

## OREGON COUNTRY FAIR GRIEVANCE PROCESS

NOVEMBER 2001

### INTRODUCTION

Over the years that the Oregon Country Fair has existed, a collective wisdom has been present in our lives as we have worked together as a Fair Family. Yet, we have also observed that in the flow of interactions in the Fair Family, disputes and disagreements may arise from time to time that require settlement. Nobody really likes these conflicts, but they do occur anyway. We need to deal with them in the most positive and constructive way possible when they arise.

### GRIEVANCE PROCEDURE

1. Steps in the Procedure . There are four steps in this Grievance procedure : (1) negotiated settlement between the parties; (2) mediation; and (3) arbitration (4) appeal to the Board of directors.

#### 2. Definitions.

a. GRIEVANCE is defined as any dispute about the meaning, interpretation, or the application of any language in the Articles of Incorporation, By-Laws, Guidelines, Code of Conduct or claims arising from or connected with the Personnel Policy Manual except as provided therein.

b. GRIEVANT means the person or persons who initiate the Grievance.

c. RESPONDENT is the person or persons whose actions the Grievant alleges are contrary to the Oregon Country Fair Articles of Incorporation, By-laws, Guidelines or Code of conduct.

d. DAY means a calendar day inclusive of weekends and holidays, exclusive of all calendar days from June 1 through July 31.

e. GRIEVANCE ADMINISTRATOR means the person appointed by the Board of Directors who serves at the pleasure of the Board.

f. MEDIATOR means a neutral person who attempts to help the Grievant and Respondent reach a mutually acceptable resolution of the Grievance. Mediators must have special training in mediation and will be selected from a list of approved mediators maintained by the Grievance Administrator; provided however that if all the parties to a Grievance agree, they may use a person who is not the list of approved mediators.

g. ARBITRATOR means a person who listens to the Grievant and Respondent and then imposes a resolution on the parties. Arbitrators will be trained in Arbitration and will be selected from a list of approved Arbitrators maintained by the Grievance Administrator.

#### 3. Time Limits.

a. The Grievant must complete Step 1 within 60 days of an event giving rise to the Grievance or 60 days from the grievant becoming aware of the grievable event, whichever is later.

b. The Grievant may not request a retroactive remedy extending more than 60 days prior to the date of filing the Grievance at Step 1.

c. If the Grievance is not resolved at Step 1, the Grievant must file a Step 2 Grievance within 30 days of completing Step 1.

d. For purposes of determining whether a party had advanced the Grievance to the next step in a timely manner, the date of filing shall be the date of mailing (if the notice is mailed) or the date it is received (if it is personally delivered). Filings shall be sent to the Grievance Administrator C/O the Oregon Country Fair office.

4. Limitation on the Number of Grievances that an Individual Person may File Per Year.

No person may file more than two Grievances per year.

5. Duties of Grievance Administrator.

a. The Grievance Administrator shall serve as a technical resource to the Grievant, the Respondent, the Mediators and the Arbitrators. The Grievance Administrator's role shall be to give advice and counsel regarding the procedure and to facilitate the orderly flow of paperwork associated with a grievance. The Grievance Administrator shall not serve as a Mediator or Arbitrator.

b. The Grievance Administrator shall maintain Grievance forms for the filing of Grievances. All Grievances at Steps 2, 3 or 4 must be filed using the required forms. The forms shall be available at the Fair office upon request of any person who wishes to file a Grievance. Grievance forms and any available supporting documents shall be sent (mail or email) to any person upon receipt of an oral or written request to do so.

c. The Grievance Administrator shall maintain a list of Mediators and a list of Arbitrators approved in accordance with Appendix A and Appendix B respectively. The Grievance Administrator has the power to remove persons from the lists of Mediators and Arbitrators if they fail to comply with the requirements of this procedure or guidelines established by the Board.

d. The Grievance Administrator shall fulfill the responsibilities placed upon him/her at each step of the Grievance Procedure and any failure to do so will extend any deadlines missed as a result of such failure.

6. Right to a Representative. Each party involved in a grievance may designate any person to act as a representative. Such designation must be made in writing and may be submitted at any time prior to the mediation at Step 2. The notice must include the name, postal mailing address, email address (if they have one) and telephone number (if they have one) of the designated representative. The Grievance Administrator shall notify any Mediator or Arbitrator assigned to the Grievance of the name, address, email address, and telephone number of any representative.

7. Location of Mediation and Arbitration. All mediations and arbitrations held according to this Grievance procedure shall be held at a time and place mutually agreeable to the parties and the Mediator or Arbitrators. If no agreement can be

reached, the Grievance Administrator shall set the time and the place of the mediation or arbitration. A party or a witness may participate in any mediation or arbitration by telephone (or comparable real time communication) if the mediator or a majority of the arbitrators assigned to the case consent to such electronic participation. Any request for electronic participation must be made at least two days prior to the date of the mediation or arbitration.

8. Duty to Cooperate . All parties must follow this Grievance Procedure and must comply with all rules and rulings made in accordance with this procedure . Failure of the Grievant to cooperate will result in finding for the respondent. Failure of the Respondent to cooperate will result in a finding for the Grievant.

9. Notices. All notices of Grievances at Step 2 or higher, and notices of meetings or hearings pursuant to this procedure shall be in writing and shall be sent by Certified Mail, Return Receipt Requested or by personal delivery . For the purposes of compliance with time limits under this procedure, the date that a notice was sent shall be the date of the cancellation postmark by the U.S. Postal Service.

10. GRIEVANCE STEP 1. The Grievant shall first attempt to informally resolve the Grievance at the lowest possible level by an oral appeal to the appropriate crew coordinator or other person who may have the authority or ability to grant the Grievant's requested remedy or by simply discussing the event giving rise to the Grievance with the Respondent. This step must be initiated within 60 days of the date of the event giving rise to the Grievance or within 60 days of the grievant becoming aware of the grievable event, whichever is later. If the Grievance is not resolved at this step within 30 days of its initiation, then the Grievant must proceed to Step 2.

11. GRIEVANCE STEP 2 (Mediation).

a. If the Grievance is not resolved at Step 1, the Grievant may elevate the Grievance to Step 2 by submitting it in writing to the Grievance Administrator within 30 days of initiating step 1 but in no event more than 90 days after the event giving rise to the Grievance or 90 days after the date that Grievant became aware of the grievable event, whichever is later. The Step 2 Grievance must include the following:

i) The name, address, phone number and email address (if there is one) of the Grievant;

ii) The name, address, phone number and email address (if there is one) of the Respondent;

iii) The nature of the Grievance and the relevant facts pertaining to any events or circumstances in the Grievance (including the date of the event giving rise to the grievance and, if that event is more than 90 days before the filing of step 2 of the grievance, a statement of when the Grievant first learned of the event and why they did not know of the event earlier);

iv) The language of any Articles of Incorporation, By-Laws, Guidelines, Code of Conduct or Personnel Policy Manual to which there is any dispute over the meaning, interpretation, intent or effect;

v) A statement of the Grievant's efforts to resolve the Grievance at Step 1 and the Respondent's actions at Step 1;

- vi) The nature of the injury or damages alleged; and
- vii) The Grievant's requested remedy to resolve the Grievance.

b. Within 7 days of receiving the written Grievance, the Grievance Administrator shall send the responding party a copy of the written Grievance. Within the same time period, the Grievance Administrator shall send the parties a list of names of three potential mediators which names shall have been randomly selected from the list of approved mediators. Each party shall pick one mediator they prefer and shall veto one mediator and then shall return the list of potential mediators to the Grievance Administrator within 14 days of the date the mediation list was sent. A party not responding within that time period shall forfeit his or her right to veto a mediator. Upon receipt of the list of potential mediators back from the parties, the Grievance Administrator shall appoint a mediator, provided that the mediator appointed shall not be a person who was vetoed by either party. Notwithstanding anything herein to the contrary, if the parties agree on a person that they want to serve as mediator and if that person is willing to so serve, then the Grievance Administrator shall appoint that person even if he/she is not on the list of approved mediators. The Grievance Administrator shall then notify the mediator of his or her selection and then the mediator shall, within 7 days of being selected, notify the parties of his or her selection.

The mediation shall take place at the time and place selected by the mediator and may take place over several days, provided however that the mediation must be completed within 30 days of the date the mediator is selected unless otherwise agreed to in writing by all the parties. If the parties are able to reach a mutually acceptable agreement through mediation, the mediator shall report back to the Grievance Administrator that the Grievance has been resolved. If the parties cannot reach an agreement, the mediator shall report back that the parties cannot reach an agreement. In that event, the Grievance shall continue to Step 3.

12. GRIEVANCE STEP 3 (Arbitration). If the mediator reports that mediation has been unsuccessful, then the Grievance Administrator shall, with seven days, mail out to the parties the Arbitration Notice and the list of Arbitrators. Each party shall select one arbitrator and shall notify the Grievance Administrator of their selection within 14 days of the date the list of arbitrators is sent. The parties may not contact arbitrators prior to being contacted by the arbitrators. Upon receiving notification of each party's preferred Arbitrator, the Grievance Administrator shall notify the persons selected by the parties as arbitrators and shall send them the written grievance and any written arbitration position statements prepared by the parties. The two arbitrators so notified shall then agree upon a third arbitrator from the list of approved arbitrators who shall serve as the presiding arbitrator. Upon selection of the third arbitrator, the three arbitrators shall confer with the parties about the time, place and length of the arbitration. The exact length of the arbitration and the number of witnesses each side will be allowed shall be determined by the arbitration panel after consultation with the parties. Each side will be allowed an equal amount of time to present his or her position. Notwithstanding anything to the contrary, if both parties select the same arbitrator, then that arbitrator shall conduct the arbitration. All arbitrations shall be held in compliance with the Arbitration Notice. After hearing the arbitration, the

arbitrators shall decide on the resolution and any resolution agreed to by two or more of the arbitrators shall be the decision of the group. The arbitration panel shall notify the parties and the Grievance Administrator of its decision in writing within 14 days of the arbitration hearing. This notice shall include the findings of any disputed facts and a statement of the panel's rationale for its decision. The decisions of the arbitration panel shall be binding on the parties unless the Board grants a request for appeal.

13. GRIEVANCE STEP 4 (Appeal to the Board of Directors). Within 30 days of the date of the Arbitration Panel's written decision to the parties of its decision, either party may petition the Board of Directors asking that they review the decision of the arbitration panel. The petition must be in writing and must be postmarked or hand delivered to the OCF office within 30 days of the date of the Arbitration Panel's written decision. The appealing party shall deliver 13 copies of the petition. Any such petition should include a statement of what the petitioner believes is the error made by the Arbitration panel, a statement of why the Board should hear this appeal; a copy of the person's grievance; and a copy of the Arbitration panel's decision. Within 7 days of receiving the petition, the Grievance Administrator shall send the petition to each member of the Board of Directors. Within 40 days of when the petition is received at the OCF office, the Board will vote on whether to grant the petition and hear the appeal, which decision will require a two thirds majority of all Directors present and voting at a meeting at which a quorum is present. The decision whether to grant the petition is totally within the sound discretion of Board and shall be final. If Board decides to grant the petition and hear the appeal, then the appeal shall be heard by the Board within 45 days of when it grants the petition. Each party to the appeal will have the right to submit a written statement of his or her position and the right to 20 minutes of oral presentation before the Board. The board shall render a decision, by simple majority vote, within 45 days of hearing the appeal. The decision of the Board shall be final.

#### Appendix A: Mediator Qualifications

Mediators are people who assist the parties in trying to reach a mutually acceptable resolution of a Grievance. They must be neutral third parties to the grievance. In order to qualify as a mediator under this grievance procedure, a person must either: (1) be certified as a mediator by a generally recognized mediation training program acceptable to the Grievance Administrator or (2) complete a mediator training program sponsored by the Oregon Country Fair. Persons wishing to be on the mediator list should notify the Grievance Administrator of their desire in writing. That written statement of interest must include the person's address, phone number, email address and provide the Grievance Administrator proof of the person's qualifications to serve as a mediator. The decision whether a person is qualified shall be left to the sound discretion of the Grievance Administrator. The Grievance Administrator shall notify any person wishing to serve as a mediator of whether he/she has been accepted as a mediator. A mediator must notify the Grievance Administrator of any change in his/her address or phone numbers.

#### Appendix B: Arbitrator Qualifications

Arbitrators are people who listen to the parties and then decide what the resolution of the Grievance should be. They must be impartial third parties to the Grievance. In order to qualify as an arbitrator in this grievance procedure, a person must complete an arbitrator-training program sponsored by the Oregon

Country Fair. Persons wishing to be on the arbitrator list must notify the Grievance Administrator of their desire in writing. That written statement of interest must include the person's address, phone number, email address. Arbitrators must notify the Grievance Administrator of any change in address or phone numbers.