



**ADMINISTRATIVE  
GRIEVANCE SYSTEM**

ADMINISTRATIVE GRIEVANCE SYSTEM

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\* Indicates change from the previous regulation.

Note: This regulation covers non-bargaining unit technicians,  
including all managers, supervisors, and confidential employees.

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Supersedes TPR 771 dated 15 June 1984

CHAPTER 1  
ADMINISTRATIVE GRIEVANCE SYSTEM

1-1 PURPOSE. This regulation provides policy and guidance for implementation of the Administrative Grievance System for Oklahoma Army and Air National Guard Technicians. The regulation provides specific guidance on how to file a grievance, specifies who is covered by the system, those matters which are grievable and non-grievable and explains the terms used in processing and filing grievances.

1-2 POLICY. It is the policy of The Adjutant General that all technicians have a right to present their grievances to the appropriate official for prompt consideration and a fair and equitable solution. In exercising this right, technicians are assured of freedom from restraint, interference, coercion, discrimination or reprisal. The individual technician is guaranteed the right to representation except as indicated herein.

1-3 OBJECTIVES. The objectives of this System:

a. To provide a six step Administrative Grievance System for non-bargaining unit competitive and excepted technicians.

b. To provide specific guidance on how to prepare and file a grievance.

c. Provide an explanation of what constitutes a grievance and which situations are not grievable.

d. Define the obligation of the grievant.

1-4 DEFINITIONS.

a. The time limits specified in these procedures pertain to calendar days and may be extended by mutual agreement of the technician and supervisor or deciding official.

b. GRIEVANCE. Means a complaint by a technician for personal relief in a matter of concern or dissatisfaction relating to the conditions of employment of the technicians which are subject to management control.

c. DISSATISFACTION. A matter of concern to a technician regarding the interpretation of application of management policies.

d. COMPLAINT. A dissatisfaction that has been brought to management's attention either orally or in writing.

1-5 MATTERS COVERED.

a. Except as provided in subparagraph b below these procedures apply to any matter of concern or dissatisfaction to a technician which is subject to the control of The Adjutant General. A grievance may include, but is not limited to the following:

(1) Working conditions and environment.

(2) Relationships with supervisors and with other technicians and officials.

(3) Management decisions specifically covered by these grievance procedures.

(4) Interpretation and application of personnel policies or directives.

b. Matters Excluded:

(1) The content of published Oklahoma National Guard Policy.

\* (2) Non-selection for a position from a list of eligible and certified candidates.

\* (3) Removal, suspension, furlough without pay, or reduction in grade or compensation.

(4) Non-adoption of a suggestion or disapproval of a Performance Award or Quality Salary Increase.

\* (5) Performance rating or appeals.

\* (6) Classification actions or appeals.

\* (7) Complaints of discrimination.

\* (8) Benefits. (for example, retirement, life or health insurance).

\* (9) Any personnel action identified in 32 USC 709 involving excepted or competitive technicians.

CHAPTER 2  
RIGHTS OF THE GRIEVANT

2-1 RIGHTS OF GRIEVANT.

a. This Administrative Grievance System assures that any individual processing a grievance under this system is guaranteed freedom from restraint, interference, coercion, discrimination or reprisal.

b. The grievant has the right to be accompanied, represented, and advised by a representative of his/her choice. However, The Adjutant General may disallow the choice of representative when that choice ....

(1) results in a conflict of interest, or . . .

(2) would conflict with the priority needs of the agency, or . . .

(3) would give rise to unreasonable costs to the Government.

c. The grievant has the right to a reasonable amount of official time to prepare and present the grievance if the technician is otherwise in a duty status.

d. The grievant has a right to communicate with the Support Personnel Management Office or a counselor of the agency.

2-2 RIGHTS OF THE REPRESENTATIVE.

a. A duly authorized representative is provided freedom from restraint, interference, coercion, discrimination or reprisal.

b. A representative is authorized a reasonable amount of official time to prepare and present the grievance, if the representative is a technician and is otherwise in a duty status.

CHAPTER 3  
OBLIGATION OF THE GRIEVANT

Each grievant and representative must comply with the following three requirements.

3-1 COMPLIANCE WITH TIME LIMITS. The grievant and representative must comply with the appropriate time limits established by this regulation. Failure to comply may be the basis for rejecting a grievance.

3-2 IDENTIFICATION OF GRIEVANCE. Sufficient detail to clearly identify the matter being grieved is essential. Failure to provide sufficient detail may cause grievance to be rejected.

3-3 SPECIFICATION OF PERSONAL RELIEF. The grievance must specify the personal relief desired. A grievance without personnel relief is not a grievance and may serve as a basis for rejection.

CHAPTER 4  
PROCEDURES FOR PROCESING GRIEVANCES

## 4-1 INFORMAL.

a. Step 1. A Technician presents a complaint regarding the act, occurrence, practice, or condition orally to his/her immediate supervisor and such presentation shall be within fifteen days of the date he/she became aware of that act, occurrence practice or condition. If desired, a technician may choose and be accompanied by a representative and both shall be allowed a reasonable amount of official time to present the complaint. The aggrieved and his/her supervisor will exhaust every reasonable effort to resolve the matter to their mutual satisfaction. If the complaint is of such magnitude that it prevents an immediate response from the supervisor, every effort and resource available will be used to obtain a prompt and authoritative reply, to include consultations with higher level supervisory personnel, reliance on applicable laws and regulations and other assistance as warranted by the nature and scope of the complaint. In no event will the supervisor's answer be delayed longer than five calendar days following the initial discussion.

b. Step 2. If the matter is not satisfactorily resolved at Step 1, the aggrieved (and representative, if applicable) and the supervisors) concerned will meet with the organizational supervisor no later than five calendar days following the immediate supervisor's reply. This meeting shall be scheduled not later than ten calendar days following the request. For the purpose of this directive, the term 'organizational supervisor' includes:

- (1) Air Commander (for Air Technicians).
- (2) USPFO for Oklahoma (for USPFO Technicians).
- (3) State Maintenance Manager (for CSMS Technicians).
- (4) Aviation Support Facilities Commander (for AASF Technicians).
- (5) Brigade/Group Administrative Officer (for other Army Technicians).
- \* (6) Command Administrative Officer (for Technicians assigned to the State Headquarters).

The aggrieved (and representative), and the supervisor(s)

concerned, shall orally present the matter to the organizational supervisor. The grievant is allowed a reasonable amount of official time to make a presentation. Again, every reasonable effort will be made to resolve the matter on an informal basis and to the mutual satisfaction of all. Within seven calendar days following these discussions, the organizational supervisor will submit his answer in writing to the aggrieved (and representative) and the supervisors) concerned. This written reply completes the required actions under the informal procedures. However, it is mandatory that these actions be concluded before a grievance concerning the same matter will be accepted for processing under the formal grievance procedure.

#### 4-2 FORMAL

\* a. Step 3. If the organizational supervisor's written reply does not provide the personal relief sought by the aggrieved, and the technician is of the opinion a formal grievance is justified, then the grievance will be reduced to writing using OKNG-Form 700 (1 Aug 91) (Employee Formal Grievance Form), no later than five calendar days following receipt of the organizational supervisor's reply. The grievance will be submitted in three copies to the Adjutant General ATTN: OKHRO-LR, through the supervisory chain of command.

\* b. Step 4. (1) Upon receipt of the grievance, The Adjutant General will assign a fact finder to perform administrative duties as required. If it is determined that the grievance cannot be adjusted under the provisions of this directive for reasons stated in paragraph 1-5b above, the aggrieved shall be so informed by telephone, mail or personal contact and advised of the applicable appeal procedures. Otherwise, the fact finder will meet with the aggrieved (and representative) and other personnel as required. This meeting shall be scheduled within seven calendar days following receipt of the grievance by this department and its purpose shall be to provide a means for adjusting the grievance in a manner acceptable to both the aggrieved and this department.

(2) Actions taken at this step will be reduced to writing and made part of the grievance file. If the matter is resolved to the satisfaction of all concerned, then copies of this report shall be furnished, within five calendar days, to the aggrieved (and representative) and the organizational supervisor.

\* c. Step 5. If the grievance is not resolved at the step 4 then the fact finder will, within five calendar days following the meeting with the aggrieved, refer the grievance for inquiry by an examiner.



## 4-3 HEARING EXAMINER

\* a. A Hearing Examiner is selected by The Adjutant General from a list certified by National Guard Bureau.

b. The Hearing Examiner may conduct an inquiry of the nature and scope appropriate to the issues involved in the grievance. At the examiner's discretion, the inquiry may consist of:

- (1) Securing documentary evidence.
- (2) Personal interviews.
- (3) Group meetings.
- (4) A hearing.
- (5) Any combination of the above.

c. If a hearing is held, the examiner shall determine how the hearing shall be reported either by verbatim transcript, video taping, or by written summary, which when used becomes part of the record of the proceedings. In the case of a written summary, a technician (and representative) will be allowed to submit written exceptions which will also become part of the record of proceedings if they fail to agree with the contents of the summary.

d. The Examiner will establish a file containing all documents relating to the grievance and will make the grievance file available to the technician (and representative) for review and comment. Any written comments will become part of the file.

e. After the technician (and representative) have been given a chance to review the grievance file, the examiner will prepare a written report of his findings and advisory recommendations and submit the report to The Adjutant General. The technician will be furnished a copy of the report.

f. Step 6. The Adjutant General will make a final decision on the grievance not later than 15 days after receipts of the Hearing Examiner's recommendation and that decision will be final.

4-4 CANCELLATION OF GRIEVANCE. Under this directive, a grievance will be canceled . . . .

- a. at the technician's request, or . . . .

- b. when the grievant ceases to be a technician . . . .
- c. upon death of the technician unless the grievance involves a question of pay, or . . . .
- d. the technician (or representative) fails to furnish required information or fails to duly process the grievance in accordance with this directive.

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1 AUGUST 1991

TPR 771

OKLAHOMA NATIONAL GUARD  
TECHNICIAN FORMAL GRIEVANCE FORM

1. GRIEVANT'S NAME, POSITION TITLE, & GRADE: \_\_\_\_\_

2. ORGANIZATION: \_\_\_\_\_

3. NATURE OF GRIEVANCE AND DATE OF OCCURRENCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. SECTION OF AGREEMENT ALLEGED TO HAVE BEEN VIOLATED: \_\_\_\_\_

5. RELIEF SOUGHT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. PREVIOUS EFFORT TO RESOLVE GRIEVANCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. NAME & ORGANIZATION OF WITNESSES: \_\_\_\_\_

\_\_\_\_\_

8. YOUR IMMEDIATE SUPERVISOR: \_\_\_\_\_

9. NAME & ADDRESS OF YOUR REPRESENTATIVE: \_\_\_\_\_

\_\_\_\_\_  
GRIEVANT'S SIGNATURE & DATE SUBMITTED

\_\_\_\_\_  
SUPERVISOR'S SIGNATURE & DATE RECEIVED

NOTE: If additional space is required, continue on a plain sheet of paper.

OKNG FORM 700 (1 Aug 91)

APPENDIX A-1

1 AUGUST 1991

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Users of this TPR are invited to send comments and suggestions for improving this document. Please address letters to the Oklahoma Military Department, ATTN: OKHRO-LR, 3501 Military Circle, Oklahoma City, OK 73111-4398.

FOR THE ADJUTANT GENERAL:

A handwritten signature in black ink, appearing to read "Gary W. Jackson", with a stylized flourish at the end.

GARY W. JACKSON  
COL, GS, OKARNG  
Personnel Officer

DISTRIBUTIOIN: G