



Grievance Procedures

In accordance with [42 U.S.C. 12636](#) and [45 C.F.R. 2540.230](#), state and local applicants that receive assistance from the Corporation for National and Community Service (CNCS) 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.

In general, aggrieved parties are encouraged to document their specific concerns and requested remedies in writing whenever seeking relief in a matter of concern or dissatisfaction relating to any AmeriCorps program issues, such as assignments, evaluations, suspension, or release of cause.

The following grievance procedure should be followed when handling such grievances:

Step 1: Preliminary Complaint Resolution (PCR)

As a preliminary first step, an aggrieved party should, if at all possible, address the concern directly with the AmeriCorps program in question, either through an immediate supervisor (if the aggrieved party is an AmeriCorps member) or with the program director or similar program authority (if aggrieved party is not an AmeriCorps member or if the direct supervisor is involved in the concern). Together, the program representative and the aggrieved party should first attempt to resolve the complaint through informal discussion and negotiation in alignment with the AmeriCorps program's standard written policies for resolving complaints and concerns.

Timeline: Immediate (as soon as possible and ideally within 30 days of the occurrence to allow the issue to proceed, if necessary, to ADR before the deadline for an aggrieved party to seek such resolution within 45 days of the alleged occurrence).

Step 2: Alternative Dispute Resolution (ADR)

If resolution is not achieved through Step 1 (Informal Resolution), the aggrieved party may then seek resolution through Alternative Dispute Resolution, which requires facilitated mediation and negotiation. ADR mediation proceedings must be aided by a neutral party who, with respect to an issue in controversy, functions

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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, and the proceedings are informal where the rules of evidence do not apply. At the initial session of dispute resolution proceedings, the aggrieved party must be advised in writing of the right to file a grievance and the right to arbitration. If the matter is resolved, the terms of the resolution are recorded in a written agreement, and the party agrees to forego filing any further grievance on the matter under consideration. With the exception of a written agreement, the proceedings are confidential.

Timeline: ADR must be **initiated within 45 days of the alleged occurrence**. If matter is not resolved within 30 calendar days from the date the informal dispute resolution process began, the aggrieved party must be informed in writing of the right to file a formal grievance.

Step 3: Formal Grievance Filing and Hearing

If resolution is not possible through Step 2 (ADR) and the matter is not resolved within 30 calendar days from the date that the Alternative 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 aggrieved party files a grievance, the neutral party from ADR may not participate in the formal complaint process. Therefore, OneStar's CEO will appoint a different neutral party to oversee the Grievance Hearing 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.

Timeline: Grievance must be filed **no later than one year after the alleged occurrence** (except for fraud and criminal activity). The grievance hearing must be conducted no later than 30 calendar days after the filing. A decision is made no later than 60 calendar days after the filing.

Step 4: Binding Arbitration

The final step, Binding Arbitration, is available to the affected party only if a grievance hearing decision is adverse or if no decision is made within 60 days of the filing of the initial grievance. A qualified arbitrator will be used who is jointly selected and independent of the interested parties. The Corporation's CEO will appoint an

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arbitrator if the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from either party. The cost of arbitration is divided evenly between the parties to the arbitration. If the participant, labor organization, or other interested individual prevails during arbitration, then the grantee pays the total cost of the proceeding and the attorney's fees of the prevailing party.

Timeline: A request for arbitration must be filed **no later than 90 days after the hearing decision**. If no hearing decision is made within 60 days of the filing of the initial grievance then a request for arbitration must be filed within 150 days of the filing of the initial grievance. An arbitration proceeding must be held no later than 45 calendar days after the arbitrator's appointment, or no later than 30 calendar days after the arbitration commences. A decision must be made by the arbitrator no later than 30 days after the arbitration commences.

Other Important Information

If the grievance is regarding a proposed participant placement, the placement is not to be made unless it is consistent with the resolution of the grievance. If the grievance alleges fraud or criminal activity, it must immediately be brought to the attention of OneStar and the Corporation's Office of Inspector General. Visit cncsoig.gov or call the OIG hotline at (800) 452-8210.

Texas-Only

Parties involved in a grievance are encouraged to work closely with the OneStar Program Officers assigned to the AmeriCorps program in question as well as OneStar's Manager of AmeriCorps Texas in navigating the grievance procedures. A list of OneStar staff may be found at <https://onestarfoundation.org/board-staff/>