

Addressing Employee Concerns – Staff Complaints and Grievances

If employees have a concern, they will:

- Contact the principal or immediate supervisor, Title IX Coordinator, and/or 504 Coordinator
- If not satisfied, contact the Superintendent; and
- If not satisfied, request to be placed on the agenda at the next regular School Board meeting.

Grievance Procedure Policy

The following grievance procedure shall be the procedure followed by all employees.

Bon Homme School District will not discriminate, in any of its policies and programs, on the basis of age, race, color, creed, national origin, ancestry, religion, sex, or disability and will not violate any of the provisions of applicable Federal Programs, Statutes, or Regulations.

In compliance with applicable Federal Laws and Regulations, Bon Homme School District has appointed the Superintendent of Schools as the Title IX Coordinator to coordinate district programs and compliance with Federal Mandates prohibiting discrimination. The Superintendent can be reached at PO Box 28, Tyndall, SD 57066, or by calling (605) 589-3388. The 504 Coordinator can be reached at this address as well.

Definitions A "grievance" is a complaint by a public employee or group of public employees based upon an alleged violation, misinterpretation, or inequitable application of any existing agreements, contracts, ordinances, policies, rules, or regulations of the school district as they apply to conditions of employment for the staff of Bon Homme School District #04-2. The absence of or disagreement with existing policy, rules, or regulations is not a grievance.

Term "employee", except where otherwise indicated, is considered to apply to any employee not classified as administrative personnel. The term "employee" may include a group of employees who are similarly affected by a grievance.

An "aggrieved person" is the person(s) making the claim.

A "party in interest" is the person(s) making the claim and any person(s) who might be required to take action or against whom action might be taken in order to resolve the problem.

The term "days" when used in this policy shall, except where otherwise indicated, mean calendar days.

"Immediate Supervisor" is defined as the individual conducting the evaluation.

"Association" shall mean any association of employees.

The "Board" shall mean the School Board of the school district.

Principles The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may arise affecting the welfare or working conditions of employees.

All parties agree that these procedures shall be kept as informal and confidential as may be appropriate at any level of the procedure.

Nothing herein contained shall be construed as limiting the right of any employee having a problem to discuss the matter informally with any appropriate member of the administration or with any appropriate representative of an association at any time.

Any employee or group of employees has the right at any time to present a grievance to such person or Board through such channels as are designated for that purpose.

Time Limits Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process. The time limit specified may, however, be extended by mutual agreement in writing.

In the event a grievance is filed at such time that it cannot be processed by the end of the contract period, the time limits set forth herein will be reduced so that the grievance procedure may be completed prior to the end of the contract period or as soon thereafter as it is practicable.

Employees must file a grievance within thirty days after the alleged violation, misinterpretation or inequitable application.

Informal Procedure If an employee has a grievance, he/she should first discuss the matter with the principal, administrator, or supervisor to whom the person is directly responsible in an effort to resolve the problem informally.

If, after such discussion, the employee is not satisfied with the disposition of the matter, the employee may file a formal grievance in accordance with this policy.

Formal Procedure Level One: School Principal or Immediate Supervisor

1. If an aggrieved person is not satisfied with disposition of his/her problem through informal procedures, the person may submit a claim as a formal written grievance to his or her principal or immediate supervisor.
2. The principal or immediate supervisor shall within five days render a decision with rationale for that decision in writing to the aggrieved person.

Level Two: Superintendent

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level One, or if no decision has been rendered within five days after presentation of the grievance in writing, he/she may file the formal written grievance with the Superintendent within three days after the decision at Level One or eight days after the grievance was presented, whichever is sooner.
2. The Superintendent or his/her representative shall act for the administration at Level Two of the grievance procedure.
3. Within ten days after receipt of the written appeal to the Superintendent, the Superintendent shall meet with the aggrieved person for the purpose of resolving the grievance. The Superintendent shall, within three days of the meeting, render a decision with rationale for that decision in writing to the aggrieved person. If more than one meeting with the aggrieved person is necessary or if the Superintendent determines to conduct an investigation in addition to meeting with the aggrieved person, the decision shall be within three days of the last meeting with the aggrieved person or within three days of the conclusion of the investigation.

Level Three: Board

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level Two, or if no decision has been rendered within the time frame set forth, he/she may file a written appeal with the Board.
2. After receiving the written appeal, the Board may appoint a fact finder to review the grievance and its proceedings to this point and to report to the Board prior to its hearing with the aggrieved person. A hearing on the appeal shall be conducted in executive session and the decision of the Board with rationale for that decision shall be rendered in writing within five days.

Level Four: Appeal to the Department of Labor

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level Three, he/she may within thirty days after the final decision by the Board is mailed or delivered to the aggrieved person, file an appeal with the South Dakota Department of Labor pursuant to South Dakota statutes and regulations.

Miscellaneous If a grievance affects a group or class of employees, the grievance may be submitted in writing to the Superintendent directly and the processing of such grievance shall begin at Level Two.

If a grievance involves the aggrieved person's principal or immediate supervisor, the Superintendent shall designate another person to hear the grievance at Level One. If the grievance involves the Superintendent, the Board shall designate another person to hear the grievance at Level Two.

Decisions rendered at all levels of the formal grievance procedure shall be in writing setting forth the decision and its rationale.

All documents, communications, and records dealing with the processing of a grievance shall be filed in a place other than the personnel files of the participants.

Forms for filing and processing grievances and other necessary documents shall be prepared by the Superintendent and made available through building principals and in the District Office.

Any individual employee or group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted without the intervention of the Association as long as the adjustment is not inconsistent with the terms of any settlement with the Association then in effect; provided that the Association has been given the opportunity to be present at such adjustment.

These procedures shall not be construed so as to prevent any individual on his/her own initiative from exercising the procedural rights accorded an Association.

No reprisals of any kind shall be taken by any party against the aggrieved person or any other participant in the grievance procedure by reason of such participation.

All parties in interest may be represented at all levels of the formal grievance procedure by person of their choosing.

Legal References: SDCL 3-18-1; 3-18-1.1; 3-18-3; 3-18-15 through 3-18-15.3

Contract References: Master Agreement & Classified Employee Handbook

Revised: July 8, 1996; April 09, 2007; July 12, 2010; June 9, 2014; March 9, 2015

BON HOMME SCHOOL DISTRICT #04-2

Request for Settlement of Grievance

Level _____

Date of Presentation to _____

Name of Aggrieved Person _____

Home Address _____

School _____

Principal _____

Date Violation Occurred _____

Nature of Grievance:

Remedy Sought:

Signed _____
(Aggrieved Person)

_____ Date