

Ohio AmeriCorps Grievance Procedure

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 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 issue(s) such as assignments, evaluations, suspension, or release for cause.

For Ohio AmeriCorps programs operating under ServeOhio, Ohio's Commission on Service and Volunteerism, programs must abide by the following procedure when handling such grievances:

A) Informal Complaint Resolution (ICR): 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.

ICR should occur as soon as possible and ideally within 30 days of the occurrence to allow the issue to proceed, if necessary, to Alternative Dispute Resolution (see step B) to seek resolution within the Alternative Dispute Resolution's timeline, or proceed to a Formal Grievance Proceeding (see steps C and D).

B) Alternative Dispute Resolution (ADR): If resolution is not achieved in Step A (ICR), the aggrieved party *may* then seek resolution through Alternative Dispute Resolution, which requires facilitated mediation and negotiation, by submitting the Ohio AmeriCorps Grievance form requesting ADR.

ADR mediation proceedings 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 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.

ADR must be initiated within 45 days of the alleged occurrence. If the matter is not resolved within 30 calendar days from the date the ICR process began, the aggrieved party must be informed in writing of the right to file a Formal Grievance (see step C).

C) Formal Grievance Proceeding (FGP): If resolution is not possible through 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 the ADR may not participate in the formal complaint process. No communication or proceedings of the informal dispute resolution process may be referred to or introduced into evidence at either the Formal Grievance Proceeding or at the Binding Arbitration. Any decision by the neutral party is advisory and is not binding unless both parties agree.

To begin the FGP, the aggrieved party must complete the Ohio AmeriCorps Grievance Form requesting a Formal Grievance Proceeding and submit the form to the Program Director or their designee.

The Grievance Form must be filed no later than one year after the alleged occurrence, except for fraud and criminal activity. The Formal Grievance Hearing must be conducted no later than 30 calendar days after the filing. A decision should be made no later than 60 calendar days after the Formal Grievance is filed with notification to both parties of the findings in writing.

- D) Binding Arbitration: Binding Arbitration is available to the affected party only *if* a Formal Grievance Hearing decision is adverse or no decision is made within 60 days of the filing of the Formal Grievance. During a Binding Arbitration a qualified arbitrator will be used who is jointly selected and independent of the interested parties. If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from either party, the Corporation for National and Community Service's CEO will appoint an arbitrator. The cost of arbitration is divided evenly between the parties to the arbitration. However, 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.

The aggrieved party must complete the Ohio AmeriCorps Grievance Form and submit the Form requesting Binding Arbitration to the Program Director or their designee. Request for Arbitration must be filed no later than 90 days after the Formal Grievance hearing decision. If no hearing decision is made within 60 days of the filing of the Formal Grievance, then a request for arbitration must be filed within 150 days of the filing of the Formal Grievance.

The Arbitration Proceeding must be held no later than 45 days after the request for Arbitration, or if the Corporation appoints the arbitrator the proceeding must occur no later than 30 calendar days after the arbitrator's appointment. The arbitrator must make a decision no later than 30 calendar days after the date the Arbitration process began.

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 the Corporation's Office of Inspector General. Visit www.cncsoig.gov or call the OIG hotline at (800) 452-8210.
- If the program in question is no longer in existence or if the program is not following the Ohio AmeriCorps Grievance Procedure, the aggrieved party may submit its grievance to the Ohio Commission on Service, Attn: Executive Director, 30 East Broad Street, Suite 2487, Columbus, Ohio 43215.

Ohio AmeriCorps Grievance Form

Name: _____

Address: _____

Phone: _____

Email: _____

Program Name (if applicable): _____

I have read the above Procedure and am completing this form to initiate (select one):

_____ An Alternative Dispute Resolution process

_____ A Formal Grievance Filing

_____ Binding Arbitration

Request Details: Include details for your request along with steps, and any resolutions, taken to date. Include the specific remedy you are seeking to resolve your grievance. Attached additional signed documentation if more space is needed.

Signature: _____

Date: _____

Send the signed, completed form to the Program's Director or Representative