

# **Escambia County School System**

## **EMPLOYEE COMPLAINT AND GRIEVANCE PROCEDURES**

The board recognizes that harmonious relations with its employees can be maintained through effective communications. The interests of all parties can best be served by sincere efforts of all concerned to promote understanding and cooperation. The Superintendent, therefore, has implemented the following grievance procedures as a means to examine and resolve possible problems which relate to the administration of personnel relations of the school district.

### **PURPOSE**

The purpose of this procedure shall be to resolve possible problems through communications, at the lowest possible administrative level. Every effort shall be taken to satisfactorily resolve a complaint through this informal/formal process.

### **DEFINITIONS**

"Grievance" is a claim or dispute concerning the interpretation, application, or claimed violation of the personnel policies or the laws applicable to the school district. Other matters for which other means of resolution are foreclosed by statute or administrative procedures shall not be considered grievances. A grievance does not include matters involving the board's right to establish educational policy and prescribe rules and regulations for the conduct and management of the schools.

Employees covered by this procedure shall mean employees of the board.

Immediate supervisor is that employee having the responsibility and administrative authority to direct the activities of the grievant.

### **PROCEDURE**

#### **Informal Procedures**

Under most circumstances, most grievances can be resolved informally and at the most immediate administrative level. With this objective in mind, simple, honest, and straightforward communication is encouraged between the employee, the principal, and/or the superintendent. An employee who feels he/she has a grievance against an administrator or supervisor should present the matter verbally to the immediate supervisor. The immediate supervisor to whom the grievance is presented shall hear and attempt to resolve the grievance within ten (10) days from the time presented and advise the grievant of the decision within ten (10) days thereafter. If the grievance is resolved, or if no further action is needed, the matter is closed.

If an employee feels his/her grievance has not been resolved, he/she may resort to the formal procedure as outlined in the steps below.

## **Formal Procedures**

In order to resolve grievances in the most appropriate fashion and in the shortest period of time possible, each grievant shall start at the most immediate level of administration (level one in most cases) and progress to the next level until the matter is resolved. If level one does not apply to a particular grievant, such as a supervisor in the central office, that level should be omitted from the process.

The grievance must be filed in writing at each level. The written grievance must indicate the claim or dispute and the grievant's anticipated action for resolution to the claim or dispute. The grievant shall indicate with his/her filing at each level who will accompany or represent him/her in any meetings or hearings that might be conducted.

All decisions rendered at each level shall be set forth in writing and promptly disseminated to all parties in interest. Scheduled meetings or hearings can be changed with mutual consent of the parties in interest. All records of meetings and hearings shall be maintained in confidence; however, this shall not be interpreted to prevent such records from becoming a part of the grievant's personnel file.

All formal grievances shall be handled in accordance with the following procedures:

### **Step 1: (Principal or Immediate Supervisor)**

1. Any employee shall submit to the employee's immediate supervisor the grievance in writing. The statement at this level and all subsequent levels must include:
  - a. Name(s) of any person(s) involved, date(s) on which the employee feels there was unfair treatment,
  - b. A brief statement as to why the employee feels there was unfair treatment.
  - c. Statement of what corrective action the employee would like to see taken.
  - d. Copies of appropriate supporting documentation or written statements.
2. Such notice shall be presented not later than five (5) working days after the date on which the alleged grievance occurred. If the grievance is not submitted within the time prescribed, the employee shall be deemed not to have any further right with respect to said grievance.
3. The employee and his immediate supervisor shall confer in no less than 10 school days (excluding weekend days and official school holidays) regarding resolution of the grievance submitted.

4. The immediate supervisor shall record either the resolution of the grievance with the employee or the reason why the grievance is not resolved in writing following the grievance conference with the employee and the grievant and the supervisor shall both sign the conference report. The employee's refusal to sign a grievance report shall be noted by the immediate supervisor.
5. Unless the grievance is appealed as outlined in Level Two, it shall be deemed to have been settled and the employee shall have no further rights with respect to said grievance.

**Step 2: (Administrative Officer or Superintendents Designee)**

1. In the event the employee wished to appeal the decision at Step 1, the appeal must be presented in writing to the administrative officer of next higher rank than the employee's immediate supervisor. Such appeal shall be presented within five (5) working days of the signing of the conference receipt referred to in the Step 1 process.
2. Such appeal shall contain a statement of the grievance and specific references to the section of the district's personnel policies, if applicable, which the employee claims to have been violated.
3. The administrative officer shall schedule a meeting with the employee as promptly as is reasonably possible to attempt to resolve the grievance. At this conference, the employee may appear alone or may be accompanied by a representative of his/her choice.
4. Notice of the conference shall also be given to all parties involved in the alleged grievance.
5. The Step 2 administrative officer shall issue a written decision to the employee within five (5) working days after the conference.
6. Unless the grievance shall be so appealed, it shall be deemed to have been settled, and the employee shall have no further right with respect to said grievance. Step 3.

**Step 3: (Superintendent or Superintendents Designee)**

1. In the event the employee wishes to appeal the decision at Step 2, the appeal must be presented to the Superintendent in writing within five (5) working days of the receipt of the Step 2 decision.

2. A copy of the appeal, together with Step 1 conference report and Step 2 decision and the name of the accompanying representative, if any, must simultaneously be submitted to the Superintendent.
3. The Superintendent shall schedule a meeting with the employee within ten (10) working days to attempt to resolve the grievance.
4. The administrative officer shall issue a written decision that shall be given to the employee, as well as to the individuals who rendered the Step 1 and Step 2 decisions within ten (10) working days after the conference with the employee.
5. Unless the grievance shall be so appealed, it shall be deemed to have been resolved satisfactorily, and the employee shall have no further right with respect to said grievance. The Superintendent may adopt Step 2 decision.

**Step 4: (Board of Education)**

1. In the event the employee wishes to appeal the decision at Step 3, a written notice of appeal must be presented to the Superintendent as Secretary to the Board within five (5) working days of the receipt of the Step 3 decision.
2. A copy of the appeal to the Superintendent, together with copies of the grievance and conference report submitted at Step 1, the Step 2 and 3 decisions, and the name of the representative of the employee, if any, must simultaneously be submitted to the Superintendent within five days of the employee's receipt of the Step 3 decision.
3. The employee's appearance to present his/her appeal before the board will be scheduled in accordance with regular procedures adopted by the board. The employee may appear alone at this conference or be accompanied by counsel of his/her own choice.
4. Hearings will be closed.
5. The Board shall issue a written decision within thirty (30) days after the hearing with the employee or after the review of the administrative and evidentiary record.
6. The decision of the Board of Education shall be final unless the grievant decides to appeal to the courts or to utilize any other duly recognized procedure as established by law.