



**Court Services and Offender Supervision Agency  
for the District of Columbia**

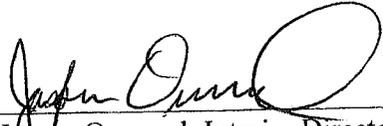
*Office of the Director  
Office of Human Resources*

**HUMAN RESOURCES DIRECTIVE 771.1**

**SUBJECT: CONFLICT RESOLUTION PROCEDURE**

**EFFECTIVE DATE:** February 26, 2001

**APPROVED:**

  
Jasper Ormond, Interim Director

**I. INTRODUCTION:** 5 CFR § 771 requires that agencies establish internal procedures for employees which provide for the consideration of matters of concern or dissatisfaction relating to their employment which are not subject to another formal grievance or appeal process.

**II. POLICY:** It is the policy of the Court Services and Offender Supervision Agency (CSOSA) that employees covered by Human Resources Directive (HRD) 771.1 shall have the right to informally discuss matters of concern or dissatisfaction with appropriate management officials, and if the matter cannot be resolved informally, to process a formal grievance in accord with the procedures set forth in this Directive. Grievants and their representatives are assured of freedom from restraint, interference, coercion, discrimination, or reprisal in presenting a grievance in good faith pursuant to this Directive. It is also Agency policy to resolve complaints at the lowest possible level of management and to employ progressive Alternate Dispute Resolution (ADR) techniques whenever feasible.

**III. COVERAGE:**

A. Employees Covered: All employees of CSOSA are covered by this Directive except for the Director, CSOSA, and Senior Level executives.

B. Matters Covered: Except as provided below, this Directive applies to any matter of personal concern or dissatisfaction relating to employment which is subject to the control of agency management, including any matter on which an employee alleges that coercion, reprisal, or retaliation has been practiced, and for which the employee requests personal relief. ("Personal relief" means a specific remedy directly benefiting the grievant(s) and may not include a request for disciplinary or other action affecting another employee.)

**C. Matters Excluded:**

1. The content of published agency regulations and policies;
2. A decision or other matter which is appealable to the Merit Systems Protection Board (MSPB) or the Equal Employment Opportunity Commission (EEOC), subject to final administrative review of the Office of Personnel Management (OPM) or grievable under a labor agreement;
3. Any matter which is covered by a grievance procedure contained in a collective bargaining agreement;
4. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion;
5. A preliminary warning or proposal of an action which, if effected, would be excluded from coverage by Section III. C. 2, above;
6. An action which terminates a temporary promotion within a maximum period of two years and returns the employee to the position from which the employee was temporarily promoted, or reassigns or demotes the employee to a different position that is not at a lower grade or pay level than the position from which the employee was temporarily promoted;
7. The substance of the critical elements and performance standards of an employee's position;
8. A decision to grant or not grant a general pay increase, performance-based pay increase, performance award, cash award, or quality salary increase;
9. The granting of or failure to grant any form of honorary recognition, or the adoption of or failure to adopt an employee suggestion;
10. Termination of temporary appointments; and
11. Termination of probationary appointments.

**IV. RESPONSIBILITIES:**

A. The Director is responsible for overall Agency policy regarding the administrative grievance procedure.

B. The Deputy Director is responsible for final Agency decisions on grievances filed at Step 3. *See* Section V, herein.

C. The Associate Director for Human Resources (AD-OHR) is responsible for implementing the provisions of this Directive and for providing technical review and guidance to management officials, supervisors, fact-finders, and employees when processing and reviewing grievances originating within CSOSA.

D. The Assistant Director of Human Resources, Employee and Labor Relations (OHR-ELR), is responsible for:

1. The development, interpretation, administration, review, and evaluation of the CSOSA Conflict Resolution Procedure.
2. Providing technical review and guidance to management officials, employees, and fact-finders when processing grievances under this Directive. When requested, OHR-ELR will prepare decision letters for the Director, Deputy Director, Associate Directors and supervisors when responding to grievances at the informal and formal stages. In performing these duties, OHR-ELR will ensure that cases are processed within the time limits specified and that managers, supervisors, and non-bargaining unit employees comply with the provisions of this Directive and with applicable regulation.
3. Arranging the necessary facilities and reasonable clerical support, including preparation and cost of any fact-finder's report, and if necessary, reimbursement of travel and per diem expenses of the parties. However, if the above clerical support provisions are not practicable for preparation of the fact-finder's report, the fact-finder is responsible for obtaining other clerical assistance as necessary.
4. Establishing a grievance file which, when a fact-finder is appointed, must be made available to the grievant and the grievant's representative, if one is appointed. The grievance file should contain investigative reports, statements of witnesses, records or copies of records, reports of personal interviews or group meetings, the record of the hearing if one was held, and the fact-finder's report and decision.
5. Providing assistance to management officials when inquiries are conducted by fact-finders.

E. Associate Directors are responsible for issuing decisions on grievances brought to their level for consideration, in coordination with OHR.

F. Management officials and supervisors at all levels are required to recognize, adjust, and correct the causes of legitimate grievances and will make efforts to adjust employee complaints informally whenever possible. Management officials and supervisors at all levels are required to become familiar with and assume their responsibilities under this Directive and to process grievances in a timely fashion in accordance with the provisions set forth in this Directive, including coordination with OHR. Management officials and supervisors will perform their personnel management duties in a manner which will promote and demonstrate confidence and teamwork and which will assure employees fair and responsive consideration of their rights and concerns.

G. Fact-finders are responsible for interviewing the grievant and other relevant parties, reviewing pertinent records and presenting a written report of the facts of the case to the AD-OHR and the grievant.

**V. PROCEDURES:** Employees are encouraged, but not required, to discuss matters of concern informally with their supervisors. However, if a problem cannot be resolved, this grievance process is available. In order to be accepted for processing under this Directive, a grievance must be filed at each step in accord with the time limits set forth herein. Sufficient detail must be furnished to clearly identify the matter being grieved, and the grievance must specify the personal relief being requested. Time limits may be extended by mutual agreement.

A. STEP 1

1. The employee must submit the grievance in writing. It must be dated and filed within 10 calendar days of the act or occurrence being grieved, or within 10 calendar days of when the employee had knowledge (or should have had knowledge) of the act or occurrence.
2. The employee should present the grievance to the immediate supervisor or other management official who has the authority to resolve the matter. In most instances, this will be the immediate supervisor. However, if the grievance issue raised is outside the authority of the immediate supervisor, it should be forwarded to the official having authority to adjust the grievance at the informal stage. For instance, a grievance concerning a promotional opportunity in another office should be submitted to the selecting official. A copy of all grievances must be sent to OHR-ELR.
3. If the employee is in doubt as to whom the informal grievance should be submitted, he or she should present it to the immediate supervisor who is responsible for expeditiously forwarding it to the appropriate official. OHR is available to assist in making this determination.
4. The official who acts upon an employee grievance must consider the issues raised, consult with OHR, and provide the employee with a written response no later than 10 calendar days after receipt. Efforts to resolve the grievance may include, but are not limited to, oral discussions with the employee or his or her coworkers, group meetings, interviews, file reviews, and the taking of written statements, etc. If the grievance is not timely or is nongrievable, the official who acts upon the grievance should state the basis for that determination.

B. STEP 2

1. If the immediate supervisor cannot resolve the matter, the employee has 5 calendar days to file a written grievance with the appropriate Office Head or Associate Director. If the Office Head is also the immediate supervisor, Step 2 is bypassed; the employee then has 5 calendar days to invoke Step 3.
2. The Office Head or designee shall review the written grievance, discuss the case with the grievant within 10 calendar days (unless waived by the grievant), and make

reasonable efforts to resolve it. A written decision shall be issued by the Office Head or designee within 10 calendar days after the discussion (or 10 days after receipt, if no discussion is held).

3. If timeliness or grievability is at issue, the Office Head's decision at Step 2 is final.

C. STEP 3: If the matter is not resolved at Step 2, the grievant has 5 calendar days to submit the grievance to the Associate Director for Human Resources.

D. Resolution Options: The AD-OHR has a number of options available to resolve the grievance. Some examples are:

1. He/she may appoint a fact-finder when considered necessary due to the complexity or seriousness of the matter. The fact-finder shall be someone who has not been involved in the matter being grieved and who does not occupy a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter being grieved, if such an individual is available. The fact-finder shall (normally within 30 days) submit a brief report of the facts of the case to the AD-OHR, with a copy to the grievant and appropriate Office Head. The report shall provide the relevant facts of the case, appropriate documents, regulatory cites, etc. It shall not include any conclusions or recommendations. The grievant and Office Head shall have 5 calendar days to submit written comments on the report. The AD-OHR shall, within 5 calendar days of receipt of comments, provide a written recommended decision to the Deputy Director. The Deputy Director will issue the Agency's final decision within 10 calendar days of receipt of the AD-OHR's recommendation.
2. The AD-OHR may authorize the fact-finder to conduct an informal hearing if the AD-OHR considers it necessary to ascertain the facts and circumstances relative to the grievance. If a hearing is held, a summary thereof will be made part of the fact-finder's report.
3. With the concurrence of the grievant, the AD-OHR may convene a peer review panel made up of staff employees similarly situated as the grievant in terms of grade and job duties, plus a management representative, to review the case and make recommendations.
4. A certified mediator (CSOSA staff or non-employee) may be utilized to attempt to resolve the case. Any fees for an outside mediator will be paid by the Agency.
5. There is no further right of appeal of the Deputy Director's decision.
6. If the grievance is filed by an employee of OHR, or if there would otherwise be a conflict of interest created by the participation of the AD-OHR, the Deputy Director shall direct the General Counsel to assume the above responsibilities of the AD-OHR for that particular case.

**VI. GRIEVANCES CONCERNING DISCIPLINARY ACTIONS:** A grievance which concerns a disciplinary action ( Letter of Reprimand or Suspension of 14 days or less) is filed directly at Step 3; i.e., with the AD-OHR. The deadline to file is 5 calendar days from the date the employee receives official notice of the disciplinary action being imposed.

**VII. GRIEVANCES CONCERNING PERFORMANCE RATINGS:** A grievance which concerns an official annual performance rating is filed directly at Step 2; i.e., with the Office Head. The deadline to file is 5 calendar days from the date the employee receives his or her official copy notice of the rating.

**VIII. CANCELLATION OF GRIEVANCE:** A grievance under this Directive may be canceled:

A. At the grievant's request;

B. Upon termination of the grievant's employment with CSOSA, unless the personal relief sought by the employee may be granted after termination of his or her employment;

C. Upon the death of an employee, unless the grievance involves a question of pay; or

D. For failure to pursue resolution, failure to furnish required information or failure to appear at a scheduled grievance meeting or interview, etc. This includes noncompliance with the time limits in Section V., insufficient identification of the matter being grieved at both stages of the procedure, and failure to specify the personal relief requested.

**IX. REPRESENTATION:** The grievant has the right to be accompanied, represented, and advised by a representative of his or her own choosing, except that the Agency may disallow the choice of an individual as a representative which would result in a conflict of interest or position, or conflict with the priority needs of the Agency, or which would give rise to the unreasonable costs to the government. The name of the representative, if any, shall be provided in writing to OHR-ELR when the grievance is filed.

**X. OFFICIAL TIME:** The grievant and representative (if an Agency employee) shall be granted a reasonable amount of official time, if otherwise in a duty status, without charge to leave to prepare and present the grievance. "Preparation" is limited to necessary on-site research of records and documents, and preparing the actual written grievance. "Presentation" is limited to actual delivery of the grievance, meetings with managers and supervisors, meetings with a fact-finder, attendance at the hearing, if one is held, and meetings with mediators or others involved in attempting to resolve the case. All such time shall be specifically requested in advance from the immediate supervisor and shall be limited to that which the employee can demonstrate is necessary.

**XI. RECORDS:** An official file on all formal grievances shall be established and maintained by OHR-ELR. Such files shall be maintained for two years following the final decision, unless the matter is part of a continuing dispute in an administrative/judicial forum.

**XII. CANCELLATIONS:** This Directive cancels and supersedes any other procedures or practices regarding the matters or employees covered herein.