

HR/G FOREIGN SERVICE GRIEVANCES

Who may file a grievance (“grieve”)?

- (1) Any member of the Service who is an American citizen, including a part-time, intermittent and temporary (“PIT”) employee; an American Family Member employee; and an untenured employee on a limited appointment; and
- (2) A former member of the Service (who is an American citizen), but only if the grievance concerns financial benefits.

What may you grieve?

Any remediable matter within the Department’s control which you believe deprives you of a right or benefit, or is otherwise a source of concern or dissatisfaction, except that you may NOT grieve:

- (1) An assignment, unless made contrary to law or regulation;
- (2) The judgment of a board (selection board, tenure board, etc.);
- (3) The expiration or termination of a limited appointment or a limited career extension;
- (4) Any matter which may be remedied under some other procedure, unless the matter is alleged to result from “whistleblowing,” or from illegal discrimination;
- (5) The failure to obtain an award or a quality salary increase;
- (6) Departmental policy, unless contrary to law or regulation;
- (7) Any matter for which the member has previously sought relief under a different law or regulation, unless the matter is alleged to result from “whistleblowing.”

Complaints of discrimination can be filed under the Foreign Service Grievance process or under another provision of law, regulation, or Executive Order that authorizes relief, but not both. See 3 FAM 4428.d. and the Office of Civil Rights intranet website.

Where and how do you file a grievance?

Ideally, a grievance should be presented at the lowest level at which someone can provide relief.

In a bureau or at post: The administrative or executive office will advise employees as to which official(s) may act on grievances.

In the Department: For matters not satisfactorily resolved in post or bureau decisions (or which have not been raised at that level), file with the Bureau of Human Resources Grievance Staff (Dept. of State, HR/G, SA-1, Room H-523, Washington, D.C. 20522-0108). You may file by letter, memorandum or FAX message (FAX: (202) 261-8121). You may also email your grievance to HR/G Director Melinda Chandler. If within three weeks of filing your grievance you have not received an acknowledgement of receipt from HR/G, please contact our office. Employees whose grievances are denied by the Department are simultaneously given information on how to appeal to the Foreign Service Grievance Board. NOTE: The Foreign Service Grievance Board accepts ONLY appeals of decisions issued by the Department, or grievances which have been pending with the Department for at least 90 days without a decision.

What should a grievance filing contain?

- (1) A description of the problem(s) which you wish addressed;
- (2) Citation of any relevant laws or regulations;
- (3) A request for the relief sought;
- (4) Copies of any relevant correspondence or other documents; and
- (5) Names and addresses of people who can shed light on the matter.

When should you file a grievance?

Generally, not later than two years after you become aware (or reasonably should have known) of the grounds for the grievance, BUT (1) if a grievance alleges discrimination, the time limit for an employee assigned domestically is 180 days from the date of the offending act, and for an employee assigned abroad the time limit is the earlier of 180 days from departure from the post where the discrimination occurred, or 18 months from the date of the last occurrence giving rise to the grievance; (2) if a grievance is based on a performance appraisal, the two-year limit may be extended by up to one year from the date the employee ceases to be rated or reviewed by the person whose rating or review statement is being contested in the grievance, as long as the grievance is filed within three years of the issuance of the appraisal; (3) if a grievance contests material in an employee's performance file which has been cited by a Selection Board as a basis for low-ranking the employee, the limit is five years from the issuance of the material; and (4) there is no time limit for filing a grievance contesting material cited by a Performance Standards Board as a justification for the separation of an employee.

How long will it take to get an answer?

At the post or bureau level, a decision should be issued within 15 days. If you are dissatisfied with a decision at that level, you need to file with the Department within 10 days. At the Department level, decisions should be issued within 90 days.

Must you have a lawyer?

No. Most grievants represent themselves, but a small percentage hire attorneys. If your case is resolved at the Department level, the Department will not reimburse you for your attorney's fees. If you have an attorney, and if your case is found meritorious by the Grievance Board, the Board may order the Department to reimburse some or all of your attorney's fees if it finds that the "interest of justice" so requires. Many employees seek help from the American Foreign Service Association (AFSA) in preparing grievances.

What do people file grievances about?

Most grievances concern performance appraisals or other evaluative material; a smaller number concern disciplinary actions, financial matters and other subjects.

What is interim ("prescriptive") relief?

The Department will suspend action to separate you, discipline you, or recoup alleged overpayments from you during the pendency of your grievance before the Department, provided the grievance is about that subject.

Further information

This sheet provides only generalized, summary information on the Department's grievance system; it should not be considered as controlling every situation. If you have questions, consult 3 FAM 4400 or call HR/G (SA-1, Room H-523) at (202) 261-8110, FAX (202) 261-8121; or AFSA's Member Services Office, 2201 C Street, NW, Room 1251, Washington, DC, 20520, tel: (202) 647-8160, FAX (202) 647-0265

Visit our Intranet website at: <http://intranet.hr.state.sbu/OFFICES/G/Pages/default.aspx>