

TIMELINE FOR FILING A GRIEVANCE

Grievant submits grievance to Agency

There are time limits for filing a grievance. A grievance is time barred unless presented within two years of either: the date of issuance of an employee evaluation report (EER) or other document in the Official Personnel Folder or the date of any other act or occurrence giving rise to the grievance. There are exceptions to the two-year rule, which are discussed in AFSA's Grievance Guidelines. (There is a special provision for grievances involving certain performance evaluations.) For grievances involving discrimination, the employee must file within 180 days of the alleged discrimination. If the discrimination is ongoing, filing must occur within 180 days of the last discriminatory act. (The limitation period for EEO cases may be extended if the grievant is overseas.) For all grievances, except those involving financial claims, an employee must file a grievance with the agency while he or she continues to be a member of the Foreign Service.

Acknowledgement letter sent by Agency to grievant

Two to three weeks after submission of grievance.

Options on appealing to the Foreign Service Grievance Board

Agency has 90 days to render a decision. If a timely decision declares the grievance meritorious, the grievance is resolved. If a timely decision is a denial, the grievant has the option to appeal within 60 days from receipt of the decision letter. (Note, grievants who wish to obtain interim (prescriptive relief) have a shorter period to appeal (in most cases, within 15 days).

In the event Agency fails to provide a decision within 90 days, the grievant has the option to wait for the decision or immediately appeal to the FSGB. In this situation, the appeal must be made within 150 days from the initial grievance submission but not before 90 days have passed. If 150 days expire without the grievant filing an appeal, the grievant may either wait for the Agency decision before filing an appeal within 60 days of its receipt or request leave from the Grievance Board to appeal without an agency-level decision.

Filing appeal to Foreign Service Grievance Board

Grievant submits appeal, a copy of the original grievance, and a copy of the Agency decision to the FSGB. If you are on prescriptive relief and want it to continue without interruption, you must file your appeal within 15 days from the receipt of the Agency decision.

Foreign Service Grievance Board will acknowledge receipt of the appeal

The FSGB will send out an acknowledgement letter assigning a case number and giving other preliminary data.

Discovery requests and additional submissions

Grievant has 20 days from the appeal submission to the FSGB to request discovery or to submit additional documentation. Any further requests for discovery must be made within 20 days of the receipt of the response to the first discovery request. Upon completion of discovery, grievant has 30 days to make a final submission.

Agency's supplemental submissions

Agency can submit any documentation, including a response to grievant's submission, not later than 30 days after grievant's final submission.

Grievant's rebuttal to Agency's response

The grievant can make a rebuttal to Agency's response within 15 days of receiving Agency's submission.

Record of Proceedings closed

FSGB stops accepting other submissions and starts deliberations toward a decision on the merits of the case. FSGB seeks to render a final decision within 90 days of closing the record of proceeding in the case.

Appeal to District Court

In all cases except EEO cases, 180 days from the Board's final decision. In EEO cases, 90 days from the Board's final decision.