



GRIEVANCE PROCEDURE 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>.*

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 (Options 4 or 5)

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 (Options 4 or 5).

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 (Options 4 or 5).

Formal Grievance Process (Options 4-5)



Option 4: Grievance Hearing. Within one year after the date of the underlying dispute, the aggrieved Member may submit a written request for a Grievance Hearing to the executive director of the Program administering agency. The executive director (or a neutral designee) will conduct the grievance hearing. The person conducting the hearing may not have participated in any previous decisions concerning the issue in dispute. A hearing must be held no later than 30 calendar days after the grievance hearing request was submitted. A written decision must be made no later than 60 calendar days after filing.

Option 5: Binding Arbitration. If there is an adverse decision against the party who filed the grievance, or no decision has been reached within 60 calendar days after the filing of a grievance (Step 4), the aggrieved party may submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and who is independent of the interested parties. If the parties cannot agree on an arbitrator, within 15 calendar days after receiving a request from one of the parties, the CNCS Chief Executive Officer will appoint an arbitrator from a list of qualified arbitrators.

An arbitration proceeding must be held no later than 45 calendar days after the request for arbitration, or, if the arbitrator is appointed by the CNCS Chief Executive Officer, the proceeding must occur no later than 30 calendar days after the arbitrator's appointment. A decision must be made by the arbitrator no later than 30 calendar days after the date the arbitration proceeding begins. The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, a participant, labor organization, or other interested individual prevails under a binding arbitration proceeding, the State or local applicant that is a party to the grievance must pay the total cost of the proceeding and the attorney's fees of the prevailing party.

A suit 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.