

**CHAPTER 771
ADMINISTRATIVE GRIEVANCE SYSTEM
AND PROCEDURES**

**APPENDIX A
EXCLUSIONS FROM THE ADMINISTRATIVE GRIEVANCE
SYSTEM**

The procedures of this Chapter do not apply to the issues listed below:

1. Content of established regulations and policy.
2. Any matter covered by a negotiated grievance procedure or subject to formal review and adjudication by the Merit Systems Protection Board (MSPB), the Office of Personnel Management (OPM), the Federal Labor Relations Authority (FLRA), or the Equal Employment Opportunity Commission (EEOC) or any matter that the employee files under another review or reconsideration procedure, or dispute resolution process within Department of Defense.
3. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.
4. Preliminary notice of an action that, if effected, would be covered under the grievance system or excluded by paragraph 2 of this Appendix.
5. A supervisor's determination of the work objectives, or the substance of critical elements, and performance standards for an employee's position.
6. Determinations concerning awards, additional step increases, recruitment or relocation bonuses, retention allowance, physicians comparability or additional pay allowances, supervisory differentials, critical position pay, or dual compensation waivers.
7. Any action taken under a voluntary, formal agreement entered into by an employee involving geographic relocation or return from an overseas assignment.
8. Termination of a term or temporary appointment or promotion, whether in the competitive or excepted service, in accordance with the conditions of the appointment or promotion, provided the employee was informed in advance of the temporary nature of the appointment or promotion and is returned to his/her former or equivalent position.
9. The results of a progress review or a warning notice of less than satisfactory performance.
10. Termination of a probationer, or return of an employee serving supervisory or managerial probation to a non-supervisory or non-managerial position.

11. Separation or termination of an employee during a trial period.
12. For Senior Executive Service (SES) employees, reassignment following receipt of an unsatisfactory rating, return to another pay system during the 1-year period of probation or for less than fully successful executive performance, and failure to be recertified, conditional recertification, or termination during probation for unacceptable performance.
13. SES performance evaluation and awards (including meritorious or distinguished executive rank awards) and SES Senior Level pay rate increases.
14. Oral admonishments or letters of caution.
15. A separation or termination action not otherwise excluded by this Appendix.
16. A decision to include an employee's position in the pool of Activity positions subject to random drug testing.
17. A matter not excluded from coverage under a Negotiated Grievance Procedure.