

Grievance Processing



District Personnel Instruction No. 16-17

Effective Date	Expiration Date	Related DPM Chapters
March 28, 2016	Retain Until Superseded	16

Overview

Employee concerns and complaints (“grievances”) are routinely received by the D.C. Department of Human Resources (“DCHR”). Grievances must be processed in a specific manner pursuant to law, regulation, and policy at the agency level. DCHR’s Policy and Compliance Administration—specifically the Employee Relations team—is responsible for overseeing the grievance process as the personnel authority. This instruction outlines the procedures for handling all incoming grievances from eligible employees.

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Filing a Grievance

Employees and applicants who wish to file a grievance must ensure that they identify a matter subject to the grievance procedure, file a grievance within the time provided for the particular matter, and complete the required paperwork to submit to the grievance official, which includes a concise account of the alleged violation.

Matters Subject to Grievance Procedures and Time Requirements

The following table represents matters that are subject to the grievance procedures and the time requirements for filing a grievance.

Matters Subject To Grievance Procedures	Type of Action	Time Requirements
Reprimand	Corrective	Within 10 calendar days of the issue date of the final decision
Reassignment	Corrective	
Suspension of less than 10 workdays	Corrective	
Enforced leave of less than 10 days	Enforced Leave	
Suspension of 10 or more workdays	Adverse	Within 45 business days from the date of the alleged violation, knowledge of the events or actions that are the basis for the alleged violation, or the final action, whichever is later
Reduction in grade	Adverse	
Removal	Adverse	
Summary Suspension	Summary	
Summary Removal	Summary	
Enforced leave of 10 or more days	Enforced Leave	
Violations of the Personnel Regulations	N/A	

In addition to these, employees may also grieve any other matter that they believe adversely impacted them, including any other violation of a rule or policy identified in the D.C. personnel regulations, within 45 business days.



Filing Deadlines. *A grievance is considered filed when actually received by the grievance official. The burden of establishing the date of receipt rests with the employee or applicant. Grievances should be filed with the grievance official by email, mail, or hand delivery to the grievance official's principal business address.*

Required Documentation

Employees and applicants must utilize the attached *Government of the District of Columbia Grievance Form* (Attachment 1) provided by DCHR to file a grievance. At a minimum, the grievance should include:

1. The name, email address, and phone number of the applicant or employee seeking the relief;
2. For employees, the name, e-mail address, phone number, and agency of his or her immediate supervisor;
3. The name of the agency at issue;
4. A concise written statement of facts, including dates, that establishes the alleged violation;
5. A written statement as to the applicant or employee's injury; and
6. The relief sought by the applicant or employee.

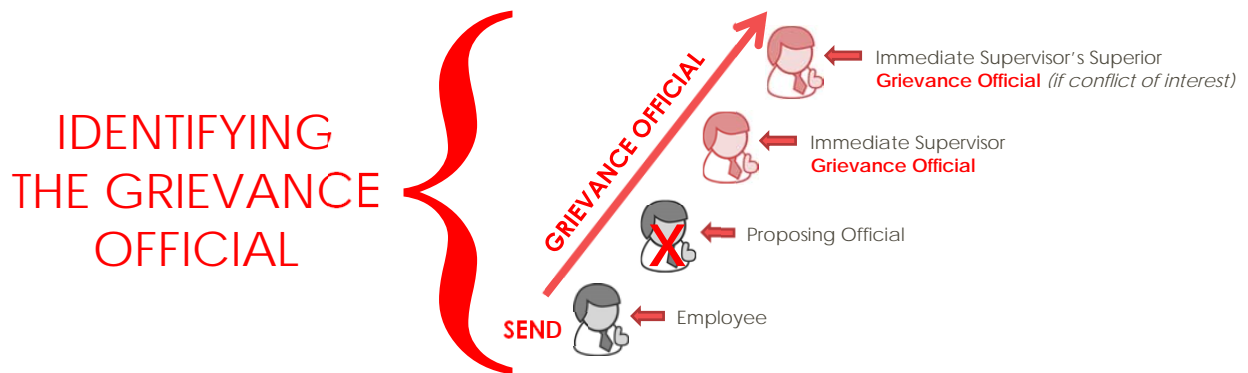
The grievance form is available on DCHR's website and should be sent directly to the grievance official with any other supporting documentation.

Applicants

Applicants seeking employment with agencies under the authority of the Mayor or independent agencies are able to file a grievance related to hiring procedures which they believe were improperly followed, such as the correct application of preference points during the applicant ranking process. Applicants who believe an employee violated any of the policies related to applicants contained in the D.C. personnel regulations and who wish to file a grievance must do so within 45 business days of the notification of the hiring decision, the date the applicant knew or should have known of the hiring decision, or the effective date of the selectee's appointment, whichever occurs first.

Grievance Officials

For employees, the grievance official is their immediate supervisor or the immediate supervisor's direct superior if there is conflict of interest. When the action being grieved was initiated by the immediate supervisor, the immediate supervisor's superior shall serve as the first level grievance official; neither the proposing nor deciding official can serve as a grievance official. The grievance official for applicants seeking employment is either the Director of DCHR, for agencies under the authority of the Mayor, or the independent agency head or their designee, for independent agencies.



Initial Grievance Review

Grievance officials must make a preliminary determination as to whether the grievance meets the criteria for filing a grievance. This includes determining if the matter addressed in the grievance materials is subject to grievance procedures and verifying that the grievance was filed by the required deadline date. Within five (5) business days of receipt, the grievance official must do one (1) of the following:

1. Acknowledge receipt and begin processing the grievance in preparation for the first level grievance review;
2. Deny the grievance as being a matter not subject to review;
3. Deny the grievance as being untimely; or
4. Request the grievant to supply additional information.

DCHR serves as the grievance official for all applicants seeking employment in agencies under the authority of the Mayor. All grievances for applicants received by a subordinate agency shall be transferred to DCHR for review within 24 hours of receipt.

Evaluation

Grievance officials should first determine whether the grievance is timely. If this criterion is met, the grievance official should then evaluate the content of the grievance to determine if the matter is subject to review. If there is uncertainty, the grievance official should prepare a

list of questions that would help him or her identify the core issue or incident that led to the alleged violation. The questions can be posed directly to the grievant or included in a request for additional information to the grievant.

Requesting Additional Information

When additional information is requested, grievance officials should provide the grievant a reasonable amount of time to respond to the inquiry. While the regulation does not outline a specific amount of time to receive additional information after the initial review, it is recommended that the grievance official **allow the grievant at least ten (10) business days from the date the information was requested to respond**. Once the grievant responds, the grievance official will have an additional five (5) business days to make an initial determination. If after receiving the information the grieving official determines the matter is not subject to review, the grieving official must provide a written notification to the grievant outlining the outcome.

Acknowledging Receipt

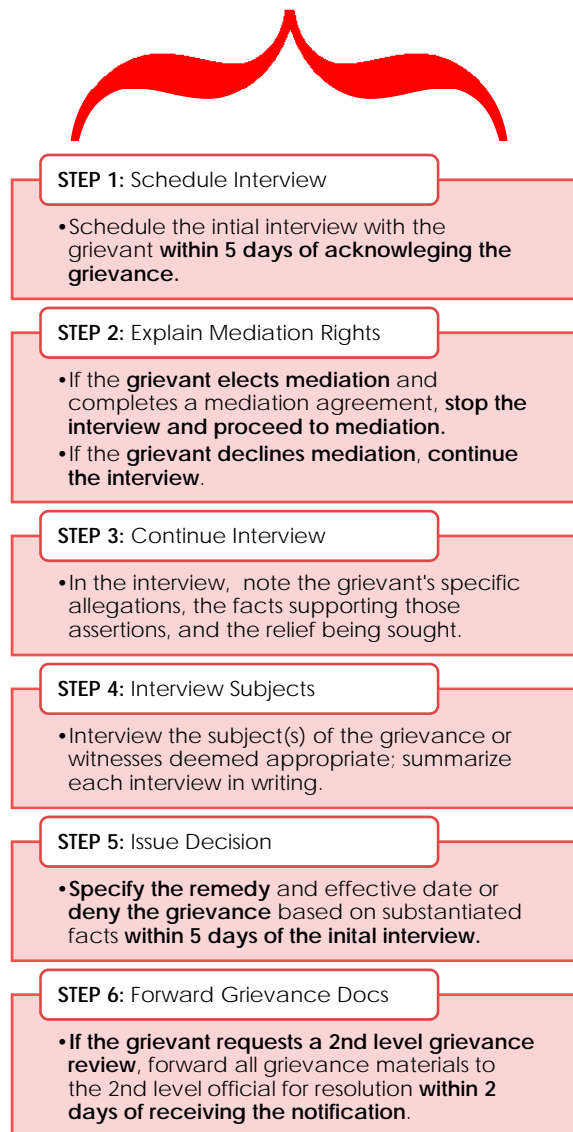
The initial acknowledgement of receipt should include a summary of the alleged violation and the preliminary determination. If the preliminary determination is to advance the grievance to the first level grievance review or request the grievant supply additional information, an overview of the next steps in the process, meeting dates, or a timeline for receiving additional information should be included. If the matter is not subject to review or was received in an untimely manner, the grievance official should indicate the reasons why the grievance is being dismissed. The acknowledgement of receipt should be **sent by mail or hand delivered to the grievant's address of record within five (5) business days of receipt of the initial grievance**. For recordkeeping purposes, grievance officials are advised to send information by certified mail or another shipping mechanism that provides proof of delivery.

INITIAL GRIEVANCE REVIEW AT A GLANCE	
1.	Review the information presented and verify the grievance was filed in a timely manner
2.	Make the preliminary determination to process as a 1 st level grievance, request additional information, or deny the grievance
3.	Notify the grievant in writing of the determination by acknowledging receipt
4.	Review any requested information received and notify the grievant of the outcome.

First Level Grievance Review

Within five (5) days of determining the matter is subject to review and acknowledging the receipt of the grievance, the grievance official must schedule an interview to start the first level grievance process.

FIRST LEVEL GRIEVANCE REVIEW PROCESS



Interviews with Grievants

Unless a grievant has already attempted to pursue mediation, at the initial interview, the grievant should be informed of his or her rights to elect mediation. If mediation is declined, the grievance official should proceed with the interview.

The initial interview with the grievant allows the grievance official an opportunity to learn about specific allegations, facts supporting those assertions, and the relief being sought by the grievant. During the interview, the official should take copious notes and prepare a summary of the findings in writing.

Interviews with Other Subjects

The grievance official must interview the subject of the grievance and any additional witnesses deemed appropriate for the grievance. Discretion should be used in the selection of additional witnesses. Generally, witnesses should be persons who have direct knowledge of the alleged violation(s).

First Level Grievance Report or Decision

Within five (5) days of the initial grievant interview, the grievance official will issue a first level grievance decision and report based on the totality of the facts. If the official finds that the grievance is substantiated by the facts, they will specify the remedy and the date the remedy will be implemented. If the official finds that the grievance is not substantiated, he or she must deny the grievance. For recordkeeping purposes, grievance officials are advised to send information by certified mail or another shipping mechanism that provides proof of delivery.

Grievant First Level Response

Grievants have five (5) days from the issuance of the first level grievance decision to notify the grievance official that they are not satisfied with the decision. The notification must include any additional arguments and documents that support their position. Within two (2) days of receipt of this information, the grievance official will advance the grievance to the second level review along with any documents related to the grievance proceedings.

Second and Third Level Grievance Reviews

Should a grievant notify the grievance official in writing that he or she is not satisfied with the outcome of the first level grievance review, the second level grievance review will commence. If the grievant is not satisfied with the outcome of the second level grievance review, he or she may request a third level grievance review within five (5) days of the issuance of the second level grievance decision.

Second and Third Level Grievance Officials

Once a grievance advances to the second or third level grievance process, grievance officials other than the grievant's immediate supervisor's supervisor will review the grievance. A second level grievance official is a person in the grievant's chain of command who reports directly to the agency head. The third level grievance official is the agency head.

Reports and Decisions

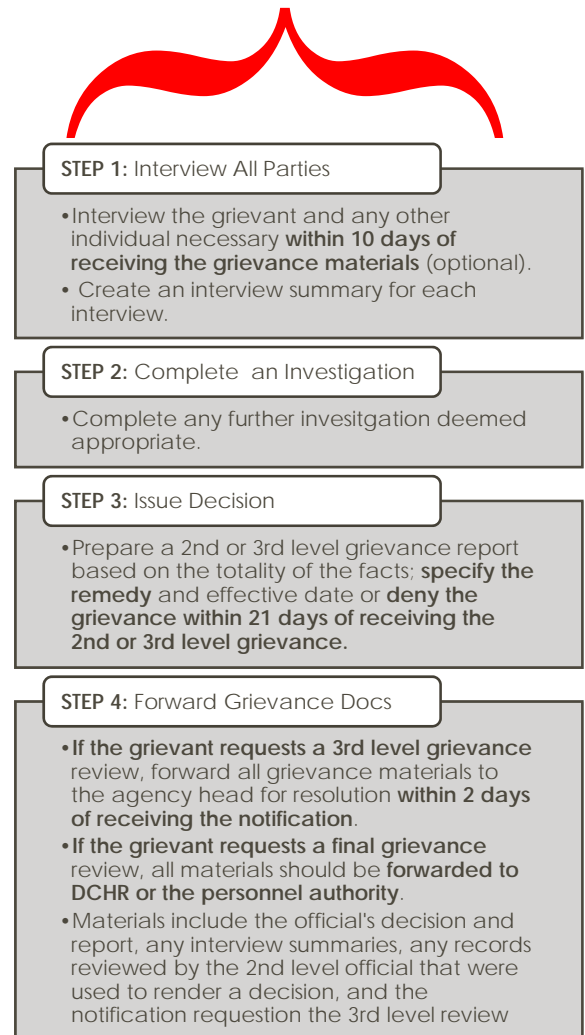
The second and third level officials review all information forwarded along from the initial and subsequent reviews and render a decision based on the totality of the facts. If the official finds that the grievance is substantiated by the facts, they will specify the remedy and the date the remedy will be implemented. If the official finds that the grievance is not substantiated they will deny the grievance. All grievance decisions should outline the facts leading to the decision and, if applicable, any information requesting an additional review. Third-level grievance decisions should be sent to the grievant's principal address within 21 days of receiving the request for review. For recordkeeping purposes, grievance officials are advised to send information by certified mail or another shipping mechanism that provides proof of postmark and/or delivery.

Grievant Responses

Grievant's who do not agree with the outcome of a second or third level grievance decision must notify the first level grievance official in writing within five (5) days that they are not satisfied with the decision and request a third or final review, respectively. Upon receipt of this notification, the grievance will advance to the third level grievance official or, for the final grievance review, the official will forward the grievance materials to DCHR or the personnel authority for review.

As with the initial filing of the grievance, the burden of establishing the date of receipt of a request for a second, third or final level review rests with the employee or applicant.

SECOND & THIRD LEVEL GRIEVANCE REVIEW PROCESS



Responses and requests for higher level reviews should be submitted to the grievance official by email, by mail, or by hand delivery to the official's principal business address.

Final Grievance Review

When a grievance is escalated to a final grievance review, the grievance will be reviewed and decided by the personnel authority. Agencies under the personnel authority of the Mayor will have their grievances reviewed by DCHR. If the grievant is an employee of DCHR, the grievance will be reviewed and decided by the City Administrator or his or her designee.

When the grievance is received by the personnel authority, all information obtained in previous reviews including interviews and other documentation will be examined thoroughly. After reviewing the documentation, the personnel authority will issue a decision outlining the facts. If the official finds that the grievance is substantiated by the facts, they will specify the remedy and the date the remedy will be implemented. If the official finds that the grievance is not substantiated they will deny the grievance. The decision of the personnel authority will be final and not subject to any further grievance or appeal before any administrative body or court.

The personnel authority will deliver the decision to the agency and the grievant no more than thirty (30) days after receiving the final grievance review request.

Collective Bargaining Agreements

Any valid negotiated grievance procedure established within a collective bargaining agreement supersedes and replaces the grievance procedures outlined in this instruction.

Authorities

The information provided in this instruction is pursuant to Chapter 16 of the D.C. personnel regulations, *Corrective and Adverse Actions; Enforced Leave; and Grievances*.

Applicability

The information in this instruction applies to all applicants and employees of all District agencies except The District of Columbia Superior Court and Court of Appeals; The District of Columbia Board of Education; The University of the District of Columbia; The District of Columbia Public Schools; District boards and commissions; and Advisory Neighborhood Commissions.

Definitions

As used in this instruction –

- “Adverse action” means a suspension of ten (10) workdays or more, a reduction in grade, or a removal.

- “Agency” means any unit of the District of Columbia government, excluding the courts, required by law or by the Mayor of the District of Columbia to administer any law, rule, or any regulation adopted under authority of law. The term “agency” shall also include any unit of the District of Columbia government created by the reorganization of one (1) or more of the units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency, and shall include boards and commissions as described in D.C. Official Code § 1-603.01(13).
- “Agency head” means the highest ranking executive official of an agency.
- “Days” mean calendar days for all periods of more than ten (10) days; otherwise, days are workdays.
- “Disciplinary action” means a corrective or adverse action taken against an employee.
- “Manager” means an individual responsible for controlling or administering all or part of an agency or its operation. The term “manager” includes all individuals who supervise others and are employed in the Executive, Excepted and Management Supervisory Services, and similar managerial at-will employees.
- “Personnel authority” means an individual with the authority to administer all or part of a personnel management program as provided in subchapter IV of this Title 1 of Chapter 6 of the Comprehensive Merit Personnel Act.
- “Removal” means the involuntary separation of an employee from District government service.
- “Reprimand” means a written, official censure of an employee that is placed in the employee’s Official Personnel Folder.
- “Summary action” means an action taken to immediately suspend or separate an employee pursuant to § 1616.
- “Suspension” means the temporary placing of an employee in a non-duty, non-pay status.
- “Supervisor” means an individual who supervises another employee or his or her activities.

Additional Information

For additional information concerning this instruction, please contact the Department of Human Resources, Policy and Compliance Administration, by calling (202) 442-9700 or by sending an e-mail to dchr.policy@dc.gov.

 for VCG

Ventris C. Gibson
Director, Department of Human Resources

Attachments

Attachment 1 – Sample Grievance Form

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Government of the District of Columbia



Grievance Form

Use this form to file a grievance pursuant to Chapter 16 of the District Personnel Manual. An overview of the grievance process and filing instructions can be found on the next page.

Grievant Information

Full Name:	Click here to enter text.	Click here to enter text.	Click here to enter text.
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Email Address:	Click here to enter text.		
	<i>E-mail Address</i>		
	Click here to enter text.	Click here to enter text.	
Phone Number:	<i>Work Phone</i>	<i>Personal Phone</i>	
Agency:	Click here to enter text.	Employee ID:	Click here to enter text.

Alleged Violation(s)

What provision(s) of the District Personnel Manual, or other laws or regulations, have been violated?

Alleged Violations

[Click here to enter text.](#)

Background

What happened? Provide a concise narrative, including dates, that establishes the alleged violation(s).

Factual Statement

[Click here to enter text.](#)

Relief

What relief are you seeking? Please be specific in how you would like your grievance resolved.

Relief Requested

[Click here to enter text.](#)

DCSF No. DPM-1628 (Rev. 1/2015)

Employee Certification

I certify that the information provided in this document is true and accurate. In addition, I understand that the making of a false statement on this document is a violation of law and subject to criminal penalties.

Employee Signature

Date

Acknowledgment of Receipt

If delivered in person, you may have the official you serve acknowledge receipt by signing below.

Agency Official's Signature

Date

Printed Name / Title

Grievance Process

The grievance process is a method of addressing concerns and disputes concerning your employment or application for employment with the District of Columbia government. The grievance process is outlined below.

File	Submit this form to an official who has the authority to resolve your dispute. Usually this will be one of your supervising officials.
Discuss	After receiving your grievance, the official will schedule a time to discuss your concerns with you.
Mediate	If you choose, you may request that all parties sit down and attempt to find a mutually acceptable resolution to your grievance.
Investigate	If warranted, the official handling your grievance will investigate the grievance. This might involve interviewing additional people.
Resolve	<p>You will receive a written resolution to your grievance.</p> <p>A grievance may be "sustained," in which case, the official will specify the remedy to be applied.</p> <p>A grievance may also be "denied," which means the complaint could not be substantiated.</p> <p>Depending on the complexity of the grievance, a resolution should be provided to you within 45 days. But, it could take longer.</p>

Filing Instructions

Grievances must be in writing and filed with the appropriate official.

1. Complete this form. Be concise, but include sufficient detail so that your concerns/complaints are easily understood and the relief you are seeking is clear.
2. Submit the completed form to an official who has the authority to provide you the relief you are seeking. The official may be your immediate supervisor, a division head, an agency head and, in some cases, could be the Department of Human Resources. You should have the official to whom you provide this form sign under the "Acknowledgment of Receipt" section.
3. **If you submit this form to the Department of Human Resources (DCHR),** DCHR will review your submission and, if appropriate, your grievance will be referred to a more appropriate agency. If this happens, you will be notified.

Attachment 2 – Sample Written Confirmation of Receipt

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Office of Culinary Arts

September 28, 2015

Ginger Snapp
1234 North Dakota Ave, N.E.
Washington, D.C. 20000

USPS Certified Mail 0000 0000 0000 0000

Subject: **Acknowledgement of Receipt – Grievance**

Dear Ms. Snapp:

This correspondence serves as acknowledgement that your grievance was received by the Office of Culinary Arts on September 25, 2015 pursuant to E-DPM Chapter 16, *Corrective and Adverse Actions; Enforced Leave; and Grievances*, § 1628, *Filing a Grievance; Time Limits*.

In summation, your complaint (attached) detailed instances of harassment at the hands of Creative Cookie Manager, Cook E. Crisp, in which you allege that he is fostering a hostile work environment. You also claimed to have been removed from your position as Lead Cookie Cutter effective September 21, 2015 as a result of a false statement made by Mr. Crisp, where he claimed you were purposely allowing multiple cookies to fall off the assembly line each day amounting to \$10,000 in waste.

In accordance with § 1627, employees may grieve any agency action taken if they have suffered or will suffer harm as a result of that violation. Based on a preliminary review of the information contained in your grievance and the timeliness of its filing, we have determined this matter is subject to review. Within five days of the date of this letter, we will schedule a time to meet with you so that we can obtain additional information about this matter for the record. Furthermore, we will explain your rights to request mediation and/or to continue the grievance process.

For your convenience, you may access the provisions referred above on our website at dchr.dc.gov by clicking the "Electronic District personnel manual" under Policies and Procedures, then accessing Chapter 16.

Sincerely,

Limon Dropp

Limon Dropp
Associate Director

[Enclosures]



441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

Attachment 3 – Sample Letter Transferring Grievance to Agency

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**Policy and Compliance
Administration**

September 31, 2015

Sue Flay
Director of the Culinary Arts
D.C. Office of the Culinary Arts

Subject: **Transfer of Grievance – Ginger Snapp**

Dear Director Sue Flay:

On September 31, 2015, the Department of Human Resources received a grievance from Ms. Ginger Snapp, Lead Cookie Cutter with the Office of the Culinary Arts. In accordance with 6B DCMR § 1628, this grievance is transferred to your agency for appropriate action.

The attached complaint details alleged instances of harassment at the hands of Creative Cookie Manager, Cook E. Crisp, who purportedly fosters a hostile work environment. Ms. Snapp claims to have been denied leave and placed in an Absence without Official Leave (AWOL) status as a result of a false statement made by Mr. Crisp, and was later removed from the cookie assembly line, where she has lead for the past five years.

DCHR is redirecting this grievance to your office for review and resolution. Since the grievance was initiated with DCHR, we will continue to monitor the progress of the grievance through resolution in an effort to close the matter on our end once resolved.

We look forward to coordinating efforts with your agency to assist Ms. Snapp with this grievance.

Sincerely,

Justin Zimmerman
Associate Director

[Enclosures]

CC: Director, DCHR
Ginger Snapp, Lead Cookie Cutter, OCA

Attachment 4 – Sample Grievance Report (Grievance Substantiated by Facts)

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Human Resources



Office of the Culinary Arts

September 30, 2015

Ginger Snapp
1234 North Dakota Avenue, N.E.
Washington, DC 20001

USPS Certified 0000 0000 0000 0000

Subject: **Grievance Substantiated**

Dear Ginger Snapp:

The Office of the Culinary Arts (OCA) has reviewed and considered your grievance against this agency. In your grievance, you allege that your supervisor Mr. Cook E. Crisp, Creative Cookie Manager, because of your ginger make-up, verbally harassed you on a consistent basis since his employ with the agency some eight months ago, thereby creating a hostile work environment. You also allege that you were suspended, placed in a Leave Without Pay (LWOP) status, and removed from your position as Lead Cookie Cutter as a result of a false statement made by Mr. Crisp when he claimed you were purposely allowing multiple cookies to fall off the assembly line each day amounting to \$10,000 in waste. We conclude your grievance is substantiated by the facts.

After careful review, we have determined that the information you provided to support your claim, including emails from Mr. Crisp documenting your performance and statements from witnesses, is factual. We interviewed two employees who worked with you on the assembly line and, when asked, each reported that Mr. Crisp shouted at you, referring to you repeatedly as "Spicy Ginger" and reprimanded you on numerous occasions in front of colleagues. They also corroborated your claim that in one of these instances, Mr. Crisp threw a cookie from the assembly line in your direction in anger and later apologized. We have reviewed the security footage and confirmed that this occurred on March 23, 2015 as you claimed.

Pursuant to Chapter 16 of the District Personnel Manual, a grievance substantiated by the facts shall be remedied. As such, we are rescinding your removal and restoring you to your position as Lead Cookie Cutter in the D.C. Office of Culinary Arts effective September 21, 2015. You will receive a retroactive lump sum payment for all pay you would have received as the Lead Cookie Cutter. Please report to work at your normally scheduled time on October 5, 2015.

Sincerely,

Limon Dropp
Associate Director

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

Attachment 5 – Sample Grievance Report (Grievance Dismissed)

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**Policy and Compliance
Administration**

September 30, 2015

Patti Melt
1235 West Capitol Street, N.W.
Washington, D.C. 20000

Via Electronic Mail: Patti.Melt@dc.gov

Subject: **Dismissal of Grievance**

Dear Ms. Melt:

We have reviewed and considered your grievance against your agency, the Office of Culinary Arts, dated July 25, 2015. In your grievance, you allege that you should have received pay for 8.5 hours because, for your tour of duty or 7:00 a.m. to 4:00 p.m., you unilaterally decided to take 30 minute lunches, instead of one hour lunches. In an effort to resolve this matter, we have attempted to contact you on several occasions, without success. Consequently, your grievance is **dismissed**.

In accordance with 68 DCMR § 1628, the failure to furnish required information or duly proceed with the advancement of a grievance shall result in dismissal. We have made multiple unsuccessful attempts over several weeks to contact you by phone and email in order to obtain additional information needed to conduct an investigation on your allegation. Therefore, your grievance is dismissed.

This decision is final and not subject to further review. However, if you have questions about the dismissal of your grievance, or any other matter, please contact the Employee Relations Specialist, at employeerelations@dc.gov, or via phone at 202-555-5555.

Sincerely,

Justin Zimmerman
Associate Director, Policy and Compliance Administration

