

NEGOTIATED GRIEVANCE PROCEDURE

Section 3. Exclusions

B. Other Exclusions Other Exclusions: Grievances on the following matters are also excluded by this Agreement:

- (1) Written notice of proposed action;
- (2) Letters of counseling/warning/instruction;
- (3) Performance progress reviews (i.e. mid-year reviews);
- (4) Performance improvement plans and the decision to place an employee on a performance improvement plan (this does not preclude grievances on violations of statutory, regulatory or negotiated requirements for PIPs);
- (5) A management decision to make or terminate a temporary promotion, detail or reassignment;
- (6) The adoption or non-adoption of a suggestion;
- (7) The receipt or non-receipt of an honorary or cash award;
- (8) The non-renewal or non-extension of a temporary employee, termination of a temporary appointment due to reduction in force or any other termination of the appointment of a temporary employee;
- (9) Separation of a term or trial employee;
- (10) Non-selection for promotion (this does not preclude grievances pertaining to violations of prohibited personnel practices);
- (11) Removal of a probationary employee during probationary period;
- (12) Removal of an employee pursuant to Title 5, U.S.C., Chapter 75, and the implementing regulations at Part 752 of Title 5, Code of Federal Regulations (C.F.R.);
- (13) Removal of an employee pursuant to Title 5, U.S.C., Chapter 43;
- (14) The content of published Agency-wide policy, except where it conflicts with this Agreement, law, or governmentwide regulations;
- (15) Adverse personnel action (as enumerated in Section 7512 of Chapter 75 of Title 5, United States Code) taken against probationary, trial or temporary employees, except where appeal rights to the Merit Systems Protection Board

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exist under Chapter 75 or 43 of Title 5, U.S.C.;

- (16) Adjudication of claims the jurisdiction over which is reserved by Statute and/or regulation to another department, such as, but not limited to, Department of Labor determinations on workers compensation;
- (17) X
- (18) Actions taken by the Agency required by lawful court orders (e.g., garnishment of wages for indebtedness or child support) or overpayment actions that can be adjudicated in an alternate venue outside the Agency (e.g., the IRS, etc.);
- (19) Reduction in Force (RIF) actions (this does not preclude grievances on violations of statutory, regulatory or negotiated requirements for RIFs);
- (20) Actions taken by the Agency during an emergency, including emergency furloughs;
- (21) Decisions regarding performance awards, on the spot awards or any other types of awards;
- (22) Decisions regarding incentive pay. Incentive pay means cash awards; quality step increases; or recruitment, retention, or relocation payments;
- (23) The assignment of performance ratings of record;
- (24) Performance-based actions appealed under another statutory procedure;
- (25) Disciplinary or adverse actions appealed under another statutory procedure;
- (26) X
- (27) X
- (28) Matters already disputed in an employee formal equal employment opportunity (EEO) complaint.