

Descriptor Term:
EMPLOYEE GRIEVANCE PROCEDURE

Descriptor Code:
1.7500/7.1500

Legal References: Title IX of the Education Amendments of 1972; G.S. 115C-47(c); 126-6

Cross References: 1.7100/_____ Prohibition Against Discrimination, Harassment and Bullying; 1.7200/4.3501/7.1512 Discrimination, Harassment and Bullying Complaint Procedure; 1.7420/5.0600 Responding to Complaints; 2.5000 Hearings Before the Board

It is the policy of the Board, in keeping with the ultimate goal of serving the educational welfare of students, to develop and practice reasonable and effective methods of resolving difficulties which may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration.

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which arise from time to time and affect employees.

A. DEFINITIONS

1. Days

Except as otherwise provided herein, days are defined as days of the week (Monday through Friday) and are exclusive of Saturdays and Sundays. In counting days, the first day shall be the first full day following receipt of the grievance, date of decision or date of hearing.

2. Employee

An employee is any person employed by the board.

3. Final Administrative Decision

A final administrative decision is a decision by a school employee from which no further appeal to a school administrator is available.

4. Grievance

A grievance is a formal, written claim by an employee alleging that a specific decision made by another employee has adversely affected the person making the complaint. A grievance may include, but is not limited to, the following allegations:

- a. that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, school board policy or administrative procedure;
- b. that an employee's employment status or the terms or conditions of his/her employment have been adversely affected; or

- c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his/her responsibilities properly and effectively.

Claims of discrimination, harassment or bullying must be processed pursuant to policy 1.7200/4.3501/7.1512, Discrimination, Harassment and Bullying Complaint Procedure.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act.

5. Grievant

The grievant is the employee(s) making the complaint.

6. Official

The official is the person hearing and responding to the grievant.

7. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

B. TIMELINESS OF PROCESS

A formal grievance shall be filed as soon as possible, but no longer than 30 days after discovery or disclosure of the facts giving rise to the grievance. All grievances shall be filed in accordance with procedures defined in Subsection C.

Except by mutual written agreement, failure by the official at any step to communicate a decision within the specified time limit shall permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit shall be considered acceptance of the decision at that step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

C. PROCEDURE

1. Informal Resolution

It is usually desirable for an employee and his/her immediate supervisor to resolve problems through free and informal communication. However, should such informal processes fail to satisfy the employee then a grievance may, at the option of the employee(s), be processed pursuant to the steps set forth herein.

2. Formal Resolution of a Grievance

a. Reporting a Grievance

All grievances shall be in writing and the written statement of grievance shall remain the same throughout all steps of the grievance procedure.

The written grievance must include the following information:

- i. the name of the school system employee or other individual whose decision or action is at issue or against whom the grievance is filed;
- ii. the specific decision(s), action(s) or physical condition at issue;
- iii. any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted or violated; and
- iv. the specific resolution desired.

If there is not a specific decision, action or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in policy 1.7420/5.0600, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

b. Officials to Whom Grievance Shall Be Presented

The employee(s) shall present the grievance in writing to his/her immediate supervisor or the supervisor's designee UNLESS the grievance alleges that a state or federal law has been misapplied, misinterpreted or violated, in which case the grievance may be presented instead to the assistant superintendent for human resources (or to the superintendent if the grievant's supervisor is the assistant superintendent for human resources).

The person receiving the grievance hereinafter will be referred to as "official."

3. Response by Official

- a. The official shall arrange for a grievance file number to be assigned by the human resources department.
- b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who shall investigate and respond as provided by this policy.
- c. The official shall conduct any investigation of the facts necessary before rendering a decision. The official may call a meeting with the grievant or any other party or witness related to the grievance.
- d. The official shall provide the aggrieved employee(s) with a written response to the grievance within fifteen (15) days after receipt of the grievance.

Each party may have one (1) representative at this meeting.

4. Appeal to / Response by Superintendent
 - a. If the grievant is dissatisfied with the official's response, within five (5) days of receipt of the official's response to the grievance, the grievant may appeal in writing the official's decision to the superintendent.
 - b. The superintendent or his/her designee shall conduct any investigation necessary before rendering a decision. The superintendent may call a meeting with the grievant or any other party or witness related to the grievance.
 - c. The superintendent or his/her designee shall provide the aggrieved employee(s) with a written decision within fifteen (10) days after the meeting.
5. Appeal to / Response by the Board
 - a. If the grievant is dissatisfied with the superintendent's response, within five (5) days of receipt of the superintendent's response to the grievance, the grievant may appeal in writing the superintendent's decision to the board.
 - b. A hearing will be conducted pursuant to policy 2.5000, Hearings Before the Board. Notwithstanding the provisions of policy 2.5000, the board may choose to review the appeal of a grievance on the record only, without allowing oral presentations, if the grievant has not alleged (i) a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or (ii) has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his/her employment.
 - c. The board or its committee shall provide a final written decision within thirty (30) days of hearing the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond. The decision of the board or its committee may affirm, disaffirm or modify the decision of the superintendent. If the board designates a board committee to hear the appeal, the decision of the board's committee shall be final. If the full board hears the appeal, the decision of the board shall be final.

D. GENERAL REQUIREMENTS

1. All parties in interest in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
2. No reprisals of any kind shall be taken by the board or by an employee of the school system against any party in interest or other employee on account of his/her participation in a grievance filed and decided pursuant to this policy.
3. Each decision shall be in writing, setting forth the decision and reasons therefore, and shall be transmitted promptly to all parties in interest.
4. The board and administration shall cooperate with the employee(s) and his/her representative in the investigation of any grievance and shall furnish the employee or his/her representative information pertinent to the grievance without cost to the grievant

or the employee against whom the grievance is filed.

5. Should, in the judgment of the superintendent or his/her designee, the investigation or processing of any grievance requires the absence of the grievant(s) or his/her representative from regular assignments, such absences shall be excused without loss of pay or benefits.
6. All meetings and hearings conducted pursuant to this policy shall be private.
7. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.

E. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.