

STAFF CONCERNS/COMPLAINTS/GRIEVANCES

Code **GBK-R** Issued **3/05**

Preliminary statement

Employees are encouraged 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, however, an employee feels that a formal mechanism for raising his/her concern or problem is needed, the procedures in this administrative rule should be followed.

Purpose

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

Definition

A grievance is a claim by an employee of a violation, misinterpretation or misapplication of a provision of board policies and administrative rules or district practices as they may affect the employment or work of such employee and/or a violation, misinterpretation or misapplication of federal or state law.

The board does not consider actions which are subject to the Teachers Employment and Dismissal Act, S.C. Code of Laws 1976, as amended, Section 59-24-410, et seq., Section 59-26-40, as revised, employment decisions implemented under the district's reduction in force policy, or classified employee terminations to be grievances under this procedure.

Joint grievances

Employees may present a joint grievance where each complainant alleges essentially the same facts or circumstances and requests the same relief. Joint grievances must bear the signature of each complainant. 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 office is officially open.

Grievance procedure

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

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grievance or the time when the employee reasonably should have gained knowledge of its occurrence.

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 handle the matter as a first level grievance. The direct supervisor may, however, determine that resolution of the grievance is not outside his/her authority and hear the grievance.

The appropriate supervisor will arrange a meeting with the employee within 10 days of receipt of the grievance. The supervisor will provide the employee with a written response to the grievance within 10 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 days.

The grievance may be appealed through each supervisory or administrative level to the superintendent's level. At each level, the procedure 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.

On appeals to the superintendent, the superintendent or his/her designee will arrange a meeting within 10 days of receipt of the grievance and will respond in writing to the employee within 10 days of his/her hearing of the grievance. The superintendent or his/her designee may, at his/her discretion, hear witnesses and evidence directly. At a grievance hearing before the superintendent or his/her designee, the employee may be accompanied by a representative of his/her choosing, provided that notice of legal representation is given to the superintendent or his/her designee at least four days prior to the meeting.

Reasonable adjustments to the time frame set forth in the administrative rule may be made at the request of either party.

Appeal to the board of trustees

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 must be made in writing to the superintendent within five days of the superintendent's or his/her designee'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 complainant to discuss the grievance) within 15 days. Should the board decide to hear the grievance appeal, the format will be informal and non-adversarial pursuant to the expectations of the board.

Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act

The grievance procedures set forth above are to be used to process employee complaints based on alleged violations of Titles VI and VII of the Civil Rights Act of 1964; Title IX of the

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Educational 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.

The above grievance procedure, however, will be modified for these grievances as follows.

After the first two steps above, if the responses of successive supervisory or administrator levels below the superintendent do not resolve the grievance to the satisfaction of the employee, or if no decision is made within a designated time, the complainant may appeal in writing to the district's civil rights coordinator if the complaint involves an alleged violation of the employee's civil rights or to the Section 504 Coordinator if the alleged violation pertains to Section 504. If the complainant fails to appeal within five days of receipt of the written response, the right to appeal is waived. If an appeal is made to the civil rights coordinator or the Section 504 Coordinator, an investigation, as may be appropriate, should be undertaken by that individual. Within 10 days following any investigation, the civil rights coordinator or Section 504 Coordinator will conduct a hearing and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The civil rights coordinator or Section 504 Coordinator will render a decision on the matter within 10 days after receipt of the grievance or, if a hearing is conducted, within 10 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 complainant. After appeal to the civil rights coordinator or Section 504 Coordinator, the complainant may file an appeal directly to the board.

The right of an employee to a prompt and equitable resolution of any civil rights grievance will not be impaired by the employee's pursuit of other remedies such as the filing of a complaint with the responsible federal or state agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

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