

**TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE**  
**CHAPTER 52 - FOREIGN SERVICE**  
**SUBCHAPTER XI - GRIEVANCES**

**§ 4134. Time limitations**

**(a) Limitations period**

A grievance is forever barred under this subchapter unless it is filed with the Department not later than two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case more than three years after the occurrence giving rise to the grievance. There shall be excluded from the computation of any such period any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence.

**(b) Failure of Department to resolve grievance; grievance filed with Foreign Service Grievance Board**

If a grievance is not resolved under Department procedures (which have been negotiated with the exclusive representative, if any) within ninety days after it is filed with the Department, the grievant or the exclusive representative (on behalf of a grievant who is a member of the bargaining unit) shall be entitled to file a grievance with the Foreign Service Grievance Board for its consideration and resolution.

**(c) Grievances based on alleged discrimination**

**(1)** In applying subsection (a) of this section with respect to an alleged violation of a law, rule, regulation, or policy directive referred to in section 4131 (a)(1)(H) of this title, the reference to "2 years" shall be deemed to read "180 days", subject to paragraph (2).

**(2)** If the occurrence or occurrences giving rise to the grievance are alleged to have occurred while the grievant was assigned to a post abroad, the 180-day period provided for under paragraph (1) shall not commence until the earlier of—

**(A)** the date as of which the grievant is no longer assigned to such post; or

**(B)** the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be.

(Pub. L. 96-465, title I, § 1104, Oct. 17, 1980, 94 Stat. 2144; Pub. L. 102-138, title I, § 153(b), Oct. 28, 1991, 105 Stat. 673; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title III, § 330(a), (b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-438; Pub. L. 107-228, div. A, title III, § 317, Sept. 30, 2002, 116 Stat. 1379.)

**Amendments**

2002—Subsec. (a). Pub. L. 107-228 substituted "but in no case more than three years" for "but in no case less than two years".

1999—Subsec. (a). Pub. L. 106-113, § 1000(a)(7) [div. A, title III, § 330(a)], in first sentence, substituted "not later than two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance." for "within a period of 3 years after the occurrence or occurrences giving rise to the grievance or such shorter period as may be agreed to by the Department and the exclusive representative."

Subsec. (c)(1). Pub. L. 106-113, § 1000(a)(7) [div. A, title III, § 330(b)], substituted "2 years" for "3 years".

1991—Subsec. (a). Pub. L. 102-138, § 153(b)(1), inserted "under this subchapter" before "unless".

Subsec. (c). Pub. L. 102-138, § 153(b)(2), added subsec. (c).

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

### **Effective Date of 1999 Amendment**

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title III, § 330(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A–438, provided that: “The amendments made by this section [amending this section] shall take effect 180 days after the date of enactment of this Act [Nov. 29, 1999] and shall apply to grievances which arise on or after such effective date.”

### **Effective Date of 1991 Amendment**

Amendment by Pub. L. 102–138 not applicable with respect to any grievance, within the meaning of section 4131 of this title, arising before Oct. 28, 1991, see section 153(f) of Pub. L. 102–138, set out as a note under section 4115 of this title.