DoDEA Administrative Instruction 1426.02
DoDEA Administrative Grievance System

**Originating Division:** Human Resources

**Effective:** March 14, 2022

**Releasability:** Cleared for public release. Available at the DoDEA Policy Webpage.

**Incorporates and cancels:** DoDEA Regulation 5771.09, “DoDEA Administrative Grievance System,” August 19, 2011

**Approved by:** Thomas M. Brady, Director

**Purpose:** This Issuance establishes policy, assigns responsibilities, and implements procedures to administer the Department of Defense Education Activity (DoDEA) Administrative Grievance System.
TABLE OF CONTENTS

SECTION 1: GENERAL ISSUANCE INFORMATION ................................................................. 3
  1.1. Applicability .................................................................................................. 3
  1.2. Policy .................................................................................................................. 3
  1.3. Information Collection ................................................................................................... 3

SECTION 2: RESPONSIBILITIES .................................................................................. 4
  2.1. DoDEA Director ..................................................................................................... 4
  2.2. DoDEA Labor Management And Employee Relations Branch Chief ...................... 4
  2.3. DoDEA Labor Management And Employee Relations Specialist ....................... 4
  2.4. DoDEA Deciding Official ............................................................................................. 4
  2.5. DoDEA Employees ....................................................................................................... 5

SECTION 3: GRIEVANCE PROCEDURES ................................................................ 7
  3.1. Grievance Coverage And Exclusions ........................................................................ 7
  3.2. Rights of a Grievant ....................................................................................................... 8
  3.3. Problem-Solving Process ............................................................................................. 8
  3.4. Formal Grievance Process ............................................................................................ 9

GLOSSARY .................................................................................................................. 13
  G.1. Acronyms .................................................................................................................... 13
  G.2. Definitions .................................................................................................................. 13

REFERENCES ................................................................................................................. 15

APPENDIX ..................................................................................................................... 16
  Appendix 1: Internal Controls Evaluation LMER Specialist Grievance Checklist .......... 16
  Appendix 2: Sample Designation of Representation ..................................................... 17

FIGURES
  Figure 1: Administrative Grievance Procedure Process Chart ...................................... 12
SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This Issuance applies to the DoDEA Headquarters Organization, the DoDEA Americas Region, the DoDEA Europe Region, the DoDEA Pacific Region, to include all districts and schools under the DoDEA authority.

b. Does not apply to:

   (1) An applicant for employment.

   (2) A non-citizen local national employee employed in foreign areas.

c. Where provisions of this Issuance conflict with enforceable provisions of negotiated labor agreements, the provisions of the negotiated agreements will apply. When provisions of this Issuance differ from changes in Federal law or regulation, the changes in Federal law or regulation will apply.

1.2. POLICY. It is DoDEA policy that:

a. Grievances will be processed expeditiously, fairly, and impartially and will be resolved as quickly as possible and at the lowest possible supervisory level, whenever feasible.

b. All persons involved in the dispute resolution process shall be free from restraint, interference, coercion, discrimination, and reprisal.

1.3. INFORMATION COLLECTION. This Issuance may result in the collection of information due to its policy and procedures. Any collection of information must follow all applicable Federal law and DoD and DoDEA regulations, policies, and guidance.
SECTION 2: RESPONSIBILITIES

2.1. DODEA DIRECTOR. The DoDEA Director oversees implementation of this Issuance.

2.2. DODEA LABOR MANAGEMENT AND EMPLOYEE RELATIONS BRANCH CHIEF. Under the authority, direction, and control of the DoDEA Director, the DoDEA Labor Management and Employee Relations (LMER) Branch Chief will:

   a. Provide technical assistance to all levels of DoDEA management concerning the DoDEA Administrative Grievance System (AGS), including the proper processes and procedures to be followed by the DoDEA supervisors and managers in accordance with this Issuance.

   b. Ensure all official records related to the AGS are maintained in accordance with the Office of the Chief Management Officer Administrative Instruction 15, Office of the Secretary of Defense, Records Disposition Schedules, DoD Instruction 5015.02, and DoDEA Regulation 5015.01.

2.3. DODEA LABOR MANAGEMENT AND EMPLOYEE RELATIONS SPECIALIST. Under the authority of the DoDEA LMER Branch Chief, the servicing DoDEA LMER Specialist will:

   a. Provide advice and guidance at the Headquarters and Region level to DoDEA supervisors and managers considering the AGS.

   b. Determine the appropriate Deciding Official and prepare all draft memoranda for official AGS correspondence.

   c. Prepare all draft decision letters for DoDEA Deciding Officials.

   d. Ensure appropriate coordination with the DoDEA Office of General Counsel.

   e. Maintain all official records related to the AGS in accordance with all applicable Federal, DoD, and DoDEA regulations, policies, and guidance.

2.4. DODEA DECIDING OFFICIAL. The Deciding Official will:

   a. Determine whether to:

      (1) Join similar or identical grievances. The employee shall be notified in writing of this decision.

      (2) Accept all or parts of a grievance.

      (3) Temporarily suspend or cancel all or parts of a grievance if:
(a) It is at the employee’s written request.

(b) The grievant or grievance is excluded from coverage.

(c) The grievant fails to provide sufficient details to clearly identify the matter being grieved or specify the personal relief requested.

(d) The grievant fails to comply with applicable time limits or procedural requirements.

(e) The grievant requests action(s) to be taken against another employee(s).

(f) The grievant raises the same matter in a different forum.

b. Articulate in writing the reason(s) for suspending or canceling all or parts of a grievance.

c. Determine how much official work time shall be granted to employees, if otherwise in a duty status, concerning the grievance disposition.

d. Determine whether to disallow a grievant’s choice of a representative if it:

   (1) Results in a conflict or apparent conflict of interest or position.

   (2) Conflicts with the priority needs of the Activity.

   (3) Will cause an unreasonable cost to the Federal Government.

    e. Present in writing the reason(s) for disallowing a grievant’s choice of a representative.

    f. Allow time frames to be extended when warranted by special circumstances.

    g. Determine whether to appoint an investigator or grievance examiner, to analyze, conduct inquiries, and make recommendations concerning the disposition of a grievance.

    h. Be fair when considering the grievance and issue a final decision in writing on the merits within the prescribed time limits.

2.5. **DODEA EMPLOYEES.** Employees will:

a. Consider initiating discussion and engaging with the supervisor or manager prior to filing a grievance to attempt to work out any issues and resolve workplace disputes at the lowest possible level.

b. Ensure grievances are filed within specified time frames, in accordance with Section 3.3. and 3.4. of this Issuance.

c. Ensure that grievances contain sufficient details to clearly identify the matter being grieved.
d. Ensure that grievances specify any personal relief request.

e. Ensure that notification for representation is provided to the Deciding Official.
SECTION 3: GRIEVANCE PROCEDURES

3.1. GRIEVANCE COVERAGE AND EXCLUSIONS. This Issuance concerns any matter relating to the employment of an employee, which is subject to the control of DoDEA management. The following are excluded from coverage:

a. The content of published DoDEA regulations and policy.

b. Any matter covered by a negotiated grievance procedure or filed before and/or subject to formal review and adjudication by the Merit Systems Protection Board, Office of Personnel Management, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, or any matter the employee files under a different review or reconsideration procedure (e.g., a prior grievance under the AGS process), or dispute resolution process (e.g., classification appeal) within the Department of Defense.

c. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.

d. Preliminary notice of an action that, if effected, would be covered under this grievance process.

e. The substance of an employee’s performance elements, standards, or work objectives.

f. Determinations concerning awards, additional step increases, recruitment or relocation bonuses, retention allowances, or additional pay allowances, supervisory differentials, critical position pay, or dual compensation waivers.

g. Any action taken under a voluntary, formal agreement accepted by an employee involving geographic relocation or return from an overseas assignment.

h. Termination of a probationer, return of an employee serving a supervisory or managerial probation to a non-supervisory or non-managerial position, or separation or termination of a reemployed annuitant.

i. For Senior Executive Service (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 one-year period of probation, or for less than fully successful executive performance, or for failure to be recertified, conditional recertification, or termination during probation for unacceptable performance.

j. Termination or expiration of a time-limited excepted appointment, a term or temporary appointment or promotion, or an 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.

k. Termination of a temporary or term promotion at a time other than in the preceding subparagraph, provided the employee was informed in advance of the temporary nature of the
appointment or promotion and the employee was returned to their former position from which temporarily promoted, or to a different position of equivalent grade and pay.

1. SES pay rate changes.

m. Oral admonishments and letters of caution.

3.2. RIGHTS OF A GRIEVANT.

a. Employees are entitled in accordance with this Issuance to present informal problems and formal grievances and to communicate with supervisors and managers. A grievant may seek advice from their servicing DoDEA LMER Specialist regarding any aspect of the AGS. The servicing DoDEA LMER Specialist will offer guidance on the AGS but will not serve as an advisor on the substance of the grievance.

b. A grievant has the right to present a grievance without representation or to seek a representative of their choosing at any stage of the grievance process. If a grievant elects to have a representative, they must designate the representative in writing to the Deciding Official and provide written notification of any subsequent change. The designation may be included in the written grievance or submitted using Appendix 2: Sample Designation of Representation Memorandum.

c. The Deciding Official receiving the grievance may disallow the grievant’s choice of a representative if their duties as a representative would result in a conflict of interest, conflict with DoDEA’s mission, or result in unreasonable cost to the Federal Government. If a grievant’s choice of representative is disallowed, the reasons for the decision will be presented in writing to the grievant, normally within ten (10) business days.

d. Grievants and their representatives shall have access to relevant information and shall be given copies of such information unless to do so would be unduly burdensome or contrary to Federal law and DoD or DoDEA, regulations, policies, or guidance.

e. Grievants and their representatives are entitled to a reasonable amount of official duty time, if otherwise in a duty status, as determined by the Deciding Official, to prepare, and/or present a grievance, and to communicate with DoDEA management and personnel.

3.3. PROBLEM-SOLVING PROCESS.

a. An employee may informally present a work-related problem concerning a continuing practice or condition either orally or in writing, to their immediate supervisor or manager. If the problem involves a matter or action directly involving that supervisor, the employee may present the problem to the next higher-level supervisor.

b. Work-related problems must be presented within 15 calendar days following the date of the act or event giving rise to the problem or the date the employee became aware of (or
reasonably should have become aware of) the act or event. The employee may present a matter of concern regarding a continuing practice or condition at any time.

c. A supervisor or manager must consider the employee’s issue and attempt to resolve it within 15 calendar days and no later than 30 calendar days from the date the problem is first brought to the supervisor’s attention.

d. Where appropriate, the Deciding Official or grievant may request use of the DoDEA Alternate Dispute Resolution (ADR) Program or a neutral person acting in the capacity as a facilitator or mediator. The DoDEA ADR Program is administered in accordance with DoDEA Regulation 1800.01.

e. If the work-related problem is presented in writing, the determination must be in writing. If the employee presents the problem orally, the supervisor’s determination may be oral or written.

f. If the supervisor or manager believes the matter is not covered by the AGS, the supervisor will inform the employee and advise the employee of the appropriate process, if any, for resolving the problem.

g. The time limit for resolving the problem may be extended by mutual agreement to accommodate resolution of the dispute.

h. The use of the problem-solving process does not modify the time limits to file a formal written grievance. If the employee used the informal problem-solving process, and the problem is not resolved, the grievant must file a formal written grievance no later than 15 calendar days from conclusion of the informal problem-solving process. Therefore, if an extension has not been mutually agreed upon, the employee has 15 calendar days, after the supervisor’s 30 calendar days period to informally resolve the problem, to submit a formal written grievance to the servicing DoDEA LMER Specialist for processing.

i. The servicing DoDEA LMER Specialist is available to provide expert advice and assistance and should be contacted for help whenever appropriate.

j. ADR techniques may be used to resolve disputes in accordance with DoDEA Regulation 1800.01 and this Issuance. ADR techniques include a broad range of approaches for dealing with conflict and seeking solutions satisfactory to all parties. These techniques include, but are not limited to, the informal problem-solving process, facilitation, and mediation.

3.4. FORMAL GRIEVANCE PROCESS. An employee may file a formal, written grievance with the servicing DoDEA LMER Specialist when a problem is not resolved using the problem-solving process, or if choosing to bypass that process, invoking the grievance process. The servicing DoDEA LMER Specialist will determine the appropriate Deciding Official and prepare the formal written grievance for processing.
a. If the employee used the informal problem-solving process, the employee must file a formal written grievance no later than 15 calendar days from the conclusion of the informal problem-solving process.

b. When the employee does not use the problem-solving process, but submits the matter as a formal written grievance, the employee must present the grievance within 15 calendar days following the date of the act or event that gave rise to the grievance, or within 15 calendar days following the date the employee became aware of (or reasonably should have become aware of) the act or event to the employee’s servicing DoDEA LMER Specialist for processing. The employee may present a grievance regarding a continuing practice or condition at any time.

c. The employee’s formal written grievance must be signed, dated, and contain a sufficiently detailed statement of the specific issue(s) and the specific remedy sought. The remedy must be personal to the employee and may not include a request for disciplinary or other action affecting another employee.

d. The employee’s formal written grievance must include copies of any documents in their possession related to the grievance and the name, address, and phone number of their representative, if any.

e. An employee may not grieve the same matter raised in any other grievance, complaint, appeal, or other dispute resolution process.

f. The Deciding Official may also designate an impartial individual to examine a formal written grievance and, when authorized, to make recommendations concerning its disposition.

g. The Deciding Official shall fully and fairly consider the formal written grievance and issue a written decision with supporting rationale for the decision.

h. The Deciding Official shall issue the decision as soon as possible but no later than 60 calendar days from the filing of the formal written grievance. The Deciding Official may extend time frames when warranted by special circumstances (i.e., when those involved are geographically dispersed or where an investigator is used in the process). A grievance decision shall be issued no more than 90 calendar days from the filing of the formal written grievance absent mutual agreement to extend the time limit to accommodate resolution of the dispute. The grievance file will be forwarded to the servicing DoDEA LMER Specialist after the grievance decision is issued.

i. If the Deciding Official fails to render a grievance decision within 90 calendar days, absent a mutual agreement, the grievant may request review by the next higher management level, if any, within DoDEA.

j. Whenever possible, the Deciding Official should rule on the merits of a formal written grievance. The Deciding Official may cancel or temporarily suspend a grievance, or the appropriate portion of a grievance, if:

(1) The grievant requests such action.
(2) The grievant or grievance is excluded from coverage.

(3) The grievant fails to provide sufficient details to clearly identify the matter being grieved or specify the personal relief requested.

(4) The grievant fails to comply with applicable time limits or procedural requirements or requests actions to be taken against another employee.

(5) The grievant raises the same matters under a different formal dispute resolution process. An employee may request the next higher DoDEA management level, if any, to review a decision to cancel or temporarily suspend a grievance. The grievant’s request for review of a Deciding Official’s decision to cancel or temporarily suspend a grievance must be submitted in writing within ten (10) calendar days of the date of receipt of the decision to cancel or temporarily suspend the grievance.

k. When employees have similar or identical grievances, the Deciding Official shall determine whether to consolidate the grievances. The employees will be notified and required to designate a common representative, if one (1) or more grievant wishes representation.

l. A Deciding Official’s decision on the merits of the grievance is final and not subject to further review.

m. If an allegation of employment-related discrimination based on race, color, sex (including gender identity and sexual orientation), national origin, age, disability, religion, reprision, and genetic information is identified in the formal grievance process, the Deciding Official will inform the grievant in writing that introduction of the allegation will serve to terminate processing of the matter in accordance with this Issuance. The grievant must be given the opportunity to withdraw the allegation from the Equal Employment Opportunity (EEO) office in order to continue under the administrative grievance system or proceed under the EEO discrimination complaint system administered by the DoDEA Diversity Management and Equal Opportunity Division Chief. The grievant’s decision must be documented in writing and made part of the grievance file. If the grievant decides to pursue the matter under the EEO discrimination complaint system, that portion of the grievance shall be canceled. Notification will be provided to the grievant in writing concerning which portions of the grievance have been canceled. If there are no matters remaining in the formal grievance, the entire grievance shall be canceled, the grievant will be notified in writing, and the grievance file forwarded to the servicing DoDEA LMER Specialist. The filing of an administrative grievance does not affect the requirement that a complainant must contact an EEO counselor within 45 calendar days of the date that the complainant knew, or should have known, of the alleged discrimination.
**Figure 1: Administrative Grievance Procedure Process Chart**

**ADMINISTRATIVE GRIEVANCE PROCEDURE PROCESS CHART**

Employee has a concern or becomes aware of an issue. Employee may request a Problem Solving Process or Grievance Process. The grievance must:
- provide a **clear statement** of the issue;
- state the specific personal **relief sought**; and
- meet the specified **timeframe** for submission.

<table>
<thead>
<tr>
<th>Problem Solving Process Or Informal Process</th>
<th>Alternative Dispute Resolution</th>
<th>Grievance Process Or Formal Process</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employee</strong> An employee may present the issue either orally or in writing, to their immediate supervisor before filing a formal written grievance. If the problem involves a matter or action directly involving that supervisor, the employee may present the informal grievance to the next higher-level supervisor.</td>
<td><strong>Where appropriate, the Deciding Official or grievant may request use of the DoDEA Alternate Dispute Resolution (ADR) Program or a neutral person acting in the capacity as a facilitator or mediator. The DoDEA ADR Program is administered in accordance with DoDEA Regulation 1800.01</strong></td>
<td><strong>Employee</strong> An employee may file a formal, written grievance with the servicing DoDEA LMER specialist when a problem is not resolved using the informal grievance process. The servicing DoDEA LMER specialist will determine the appropriate Deciding Official and prepare the formal written grievance for processing. If the employee used the informal grievance process, the employee must file a formal written grievance no later than 15 calendar days from the conclusion of the informal grievance process or where the employee chooses to bypass that process and invoke the grievance process.</td>
</tr>
</tbody>
</table>

**Supervisor**

Supervisor must consider the employee’s problem and attempt to resolve it within **15 calendar days** and no later than **30 calendar days** from the date the problem is first brought to the supervisor’s attention. If the supervisor believes the matter is not covered by the AGS, the supervisor will inform the employee and advise the employee of the appropriate process, if any, for resolving the problem.

**Deciding Official**

*Must issue the decision within **60 calendar days**, but not more than **90 calendar days**.*
*May accept, suspend, dismiss, cancel, or disallow a portion of or the entire grievance.*
*A Deciding Official’s decision on the merits is final and is not subject to further review.*
*The DO can appoint a grievance examiner to analyze, conduct inquiries, and make recommendations concerning the disposition of a grievance.*

**Decision Official’s decision to cancel or temporarily suspend a grievance:** An employee may request the next higher DoDEA management level, if any, to review a decision to cancel or temporarily suspend a grievance. The grievant’s request for review of a must be submitted in writing within ten (10) calendar days of the date of receipt of the decision to cancel or temporarily suspend the grievance.
GLOSSARY

G.1. ACRONYMS.

ADR  Alternative Dispute Resolution
AGS  Administrative Grievance System
EEO  Equal Opportunity Office
LMER Labor Management & Employee Relations
SES  Senior Executive Service

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this Issuance only.

ADR. A variety of techniques, methods, or processes involving a neutral third party, which are used as alternatives to the traditional dispute resolution processes. ADR includes, but is not limited to, problem-solving, facilitation, and mediation.

Deciding Official. The official designated to make decisions on grievances. The Deciding Official must be at a higher organizational level than any employee involved in the grievance, except when the DoDEA Director is involved. This includes any official who took an action or made a decision in the grievance or was involved in the attempt to resolve the problem informally. The Deciding Official's decision on the merits of the grievance is final and not subject to further review.

facilitation. A form of ADR. Facilitation involves the use of techniques to improve the sharing of information in a meeting between parties to a dispute. Facilitation focuses on providing procedural assistance to the parties to assist them in resolving a dispute.

facilitator. A person trained in facilitation techniques who serves as a neutral third party.

grievance. A request by an employee or a group of employees, who submit a written request under formal procedures for personal relief in a matter of concern or dissatisfaction, not excluded by this Issuance, which is subject to the control of DoDEA management and relates to the employment of the employee(s). This includes any matter on which an employee(s) alleges that coercion, reprisal, or retaliation has been practiced against him or her for filing a grievance.

grievance examiner. An individual authorized by the Deciding Official who is designated to examine a grievance and, when authorized, to make recommendations concerning the disposition.

grievance file. A separate confidential file, which contains all documents related to the grievance. It includes but is not limited to, the written grievance filed by the employee(s); any statements of witnesses and records or copies thereof; the report of the investigator or other ADR
techniques used; statements made by the parties to the grievance; and the Activity’s decision. The grievance file must be maintained by the servicing DoDEA LMER Specialist of DoDEA for four (4) calendar years after the case is closed.

**problem solving process.** A process initiated by the employee with their supervisor or manager when a work-related problem is presented to their supervisor for resolution before filing a formal grievance. This informal process is not a grievance.

**investigator.** An individual authorized by the Deciding Official to analyze grievances, conduct inquiries or investigations, and make recommendations concerning the disposition of a grievance.

**manager.** Directs the work of an organizational unit, is held accountable for the success of a specific line or staff functions, monitors, and evaluates the progress of the organization toward meeting goals, and makes adjustments in objectives, work plans, schedules, and commitment of resources. Serves as a rating official of subordinate supervisors.

**mediation.** A form of ADR. Mediation is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a dispute.

**mediator.** A person trained in mediation techniques, who serves as a neutral third party and facilitates open discussions between the parties and assists them in negotiating a mutually acceptable resolution. The mediator does not have the authority to impose a decision or resolution on the parties.

**personal relief.** The specific remedy personally benefiting the grievant(s), which may not include disciplinary or other actions affecting another employee.

**supervisor.** A person in a position requiring the exercise of supervisory responsibilities that meet the minimum requirements for application of the General Schedule Supervisory Guide or similar standards of minimum supervisory responsibility specified by position classification standards or other directives of the applicable pay schedule or system.

**time limit.** When calculating time limits under the AGS, the day of an action or receipt of a document is not counted. The last day of the time limit is counted unless it is a Saturday, Sunday, or 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 shall be moved to the next regularly scheduled workday. All time limits are counted in calendar days. When the United States Postal Service is used, the postmark date will be used to determine whether participants in the grievance process have met their responsibilities for timeliness. When the United States Postal Service or a postmark is not used, the date of receipt will be used to determine whether participants in the grievance process have met their responsibilities for timeliness. The date of receipt for a grievance will also be recorded at each step.
REFERENCES

DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
DoDEA Regulation 1800.01, “Alternative Dispute Resolution,” August 11, 2011
DoDEA Regulation 5015.01, “Records Management Program,” December 19, 2017
Office of the Secretary of Defense, “Records Disposition Schedules,” April 2021
## APPENDIX 1: INTERNAL CONTROLS EVALUATION LMER SPECIALIST GRIEVANCE CHECKLIST

<table>
<thead>
<tr>
<th>CHECKLIST ITEM</th>
<th>YES/NO</th>
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<tbody>
<tr>
<td>Did the employee file timely?</td>
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<tr>
<td>Did the employee indicate the informal process or formal grievance process?</td>
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<tr>
<td>Did the employee provide sufficient details to identify the matter being</td>
<td></td>
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<tr>
<td>grieved?</td>
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<tr>
<td>Did the employee file on any matter that is excluded from coverage in</td>
<td></td>
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<tr>
<td>accordance with this Issuance?</td>
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<tr>
<td>Did the employee designate someone to represent them in writing? If so, was</td>
<td></td>
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<tr>
<td>the written designation received by the servicing DoDEA LMER Specialist?</td>
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<tr>
<td>Did the servicing DoDEA LMER Specialist ensure the employee has not raised</td>
<td></td>
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<tr>
<td>the same issue under a different process?</td>
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<tr>
<td>Does the servicing DoDEA LMER Specialist have any communications advising the</td>
<td></td>
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<tr>
<td>employee?</td>
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</table>
APPENDIX 2: SAMPLE DESIGNATION OF REPRESENTATION MEMORANDUM

MEMORANDUM FOR (NAME OF DECIDING OFFICIAL)

SUBJECT: Grievance

This provides notice that I have designated (NAME) of (ORGANIZATION), (TELEPHONE NUMBER) to represent me regarding all matters relating to my grievance, which was submitted on (DATE).

I further authorize the above-named individual full and complete access to all records concerning myself that may be held by DoDEA management.

(GRIEVANT’S SIGNATURE AND DATE)

copy to:
Representative
Servicing DoDEA LMER Office