

RAR FORM 8.

RIGHTS ADVISEMENT

Case Number

Date Received by Program Manager

Requestor

Decision Maker

Notice to Requestor:

On _____, you were advised of my decision regarding your request for a reasonable accommodation.

Additionally, if you believe this action to be unjustified or improper you may challenge the action by electing one of the grievance, complaint or appeal procedures described below.

a. If you consider this action improper, you have the right to grieve under the Negotiated Grievance Procedure (NGP) contained in Article 6, Section 6.08, of the 2012 AFMC/AFGE Master Labor Agreement (MLA), within 20 calendar days of receipt of this decision. The written grievance must be submitted on the Standard Grievance Form, AFMC form 913, at Step 1 to the first level supervisor. If you desire representation for a grievance, it will be in accordance with Article 4 of the MLA. Your representative may accompany you during any discussion or presentation of your grievance under the NGP. Both you and your representative, if otherwise in an active duty status, will be allowed official time to prepare and present a formal grievance. For you, Section 4.09 of the MLA mandates 1 hour to prepare a Step 1 grievance. Your representative will be allowed a reasonable amount of time. In this case, it has been determined that two hours of official time is reasonable. You should contact the undersigned to make arrangements for use of the official time you are allowed. Your representative should contact his/her supervisor for the same purpose.

b. If you raise unlawful discrimination and/or a failure to accommodate as an issue in your grievance, and your grievance proceeds to arbitration, you may request that the Merit systems Protection Board (MSPB) review the final grievance decision. The procedure for requesting MSPB review of an arbitration award dealing with discrimination may be found at the MSPB website: www.mspb.gov.

c. If you feel this action comes within the jurisdiction of the MSPB¹, you may elect to appeal your removal to the Merit Systems Protection Board (MSPB). You may file your appeal in

¹ The MSPB has jurisdiction to hear complaints alleging that an agency committed a prohibited personnel practice, such as firing an employee for whistleblowing activity. The employee may request that Special Counsel pursue the complaint with the MSPB or in some cases, such as whistleblowing, an employee may proceed directly to the

writing as set forth below, or on-line by submitting your appeal through www.mspb.gov. If you elect to appeal the decision to the Board in writing, your appeal must be signed by you and should include in detail the reasons why you believe this action is not warranted. Further, your appeal must clearly set forth the parties involved, the agency involved, the date of this decision and the effective date of the action. You may be represented in your appeal by anyone of your choosing. If you designate a representative, the representative must be identified in your appeal. You are entitled to a hearing unless you waive this right. Your appeal may be submitted on or after the effective date of this decision, but not later than 30 calendar days after the effective date of the decision. If you do not submit an appeal within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless good cause for the delay is shown.

d. If you believe this action was motivated, in whole or in part, by unlawful discrimination based on race, color, religion, sex, national origin, age or handicap, you may raise such allegations before the Equal Employment Opportunity Commission by filing EEO complaint at the installation EO office. You must contact an Agency EEO counselor within 45 days of the effective date of this action and filing a formal complaint of discrimination after EEO counseling is completed. You are also entitled to take this matter to the installation's Alternative Dispute Resolution Office and submit it to mediation.

e. If you believe this action was taken in reprisal for whistleblowing, you may raise the matter by filing a MSPB appeal as outlined above, or by filing a complaint with the Office of Special Counsel. The Office of Special Counsel will investigate your complaint and will either file an action on your behalf or notify you or your right to file an Individual Right of Action appeal to the MSPB. A complaint may be filed electronically at www.osc.gov, or may be filed in writing by filling out Form OSC-11, and faxing or mailing the completed form to the Office of Special Counsel at the following address or fax number: Complaint Examining Unit, Office of Special Counsel, 1730 M Street NW (suite 218), Washington, DC 20036-4505; Fax: 202-254-3711.

4. If you need further information about your appeal or grievance rights with regard to this action, you may contact Employee Relations of the Civilian Personnel Office.

Decision Maker

Date

MSPB. The MSPB has jurisdiction over agency adverse actions such as unfair removals, suspensions, reductions in pay or grade or extended furloughs. The MSPB may hear discrimination issues but only if those issues are combined with an adverse action or other reason for appeal that is within the jurisdiction of the MSPB.