

United States
Department
of Agriculture

Forest Service

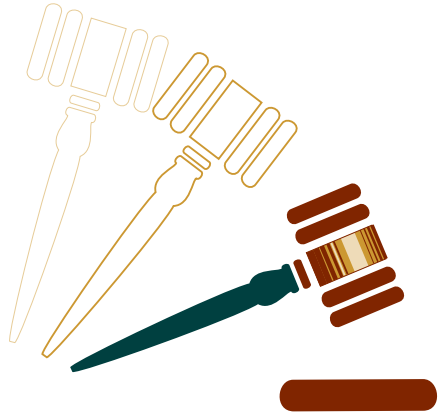
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Justice on the Job



Dispute Resolution Options for USDA Forest Service Employees and Supervisors



Workplace disputes are a normal and common part of everyday worklife. The *United States Department of Agriculture (USDA)* Forest Service employees and supervisors have several avenues to assist them in resolving workplace disputes quickly, effectively, and locally. This guide provides a quick overview of the Early Intervention Program, Equal Employment Opportunity (EEO) complaints, union grievances, agency grievances, and more.

Who needs to know how to resolve disputes?

You do, whether you supervise or not.

-  Although you may not have a problem right now, knowing your options can help reduce anxiety when problems do arise. Knowing your options may also help quell destructive rumors.
-  As with most processes, dispute resolution options include strict timeframes for filing a grievance. If not followed, you could miss out on the opportunity to use these options. So, it's important that you be informed.

What's the best option? *It depends!*

There are different tools for different situations, depending on your position you hold (or want to hold) and your problem. Depending upon the situation, you may file under more than one type of process. There is some overlap between the processes.

It is **your** responsibility to choose what route to take.

Note: Concerned about retaliation? It is **prohibited!** The Employment Complaint Program specifically addresses reprisal.

What Are the Options?

Early Intervention Program (EIP)

As a nonadversarial voluntary process, EIP uses a neutral party to resolve conflicts between two or more employees.

Who Can Use It?

Any employee.

Who Helps Start the Process?

An EIP manager.

What Are the Advantages?

The process is quick, containing the least red tape.

How Long Does It Take?

How long it takes depends on YOU!

What Are the Filing Timeframes?

None. This option can be used anytime.

Employment Complaints Process (ECP)

ECP resolves employment discrimination issues based on race, color, sex, age, national origin, religion, disability, or reprisal for using this process. In the USDA, issues may also be based on political beliefs, marital status, or sexual orientation.

Who Can Use It?

Any current or former employee or applicant for employment.

Who Helps Start the Process?

An EEO counselor. To contact a counselor, call 866-256-1913 (toll free).

What Are the Advantages?

ECP offers the protection of a well-defined informal or formal, traditional or alternative process.

How Long Does It Take?

Expect the process to take 90 days (informal) to 2 years (formal).

What Are the Filing Timeframes?

You must contact an EEO counselor within 45 days of the incident.

Administrative Grievance System (AGS)

AGS resolves employment-related grievances for non-union employees. **Excluded are** issues that can be addressed under other processes or which are not under agency control, awards, termination of temporary or probationary appointments, and selections for noncompetitive appointments.

Who Can Use It?

Employees **not** covered by a bargaining unit.

Who Helps Start the Process?

Personnel from your Human Resources Staff.

What Are the Advantages?

Employees using AGS are allowed the assistance of an employee representative.

How Long Does It Take?

The process generally takes 90 days to receive an local decision or 9 months to receive a USDA decision.

What Are the Filing Timeframes?

You must contact your supervisor within 15 days of the incident.

Negotiated Grievance Procedure (NGP)

NGP resolves grievances related to conditions of employment that are filed by a labor organization (union) or bargaining unit employees. For specific information on excluded issues, see your pertinent labor agreement.

Who Can Use It?

Employees covered by a negotiated grievance procedure.

Who Helps Start the Process?

Your union representative.

What Are the Advantages?

Arbitration is available.

How Long Does It Take?

Expect the process to take 90 to 180 days.

What Are the Filing Timeframes?

You must file a grievance in writing to management within 30 days of the incident.

Merit Systems Protection Board (MSPB)

MSPB resolves some issues related to suspension, furlough, retirement, termination, or disqualification of applicants for a position. It is generally not initially used for a grievance filed under another option that may eventually be appealed to the MSPB.

Who Can Use It?

Most Federal employees, except probationary and some temporary employees.

Who Helps Start the Process?

Personnel at the MSPB. For a “mixed-case complaint” that also involves employment discrimination, contact your EEO counselor.

What Are the Advantages?

There is a specific focus on adverse actions (e.g., suspensions and terminations).

How Long Does It Take?

This well-defined process of filing and appeals generally takes at least 180 days to 1 year.

What Are the Filing Timeframes?

You must file the grievance within 30 days of the effective date of the personnel action.

The Hotline Complaints System

The Hotline provides a fast, secure way to anonymously report violations of law and regulations, including fraud, misconduct, conflict of interest, misuse of funds, or endangering public health or safety.

Who Can Use It?

All Federal employees.

Who Helps Start the Process?

The USDA Office of the Inspector General, 1-800-424-9121, or P.O. Box 23399, Washington, DC 20026-3399.

What Are the Advantages?

It is an anonymous process.

How Long Does It Take?

The process should take 90 to 180 days.

What Are the Filing Timeframes?

There are no defining timeframes for filing a hotline report.

The Whistleblower Complaints System

This system allows employees to safely report any violation of laws, rules, or regulations to a body outside USDA, including prohibited personnel practices, gross mismanagement, gross waste of funds, abuse of authority, a substantial and specific danger to public health or safety, and Hatch Act violations.

Who Can Use It?

Any employee, former employee, or applicant for employment.

Who Helps Start the Process?

The Office of the Special Counsel, 1-800-872-9855, or 1730 M Street, NW, Suite 300, Washington, DC 20036-4505.

What Are the Advantages?

Confidentiality.





How Long Does It Take?

This process usually takes 180 to 300 days.

What Are the Filing Timeframes?

There are no defined timeframes for filing a complaint.

How Do You Get More Information?

-  If you need specific guidance, see the Washington Office Civil Rights Staff's ***Dispute Resolution Guide*** at <http://fsweb.wo.fs.fed.us/cr/eoo/correspondence/DisputeResolutionGuide.PDF>
-  **Locate an EIP manager** or designated intake person for an intervention at http://fsweb.wo.fs.fed.us/cr/correspondence/eip_managers.PDF
-  **Call an EEO counselor** at 866-250-1913 (toll free) or find a list of counselors at http://fsweb.wo.fs.fed.us/cr/eoo/correspondence/ecp_centers.PDF
-  **Contact the Washington Office of Civil Rights** at 202-205-1585 if you need accessible versions of this material

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