**Policies and Procedures Group Activity**

**Instructions:**

In groups of 5-6, read through the scenario below. Review the questions to consider below, and work together to develop policies and procedures related to the situation described. Groups will present a summary of the policies and procedures at the conclusion of the exercise.

**Scenario 3:**

AmeriCorps member Darth V. is a member serving with StarWars Corps. Darth continually comes late to his service site and has been seen texting and answering personal phone calls during the day. On a couple of occasions, he has shown up very late to service projects without an excuse. He recently called the program coordinator the morning of the most recent required service project saying he was sick and could not attend. He also has been late to turn in timesheets, and they often contain errors. Most recently, the member was 3 hours late to his service site. When asked about it, he said he overslept.

The site supervisor spoke with the program coordinator, and they decided to terminate the member for his continued behavior. After he had been exited from the program, the member filed a grievance with the program director due to him feeling like he was wrongfully terminated, and that he was unclear on why the program exited him for cause.

**Questions to Consider:**

* How would you have handled this situation differently?
* What policies and procedures were potentially not in place that would have helped prevent this situation from occurring?
* If you knew this situation were to occur one year from now, how would you have better prepared for it?

**Assignment:**

Work together to develop a draft of policies and procedures that would be useful to the program in this situation. Groups will present a summary of the policies and procedures they develop. Please see attached applicable grant requirements related to the scenario.

**Scenario 3:**

**Applicable Grant Requirements:**

***2015 Terms and Conditions for AmeriCorps State Grants:***

***V. SUPERVISION AND SUPPORT***

*B.* ***Member Service Agreements.*** *The subrecipient must require that each member sign a member service agreement that includes, at minimum, the following: 1. Member position description;*

*2. The minimum number of service hours (as required by statute) and other requirements (as developed by the subrecipient) necessary to successfully complete the term of service and to be eligible for the education award;*

*3. The amount of the education award being offered for successful completion of the terms of service in which the individual is enrolling;*

*4. Standards of conduct, as developed by the recipient or subrecipient;*

*5. The list of prohibited activities, including those specified in the regulations at 45 CFR § 2520.65 (see paragraph C, below);*

*6. The text of 45 CFR §§ 2540.100(e)-(f), which relates to non-duplication and non-displacement;*

*7. The text of 45 CFR §§ 2520.40-45, which relates to fundraising by members;*

*8. Requirements under the Drug-Free Workplace Act (41 U.S.C. § 701 et seq.);*

*9. Civil rights requirements, complaint procedures, and rights of beneficiaries;*

*10. Suspension and termination rules;*

*11. The specific circumstances under which a member may be released for cause;*

*12. Grievance procedures; and*

*13. Other requirements established by the subrecipient.*

*The subrecipient should ensure that the service agreement is signed before commencement of service so that members are fully aware of their rights and responsibilities.*

***NATIONAL AND COMMUNITY SERVICE ACT OF 1990***

***§ 2540.230 What grievance procedures must recipients of Corporation assistance establish?***

*State and local 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.*

*(a) Alternative dispute resolution.*

*(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. 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.*

*(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 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 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) 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.*

*(d) Arbitration—*

*(1) Arbitrator—*

*(i) Joint selection by parties. 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 interested parties.*

*(ii) Appointment by Corporation. 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) Time Limits—*

*i) Proceedings. 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.*

*(ii) Decision. A decision must be made by the arbitrator no later than 30 calendar days after the date the arbitration proceeding begins.*

*(3) The cost. The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, a participant, labor organization, or other interested individual prevails under a binding arbitration proceeding, the State or local applicant that is a party to the grievance must pay the total cost of the proceeding and the attorney’s fees of the prevailing party.*

*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 non-displacement 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.*