

AR GBK-R Staff Grievances

Issued ~~6/13~~ 00/21

The board encourages employees to discuss their concerns or complaints informally with their supervisors. Often, the cause of a problem or concern is merely a misunderstanding among the individuals involved. If, at any time, an employee feels that a formal mechanism for raising his/her concern or problem is needed, he/she should follow the procedure below.

The purpose of this procedure is to settle, at the lowest possible administrative level, employee complaints relating to contracts, salaries and working conditions. "Working conditions" refers to areas of class loads, planning time, adequate physical facilities, activities, etc. The district will keep these proceedings as informal and confidential as may be appropriate at all levels of the procedure.

Definition

A grievance is a claim by an employee of a violation, misinterpretation or misapplication of a provision of board policies and administrative procedures or rules and regulations as they affect the employment or work of such employee.

The board does not consider the following to be grievable under this procedure.

- actions which are subject to the Teacher Employment and Dismissal Act, S.C. Code 1976, as amended, [Section 59-25-410](#), *et. seq.*
- employment decisions implemented under the district's reduction in force
- policy evaluations made pursuant to the district's personnel evaluation systems

Joint grievances

The district may allow employees to present a joint grievance where each grievant alleges essentially the same facts or circumstances and requests the same relief. Joint grievances must bear the signature of each grievant. The district reserves the right to consolidate individual grievances and the right to hear joint grievances on a separate basis.

Definition of supervisor

The term "supervisor" means any person having the authority to recommend employment, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline an employee or any person having the responsibility for directing or reviewing the work of an employee.

Definition of day

A "day" is any day on which the district's administrative office is open.

Definition of witness

A "witness" is a person who gives evidence in support of a fact or statement presented by a grievant. A witness would only be present in the meeting during the time he/she is offering testimony.

Definition of observer

An "observer" is a person who attends a grievance hearing meeting who is present to watch and take notes but is not to participate officially. An observer is not to offer evidence or testimony.

Grievance procedure

Step one

An employee who wishes to file a grievance must complete the prescribed grievance form and must present it to his/her supervisor within 10 days following the event giving rise to the grievance.

Should the employee believe that resolution of the grievance requires a decision beyond the supervisor's level or area of authority, the employee will so state such belief upon submitting the grievance form. If the supervisor is in agreement concerning authority to resolve the grievance, he/she will immediately pass the grievance on to the appropriate supervisor who will hear the matter as a first level grievance. Notice must be given to the employee. The district supervisor may, however, determine that resolution of the grievance is not outside his/her authority and hear the grievance.

The appropriate supervisor will schedule a meeting with the employee within five days of receipt of the grievance. The meeting should be held as soon, as is mutually convenient. Attempts should be made to have the meeting within 10 working days. No witnesses should be called at this level. The supervisor will provide the employee with a written response to the grievance within five working days after the meeting. The response will include the name of the next level supervisor to whom the grievance may be appealed, provided such appeal is presented in writing within five working days. Each level supervisor should refrain from consulting with any supervisors in line to hear appeals.

Step two

The grievance may be appealed through each supervisory or administrative level to the superintendent. At each level, the procedure set out above will be followed. The original grievance and the supervisor's response will serve as the basis of the meeting. The employee and the supervisor at the preceding level may summarize the facts previously presented. It is the responsibility of the grievant to provide documentation at each level. At each level, only relief that was not granted should be addressed. Witnesses are permitted at the cabinet level administrator excluding the superintendent or above. Representative (legal or otherwise) cannot engage in active participation of proceedings in lieu of employee participation. Representative may advise employee only. A list of witnesses or representatives must be provided within 48 hours of the hearing

On appeal to the superintendent, the superintendent will schedule a meeting within five days of receipt of the grievance and will respond in writing to the employee within five days of his/her hearing of the grievance. The superintendent will make summaries of the lower level presentations and responses, and may, at his/her discretion, hear witnesses and evidence directly.

Upon mutual agreement between the employee and the supervisor, the time requirements under this procedure may be extended at any step, except that neither party will unreasonably refuse an extension or unreasonably delay the proceeding. Mutual agreements must be recorded in writing.

Appeal to the board

After following the above procedure, an employee may request a meeting with the board for the purpose of discussing the grievance which arose from his/her employment. The request will be made in writing to the superintendent within five days of the superintendent's response to the grievance.

The superintendent will, at the next regularly scheduled board meeting, present to the board the request that the grievance be heard, together with copies of all correspondence and responses from the lower administrative levels.

The board will notify the employee of its decision (whether or not to meet with the grievant to discuss the grievance) within 10 days of the board meeting. Should the board decide to discuss the grievance with the grievant, said discussion will be informal and non-adversarial for the discussion of employment as allowed under S.C. Code, [Section 30-4-70](#) (Supp. 1984).

Procedure for appeal of termination of classified personnel

In the case of termination of a classified employee, an appeal of the decision may be made within five days of notification of termination initially to the principal, department head or other person having final responsibility for the decision. The employee may take a further appeal of the termination to the superintendent or his/her designee. Finally, the employee may request a meeting with the board to discuss the appeal in accordance with the ~~procedures outlined above~~ above outlined procedures.

Civil rights grievances

The district will use the grievance procedures set forth above to process employee issues based on alleged violations of Title V1 of the Civil Rights Act of 1964, Title 1X of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 and Titles I and II of the Americans with Disabilities Act of 1990 (referred to as "civil rights grievances").

However, if the grievance is not resolved after the first two levels above, the employee may appeal in writing to the district's civil rights coordinator. If the employee does not file such appeal within five days of the grievant's receipt of the written response, the employee waives his/her right to appeal.

If the employee files an appeal, the civil rights coordinator will investigate the claim as appropriate. The coordinator will conduct a hearing within five days following any investigation. All interested persons and their representatives, if any, will have an opportunity to submit evidence relevant to the complaint. The civil rights coordinator will render a decision on the matter within five days after receipt of the grievance or, if a hearing is conducted, within five days after the

conclusion of the hearing. The decision and any description of the resolution will be in writing and a copy forwarded to the grievant. Until further designated, the civil rights coordinator will be the ~~assistant to the superintendent/parent/legal guardian ombudsman~~ chief human resources officer.

After appeal to the civil rights coordinator, the grievant may follow the procedures described above beginning with appeal to the superintendent.

The employee's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency will not impair his/her right to a prompt and equitable resolution of any civil rights grievance.

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Richland County School District One