

West Central School District 49-7

STAFF COMPLAINTS AND GRIEVANCES

Article I

A. Definitions:

1. A “grievance” is a complaint by a person or group of persons employed by the West Central School District # 49-7, 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 non-existing agreement, contract, policy, rule, or regulation is not a “grievance.”
2. An “aggrieved person” is the person or group of persons filing the grievance.
3. “Board” means the School Board of the district.
4. “Days” shall mean working school days unless otherwise specified.
5. “Party in interest” is the aggrieved person 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.
6. A grievance must be filed by the complainant within 20 days after the complainant knew or should have known of the action giving rise to the grievance.

B. Purpose:

1. The purpose of this 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.
2. Nothing herein contained shall be construed as limiting the rights of the 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 only by the mutual consent of the employee and the appropriate member of the administration.

C. Time Limits

1. Since it is important that grievances be processed as rapidly as possible the number of days indicated at each level should be considered as a maximum and every effort made to expedite the process. The time limits specified may, however, be extended by mutual agreement in writing.
2. In the event a grievance is filed at such time that it cannot be processed through all the steps in this grievance procedure by the end of the school year the time limits set forth herein may be reduced so that the grievance procedure may be exhausted prior to the end of the school year or as soon thereafter as practicable.

D. Procedure

Informal Procedures:

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

Formal Procedures:

Level One – School Principal, Immediate Supervisor or Other Administrator

1. If an aggrieved person is not satisfied with the disposition of the problem through informal procedures, he/she shall submit the grievance in writing.
2. Signed copies of the written grievance shall be delivered by the employee to each of the following: supervisor, principal or other administrator, the Superintendent, and the president of the School Board.
3. An employee who is not directly responsible to a building principal may submit the formal written grievance to the administrator to whom he/she is directly responsible.
4. The administrator, within five days of the filing of the grievance shall render the decision in writing to the aggrieved person.

Level Two – Superintendent of Schools

1. If an aggrieved person or the Board is not satisfied with the decision concerning the grievance at Level One, or if no written decision has been rendered within five days, the aggrieved person may file the grievance in writing within five (5) days after the decision at Level I or ten (10) days after the grievance was presented, whichever is sooner.
2. Superintendent shall arrange a meeting with the aggrieved person within five (5) days after the grievance has been filed. Within five (5) days after

said meeting, the superintendent shall render a decision in writing to the aggrieved person and designated representative, the school board, and a copy thereof placed in the grievance file.

Level Three – Board of Education

1. If the grievance is not resolved at Level II or if no written decision has been rendered within eight (8) school days after presentation of the grievance, the aggrieved person may file the grievance in writing with the Board within ten (10) days of the decision or eighteen (18) days of filing the grievance at Level III.
2. The Board shall schedule a hearing within ten (10) days of receipt of the grievance. The Board shall render a decision in writing within fifteen (15) days of the hearing to the aggrieved person or designated representative, the superintendent, and a copy thereof placed in the grievance file.

Level Four –

1. If the grievance is not resolved at Level III or if no written decision has been rendered within twenty-five (25) days after the presentation of the grievance, the grievance may be submitted to the South Dakota Department of Labor.

E. Miscellaneous

1. No reprisals of any kind shall be taken by the Board or its representatives against any party in interest, the WCEA or its members, or any other participant, in the grievance procedure by the reason of such participation.
2. If, in the course of the 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.
3. 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.
4. Any party or parties in interest shall appear and may be represented at formal Levels One and Two of the grievance procedure by one representative. When the representative is not a member of the employee organization, the employee organization shall have the right to have one spokesperson present and to have that spokesperson state its views at the formal Levels One and Two 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 Three a maximum of three representatives one of who will be the spokesperson, may represent the aggrieved person or persons involved in a grievance.
5. 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 chief executive officer Superintendent directly and the processing of such a grievance shall be commenced at Level Two. The employee organization shall designate not more than two 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.

6. 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.
7. 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.
8. 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.
9. If anything in this policy conflicts with the negotiated agreement, then the negotiated agreement will take precedence for certified staff.

Policy

Adopted: 10/13/08

Revised: 11/9/09