

**PROCEDURE:
GRIEVANCES**

Note: Employees unfamiliar with the process to be followed in filing “grievances” may contact the Employee Relations Personnel Administrator or his/her designee and request guidance.

General Provisions and Definitions:

Grievance: A grievance is a complaint brought by an employee alleging that either an administrator or employee has taken one of the following actions:

1. A violation, misinterpretation, or misapplication of an existing board policy, administrative rule or administrative procedure;
2. Unprofessional conduct directed towards the grievant or impugning his/her personal good name or professional reputation;
3. The change in a recognized administrative practice which has been consistently followed for at least one calendar year which imposes a hardship on the employee.

Matters not covered by definition of grievance: The term “grievance” does not include:

1. Matters dealing with denials of promotions, or requests for voluntary transfers unless an identified board policy or administrative procedure has also been violated or misinterpreted;
2. Matters dealing with involuntary transfers, or terminations which are covered by the Teacher Tenure Act or the Fair Dismissal Act;
3. Alleged violations of State or Federal law or existing Court Orders; or
4. Issues pertaining to salary, placement on the salary schedule, assignment to a compensation step, assignment to a job family or to a pay grade, or any other concern pertaining to the compensation of individual employee or groups of employees.

Days: The term “days” when used in this procedure shall mean working school days as established by the Board adopted 12-month calendar for the applicable school year. At all Steps in the grievance policy procedures, the employee or his/her representative and the relevant administrator may mutually agree to suspend the relevant time frame requirements.

Newly discovered information: At each Step beyond Step I, if an employee wishes to present new documentation or information bearing on the merits of his/her grievance, then he/she may present said documentation or information to the administrator before whom the grievance is presently pending.

STEP I (Local School)

An employee who feels that he/she has a grievance shall present the matter in appropriate written form, within thirty (30) days of the alleged grievance, to his/her principal or immediate supervisor. Failure by the grievant to file the grievance within thirty (30) days of the alleged grievance will result in the automatic denial of the grievance. The grievant shall provide a statement of the grievance and the relief sought.

Should the employee receive satisfaction, the matter is considered closed.

The principal or immediate supervisor has fifteen (15) work days, except in emergency - not to exceed ten (10) additional work days - from receipt of written grievance form to conduct a conference with the employee to discuss the grievance.

After the Step I conference is held, the principal or immediate supervisor shall submit a written disposition report setting forth the reasons for his/her disposition within five (5) days after the conference has been held. If the grievance calls for relief or action which the Step I supervisor cannot provide, the Step I supervisor shall deny the grievance on this basis.

Upon receipt of the Step I disposition report by the employee's principal or immediate supervisor, the grievant shall have no longer than ten (10) days to file for an appeal should he/she desire.

Failure of grievant to file a timely appeal automatically forfeits any further appeal for relief at any other advanced step of the grievance procedure.

STEP II (Employee Relations)

If the grievant files a written notice of appeal, the Employee Relations Personnel Administrator or his/her designee will schedule a meeting/hearing with the employee, the immediate supervisor and any representative within thirty (30) days after receiving written notification of appeal.

The Employee Relations Personnel Administrator may consolidate grievances arising out of the same or similar circumstances providing that it will not change the time requirements.

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Additional documentation may be submitted by the employee or the immediate supervisor. A hearing shall be conducted at which time the employee and his/her representative and the principal or immediate supervisor will have the opportunity to present their positions regarding the grievance in dispute. The employee and the principal or immediate supervisor may present witnesses and whatever documentary evidence he or she may wish to present in support of his or her position regarding the grievance. A party shall have the right to call and question his/her witnesses. A full presentation by all witnesses present and other pertinent testimony shall be considered by the Employee Relations Personnel Administrator or his/her designee. However, the hearing will not be a formal, adversarial hearing governed by normal legal rules of evidence or procedure.

An official recording will be made for each conference by the Employee Relations Personnel Administrator or his/her designee. A grievant desiring a transcript of the conference shall be responsible for the taping and transcribing of the hearing. Parties are expected to conduct the hearing within a reasonable period of time.

The parties shall submit to the Employee Relations Personnel Administrator or his/her designee at least four (4) days prior to the scheduled hearing a list of those witnesses whom he/she desires for the Board to require to be present at the hearing, along with a statement regarding the materiality of the witnesses' testimony. The attendance at the Step II hearing of any material witnesses employed by the board is required as requested by the hearing officer. Material witnesses are those witnesses who will offer relevant, non-redundant factual testimony. If a material witness is unable to appear, or if the administration is unable to procure the attendance of a witness at the scheduled hearing, then the parties can agree to a postponement of the hearing for the purpose of obtaining the testimony in question.

In the event individuals responsible for serving as a hearing officer or designating a hearing officer are listed as witnesses by the grievant and the grievant furnishes the statement listing the reasons for calling said witness, the superintendent or his/her designee shall appoint a hearing officer who has no direct, personal or first-hand knowledge of the matters in controversy.

The Employee Relations Personnel Administrator or his/her designee shall have fifteen (15) work days after the conference to provide a written decision. The written decision shall explain the reasons for the Employee Relations Personnel Administrator's decision. If the grievance is solved, or no further action is requested in writing, the matter is considered closed.

The principal, immediate supervisor and grievant shall have no longer than ten (10) work days to file for an appeal of any unfavorable decision.

Failure of the grievant to comply with the steps above automatically forfeits any further appeal for relief at any advanced step of the grievance procedure.

Mediation Procedure: In those cases where there are multiple grievances filed by multiple grievants and the grievances arise out of the same or similar facts or circumstances, then the Employee Relations Personnel Administrator or his/her designee has the discretion to try and resolve the dispute through informal mediation and to make every reasonable effort to arrive at a fair and equitable solution.

After thirty (30) days or thereafter from the start of mediation, the grievant(s) shall have the right to decide that the mediation is no longer worthwhile, and the grievance(s) will then be heard at Step II in compliance with the provisions of this policy.

STEP III (Superintendent or Designee)

If the grievant or supervisor is dissatisfied with the preceding Step II decision, a written appeal should be submitted to the superintendent or his/her designee within fifteen (15) days.

The superintendent or his/her designee shall, within thirty (30) days, review the tape of conference and documentation accumulated at Step II. The superintendent or his/her designee shall provide either a written statement adopting the decision of the Step II administrator or a written decision explaining the basis and rationale for his/her decision to the grievant.

If the grievance is resolved or no further action is requested in writing, the matter is considered closed.

The grievant and the principal or relevant administrator shall have no longer than ten (10) days to file for an appeal of any unfavorable decision.

Failure of the grievant to comply with the steps above automatically forfeits any further appeal for relief at any advanced step of the grievance procedure.

STEP IV (Board of School Commissioners)

If the grievant or supervisor is dissatisfied with the Step III decision, a written request for review should be submitted within ten (10) days to the superintendent or his/her designee requesting a review of all tapes and documentation by the Board of School Commissioners.

After receiving such written request, the superintendent or acting superintendent shall submit available tapes and documentation to each board member for their review as a part of the bi-monthly action at one of the next three (3) bi-monthly board meetings. In the event an emergency prevents to submission of the available tapes and documentation to the board members on one of the next three (3) bi-monthly board meetings, the available tapes and documentation should be submitted to the board members within a reasonable time.

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The board's decision to uphold the superintendent's decision or overturn the superintendent's decision shall be made during one of the next three (3) bi-monthly board meeting following the date of submission of the available tapes and documentation as described in the preceding paragraph.

The superintendent or acting superintendent will inform the grievant of the board's decision within fifteen (15) days after the board renders a decision.