

Management System: Office of Human Resources

Subject Area: Employee Relations

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1.0 Introduction

The Employee Relations Subject Area Description provides guidance to employees and supervisors in resolving work-related issues. This description will give guidance but is not intended to replace the guidance given by the servicing Human Resources (HR) Specialist. With assistance from the HR Specialist, this description will guide you in the following tasks:

- Assisting employees with work-related issues, concerns, and grievances.
- Assisting supervisors and managers in resolving work-related issues and concerns.
- Interpreting HR policies and procedures and recommending modifications when appropriate.
- Providing supervisors and managers with guidance on the delivery of disciplinary and adverse actions that ensures actions are consistent with Federal regulations and Department of Energy (DOE) policies.

2.0 Content

Procedures	Procedure Content
1. Implementing Workforce Discipline Action - Reprimand	<ul style="list-style-type: none">• Initiate a reprimand action.• Coordinating the investigation and finalization of the reprimand with Office Human Resources (OHR).• Issuing and defending the disciplinary action.
2. Implementing Workforce Discipline Action - Less Than 14-Day Suspension	<ul style="list-style-type: none">• Initiate a suspension of 14 days or less.• Coordinating the investigation and finalization of the Suspension of less than 14 days with OHR.• Issuing and defending the disciplinary action.
3. Implementing Workforce Discipline Actions - Greater Than 14-Day Suspension to Removal	<ul style="list-style-type: none">• Initiate a suspension of greater than 14 days to removal.• Coordinating the investigation and finalization of the Suspension of more than 14 days with OHR and Office of Legal Services (OLS).

	<ul style="list-style-type: none"> • Issuing and defending the action (MSPB).
<p>4. Implementing the Administrative the Grievance Process</p>	<ul style="list-style-type: none"> • File grievance. • Appeal grievance to the Servicing HR Office. • List appropriate resources regarding the Administrative Grievance Process.

3.0 Exhibits/Forms

- None.

4.0 Related Information

- None

5.0 Requirements

Document	Title
5 CFR 432	<i>Performance Based Reduction in Grade and Removal Actions</i>
5 CFR 771	<i>Agency Administrative Grievance System</i>
DOE O 342.1	<i>Grievance Policy And Procedures</i>
DOE O 3750.1, Change 6	<i>Work Force Discipline</i>
5 CFR 752	<i>Adverse Actions</i>
31 U.S.C., Section 1349	<i>Adverse Personnel Actions</i>

6.0 Definitions

Term	Definition
Deciding Official	Except in the case of the Secretary of Energy, an official at a higher organizational level (not necessarily higher grade) than any other individual directly involved in the grievance who has been delegated the authority to make final decisions on formal grievances. The Deciding Official is normally the supervisor or manager immediately above the supervisor to whom the informal grievance was submitted unless that individual was directly involved in the grievance. Involvement means more than mere knowledge of the matter. To have been “involved,” the Deciding Official must have made or influenced a decision regarding the matter or must have a personal interest in the matter. In the latter event, the Deciding Official must be the next higher-level supervisor in the management chain who was not directly involved in the grievance. Only the Secretary of Energy may be involved in a grievance, be the supervisor with whom an informal grievance is filed, and be the Deciding Official.
Fact-Finding	An inquiry suitable to ascertain the relevant circumstances surrounding a grievance and to provide the basis for a written report. The written report contains appropriate recommendations on the matter being examined and reasons for the recommendations
Formal Grievance	A written request by an employee, a former employee, or a group of employees acting as an individual for personal relief in a matter of concern or dissatisfaction relating to the conditions of employment of the employee that is subject to the control of U.S. Department of Energy management.
Informal Grievance	A written grievance related to matters/conditions of employment under the control of U.S. Department of Energy management presented by an employee or group of employees acting as an individual to his/her/their immediate supervisor for discussion and informal resolution. Participation in the Informal Grievance process is a requirement for, and precursor to, submitting a Formal Grievance.
Mediation (A Form of Alternative Dispute Resolution)	A confidential and speedy process whereby a trained professional mediator assists the parties in reaching a voluntary solution to their dispute. The mediator is not a judge and does not make any decisions about fault. If the parties reach resolution, a binding settlement agreement is signed with a copy forwarded to the Director of the Servicing Human Resources Office, who will forward a copy of the agreement to the director of the U.S. Department of Energy (DOE) Headquarters (HQ) Office of Human Capital Management (HC-1) for non-National Nuclear Security Administration (non-NNSA) components or the Director of Human Resources Management (NNSA) for NNSA components. Mediation may be used at any stage of the grievance process. Once Mediation is elected, the time limits of the grievance process are held in abeyance

	pending the completion and/or termination of the Mediation.
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