



AmeriCorps Grievance Procedure

The following grievance procedure has been created to resolve disputes concerning a participant's suspension, dismissal, service evaluation, or proposed service assignment. As a participant in an AmeriCorps program, you may file a grievance in accordance with our grievance procedure, which is defined below and in your service contract.

Pre-Complaint Process

All aggrieved parties should attempt to resolve any problems or disputes with the other party on a one-on-one basis. The issues should be clearly stated and understood by both parties. If this process does not resolve the matter, the aggrieved party may request that the program provide an alternative dispute process such as mediation or facilitation to resolve the dispute. The program and the aggrieved party will jointly select the mediator or facilitator.

Mediation is a candid, confidential, non-binding process. Mediation can be attempted either before or after a written grievance is filed. The participant must select this option within 45 days of notifying their site supervisor of their complaint.

If mediation is used and the matter is not resolved within 30 calendar days from the date the mediation process began, the neutral party mediating the process will notify the aggrieved party of their right to file a formal complaint. The neutral party, however, may not participate in the formal complaint process. In addition, no discussions of the pre-complaint process can be referred to or introduced into

evidence in the formal complaint process including the arbitration hearing.

Formal Complaint Process

1. Notification of Grievance

The participant must first notify their supervisor to discuss their complaint. The participant must explain the facts of the situation and how they propose to resolve the matter. The supervisor shall inform the NCOE Program Manager or Director of the situation and the Participant's proposed resolution. [At this point, mediation may be attempted.]

2. Written Grievance

By law, the grievance must be filed within a year of the alleged improper order, action, or event, it is however preferred that a grievance be filed no later than 60 days after the date of the alleged occurrence. The Program Director has been designated to coordinate the process and keep the process on schedule. If a particular person, rather than or in addition to the project, is named in the grievance, the Program Director will notify the accused of the investigation and their rights under this policy. They will be given an opportunity to gather and present evidence and prepare a response to the grievance.

The aggrieved party can file a written grievance at any time, either before or after attempting mediation. The written complaint must contain a summary of the event and the aggrieved parties' position.

The Program Director must discuss the matter with the Participant and any other appropriate parties and reply in writing to the Participant's written complaint within 10 working days after receiving it.

3. Informal Hearing

If the aggrieved Participant is unsatisfied with the decision within 5 working days

of receiving the decision or if Program Director fails to issue a decision within the time limit, the Participant may appeal the decision to the Director by notifying him in writing. The appeal should describe the grievance and the steps the Participant has already taken to resolve the matter.

By law, an aggrieved party who files a timely grievance has a right to a hearing. Unless mediation was attempted, the hearing must be held within 30 days and decided within 60 days of the written grievance. AmeriCorps Service Program's hearing official is the Program Director. The Program Director will determine what type of information will be necessary to decide the disputed issues during the hearing process and an investigation should be commenced immediately. A person who has not participated in any previous decisions concerning the issue in dispute must conduct the hearing. A written opinion will be prepared by the Program Director explaining the ruling and issue the opinion to the aggrieved party, the Program Director and any other individual named in the grievance. All information and documentation from the hearing must be stored in a secure file for confidentiality purposes.

concerning the issue in dispute must conduct the hearing. A written opinion will be prepared by the Program Director explaining the ruling and issue the opinion to the aggrieved party, the Program Director and any other individual named in the grievance. All information and documentation from the hearing must be stored in a secure file for confidentiality purposes.

4. Binding Arbitration

If the hearing official's decision is adverse to the aggrieved party or 60 calendar days after filing of a grievance no decision has been reached, the filing party may submit the grievance to binding arbitration before a qualified

arbitrator. The disputing parties will jointly select the arbitrator. The arbitrator must be independent of the disputing parties. If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from the aggrieved party, the CaliforniaVolunteers/AmeriCorps office will appoint an arbitrator from a list of qualified arbitrators. An arbitration proceeding must be held no later than 45 calendar days after receiving a request for arbitration. If the Commission, however, selects the arbitrator, the proceeding must occur no later than 30 calendar days after the arbitrators' appointment. The arbitrator must make a decision no later than 30 calendar days after the date the arbitration proceeding begins. The cost of the arbitration proceeding must be divided evenly between parties of the arbitration. If, however, the Member prevails in the binding arbitration proceeding, the program must pay the cost of the proceeding and the prevailing parties attorney fees.

Remedies for grievances include, but are not limited to, reinstatement of a Participant wrongfully suspended or dismissed along with credit for service hours missed and back living allowances.

A lawsuit to enforce arbitration awards may be brought in any Federal district court having jurisdiction over the parties without regard to the amount in controversy or the parties' citizenship.