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Page 1 of 3

Cancels: WSC Policy #4
See Also: Member Service Agreement

POLICY

Approved by:
Mark Duncan

POL – 132

MANAGING MEMBER GRIEVANCE

This Policy applies to service-related issues, such as suspension, release for cause, and denial of AmeriCorps education award for all Washington Service Corps (WSC) AmeriCorps members.

WSC intends to resolve disputes between our members and their Sponsoring Organization as soon as they arise. We expect problems to be settled at the local level so that the member can remain in continuous effective service. If efforts at the local level do not settle the issue, then members may seek resolution through the steps in this policy.

In addition, any volunteer, service participant, client, employee or beneficiary of a program or project who believes he or she has been subjected to discrimination in violation of nondiscrimination provisions of applicable laws or regulations may raise his or her concerns with the Corporation for National & Community Service's Office of Civil Rights and Inclusiveness. However, discrimination claims not brought to the attention of the Office of Civil Rights and Inclusiveness within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. The Office of Civil Rights and Inclusiveness may be reached at eo@cns.gov, (202) 606-7503 (VOICE), (202) 606-3465 (FAX), or (202) 606-3472 (TTY).

1. Informal Resolution Process

Prior to formal grievance action, the member will attempt to resolve the dispute informally through each of these following channels:

- A. AmeriCorps service site supervisor
- B. WSC or WRC Program Coordinator
- C. WSC or WRC Program Leads

Documentation of these informal attempts will be provided to WSC prior to moving to a formal grievance action.

2. Optional Alternative Dispute Resolution (ADR)

ADR is available, but must be agreed to within 45 days of the underlying dispute. If both the member and Washington Service Corps choose ADR as a first option, a neutral party designated by the program will attempt to facilitate a mutually agreeable solution. The neutral party must not have participated in any previous decisions concerning the issue in dispute. ADR is confidential, non-binding, and informal. No communications or proceedings of ADR may be referred to at the grievance hearing or arbitration stages. The neutral party may not participate in subsequent proceedings.

If ADR is chosen by the member, the deadlines for convening a hearing and for a hearing decision, 30 and 60 days respectively, are held in abeyance until the conclusion of ADR. At the initial session of ADR, the neutral party must provide written notice to the aggrieved party of his or her right to request a hearing. If ADR does not resolve the matter within 30 calendar days, the neutral party must again notify the aggrieved party of his or her right to request a hearing. At any time, the aggrieved party may decline ADR and proceed directly to the hearing process.

If you need additional information on ADR or wish to request ADR, please contact your WSC Program Coordinator.

3. Grievance Hearing

If a member or the WSC declines ADR or if ADR fails to facilitate a mutually agreeable resolution, the member may request a hearing. The member must make a written request for a hearing to the WSC Director, Washington Service Corps, P.O. Box 9046, Olympia, WA 98507-9046. The member's letter should include a detailed explanation of the dispute, solution requested, and supporting documentation. A request for a hearing must be made within one year after the date of the alleged occurrence. At the time a request for a hearing is made, the program should make available to the member information that it relied upon in its disciplinary decision.

The program may arrange for one or more pre-hearing conferences at a time mutually convenient to the parties. Pre-hearing conferences are not a substitute for a hearing. They are intended

to facilitate a mutually agreeable resolution of the matter to make a hearing unnecessary or to narrow the issues to be decided at a hearing. The format of pre-hearing conferences may be flexible, involving meetings with one party at a time and/or with both parties together. Pre-hearing conferences are conducted by the Director or the Director's designee.

The hearing will be conducted by the Director or the Director's designee. 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 filing of the grievance, and a written decision must be made no later than 60 calendar days after filing.

4. Binding Arbitration

An aggrieved party may request binding arbitration if a grievance hearing decision is adverse or if no decision is made within 60 calendar days of the filing of the grievance. The arbitrator must be independent and selected by agreement of the parties. If the parties cannot agree on an arbitrator, the Chief Executive Officer (CEO) of the Corporation for National & Community Service (Corporation) will appoint one within 15 calendar days after receiving a request from one of the parties.

An arbitration proceeding will be held no later than 45 calendar days after the request for arbitration, or no later than 30 calendar days after the appointment of an arbitrator by the Corporation's CEO. An arbitration decision will be made no later than 30 calendar days after the commencement of the arbitration proceeding.

The cost of arbitration will be divided evenly between the parties, unless the aggrieved party prevails, in which case the program will pay the total cost of the proceeding as well as the prevailing party's attorney fees.