



# American Humanics AmeriCorps\*ProCorps

An initiative designed to enhance nonprofit volunteer management and programs serving at-risk youth



## Grievance Procedures

As a recipient of an AmeriCorps National Direct Professional Corps grant, American Humanics is required to establish and maintain a procedure for the filing and adjudication of grievances from program participants, labor organizations, and other interested individuals concerning the AH AmeriCorps\*ProCorps Program. Such grievance procedure may include dispute resolution programs such as mediation, facilitations, 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. In order to be considered in compliance with CNCS guidance, all aspects of American Humanics' grievance procedures must meet the requirements found in the AmeriCorps National Grievance Procedure Checklist, Code of Federal Regulations Sec. 2540.230.

Furthermore, American Humanics must amend AH AmeriCorps ProCorps members' contracts to include the proposed revised grievance policy and must describe how it will inform AmeriCorps members and sites (including any grant funded staff) of the proposed revised grievance policy.

### **American Humanics Proposed and Revised Procedures for the AmeriCorps ProCorps Program for Grievances from Program Participants, Labor Organizations, and Other Interested Individuals**

In the event that a dispute arises due to the actions of the American Humanics AmeriCorps\*ProCorps Program (AH ProCorps) or anyone acting directly on behalf of AH ProCorps, program participants, e.g., AH ProCorps Members, labor organizations and/or other interested individuals may seek resolution through the following procedures. These procedures are intended to apply to AH ProCorps service-related issues and may include placement assignments facilitated by AH; application procedures; government-mandated data entry conducted by American Humanics on behalf of the Member, such as entering timesheets, etc., AmeriCorps reporting by AH ProCorps, AH ProCorps-related training and support by American Humanics, and other occurrences within the direct and immediate control of American Humanics; and are open to program participants, labor organizations, and other interested parties.

In order for nonprofit host sites to be considered acceptable placement/employment sites for potential AH ProCorps members, such nonprofit host sites must agree to implement CNCS-complainant procedures for all program participants employed in their nonprofit host site, labor organizations, and other interested individuals.

If the grievance is regarding a proposed participant placement, the placement will not be made unless it is consistent with the resolution of the grievance through the procedure(s) outline below.

If a grievance alleges fraud or criminal activity, it must immediately be brought to the attention of the Inspector general for the Corporation for National and Community Service, 1201 New York Avenue, N.W., Suite 830, Washington, D.C. 20525, 1-800-452-8210, [www.cncsig.gov](http://www.cncsig.gov), and these procedures will not apply.

The following procedure is intended to comply with 45 C.F. R. Section 2540.230

## **Initial Filing Process**

AH ProCorps members who wish to file a grievance against AH ProCorps must do so within a timely manner that is dependent upon the aggrieved parties preference for process (informal or formal):

### *(a) Alternative dispute resolution (Informal)*

(1) The aggrieved party may seek resolution through alternative means of dispute resolution such as mediation or facilitation. Dispute resolution proceedings must be 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 (formal)**. If the matter is resolved, however, and a written agreement is reached, the party will agree to forego filing a grievance in the matter under consideration.

(2) If mediation, facilitation, or other dispute resolution processes are selected, the process must 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 will be selected from a list of potential parties, not directly involved with administering the AH ProCorps Program. 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.

### *(b) 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 party 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.

### *(c) Formal Grievance Time Limitations.*

Except for a grievance that alleges fraud or criminal activity, **a formal grievance must be submitted in writing no later than one year after the date of the alleged occurrence**. Should a decision be reached to conduct a hearing on the grievance, **such hearing must be conducted no later than 30 calendar days after the formal grievance is filed with American Humanics**. American Humanics must render a decision on the formal grievance **no later than 60 calendar days after the filing of the grievance**.

### *(d) Arbitration.*

(1) If there is an adverse decision against the party who filed the grievance, or 60 calendar days after the filing of a grievance no decision has been reached, the filing party **may submit the grievance to binding arbitration before a qualified arbitrator** who is jointly selected and independent of the aggrieved party and American Humanics, or other interested party.

If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from one of the grievance parties, the Corporations Chief Executive Officer will appoint an arbitrator from a list of qualified arbitrators.

#### *(2) Arbitration Time Limits.*

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 Chief Executive Officer, the proceeding must occur **no later than 30 calendar days after the arbitrator's appointment**.

The arbitrator must render a decision **no later than 30 calendar days** after the date the arbitration proceeding **begins**.

(3) *Cost of Arbitration Proceedings.*

The cost of the arbitration proceeding **must be divided evenly between the parties to the arbitration** unless the aggrieved party, e.g., a participant, labor organization, or other interested individual, prevails under a binding arbitration proceeding, in which case American Humanics will pay the total cost of the proceeding as well as the prevailing parties' reasonable attorney's fees.

(e) *Suspension of placement.* If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this chapter, such placement must not be made unless the placement is consistent with the resolution of the grievance.

(f) *Remedies.*

Remedies for a grievance filed under a procedure established by a recipient of Corporation assistance may include—

(1) Prohibition of a placement of a participant; and

(2) In grievance cases where there is a violation of nonduplication or nondisplacement requirements and the employer of the displaced employee is the recipient of Corporation assistance—

(i) Reinstatement of the employee to the position he or she held prior to the displacement;

(ii) Payment of lost wages and benefits;

(iii) Re-establishment of other relevant terms, conditions and privileges of employment; and

(iv) Any other equitable relief that is necessary to correct any violation of the nonduplication or nondisplacement requirements or to make the displaced employee whole.

(g) *Suspension or termination of assistance.*

The Corporation may suspend or terminate payments for assistance under this chapter.

(h) *Effect of noncompliance with arbitration.*

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.

Should any additional questions or issues remain after reading these revised procedures for the AH ProCorps Program for Grievances by Program Participants, Labor Organizations, and Other Interested Individuals, please contact Gillian Ford, Program Assistant, AmeriCorps\*ProCorps, American Humanics, at 816.561.6415, ext. 101, via email at [gillian.ford@humanics.org](mailto:gillian.ford@humanics.org) or at 1100 Walnut Street, Suite 1900, Kansas City, MO 64106.