

Grievance Policy

The Member understands that, as a participant of the Program s/he may file a grievance in accordance with the Program's grievance procedure. Federal regulations at 45 CFR § 1225 set forth the exclusive procedure for AmeriCorps participants to exhaust when they wish to file allegations of discrimination against CNCS, Host Site, Program Administering Agency, or Program Fiscal Agent, based on race, color, national origin, religion, age, sex, handicap, or political affiliation, that arise in connection with their recruitment, selection, placement, service, suspension, or termination from the AmeriCorps Program.

Any volunteer, service participant, client, employee or beneficiary who believes they have been subjected to discrimination in violation of nondiscrimination provisions of applicable laws, regulations or this policy may raise his or her concerns with the CNCS's Equal Opportunity Office. However, discrimination claims not brought to the attention of the CNCS Equal Opportunity Office within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. The Equal Opportunity Office may be reached at (202) 606-5000, extension 312 (voice), (202) 565-2799 (TDD), eo@cns.gov. The CNCS's Equal Opportunity Office attempts to resolve concerns about discrimination promptly and when possible uses an informal conciliation process to do so. CNCS encourages, but does not require, volunteers, service participants, and other beneficiaries to first bring concerns about discrimination to the director or appropriate personnel of the Program or project. CNCS encourages directors of programs and projects to facilitate prompt resolution of these concerns. *If the grievance alleges fraud or criminal activity, it must be brought to the attention of the Inspector General of the CNCS immediately* <http://www.cncsig.gov>.

The affected Member seeking personal relief in a matter of concern or dissatisfaction relating to any AmeriCorps program issues, such as assignments, evaluations, suspension, or release of cause, may follow the following grievance procedure:

Informal Grievance Process (Options 1-3)

Option 1: Resolution through Immediate Supervisor. Within 7 days of the underlying dispute, the aggrieved Member refers the complaint to his/her immediate supervisor who will attempt to resolve the complaint. If the matter is resolved, and a written agreement is reached, the Member will agree to forego filing a formal grievance in the matter under consideration. If the grievance is not resolved the Site Supervisor must inform the aggrieved Member of his or her right to file a formal grievance.

If Option 1 did not resolve the issue, then the Member can consider Options 2, 3, or file a formal grievance.

Option 2: Written Grievance to Grant Manager. Within 14 days of the underlying dispute, the aggrieved Member submits a written grievance that outlines the details of the complaint to the Grant Manager of the administering agency. The Grant Manager will attempt to resolve the complaint through informal mediation or facilitation. If the matter is resolved, and a written agreement is reached, the Member will agree to forego filing a formal grievance in the matter under consideration. If the grievance is not resolved the Grant Manager must inform the aggrieved Member of his or her right to file a formal grievance.

If Option 2 did not resolve the issue, then the Member can consider Options 3, or file a formal grievance.

Option 3: Alternative Dispute Resolution (ADR). The aggrieved Member may seek resolution of a grievance through alternative means of dispute resolution (ADR) such as mediation or facilitation. ADR proceedings must be initiated within 45 calendar days of the date of the alleged occurrence. The Member submits a written request to have a neutral party designated by the Program Administering Agency attempt to facilitate a mutually agreeable resolution to the program director at the Program Administering Agency. At the initial session of the ADR proceedings, the Member must be advised in writing of the right to file a grievance and right to arbitration.

The neutral party who, with respect to the issue in controversy, functions specifically to aid the parties in resolving the matter through a mutually achieved and acceptable written agreement. The neutral party may not compel a resolution. Proceedings before the neutral party must be informal, and the rules of evidence will not apply. With the exception of a written and agreed-upon ADR, the proceeding must be confidential. Any decision by the neutral party is advisory and is not binding unless both parties agree. If the matter is resolved, and a written agreement is reached, the party will agree to forego filing a formal grievance in the matter under consideration. If the grievance is not resolved within 30 calendar days of initiation, the neutral party again must inform the aggrieved party of his or her right to file a formal grievance.

If Option 3 did not resolve the issue, then Member can file a Formal Grievance (below)

Formal Grievance Process

Programs that receive assistance under the National and Community Service Act must maintain a procedure for the filing and adjudication of grievance from participants, labor organizations, and other interested individuals concerning projects that receive assistance including grievances regarding proposed placements of participant.

DEADLINE FOR GRIEVANCES. Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

DEADLINE FOR HEARING AND DECISION. A hearing on any grievance shall be conducted not later than 30 days after the filing of such grievance. Hearings shall be held by person (s) not involved in previous decisions on this issue.

DECISION: A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

ARBITRATION: In general:

JOINTLY SELECTED ARBITRATOR: In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filling of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

APPOINTED ARBITRATOR: If the parties cannot agree on an arbitrator, the Chief Executive Officer shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance. **DEADLINE FOR PROCEEDING:** An arbitration proceeding shall be held no later than 45 days after the request for such arbitration proceeding, or if the arbitrator is appointed by the Chief Executive Officer not later than 30 days after the appointment of such arbitrator. **DEADLINE FOR DECISION:** A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.