



AmeriCorps Grievance Procedure

Hustle PHX is very committed to the quality of service experience members and participants receive. We will make every attempt to assist members, volunteers, employees, applicants, service locations, and the public in settling problems related to the AmeriCorps service experience. In most cases, issues can be resolved informally using the Informal Resolution Procedure.

The following grievance procedure has been created to resolve disputes concerning a participant's suspension, dismissal, service evaluation, or proposed service assignment for any parties such as members, volunteers, employees, applicants, service locations, and the public. As participants serving with an AmeriCorps program, you may file a grievance in accordance with our grievance procedure, which is defined below and also found in the service contract.

Informal Resolution Procedure –

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 Resolution Procedure – per the AmeriCorps Regulations

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 Program Director of the situation and the Participant's proposed resolution. [At this point, mediation may be attempted.]

Grievance Procedure - [45 CFR 2540.230](#)—

According to the State and local requirement, applicants that receive assistance from the Corporation must establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance from the Corporation. A grievance procedure may include dispute resolution programs such as mediation, facilitation, assisted negotiation and neutral evaluation. If the grievance alleges fraud or criminal activity, it must immediately be brought to the attention of the Corporation's inspector general.

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.

Informal Resolution Procedure –

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.

Alternative Dispute Resolution (ADR)

The members, volunteers, employees, applicants, service locations, and the public may seek resolution through ADR such as mediation or facilitation. This is initiated within 45 calendar days from the date of the alleged occurrence. At the initial session of the dispute resolution proceedings, the party must be advised in writing of his or her right to file a grievance and right to arbitration. If the matter is resolved, and a written agreement is reached, the party will agree to forego filing a grievance in the matter under consideration.

If a member, volunteer, employee, applicant, service location or the public chooses to proceed with the ADR, the process will be aided by a neutral party who, with respect to an 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 dispute resolution agreement, the proceeding must be confidential.

Grievance Procedure for Unresolved Complaints

If the matter is not resolved within 30 calendar days from the date the informal dispute resolution process began, the neutral party must again inform the aggrieving party of his or her right to file a formal grievance. In the event an aggrieving party files a grievance, the neutral may not participate in the formal complaint process. In addition, no communication or proceedings of the informal dispute resolution process may be referred to or introduced into evidence at the grievance and arbitration hearing. Any decision by the neutral party is advisory and is not binding unless both parties agree.

Except for a grievance that alleges fraud or criminal activity, a grievance must be made no later than one year after the date of the alleged occurrence. If a hearing is held on a grievance, it must be conducted no later than 30 calendar days after the filing of such grievance. A decision on any such grievance must be made no later than 60 calendar days after the filing of the grievance.

(c) ***Time limitations.*** Except for a grievance that alleges fraud or criminal activity, a grievance must be made no later than one year after the date of the alleged occurrence. If a hearing is held on a grievance, it must be conducted no later than 30 calendar days after the filing of such grievance. A decision on any such grievance must be made no later than 60 calendar days after the filing of the grievance.