



COMDTINST 12771.1A
08 DEC 2021

COMMANDANT INSTRUCTION 12771.1A

Subj: ADMINISTRATIVE GRIEVANCE PROCEDURE

Ref: (a) DHS Directive 256-02, Administrative Grievance System, Dated 04/20/2014
(b) DHS Instruction 256-02-001, Administrative Grievance System, Dated 06/02/2014

1. PURPOSE. This Instruction establishes administrative policy and procedural requirements for supervisors and civilian appropriated fund employees in the Coast Guard concerning workplace disputes or dissatisfaction. It prescribes a system where an employee, or a group of employees acting as individuals, may request personal relief in a matter of dissatisfaction regarding their employment, subject to the control of supervisory officials within the Coast Guard.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of Headquarters staff elements must comply with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. Administrative Grievance Procedure, COMDTINST 12771.1, is canceled.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. This version updates formatting, definitions, grievance subject matter coverage, and fact-finding.

DISTRIBUTION – SDL No. 170

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NON-STANDARD DISTRIBUTION:

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. Commandant Office of Environmental Management, Commandant (CG-47) reviewed the development of this Commandant Instruction and the general policies contained within it, and determined that this policy falls under the Department of Homeland Security (DHS) categorical exclusion A3. No further environmental analysis is necessary in accordance with the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).
- b. This Commandant Instruction will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the National Environmental Policy Act (NEPA), other applicable environmental mandates, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).

7. DISTRIBUTION. No paper distribution will be made of this Instruction. Official distribution will be located on the following Commandant (CG-612) websites. Internet: <http://www.dcms.uscg.mil/directives/> and the CGPortal: <https://cg.portal.uscg.mil/library/SitePages/Home.aspx>.

8. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Instruction, regardless of format or media, must be managed in accordance with the records retention schedules located on the Records Resource Center CGPortal site: <https://cg.portal.uscg.mil/units/cg61/CG611/SitePages/Home.aspx>.

9. DELEGATION OF AUTHORITY. In accordance with References (a) and (b), the authority of the Commandant for administrative grievances in the Coast Guard is delegated to commanding officers of Headquarters units, assistant commandants for directorates, the Judge Advocate General (TJAG), special staff offices at Headquarters, the Deputy Commandant for Mission Support, the Deputy Commandant for Operations, and the Superintendent of the Coast Guard Academy, subject to limitations imposed by this Instruction.

10. DEFINITIONS.

- a. Bargaining Unit Employee: An employee included in an appropriate bargaining unit as determined by the Federal Labor Relations Authority (FLRA), for which a labor organization has been accorded exclusive recognition.
- b. Deciding Official: An official responsible for issuing the decision for an administrative grievance at the formal stage. A decision rendered by a Deciding Official is final and cannot be challenged further within the Coast Guard. The Deciding Official is normally at least one organizational level above the official who made the decision regarding the informal grievance or the initial decision on the action being grieved. When the Commandant personally makes the decision at the informal stage, the Department of

Homeland Security (DHS) Secretary (or designee) can designate the formal Deciding Official.

- c. Day: Calendar day.
- d. Employee: A non-bargaining unit employee; an employee in a bargaining unit that does not have a negotiated grievance process in effect; or, any former employee of the Coast Guard for whom a monetary remedy can be provided.
- e. Fact-Finder: An individual (civilian or military) designated by the Deciding Official to investigate the grievance, make findings of fact, and prepare a written report of the investigation. A fact-finder may not be subordinate to any official who recommended, advised, made a decision on, or otherwise is or was involved in the matter grieved nor may the fact-finder have been involved in the matter grieved. The fact-finder should be at least one grade level (or the military equivalent of one grade level) above the Grievant.
- f. Grievance: A written request by an employee, or group of employees, for personal relief in a matter of concern or dissatisfaction that is subject to the control of supervisory officials and relates to the employment of the employee(s). The matter may be inside or outside of the control of the command, e.g., qualification determinations. If the matter grieved is outside of the control of the command, the matter will be directed to the directorate in authority to grant the relief sought.
- g. Grievance Official: A supervisor or manager at the lowest organizational level, who can remedy the employee's specific concern or dissatisfaction, and is able to grant the relief requested at the informal stage. Normally this is the employee's immediate supervisor or manager. The Grievance Official may be directly involved in the matter being grieved. For grievances involving disciplinary action the Grievance Official must be at a higher organizational level than the official rendering the decision on the disciplinary action being grieved. For grievances that personally involve area, district, base and sector commanders; commanders of logistics and service centers; commanding officers of headquarters units; Assistant Commandants for directorates, Deputy Commandant for Mission Support, TJAG, and special staff offices at Headquarters, the grievance official should be at least one administrative level higher than the official allegedly involved in the grievance.
- h. Official Grievance File: An official file containing all documents relating to the grievance and upon which the grievance decision relied. The servicing Human Resources Specialist (LER) maintains the official grievance file. The file is retained for five (5) years in accordance with applicable laws, regulations, instructions, and record retention schedules.
- i. Personal Relief: A specific remedy that directly benefits the Grievant(s) regarding the matter(s) giving rise to the grievance, is within the authority and control of the Grievance or Deciding official, and complies with controlling laws, rules, and regulations. A request for any action affecting another employee (such as a request to have another employee reassigned or disciplined), or requiring a specific action be affected on another employee (such as an apology or change in another individual's behavior) is not considered personal relief under this grievance procedure.

- j. Prohibited Personnel Practice: A violation of the Merit System Principles as specifically identified in 5 U.S.C. §§ 2301, 2302.

11. POLICY.

- a. Commands must attempt to identify, prevent, and make reasonable efforts to resolve workplace disputes at the earliest opportunity, at the lowest organizational level, and to the mutual satisfaction of all parties.
- b. Efforts will be made to resolve disputes informally; however, it is recognized that despite the initial attempt to resolve an issue, an employee may feel the need to seek higher-level resolution.
- c. Grievances presented by employees under this process will be considered expeditiously, fairly, objectively, and impartially, and will be decided as quickly as possible.
- d. All persons involved in the grievance process must be free from restraint, interference, coercion, discrimination, and/or reprisal. Because grievances may arise in any office, supervisors must take care not to discriminate or take reprisal action against an employee filing a grievance. Such discriminatory or reprisal action by a supervisor is considered a disciplinary offense. Filing a grievance is not an indication of a lack of loyalty or dedication to the Coast Guard. The presentation of a grievance is also not considered an adverse reflection on the employee's supervisor or his/her managerial chain of command.

12. EMPLOYEE COVERAGE.

- a. This Instruction applies to all appropriated-fund non-bargaining unit civilian employees including those holding part-time, probationary, temporary, and excepted appointments. It also applies to appropriated-fund bargaining unit employees who are not covered under a negotiated grievance procedure.
- b. The administrative grievance procedure does not apply to the following:
 - (1) Non-appropriated fund (NAF) civilian employees;
 - (2) A non-citizen appointed under 5 C.F.R. § 8.3 (appointment of persons not citizens of the United States);
 - (3) An alien appointed under 22 U.S.C. § 1471(5);
 - (4) Non-career Senior Executive Service (SES) employees, including limited term and limited emergency appointments;
 - (5) Employees who are members of a bargaining unit represented by a union which is recognized as the exclusive representative and who are covered by a negotiated grievance procedure;

- (6) An applicant for employment who does not meet the definition of employee in Paragraph 10.d.;
- (7) Experts and consultants who are not employees of the Coast Guard at the time of the event giving rise to the grievance; and,
- (8) An employee excluded from coverage by the Office of Personnel Management (OPM) on the recommendation of the Commandant of the Coast Guard.

13. GRIEVANCE SUBJECT MATTER COVERAGE.

a. Matters covered: Generally, any matter of personal concern or dissatisfaction of an employee which is subject to the control of and related to the employment by the agency is grievable.

b. Matters excluded: The below are matters to which this Instruction does not apply. Additional exclusions, specifically stated in other Commandant Instructions, are subject to the processes and restrictions contained herein.

- (1) The content of published DHS and Coast Guard regulations and policies;
- (2) Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a non-competitive promotion;
- (3) The substance of an employee's core competencies, performance standards, and work goals and objectives;
- (4) Progress reviews, performance counseling sessions, a notice of unacceptable performance and the rating upon which it is based, and Performance Development Plans (PDPs);
- (5) The substance of any action taken under a voluntary, formal agreement entered into by an employee involving geographic relocation or return from an overseas assignment;
- (6) Termination of a probationer, or separation or termination of an employee during a trial period; or, return of an employee serving a supervisory or managerial probationary period to a non-supervisory or non-managerial position;
- (7) A voluntary action initiated by the employee;
- (8) The payment of, failure to pay, or the amount of a recruitment bonus, a relocation bonus, a retention allowance, or of a supervisory differential;
- (9) The receipt of or failure to receive a performance award or quality step increase;
- (10) Cancellation of a promotion to a position not classified prior to the promotion;

- (11) The removal of a probationary employee under 5 C.F.R. Part 359 Subpart D (SES personnel);
- (12) For SES employees, performance evaluations and awards (including meritorious or distinguished executive rank awards), reassignment following receipt of an unsatisfactory rating, return to another pay system during the 1-year probationary period or for less than fully successful executive performance, or for failure to be recertified, conditionally recertified, or termination during probation for unacceptable performance;
- (13) The termination or expiration of a time-limited excepted appointment, a term or temporary appointment or promotion, or a SES limited emergency or limited term appointment, on the date specified as a condition of employment at the time the appointment or promotion was made;
- (14) Termination of a temporary or term promotion at any other time provided the employee was informed in advance of the temporary nature of the appointment or promotion and the employee was returned to his or her former position from which temporarily promoted or to a different position of equivalent grade and pay;
- (15) SES and Senior Level position pay rate changes;
- (16) A separation or termination action;
- (17) A notice of proposed action;
- (18) Informal discipline including, but not limited to, oral and written admonishments, letters of caution, letters of requirement, letters of instruction, letters of counseling, and warnings and;
- (19) Any matter covered by a negotiated grievance procedure or subject to formal review and adjudication by the Merit Systems Protection Board (MSPB), OPM, the FLRA, the Equal Employment Opportunity Commission (EEOC), the Office of Special Counsel (OSC), or the Office of Workers' Compensation Programs (OWCP), Department of Labor (DOL); any allegations of prohibited personnel practices identified in 5 U.S.C. §§ 2301, 2302; any claims that are subject to review and adjudication under 31 U.S.C. § 3702; or any other matter that can be reviewed and adjudicated under a Coast Guard review, reconsideration, or appeal process. The following are examples under this category: a reduction-in-force action; a violation of reemployment priority rights, reinstatement rights, or military restoration rights; a salary retention, within grade increase, or level of competence decision; a position classification or job grading decision; an adverse action, i.e., removal, suspension of more than 14 days, indefinite suspension, or demotion; labor organization complaints; unfair labor practice (ULP) complaints; allegations of violations of the Fair Labor Standards Act (FLSA); and

allegations of discrimination due to age, race, color, religion, sex, national origin, physical or mental disability, reprisal or retaliation (for participation in EEO complaints).

14. RESPONSIBILITIES.

a. Commandant (CG-12). Commandant (CG-12) is responsible for:

- (1) Monitoring the operation of the program within the Coast Guard; and,
- (2) Evaluating the program within the Coast Guard and directing such corrective actions and changes in policies and procedures as are deemed necessary in the interest of the Coast Guard.

b. Workforce Relations Office (CG-124).

- (1) The Office is responsible for developing, issuing, and evaluating policies and procedures for the Administrative Grievance Process.
- (2) The Human Resources Specialist (LER) is responsible for:
 - (a) Providing direct service to supervisors, managers, and employees on all matters covered by this Instruction to include providing advice, guidance, and necessary assistance on the processing of grievances (including drafting of grievance decisions).
 - (b) Maintaining the official grievance file.
 - (c) Approving the denial of a Grievant's designated representative as noted in Paragraph 15.b.(4).
 - (d) Ensuring that any appropriate pay and/or human resources actions are processed and effected in a timely manner in accordance with the grievance decision.
 - (e) Coordinating with the Coast Guard Civil Rights Directorate (CG-OOH) to ensure that grievances raising EEO issues are addressed through the EEO complaint process only.

c. The Grievant. The Grievant is responsible for:

- (1) Complying with the time limits and requirements to supply information established in this Instruction;
- (2) Providing sufficient detail to clearly and concisely identify the matter being grieved;
- (3) Specifying the personal relief requested; and

(4) Making the maximum effort to achieve settlement of a personal grievance at the lowest level.

d. The Grievance and Deciding Officials. Grievance and Deciding officials are responsible for:

(1) Reviewing grievances fully and objectively;

(2) Eliminating the cause(s) of meritorious grievances when the cause is within their control and the relief sought is personal to the Grievant;

(3) Obtaining technical advice, guidance, and assistance from the servicing Human Resources Specialist (LER); and,

(4) Providing appropriate background information in an attempt to reach an understanding with the Grievant based on the facts of the matter and to allay any misperceptions when a grievance is unfounded, as the Grievant's continuing dissatisfaction may interfere with office productivity.

15. EMPLOYEE RIGHTS.

a. Right to Present a Grievance.

(1) An employee has the right to present a grievance free from restraint, interference, coercion, discrimination, or reprisal.

(2) An employee is entitled to present a grievance through the procedures contained in this Instruction.

(3) During preparation of the grievance, the Grievant may make reasonable use of Coast Guard equipment and materials in accordance with applicable Commandant Instructions governing the limited personal use of government property.

(4) An employee is entitled to seek regulatory and procedural guidance from the servicing Human Resources Specialist (LER).

b. Right to Representation.

(1) An employee may present a grievance with or without representation.

(2) A Grievant may be advised, represented, and accompanied by a representative of his/her choice, except that the Command may disallow the choice of an individual if the Grievant's choice could result in a conflict of interest, impact the priority needs of the Command, or be of unreasonable cost to the Coast Guard.

(3) The Grievant's choice of representative must be designated in writing to the Grievance Official, or to the Deciding Official when the Grievance Official is not applicable (see Paragraph 18, The Grievance Process).

(4) If the Grievant's choice of representative is denied, the Grievance or Deciding Official must provide the Grievant with the reason for the objection in writing and the Grievant may then designate another representative. The denial of a representative must be approved by Commandant (CG-124).

c. Right to Duty Time.

- (1) Upon request, the Grievant and his/her representative (providing that the designated representative is a Coast Guard employee) are allowed a reasonable amount of duty time to prepare and present a grievance if otherwise in an active duty and pay status with the Coast Guard.
- (2) Time for presentation of a grievance includes time for review of appropriate records and regulations to the extent they cannot be secured or reviewed during non-duty hours and for discussions with officials and witnesses involved in the grievance.
- (3) The amount of duty time will be determined solely by management, but shall not exceed a total of eight (8) hours each for the Grievant and his/her representative (if an employee of the Coast Guard) per grievance. Arrangements for the use of duty time must be coordinated with and approved by the Grievant's (and representative's, if applicable) supervisor prior to the use of the time.

16. TIME LIMITS.

- a. When calculating any time limits referenced throughout this Instruction (such as time limits for filing, time limits for issuing of a decision, etc.), the day a document is received or the effective date of an action is not counted. The last day of the time limit is counted unless it is a Saturday, a Sunday, a legal holiday, or a day on which the employee is not regularly scheduled to work. In those cases, the last day of the time limit must be moved to the next regularly scheduled workday.
- b. All time limits are counted in calendar days (see Paragraph 10.c.).
- c. Timeframes may be extended by the Grievance or Deciding Official if it is shown that circumstances exist which are beyond the Grievant's control, e.g., illness, absences, complex issues, or workload.

17. OFFICIAL GRIEVANCE FILE.

- a. The official grievance file should contain all documents relating to the grievance and is maintained by the servicing Human Resources Specialist (LER). As applicable, the official grievance file should contain:
 - (1) The informal and formal grievances filed by the Grievant;
 - (2) Documentation of any extensions granted;
 - (3) Any additional materials provided by the Grievant;

- (4) Documentation of the Grievance Official's and Deciding Official's communication efforts with the Grievant;
- (5) Copies of records relevant to the grievance (including any fact finding report);
- (6) Copies of policies and regulations at issue or relevant to the matter at issue;
- (7) Affidavits or signed statements of witnesses;
- (8) Grievance meeting notes;
- (9) Any correspondence related to the disallowance of an employee's representative; and,
- (10) The informal and formal grievance decisions.

- b. When a disciplinary action is involved, the official grievance file need not contain copies of all documents maintained in the disciplinary case file. However, the documents in that file should be reviewed and considered, as appropriate.
- c. The official grievance file is available for review by the Grievant and his/her representative and, therefore, should not contain any document that is not releasable to the Grievant and his/her representative.
- d. Access to the grievance file will be on a need-to-know basis.

18. THE GRIEVANCE PROCESS. Supervisory officials and employees are encouraged to resolve grievances at the earliest opportunity and at the lowest possible level without unnecessary delays. Before initiating a grievance, employees are encouraged to discuss the problem with their immediate supervisor or the lowest level supervisory official involved in the matter. However, any such discussion with anyone in the supervisory chain does not expand the period of time in which a grievance must be filed.

a. Acceptance and Rejection.

- (1) The Grievance Official will initially determine whether to accept or reject, in whole or in part, any grievance presented. If the grievance is presented to a supervisory official without authority to resolve the matter, he or she will contact the servicing Human Resources Specialist (LER) for procedural guidance.
- (2) A grievance may be rejected without consideration of the merits of the grievance if:
 - (a) It was not filed within the specified time limits and an extension of the time limits was not requested or approved; or, if an extension was approved, the grievance was not filed within the approved extended timeframe.
 - (b) The grievance wholly involves a matter(s) excluded from coverage under Paragraph 13.b. If one or more matters are rejected, but other matters are not, those matters not rejected will continue to be considered if timely filed. The Grievant will be notified in writing by the Grievance Official of the specifics of such a determination.

- (c) No specific personal relief is requested.
 - (d) The relief requested does not fall within the definition of personal relief.
 - (e) The grievance does not contain sufficient detail to identify and clarify the basis of the grievance.
- (3) The Grievance Official or Deciding Official consults with the servicing Human Resources Specialist (LER) regarding the rejection of a grievance. The decision to reject a grievance is final and not subject to further review. Written notice to reject the grievance is provided to the employee within 15 days of receipt of the grievance.
- b. Dual Processing. The filing of a formal complaint of employment discrimination under EEO complaint procedures forecloses advancement of the same matters under the administrative grievance process. If the matter being grieved becomes or is the subject of a formal EEO complaint by the Grievant alleging discrimination, the official considering the administrative grievance must terminate its processing and dismiss the grievance in writing.
 - c. Merit Promotion Plan Grievances. Grievances over alleged violations of a Merit Promotion Plan procedure must be filed at the informal stage with the Human Resources Operations (CG-123), Service Center Chief servicing the organization where the vacancy occurred. If matters are not resolved at the informal stage, the Deciding Official is the Office of Civilian Human Resources, Chief, Civilian Human Resources Operations (CG-123).
 - d. Informal Grievance Procedure.
 - (1) General. An employee who wishes to file a grievance must file it in writing at the informal level (except as noted in Paragraph (2) below) with his/her immediate supervisor. If the matter being grieved or the relief being sought resides outside of the Grievant's chain of command or the immediate supervisor does not have the authority to grant the relief requested, the supervisor receiving the grievance will consult with the servicing Human Resources Specialist (LER) in order to determine the appropriate point of contact for serving as the Grievance Official. The grievance will then be forwarded to the appropriate Grievance Official for action and the Grievant will be so notified.
 - (2) Exceptions. It is mandatory that an employee complete action under the informal stage of the Administrative Grievance Procedure before a grievance will be accepted for processing under the formal stage of the procedure – with the following exceptions (these matters must be filed beginning at the formal stage):
 - (a) Grievances involving formal discipline, i.e., letters of reprimand or suspensions of 14 days or less;
 - (b) Grievances over an individual's annual performance rating; and

- (c) Grievances that personally involve area, district, base and sector commanders; commanders of logistics and service centers; commanding officers of headquarters units; Assistant Commandants for directorates, Deputy Commandant for Mission Support, TJAG, and special staff offices at Headquarters.
- (3) Time Limits for Filing. An employee must file a grievance concerning a particular act or occurrence within 15 calendar days of the date of the act or occurrence, or the date that the employee first became aware of or should have been aware of the act or occurrence. Timeframes may be extended by the Grievance Official if it is shown that circumstances exist which are beyond the Grievant's control, e.g., illness, absences, complex issues, or workload. An employee may file a grievance concerning a continuing practice or condition at any time.
- (4) Informal Grievance. A properly submitted grievance must:
- (a) Be submitted on Form CG-12771. All sections of the form must be completed and contain a brief, concise description of the grievance with sufficient detail to identify and clarify the matter being grieved. Supporting documentation may be attached to the form;
 - (b) Be dated and signed by the employee and the employee's designated representative (if applicable);
 - (c) Be timely filed;
 - (d) Cite the specific section(s) of law, policy, or procedure allegedly violated (if applicable);
 - (e) List the names of anyone believed to have witnessed the occurrence (if applicable); and,
 - (f) Specify, as corrective action sought, relief that is directly personal to the Grievant (such relief may not include a request for disciplinary or other action against another employee).
- (5) Action by the Grievance Official. The Grievance Official must do the following:
- (a) Contact the servicing Human Resources Specialist (LER) immediately upon receipt of the grievance and provide him/her a copy of the grievance filed;
 - (b) Fully and impartially consider all of the facts of the grievance; including conducting additional inquiries, if necessary;
 - (c) Hold a meeting with the Grievant and the Grievant's representative if requested by the Grievant. The method of the meeting (i.e. face-to-face, conference call, etc.) is determined by the Grievance Official;

- (d) Ensure that copies of all relevant material are provided to the servicing Human Resources Specialist (LER) to be maintained in the official grievance file;
 - (e) Discuss findings and recommendations with the servicing Human Resources Specialist (LER); and,
 - (f) Provide the Grievant with a written decision within 15 calendar days of receipt of the written grievance. The servicing Human Resources Specialist (LER) will assist with preparing the written grievance decision. If the Grievance Official is unable to issue the decision within 15 calendar days, he/she must inform the Grievant of the reason additional time is needed and indicate when a response can be expected. The Grievant may proceed with filing a formal grievance if there is no decision or they are dissatisfied with the reason for delay.
- (6) The Informal Grievance Decision. The written decision shall be in memorandum form and include the following:
- (a) The date of the informal grievance and the date it was received;
 - (b) A brief summarization of the issue(s) grieved and the relief requested;
 - (c) Identification of any rules, policies, or instructions that apply;
 - (d) Findings, conclusions, and the decision on the issue(s) grieved. If the relief requested by the employee is granted or if an alternative resolution is provided, a statement should be included to that effect. If the grievance is not resolved, a statement of any attempts made to obtain satisfactory resolution should be included; and,
 - (e) A statement informing the Grievant of his/her right to file a formal grievance if dissatisfied with the decision - to include the name, title, location, phone number, and email address of the formal grievance Deciding Official, as well as the time limit within which the grievance must be submitted.
- e. Formal Grievance Procedure.
- (1) Time Limits for Filing. If any issue(s) from the informal grievance remains unresolved, a formal grievance must be submitted to the Deciding Official noted in the informal decision within 10 calendar days of the Grievant's receipt of the informal decision. If the Grievant did not receive a timely informal grievance decision, a formal grievance may be submitted to the servicing Human Resources Specialist (LER) within 10 calendar days of the informal grievance decision deadline. Timeframes may be extended by management if it is shown that circumstances exist which are beyond the Grievant's control, e.g., illness, absences, complex issues, or workload.
 - (2) Exceptions. The Grievant has 10 calendar days, from the date of the action or occurrence or the date Grievant was or should have been aware of the action or

occurrence, to file an initial grievance at the formal stage for the following matters excluded from the informal stage of the grievance process:

- (a) Grievances involving formal discipline (i.e., a letter of reprimand or suspension of 14 days or less) within 10 days of the effective date of the action;
- (b) Grievances involving an annual performance rating-within 10 days of the date that the employee received or was informed of his/her annual performance rating; and,
- (c) Grievances that personally involve area, district, base and sector commanders; commanders of logistics and service centers; commanding officers of headquarters units; Assistant Commandants for directorates, Deputy Commandant for Mission Support, TJAG, and special staff offices at Headquarters-within 10 days of the date of the act or occurrence, or the date that the employee first became aware or should have become aware of the act or occurrence.

(3) Formal Grievance. A properly submitted grievance must:

- (a) Be submitted on Administration Grievance, Form CG-12771. For the most current Form version go to CGPortal:
<https://cg.portal.uscg.mil/library/forms/SitePages/Home.aspx>.
- (b) Indicate measures taken to attempt to resolve the matter at the informal level, if applicable, and explain why the Grievance Official's efforts were not acceptable;
- (c) Include only issues and/or remedies that were raised in the informal grievance, if applicable. Matters not raised at the informal level will not be addressed at the formal level;
- (d) Be dated and signed by the Grievant and the Grievant's representative (if represented);
- (e) Be timely filed;
- (f) Cite the specific section(s) of law, regulation, policy, or procedure allegedly violated (if applicable);
- (g) Contain sufficient detail to identify and clarify the basis of the grievance, but should not normally exceed one typewritten page;
- (h) List the names of anyone believed to have witnessed the occurrence (if applicable); and,
- (i) Specify, as corrective action sought, relief that is directly personal to the Grievant (such relief may not include a request for disciplinary or other action against another employee).

(4) Action by the Deciding Official. The Deciding Official must do the following:

- (a) Contact the servicing Human Resources Specialist (LER) immediately upon receipt of the grievance and provide him/her a copy of the grievance filed;
 - (b) Request the grievance file from the Grievance Official, if applicable, or from the servicing Human Resources Specialist (LER);
 - (c) Review the entire grievance file thoroughly;
 - (d) Determine if additional fact finding is necessary. If so, designate a Fact Finder to conduct a formal investigation and to prepare a report of findings for review and final determination.
 - (e) Fully and impartially consider all of the facts of the grievance;
 - (f) Provide supplementary documentation, including meeting notes, for the grievance file to the servicing Human Resources Specialist (LER) for the official grievance file;
 - (g) Discuss findings and recommendations with the servicing Human Resources Specialist (LER); and
 - (h) Provide the Grievant with a written decision within 45 calendar days of receipt of the formal grievance unless the decision deadline has been extended. The servicing Human Resources Specialist (LER) will assist with preparing the written decision. If an extension of time is needed because of heavy workload requirements, travel, or because additional information pertaining to the grievance is needed, the grievance official will notify the Grievant and other interested parties to the grievance. Notification will include the duration of the extension and the notification will become part of the grievance file.
- (5) Formal Grievance Decision. The written decision must be in memorandum format and include the following:
- (a) The date of the formal grievance and the date it was received;
 - (b) A brief summarization of the issue(s) grieved and the relief requested;
 - (c) Identification of any rules, policies, or instructions that apply;
 - (d) Findings, conclusions, and the final decision on the issue(s) grieved. If the relief requested by the Grievant is granted, or if an alternative resolution is offered, a statement to that effect should be included; and,
 - (e) A statement that the formal decision is the final decision and it is not subject to further review.

19. TRAVEL EXPENSES. Coast Guard will not be responsible for travel expenses for a Grievant or his/her representative in situations where the Grievant and Grievance Official or Deciding Official are not co-located unless management requests the travel.
20. COMBINING GRIEVANCES. When two or more employees within a Coast Guard command have similar or identical grievances (i.e., the dissatisfaction expressed and the relief requested are similar or identical), the grievances may be combined and processed as one group grievance at the Grievance or Deciding Official's discretion. When grievances are combined, the employees will be notified and required to designate a representative for the group.
21. CANCELLATION OF A GRIEVANCE. A grievance may be cancelled by:
- a. The Grievant. A Grievant, or his/her representative, may cancel a grievance at any stage of the grievance process. This cancellation must be submitted in writing to the Grievance Official or Deciding Official and may be done by email, memorandum, or letter. Once cancelled by the Grievant or his/her representative, the grievance will not be reactivated.
 - b. Termination of Employment. The grievance will be cancelled upon the termination of a Grievant's employment with the Coast Guard unless the relief sought by the employee would result in a remedy of pay should the grievance be sustained.
 - c. Death. Death of a Grievant automatically terminates a grievance unless the relief sought involves a matter of pay to be paid to the beneficiaries of the deceased should the grievance be sustained.
 - d. Failure to Act. Failure to act by the Grievant, including failure of the Grievant to meet deadlines, failure to furnish required information, or failure to cooperate in the processing of the grievance will result in the cancellation of the grievance.
22. FORMS/REPORTS. The forms referenced in this Instruction are available in USCG. Electronic Forms on the Standard Workstation or on the Internet: <https://dcms.uscg.afpims.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/>; CGPortal: <https://cg.portal.uscg.mil/library/forms/SitePages/Home.aspx>.
23. SECTION 508. This Instruction was created to adhere to Accessibility guidelines and standards as promulgated by the U.S. Access Board. If changes are needed, please communicate with the Coast Guard Section 508 Program Management Office at: Section.508@uscg.mil.
24. REQUEST FOR CHANGES. The Office of Civilian Workforce Relations (CG-124) is the point of contact for this Instruction.

/MICHELLE R. GODFREY/
Director of Civilian Human Resources,
Diversity and Leadership

Enclosure (1): Administrative Grievance Timetables Summary

ADMINISTRATIVE GRIEVANCE TIMETABLES SUMMARY

Time limit for	Limit	Applies to	Section of Policy
Filing an Informal Grievance	15 calendar days of the act or occurrence	Grievant	18. d. (3)
Rejecting an Informal Grievance	15 calendar days of receipt of the written grievance	Grievance Official	18. a. (3)
Informal Grievance Decision	15 calendar days of receipt of the written grievance	Grievance Official	18. d. (5) (f)
Filing a Formal Grievance	10 calendar days from receipt of the informal decision	Grievant	18. e. (1)
Filing a Grievance Involving Formal Discipline	10 calendar days from the effective date of the action	Grievant	18. e. (2) (a)
Filing a Grievance Involving an Annual Performance Rating	10 calendar days of receipt or communication of the annual performance rating	Grievant	18. e. (2) (b)
Filing a Grievance Involving Area, District, Base and Sector Commanders...(refer to the cited section for a full list of senior officials)	10 calendar days of the act or occurrence	Grievant	18. e. (2) (c)
Written Formal Decision	45 calendar days of receipt of the formal grievance	Deciding Official	18. 4. (h)