

EMPLOYEE/STAFF GRIEVANCES

Admin. Reg. HRS-15
August, 2010April, 2017

I. **Purpose.** The purpose of this Administrative Regulation policy is to resolve/settle staff grievances as defined below at the lowest possible administrative level when an informal resolution of the situation is not possible. ~~The BCSD District will~~ shall keep all grievance proceedings as informal and confidential as is appropriate ~~at all levels of the procedure.~~

II. **Definition.**

A. For purposes of this Administrative Regulation, a grievance is a claim by one (1) or more ~~an~~ employee(s) of a violation, misinterpretation, or misapplication of a provision of federal or state laws and/or BCSD policy or Administrative Regulation as they ~~District policies as they may~~ affect the employment or work of an employee or any problem or concern an employee may have regarding employment based upon a claim of race, sex, age, or other discriminatory action.

B. The Superintendent does not consider the following as grievances subject to this Administrative Regulation:

1. Actions subject to the Teacher Employment and Dismissal Act, S.C. Code of Laws 2004, S.C. Code Ann. section 59-254-410, *et seq.*, as amended;

2. Matters covered by or referenced in S.C. Code Ann. section 59-26-40, as amended;

3. Employment decisions implemented under the BCSD District's reduction-in-force Administrative Regulation policy;

4. The reassignments or /transfers of any employee;

5. Termination or dismissal of a support staff employee pursuant to and/or in accordance with BCSD Administrative Regulation HRS-44, Dismissal of Support Staff terminations;

6. and ~~P~~professional and/or support staff performance reviews and/or evaluations to be grievances under this procedure; and/or

~~7.~~ Complaints regarding compensation based upon the BCSD salary schedule.

III. **Joint Grievances.** Employees may present a joint grievance where each grievant alleges essentially the same facts or circumstances and requests the same relief. Joint grievances shall ~~must~~ bear the signature of each grievant. ~~The BCSD District~~ reserves the right to consolidate individual grievances and the right to hear joint grievances on a separate basis.

IV. **Definition of Supervisor.** The term "supervisor" means any person having the authority to recommend employment, suspension, /administrative leave, discharge, reassignment, /transfer, promotion, reward, and/or discipline an employee or any person having the

responsibility for directing or reviewing the work of an employee.

V. **Definition of Day.** A "day" is any day on which the grievant's work site is officially open.

VI. **Time Frame.** Reasonable adjustments to the time frame set forth in this procedure may be made at the request of the grievant or the decision of a supervisor.

VII. **Grievance Procedure.**

A. Level I.

1. An employee who wishes to file a grievance ~~shall~~ **must** complete the prescribed grievance form and present it to his/her supervisor within ten (10) calendar days following either the event giving rise to the grievance or the time when the employee reasonably should have gained knowledge of its occurrence. ~~At the school level, the supervisor is the Ppincipal. Because of the importance of settling grievances quickly, there shall be no extensions to this time period.~~
2. Should the employee believe ~~that~~ resolution of the grievance requires a decision beyond the supervisor's level or area of authority, the employee will so state such belief on the grievance form. ~~If the supervisor is in agreement concerning a lack of authority to resolve the grievance, s/he will immediately pass the grievance on to his/her supervisor. If, however, the supervisor determines that resolution of the grievance is not outside his/her authority, the supervisor will hear the grievance. If resolution of the grievance is outside the supervisor's authority or if the employee's supervisor is the person about whom the grievance is based, then the grievance shall immediately proceed to Level II, *supra*.~~
3. The supervisor ~~shall~~ **will** arrange a meeting with the employee within ten (10) business days of receipt of the grievance. ~~At the grievance hearing, the employee may have a representative of his/her choice other than an attorney.~~
4. The supervisor ~~shall~~ **will** provide the employee with a written response to the grievance within ten (10) business days after the meeting and notify the employee the supervisor's decision may be further grieved as set forth in Level II, *supra*. ~~The response will include the name of the next level supervisor to whom the grievance may be appealed, provided such appeal is presented in writing within 5 days of the date of the supervisor's written response.~~

B. Level II.

1. In the event the employee is dissatisfied with the decision of his/her supervisor or if the employee's supervisor is the person about whom the grievance is based, the grievance shall proceed as set forth in this section. The grievance may be appealed through each supervisory or administrative level to the Superintendent's level. At each of the lower levels, the procedure above will be followed. In the event the employee is appealing his/her supervisor's response, the ~~The~~ employee's original grievance and the supervisor's/~~supervisors~~² response(s)

shall~~will~~ serve as the bases of the grievance appeal.

2. On an appeal to the Superintendent's level, the Superintendent or his/her designee, ~~the Chief Administrative and Human Resource Services Officer,~~ shall~~will~~ arrange a hearing within fifteen (15) calendar days of receipt of the request and will respond in writing to the employee within fifteen (15) calendar days ~~after meeting with the grieving employee of hearing the grievance.~~ -The Superintendent or ~~his/her designee~~the Chief Administrative and Human Resource Services Officer may, at his/her discretion, hear witnesses and evidence directly. At this level, the employee may be accompanied by a representative, including an attorney of his/her choice at the employee's expense, provided that notice of legal representation be given to the Superintendent or ~~his/her designee~~ the Chief Administrative and Human Resource Services Officer at least four (4) calendar days prior to the grievance appeal hearing.

3. The decision of the Superintendent's or ~~his/her designee~~Chief Administrative and Human Resource Services Officer's decision is shall be final and binding on all grievances.

B-C. Nothing in this Administrative Regulation limits the right of an employee to discuss a grievance with the appropriate member of the BCSD administration. Such grievance may be adjusted without formal proceedings, provided the adjustment is consistent with BCSD Administrative Regulations and Board Policy.

VIII. Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as amended.

- A. The grievance procedures set forth above are to be used to process employee complaints based on alleged violations of Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendment Act of 1972; Section 504 of the Rehabilitation Act of 1973; and Titles I and II of the Americans with Disabilities Act of 1990, as amended.

- B. The right of an employee to a prompt and equitable resolution of any civil rights grievance will not be impaired by the employee's pursuit of other remedies such as the filing of a complaint with the responsible federal or state agency. -Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

Adopted: July, 2001

Revised: August, 2003; May, 2005; August, 2010; April, 2017