

**STAFF COMPLAINTS AND GRIEVANCES
(GRIEVANCE PROCEDURE)**

Section I

Definitions:

- A. A "grievance" is a complaint by a person or group of persons employed by the Garretson School District #49-4, 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.
- B. An "aggrieved person" is the person or group of persons filing the grievance.
- C. "Board" means the school board of the district.
- D. "Days" shall mean calendar days unless otherwise specified.
- E. "Immediately involved supervisor" shall mean the lowest level administrator or board who has the authority to settle the grievance.
- F. "Party of interest" is the person or persons making the claim and any person or persons who might be required to take action or against whom action might be taken in order to resolve the grievance.

Section II

Purpose:

- A. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that may, from time to time, arise between employees and the district. 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 any employee having a grievance to discuss the matter informally with any appropriate member of the administration, and having the 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.

Section III

Procedure:

- A. It is important the grievances be processed as rapidly as possible. The number of days indicated at each level shall be the maximum and every effort should be made to expedite the process. If appropriate action is not taken by agents of the school district within the time limit specified, the employee may take the grievance to the next level.

- 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 limits specified herein may be extended by mutual agreement, provided the time extension is requested within the time limits provided in the Grievance Procedure.
- C. If an employee does not file a grievance in writing with the principal or other supervisor within fourteen (14) 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 the grievance forms shall be on file with the building principal and/or the immediate supervisor.
- E. The written grievance shall be initiated with the immediately involved supervisor with copies to the superintendent.

Section IV

Informal Procedures:

If an employee feels he or she has a grievance, the employee must first discuss the matter with the immediately involved supervisor, principal, or other administrator, to whom he or she is directly responsible in an effort to resolve the problem.

Section V

Formal Procedures:

LEVEL ONE - School Principal, Immediate Supervisor, or Other Administrator

- A. If an aggrieved person is not satisfied with the disposition of his or her problem through informal procedures, he or she shall submit his or her grievance in writing.
- B. Signed copies of the written grievance shall be delivered by the employee to each of the following: supervisor, principal or other administrator, the superintendent of schools, and the president of the school board.
- C. An employee who is not directly responsible to a building principal may submit his or her formal written grievance to the administrator or supervisor to whom he or she is directly responsible.
- D. The administrator, within seven (7) days of the filing of the grievance, shall render his or her decision in writing to the aggrieved person.

LEVEL TWO - Superintendent of Schools

- A. If an aggrieved person is not satisfied with the decision concerning his or her grievance at Level One, or if no written decision has been rendered within seven (7) days, the aggrieved may submit his or her grievance in writing to the superintendent of schools within fourteen (14) days of filing the grievance at Level One.

- B. The superintendent of schools shall, within seven (7) days from the filing of the written grievance, meet with the aggrieved person for the purpose of resolving the grievance.
- C. After meeting with the aggrieved employee, the superintendent shall conduct an investigation to determine the facts relevant to the grievance. The superintendent may request another meeting with the aggrieved employee with the purpose of determining facts that are relevant to the decision. After conducting a thorough investigation, the superintendent shall render a decision within fourteen (14) days of receipt of the written grievance and meeting with the aggrieved employee. The decision shall be delivered to the aggrieved and the immediate supervisor in writing.

LEVEL THREE - Board of Education

- A. If the aggrieved person or the board is not satisfied with the disposition of the grievance at Level Two, or if no written decision has been rendered within fourteen (14) days, the employee may, within twenty-one (21) days of submitting at Level Two, transmit the grievance by letter to the Business Manager.
- B. After receipt by the Business Manager, the board will consider the grievance at the next regularly scheduled board meeting. At that time, the board may choose to affirm the superintendent's decision, or, with the agreement of the aggrieved person(s) and any party of interest, conduct an informal discussion of the issues with the board in executive session, or conduct a hearing. If the board decides to conduct a hearing, it may be conducted at the next regularly scheduled board meeting or at a special meeting at a time that is mutually agreeable to all parties.
- C. The board shall make a final decision therein within thirty (30) days of the hearing.

LEVEL FOUR

If the aggrieved person is not satisfied with the disposition of the grievance at Level Three, the grievance may be appealed to the Department of Labor, pursuant SDCL 3-18-15.2. The inclusion of this paragraph in this Grievance Procedure shall not constitute a waiver by either party of its rights to dispute the authority of the Department of Labor to hear the appeal and/or render any particular decision.

Section VI

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 the purpose of the visit.
- 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 the mutual consent of both parties.

- C. If, in the judgment of the employee organization, a grievance affects a group or class of employees, the organization may submit such grievance in writing to the superintendent directly and the processing of such a grievance shall be commenced at Level Two. The employee organization shall designate not more than two (2) spokespersons for the organization in processing such a grievance through the remaining levels of the grievance procedure, provided, however, that the employee organization 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.
- D. Meetings and hearings 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 Three grievances shall be made in open session but the name of the aggrieved party shall not be disclosed.
- E. 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's office 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.
- F. 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.