

An employee who has a grievance is encouraged to use tact and diplomacy to resolve it in an informal manner with his/her immediate supervisor. However, should such informal process fail to satisfy the employee, a formal grievance process, at the option of the employee, will be initiated and exercised without fear of recrimination. All grievances will be processed according to the following:

A. Definitions

1. Grievance - Formal written claim by an employee/employees, against another employee that:
 - a. There has been a violation, misapplication, or misinterpretation of state or federal law or regulation, school board policy, administrative regulation;
 - b. An employee has been subject to discrimination on the basis of race, religion, sex, national origin, age, or disability; or
 - c. There exists a physical condition which jeopardizes an employee's health or safety, or which interferes with an employee's ability to discharge his/her responsibilities properly and effectively.

The term "grievance" shall not apply to any matter for which the method of review is prescribed by law or where the Board is without authority to act. The grievance procedure shall not be available to consider matters relating to dismissal or negotiation for, or renewal of, an employee's contract or reassignment. The grievance procedure does not apply to the continued employment of support personnel when the dismissal is based on disciplinary action or a failure to adequately perform.
2. Parties in Interest - The grievant and the person against whom the grievance is filed.
3. Days - The working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day shall be the first full working day following receipt of the grievance.
4. Official - Immediate Supervisor or Director of personnel in charge of the grievance.

B. General Requirements

1. 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. Information received in the grievance process shall be held in confidence by the Board and its agents except as required by law and this policy.
 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.

3. No reprisals of any kind shall be taken by the Board or by an employee of the Caswell County School Administrative Unit against any party in interest or other employee on account of his/her participation in a grievance filed and decided pursuant to this policy.
 4. Each decision shall be in writing, setting forth the decision and reasons for it, and shall be transmitted promptly to all parties in interest.
 5. All meetings and hearings conducted pursuant to this policy shall be private.
 6. The Board and administration will cooperate with the employee(s) and his/her representative in the reasonable investigation of any grievance.
- C. Time limitations - A formal grievance shall be filed as soon as possible, but in no event longer than twenty (20) days after the occurrence giving rise to the grievance. Except by mutual written agreement, failure by the official at any step to communicate a decision within specified time limit shall permit the grievant to appeal to the next step. Likewise, 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 as final and a waiver of any further appeals.
- D. It is permissible for either party to audiotape the proceedings of any meeting provided both parties are informed two days beforehand that an audio recording will be made and that an unedited copy of the tape will be available to parties involved.
- E. Procedure - 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 below.

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

Step 1: The employee(s) shall present the grievance in writing on an approved form to his/her immediate supervisor or supervisor's designee, or if that is not appropriate, to the Director of Personnel. The written grievance shall name the employee(s) against whom the grievance is filled, set forth the facts constituting the grievance and the specific laws, regulations, policies, procedures or physical conditions involved and contain a statement of actions desired to resolve the grievance. A meeting will take place at a mutually agreed upon time within five (5) days after receipt of the grievance. Each party may have one (1) representative at this meeting. The immediate supervisor or designee shall provide the aggrieved employee(s) with a written response to the grievance within five (5) days after the meeting.

In the event the immediate supervisor or designee determines at the outset that a Step 1 review is inappropriate, or if the immediate supervisor is the person against whom the grievance is being brought, the grievance procedure will originate at Step 2.

Step 2: If the grievance is not resolved at Step 1, within five (5) days of receipt of the Step 1 decision, the employee(s) may refer the grievance for review by the Superintendent or designee. The Superintendent or designee shall arrange for a meeting with the employee(s) to take place within five (5) days of receipt of the appeal. Each party may have one (1) representative at this meeting. The Superintendent or designee shall provide the aggrieved employee(s) with a written decision within five (5) days after the meeting.

At the hearing, the employee or his representative shall present a statement of the essential facts of the grievance and the remedy sought. Then the supervisor will have an opportunity to make a statement concerning his/her position on the matter. Next, the employee or his representative shall present evidence, including witness testimony, to support his position, which will be followed by the supervisor's presentation of his case. Throughout the hearing, witnesses may be questioned by the opposing side and the Superintendent or designee. The Superintendent has the authority to exclude any irrelevant or repetitive evidence, to call additional witnesses who may be able to provide relevant testimony and to place reasonable time limits on the presentation of the case.

The hearing shall be private. It may be attended only by the employee and his representative, the supervisor and his representative and the Superintendent or designee and his representative, if one is desired, as well as any person assigned to make a record of the hearing. Witnesses who are not a party to the grievance may be present only when they are answering questions.

Step 3: If the grievance has not been resolved at Step 2, the grievant may request a hearing by the full Board of Education. Within five (5) days following the receipt of the decision of the Superintendent or his designee the employee should submit a Grievance Report Form to the Chairman of the School Board to schedule a hearing.

When the Chairman of the School Board receives a request for a hearing, he/she will immediately inform the Superintendent and other involved employees that the problem has been referred to the Board. The hearing will be held at the next regularly scheduled meeting provided the request is received five days before the meeting date. Otherwise, it will be held at the following scheduled meeting. If the Chairman elects to honor the request at a called closed session, the Chairman may do so in place of and before that meeting by notifying members and involved parties.

STAFF COMPLAINTS AND GRIEVANCES

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Approved 08/09/04

GRIEVANCE POLICY
TIME SCHEDULE

	<u>Time</u>
I. Informal Oral reporting to supervisor	
<u>Step One</u>	
From grievance occurrence to filling written grievance	20 days
(From receipt of written grievance to supervisor notifying respondent, five (5) days	
From receipt of written grievance to conference with grievant and respondent	5 days
From conference to supervisor's decision issued	5 days
<u>Step Two</u>	
From issuance of supervisor's decision to notice of appeal to Superintendent	5 days
From receipt of appeal to hearing (From receipt of notice of appeal to Superintendent notifying parties-in-interest of scheduled hearing, five (5) days)	5 days
From conference to Superintendent's decision issued	5 days
<u>Step Three</u>	
From receipt of Superintendent's decision to notice of appeal to Board of Education	5 days
From receipt of appeal to hearing with Board of Education or held at the next scheduled meeting	5 days

Note:

Days - The working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day shall be the first full working day following receipt of the grievance.

GRIEVANCE FORM – SUPERVISOR LEVEL

To be completed in triplicate at all stages. When the problem is settled, one copy will be retained by the employee, one will be placed in the employee's personnel file, and one will be placed in the central office grievance file for three years.

Employee's Name _____ Job Title _____

Work Location _____

EMPLOYEE'S GRIEVANCE (A meeting will take place within five days after receipt of the grievance)

Date(s) Grievance Occurred: _____

Grievance (Describe the condition needing attention)

Have you tried to discuss this with your immediate supervisor:

When:

What resulted?

What do you feel should be done to correct the problem?

Signature of Employee

Signature of Supervisor

Date _____

Date Grievance Received _____

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STEP 1/Form 1-B

SUPERVISOR'S GRIEVANCE DECISION

To be completed in triplicate at all stages. When the problem is settled, one copy will be retained by the employee, one will be placed in the employee's personnel file, and one will be placed in the central office grievance file for three years.

Employee's Name _____ Job Title _____

Work Location _____

DECISION OF SUPERVISOR (Time limit for completion - five days after day of meeting)

Summary of Meeting

Time held:

Persons attending:

Facts discussed:

Conclusion

Action to be taken to change the condition; why, when, and by whom:

Reason change is not justified:

Signature of Supervisor

Signature of Employee
(Form returned to Employee)

Date _____

Date _____

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STEP 2/Form 2-A

GRIEVANCE FORM – SUPERINTENDENT LEVEL

To be completed in triplicate at all stages. When the problem is settled, one copy will be retained by the employee, one will be placed in the employee’s personnel file, and one will be placed in the central office grievance file for three years.

Employee’s Name _____ **Job Title** _____

Work Location _____

REQUEST FOR CONFERENCE WITH SUPERINTENDENT OF DESIGNEE (Time limit for completion - five days after receipt of supervisor’s decision)

Brief statement of condition reported as needing attention

What change, if any, has taken place in this area since reported?

Present status of condition - improved, worse?

What do you feel should be done to correct the condition?

Signature of Employee

Date _____

Date form received by Superintendent (Initial)

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STEP 2/Form 2-B

SUPERINTENDENT'S GRIEVANCE DECISION

To be completed in triplicate at all stages. When the problem is settled, one copy will be retained by the employee, one will be placed in the employee's personnel file, and one will be placed in the central office grievance file for three years.

Employee's Name _____ Job Title _____

Work Location _____

DECISION OF SUPERINTENDENT (Time limit for completion - five days after day of conference)

Summary of conference

Time held:

Persons attending, if any, other than superintendent and employee:

Facts discussed:

Conclusion

Action to be taken to change the condition; why, when, and by whom:

Reason change is not justified:

Signature of Superintendent/Designee

Signature of Employee

Date

(Date from returned to employee)

Date _____

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STEP 3/Form 3-A

GRIEVANCE FORM – BOARD OF EDUCATION LEVEL

To be completed in triplicate at all stages. When the problem is settled, one copy will be retained by the employee, one will be placed in the employee's personnel file, and one will be placed in the central office grievance file for three years.

Employee's Name _____ Job Title _____

Work Location _____

**REQUEST FOR HEARING BY BOARD OF EDUCATION (Time limit for completion-
five days after receipt of Superintendent's decision)**

Describe the condition which you feel needs attention:

What do you feel should be done to correct the condition?

Signature of Employee

Date form received by Board Chairman (Initial)

Date

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STEP 3/Form 3-B

BOARD OF EDUCATION'S GRIEVANCE DECISION

To be completed in triplicate at all stages. When the problem is settled, one copy will be retained by the employee, one will be placed in the employee's personnel file, and one will be placed in the central office grievance file for three years.

Employee's Name _____ Job Title _____

Work Location _____

DECISION OF BOARD OF EDUCATION (Time limit for completion-five days after day of hearing)

Findings of hearing:

Action to be taken to change the condition, why, when, and by whom:

Reason change is not justified:

Signature of Board Chairman

Date _____

Initial
Date Copies returned to Superintendent and Employee