

FACT SHEET

ATZR-I  
CPT Monk/2-3176  
29 Jan 99

SUBJECT: Redress Available for Department of Defense Civilian Employees Through Other Channels

PURPOSE: To inform civilian employees of avenues for filing grievances and appeals.

REFERENCE: AR 20-1, Inspector General Activities and Procedures, 15 Mar 94.

FACTS:

1. The United States Code (USC), The Federal Personnel Manual (FPM), ARs, NGRs, and local collective bargaining agreements include procedures for processing grievances and appeals. Procedures are also included for processing equal employment opportunity (EEO) complaints made by civilian employees, NG military technicians, and NG competitive technicians pertaining to all aspects of their employment. Procedures prescribed by those publications, rather than Inspector General Action Request (IGAR) procedures, should be used in processing these complaints. These complaints generally fall into the following four broad categories:

a. Grievances within the purview of the FPM and AR 690-700, chapters 711 and 771.

b. Appeals of adverse actions within the purview of sections 7701-7703, title 5, United States Code (5 USC 7701-7703).

c. EEO complaints, including reprisals, for protected EEO activity, within the purview of section 1614, title 29, Code of Federal Regulations (29 CFR 1614) and AR 690-600.

d. Complaints of retaliation or reprisal within the purview of 5 USC 2301 and 5 USC 2302.

2. A fifth category of civilian complaints, which may be handled by IGs, involves matters that do not directly affect the employment situation or well-being of the individual. Examples

include complaints or allegations against third parties, reports of alleged misconduct, mismanagement, or other matters requiring command attention.

3. When a civilian employee makes a complaint, report, or allegation to an IG, the IG must analyze the matter to determine the category into which it falls. Although IGs do not handle complaints, they will provide assistance in referring the civilian employee to the appropriate avenue. In making this determination, the IG should seek assistance from the supporting judge advocate or command counsel, the management-employee relations officer, the civilian personnel officer, or the EEO officer, as appropriate. The IG also may consult appropriate ARs and public laws.

a. If the action request is a grievance (FPM 690-700 and AR 690-700, chaps 711 and 771) or appeal (5 USC 7701-7703), the IG will refer the employee to the local CPO for information and assistance. The IG will advise the employee to use procedures provided by the governing regulation to obtain timely consideration and appropriate adjustment of the grievance or appeal. If the employee, understanding the availability of the procedure described in AR 690-700, nevertheless persists in having the IG handle the matter and presents valid reason for not exercising the employee grievance channel, the IG may accept the IGAR and process it as an exception to policy. The IGAR should be in writing. The employee should sign it and include a statement that the availability of processing under the appropriate regulation has been explained. This procedure does not apply if a local negotiated grievance procedure covers the matter. In this case, the employee should be informed that the local negotiated procedure must be used.

b. IGs will not accept EEO complaints. IGs will advise a civilian employee or third party who presents a complaint based on discrimination because of race, color, religion, sex, age, national origin, or handicap condition, or allegations of reprisal for protected EEO activity to contact the EEO officer or an EEO counselor for information and assistance in processing the complaint.

c. If the employee alleges retaliation or reprisal for the lawful disclosure of information that the employee reasonably believe evidences a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, then the employee may present the allegation to the

OSC. The address and phone numbers are: Office of the Special Counsel,  
1730 M Street, N.W., Suite 300, Washington, DC 20036-4505,  
telephone  
1-800-872-9855 and area code (202) 653-9125. The local command  
may also investigate or conduct inquiry into these cases. (See  
para 6-6j.)

d. If the action request pertains to other than matters that directly affect the employment situation or well-being of the individual (that is, the complaint is not applicable to categories in para 6-8a), the IG will employ the IGAR processing procedures described in this chapter.

4. The commander or State AG may determine that a complaint falling within the categories in paragraph 6-8a, whether formally presented or only vaguely and informally articulated, contains allegations or other information that require inquiry or investigation. In these cases, the commander or State AG may direct an IG inquiry or IG investigation into those allegations while simultaneously processing the employee's complaint or grievance through appropriate channels. The IG inquiry or IG investigation must clearly be a separate action in which the IG is working for the commander and not the employee. The two actions must not be intermingled; neither action may interfere with nor delay completion of the other. Close coordination with the local CPO and command legal office is essential.

