

STAFF COMPLAINTS AND GRIEVANCES

Definitions:

- A. A grievance is a complaint by a person or group of persons employed by the Wall School District #51-5, made either individually or by a duly authorized and recognized employee association through its representative, that there has been a violation, misinterpretation, or inequitable application of any existing agreement, contract, policy, rule or regulation of the School Board. Negotiations for, or a disagreement over a nonexistent agreement, contract, policy, rule or regulation is not a "grievance" .
- B. An "Aggrieved Person" is the person or group of persons making a complaint.
- C. "Board" means the school Board of the School District.
- D. "Days" shall mean calendar days unless otherwise specified.

Purpose:

- A. The purpose of the procedure is to secure, at the lowest possible level, equitable solutions to the problems which may from time to time arise between employees and the District and to facilitate this purpose these proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.
- B. Nothing herein contained shall be construed as limiting the rights of the employee having a grievance to discuss the matter informally with an appropriate member of the administration, and having a grievance adjusted without the intervention of the employee association provided the adjustment is not inconsistent with the terms of any settlement with the employee association then in effect. The employee or the administrator involved in the grievance may be represented by a representative at such an informal discussion only by the mutual consent of the employee and the appropriate member of the administration.

Procedure:

- A. It is important that grievances be processed as rapidly as possible. The number of days indicated at each level should be considered a maximum and every effort should be made to expedite the process.
- B. If appropriate action is not taken by the employee within the time limit specified, the grievance will be deemed settled on the basis of the disposition at the preceding level. The time limit specified herein may be extended by mutual agreement, provided the time extension is requested within the time limits provided in the Article.
- C. If an employee does not file a grievance in writing with the principal or other supervisor within thirty (30) calendar days after the employee knew, or should have known, of the

act or condition on which the grievance is based, the grievance shall be considered as having been waived.

- D. A supply of grievance forms shall be on file with the building principal, immediate supervisor, or the association.

Informal Procedures:

- A. If an employee has a grievance, the employee shall first discuss the matter with the employee's supervisor, principal, or other administrator to whom the employee is directly responsible in an effort to resolve the problem.
- B. If, after such discussion with the supervisor, principal, or other administrator, the employee is not satisfied with the disposition of the matter, the employee shall have the right to present the matter to and discuss it with the Superintendent.

Formal Procedures:

Level One: School Principal, Immediate Supervisor or Other Administrator.

- A. If an aggrieved person is not satisfied with the disposition of the problem through informal procedures, the aggrieved person shall submit a claim in writing.
- B. Three (3) copies of this written grievance shall be prepared by the employee and the employee shall send one copy each to the following: The supervisor, (principal or other administrator), Superintendent of Schools, and the School Board President.
- C. An employee who is not directly responsible to a building principal may submit a formal written grievance claim to the administrator or supervisor to whom the employee is directly responsible and such administrator shall carry out the aforementioned responsibilities the same as a principal. The administrator, within 10 days, shall render a decision in writing to the aggrieved person.

Level Two: Superintendent of Schools.

- A. If an aggrieved person is not satisfied with the decision concerning the alleged grievance at Level One, or if no written decision has been rendered within ten days, the aggrieved may, within 10 days after the decision is rendered or within twenty (20) days after a formal presentation, file the alleged grievance with the Superintendent of Schools.
- B. The Superintendent of Schools or designee within ten (10) days from the receipt of the written grievance shall meet with the aggrieved person for the purpose of resolving the grievance. The principal or appropriate administrator who is involved at Level One shall be notified and shall have the option of attending the meeting. Arguments and documentation of all parties shall be made in writing at the Level Two hearing and copies thereof shall be given to the Superintendent and the grievant. The Superintendent shall, within the (10) days after this meeting render a decision in writing to the aggrieved person, the supervisor and the principal or other administrator.

Level Three: Board of Education

- A. If the aggrieved is not satisfied with the disposition of the grievance at Level Two, or if no written decision has been rendered within ten (10) days, the aggrieved shall within ten (10) days thereafter transmit it by letter to the Business Manager with a statement of reason why it is being appealed.
- B. Within ten (10) days of the Business Manager's receipt of the grievance, the Board (or its designated agent) shall hold a hearing to consider the grievance. The Board shall make a final decision thereon at the following regular or special Board meeting.

Level Four: Department of Labor

- A. If the aggrieved person is not satisfied with the disposition of the grievance at Level Three or if no written decision has been rendered within the time period set forth in the preceding paragraph, the aggrieved may, within ten (10) days after receipt of the written decision of the board, or after receipt of the written decision of the Board, or within ten (10) days of the date when the decision is due, whichever is earlier, appeal to the department of Labor, pursuant to SDCL 3-18-15.2. The inclusion of this paragraph in this Grievance Procedure shall not constitute a waiver by either party of its right to dispute the authority of the Department of Labor to hear the appeal or render any particular decision.

Level Five: All other rights permitted by law.

Miscellaneous:

- A. If, in the course of investigation of any grievance by representatives of the complainant, such investigation requires their presence in a school building; they shall report immediately to the principal of such building being visited and state their purpose for visiting.
- B. Interruption of regularly assigned classes or activities shall be avoided and students shall not be included in any phase of the grievance procedure except with mutual consent of both parties.
- C. Any party or parties in interest shall appear and may be represented at formal Levels I and II of the grievance procedure by two representatives. When the representatives are not members of the employee association, the employee association shall have the right to have one spokesperson present and to have that spokesperson state its views at the formal Levels I and II of the grievance procedure except when the aggrieved person specifically requests the exclusion of all but the parties in interest and their respective representatives. At Level III a maximum of three (3) representatives, one of who will be the spokesperson, may represent the aggrieved person or persons involved in a grievance.
- D. If, in the judgment of the employee association, a grievance affects a group or class of employees, the association may submit such grievance in writing to the Superintendent directly and the procession of such a grievance shall be commenced at Level II. The employee association shall designate not more than two spokespersons for the association

in processing such a grievance through the remaining levels of the grievance procedure. Provided, however, that the employee association shall not be permitted to file or process a grievance with respect to an incident or occurrence on which an employee or group has already initiated a grievance.

- E. Meeting and hearing under this procedure shall not be conducted in public and shall include such parties and only such parties in interest and their designated or selected representatives heretofore referred to in this grievance procedure. The vote on the Board's decision on Level III grievance shall be made in open session.
- F. When it is necessary for a party or parties in interest to attend a Board meeting or a hearing called during the working day, the Superintendent shall so notify the party or parties in interest, principals or immediate supervisor, and the party or parties in interest shall be released without loss of pay for such time as their attendance is required at such meeting or hearing.
- G. At all hearings conducted under this procedure the aggrieved person and the administrative representative may call witnesses and present evidence that is relevant to the matter being considered. The Board may request that other witnesses be called for questioning by the parties.