

## Grievance Policy

### **Policy:**

This policy is intended to establish the appropriate procedures for any subordinate of Fairbanks Youth Advocates who feels that they have not been treated fairly and appropriately.

### **Purpose:**

To establish a written procedure so that if a grievance should arise, a written procedure is established.

### **Procedure:**

In the state of Alaska discrimination claims must be reported to the Alaska State Commission for Human Rights within 180 days of the date a member believes he/she has been discriminated against. To file a discrimination claim with the state of Alaska please contact:

#### **Alaska State Commission for Human Rights**

800 A Street, Suite 204

Anchorage, AK 99501-3669

Toll-Free Complaint Hot Line: (800) 478-4692

Phone (Anchorage Area): (907) 274-4692

TTY/TDD Toll-Free Complaint Hot Line: (800) 478-3177

TTY/TDD (Anchorage Area): (907) 276-3177

**Option 1: Resolution through Immediate Supervisor.** Prior to initiating the formal written grievance procedure, the aggrieved member should refer the complaint to the Program Director who will attempt to resolve the complaint by mediation.

**Option 2: Optional Alternative Dispute Resolution (ADR).** As a first option, a member may choose to have the operating site designate a neutral party to resolve the complaint. Please read the ADR section regarding specific guidance and time limits for ADR process.

#### **Alternative Dispute Resolution (ADR)**

ADR must be selected within 45 days of the underlying dispute. If a member chooses ADR as a first option, a neutral party designated by Fairbanks Youth Advocates will attempt to facilitate a mutually agreeable resolution. The neutral party must not have participated in any previous decisions concerning the issue in dispute. ADR is confidential, nonbinding, 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.

Of 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.

**Option 3: Grievance Hearing.** A member may choose a grievance hearing to resolve the complaint. A written request for such a hearing must be made in writing to the Program Director.

Please read the Grievance Hearing section regarding specific guidance and time limits for the grievance hearing and the grievance hearing decision.

### **Grievance Hearing**

A member may request a grievance hearing without participating in ADR or if the ADR process fails to facilitate a mutually agreeable resolution. The member should make a written request for a hearing to the Program Manager. Except for a grievance that alleges fraud or criminal activity, a request for a grievance 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 Executive Director or Board President of Fairbanks Youth Advocates will conduct the grievance hearing. 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.

**Option 4: Binding Arbitration.** 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. Please read the Binding Arbitration section regarding specific guidance and time limits for arbitration proceedings.

### **Binding Arbitration**

An aggrieved party may request binding arbitration, if a grievance hearing decision is adverse or if no decision is made within 60 days of the filing of the grievance. The arbitrator must be independent and selected by agreement of both parties. If the parties cannot agree on an arbitrator, the Executive Director or Board President will appoint an arbitrator from a list of qualified arbitrators within 15 business days after receiving a request from either party. An arbitration proceeding must 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 executive director or board president of Fairbanks Youth Advocates. 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 Fairbanks Youth Advocates will pay the total cost of the proceeding as well as the prevailing party's attorneys' fees.

**Remedies.** Remedies for a grievance filed under a procedure established by the Grantee may include:

- i. In grievance cases where there is a violation of non-duplication or non-displacement requirements and the employer of the displaced employee is the Grantee:
  - (a) Reinstatement of the employee to the position he or she held prior to the displacement;
  - (b) Payment of lost wages and benefits;
  - (c) Re-establishment of other relevant terms, conditions and privileges of employment;
  - (d) Any other equitable relief that is necessary to correct any violation of the non-duplication or non-displacement requirements or to make the displaced employee whole.