factfinder's report, it shall be included by reference.
  - iii. If the Deciding Official rejected the factfinder's conclusions wholly or in part, the report of findings shall refer to the report and shall state the different conclusions adopted by the Deciding Official and the reasons for the differences.
- d. A discussion of the issues in light of the facts, including written agency regulations or policy.
- e. A conclusion that specifically states whether the grievant has suffered wrongful harm and what personal relief, if any, is to be granted.

18.4. A copy of the grievance decision shall be sent via email to the grievant and the grievant's representative. This grievance decision is final and is not subject to further review.

18.5. A copy of the grievance, the factfinder's report of findings and the decision shall be maintained by the appropriate servicing Human Resources Office.

## 19. Timely processing

19.1. These procedures apply to a wide range of grievances that vary in complexity. The regulations are flexible enough to allow as much time as is necessary for a good faith, high priority effort to resolve each grievance.

19.2. It is expected that the initial review of a grievance, described in Section 14, will normally be completed within ten (10) calendar days.

19.3. It is expected that the grievance decision will normally be issued within thirty (30) calendar days after the Deciding Official receives the grievance. When that goal cannot be met, the Deciding Official is required to advise the grievant of a reasonable date, in accordance with paragraph 14.1.a(iii).

19.4. The grievant may contact the Deciding Official's supervisor for assistance in achieving timely processing in circumstances such as the following:

- a. Ten (10) calendar days have elapsed since the grievance was filed and the grievant has heard nothing;
- b. The Deciding Official has had the grievance for thirty (30) calendar days and has not issued a decision or has not advised the grievant of when a decision may be expected;
- c. The Deciding Official has not issued a decision within the timeframe they set; or
- d. The timeframe set by the Deciding Official is unreasonably long.

## Appendix A. Definitions

**Deciding Official.** The person responsible for issuing the grievance decision.

**Factfinder.** A person authorized to determine the disputed facts of a grievance.

**Formal Grievance.** A written request by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction related to the terms, conditions, and/or other aspects of employment of that employee(s) which is subject to control, removal and/or alteration by GSA management.

**Grievant.** A GSA employee, or a group of employees acting as individuals, who files a formal complaint with management and OHRM concerning an employment matter.

**Grievant's representative.** A person, permitted by the rules, who has been chosen by the grievant and who has agreed to advise, assist, or represent the employee in presenting a grievance.

**Personal relief.** A remedy directly benefiting the grievant. Disciplinary or other action affecting another employee does not meet the definition of personal relief.

## Appendix B. Determining Whether Factfinding is Appropriate

1. Consideration of all relevant facts is an essential part of all grievances. Factfinding is appropriate only for relevant facts that are in dispute.

2. When there is agreement about the relevant facts (*i.e.*, what actually occurred or was said), but there is disagreement about the relevance or significance or interpretation of the facts, factfinding is not appropriate.

3. The following examples illustrate when factfinding is appropriate and when it is not:

- a. **Grievance.** An employee grieves their performance rating on the sole ground that the performance standards used by the rating official were unfair because they are unrealistically high.

**Decision on appropriateness.** The relevant facts (*i.e.*, the performance standards and the record of performance) are not in dispute. Therefore, factfinding is not appropriate.

- b. **Grievance.** An employee grieves their performance rating on the sole ground that the performance standards used by the rating official were unfair because they were different from the standards used for similar positions. The rating official agrees that the standards used for the other positions were different but says the differences were based on specific differences in the positions. The grievant claims that the specific differences do not justify the difference in the standards.

**Decision of appropriateness.** The relevant facts (*i.e.*, the performance standards, the record of performance, the standards for the other positions, the specific differences in the other positions) are not in dispute. Therefore, factfinding is not appropriate.

- c. **Grievance.** An employee grieves their performance rating on the sole ground that the rating official failed to consider significant assignments that they performed during the rating period. The rating official says those assignments were completed before the rating period began. The grievant and rating official agree on when the rating period began.

**Decision on appropriateness.** There is a dispute concerning a relevant fact (*i.e.*, when particular assignments were completed). Therefore, factfinding is appropriate.

- d. **Grievance.** An employee grieves an Official Reprimand for insubordination on the sole ground that the penalty was too harsh.

**Decision on appropriateness.** There is no dispute concerning the relevant facts (*i.e.*, what the employee actually did). Therefore, factfinding is not appropriate.

- e. **Grievance.** An employee grieves an Official Reprimand for insubordination on the sole ground that what they did was not insubordinate. The employee and their supervisor both agree that the employee said they would not type a certain letter which was assigned two (2) minutes before the employee's normal quitting time and that the employee went home without typing it.

**Decision on appropriateness.** There is no dispute concerning the relevant facts (*i.e.*, what the employee actually did). Therefore, factfinding is not appropriate.

- f. **Grievance.** An employee grieves an Official Reprimand for insubordination on the sole ground that they did not refuse to perform work assigned but just failed to get around to doing it. The supervisor says the employee refused to perform the assignment.

**Decision on appropriateness.** There is an apparent dispute concerning a relevant fact (*i.e.*, what the employee said). Therefore, factfinding is appropriate. However, it should be noted that in this example neither the grievant nor the supervisor described what was said. Seeking further clarification when the grievance was received may have uncovered that the grievant and supervisor agree on what was said but disagree on whether the words constituted a refusal to do assigned work. In that event, factfinding would not be appropriate.

- g. **Grievance.** An employee claims that they were not properly ranked in competition for promotion to a non-supervisory position because some employees were given extra credit for supervisory experience, and the employee never had supervisory experience. The HR Director says that the extra credit for supervisory experience was appropriate even though the vacancy was non-supervisory.

**Decision on appropriateness.** The relevant facts are not in dispute. Therefore, factfinding would not be appropriate.

- h. **Grievance.** An employee alleges that they were denied consideration for a promotion vacancy because the selecting official was heard to say at the time of the announcement that they would not select somebody who had never worked in their division. The selecting official denies saying this. The selecting official said that they stated that they would prefer to select somebody from within their division.

**Decision on appropriateness.** There is a dispute concerning a relevant fact (*i.e.*, what the selecting official actually said). Therefore, factfinding would be appropriate.

4. The examples above illustrate that grievances do not always involve disputed facts. Even when there is agreement on the facts, there may be differences of opinion concerning the conclusions to which those facts should lead.