

GRIEVANCES

The board is committed to maintaining the highest possible level of professional relations among members of the staff of the school system and good morale among employees. Consequently, grievance procedures are designed to promote sincere efforts by all persons concerned to work together on constructive solutions in an atmosphere of courtesy and cooperation. It is also the purpose of this process to secure, at the lowest possible level, equitable and workable solutions to problems which may arise.

I. Definitions:

- A. Grievance: A "grievance" is defined as a complaint by an employee or group of employees based upon an alleged violation, misinterpretation, or inequitable application of any existing policies, rules, regulations, or orders of the School System or a complaint regarding the equity of policies, rules, regulations, or orders. Dismissals, terminations, transfers, and any other employment procedures established by law are not subject to the grievance procedures herein described.
- B. Employee: An "employee" is any (i) school administrators under contract with the board of education (except the superintendent), (ii) employee that has received continuing service status or that may be eligible to receive such status in the future, and (iii) employee that has received non-probationary status under Alabama's fair dismissal laws or that may be eligible to receive such status in the future.
- C. Aggrieved Person: An "aggrieved person" or "grievant" is the employee or employees making the complaint.
- D. Party in Interest: A "party in interest" is defined as the grievant(s), the party against whom the grievance is filed, the Superintendent, the Board, each representative appointed, in writing, by each of the foregoing parties, and a recorder, if one is appointed by the board.
- E. Days: "Days" shall mean work days.

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II. Steps:

Grievances shall be processed as rapidly as possible. The number of days stated at each level shall be considered as a maximum. However, when mutually agreed upon, the time limits may be extended. In all cases, the informal procedures and discussions must be initiated by the grievant within fifteen (15) days of the occurrence of the cause giving rise to the grievance. The following procedures shall apply:

- A. Informal Procedure: An employee with a grievance shall first discuss it with his/her principal or immediate supervisor, with the objective of resolving the matter informally. The principal or supervisor should, if practicable, grant the employee an opportunity to discuss the matter within five (5) days of the request. Should the principal or supervisor have an assistant principal or another employee present for the discussion, then the grievant may have another school system employee of his/her choice present.
- B. Formal Procedure - Level One: If the informal discussion does not resolve the grievance, if the grievant wishes, the grievant shall within five (5) days of the discussion date file the grievance in writing (Grievance Form filed GAE-R) with the principal or immediate supervisor. The principal or immediate supervisor should, if practicable, within five (5) days of receipt of the written grievance transmit his/her written decision to the grievant.
- C. Formal Procedure - Level Two: If the grievant is not satisfied with the disposition of his/her grievance at Level One, he/she may file the grievance in writing (Grievance Form filed GAE-R) with the Superintendent within five (5) days after the decision at Level One. The Superintendent or designee should, if practicable, hold a discussion with the grievant within five (5) days and communicate his/her written decision to the grievant within five (5) days after the discussion. Should the Superintendent have another administrator present for the discussion, then the grievant may have a School System employee of his/her choice present.

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- D. Formal Procedure - Level Three: If the grievant is not satisfied with the disposition of his/her grievance at Level Two, he/she may appeal to the Board by filing a written (Grievance Form filed GAE-R) request with the Superintendent within five (5) days after the decision at Level Two. The following provisions apply:
1. The Superintendent or designee will be present at all Level Three hearings.
 2. The parties in interest may give testimony, present witnesses and documentary evidence. All parties may present oral arguments and written materials. All such materials should be made available to all parties in interest, at the time such materials are introduced at the hearing.
 3. The board should, if practicable, render its decision within five (5) days after the hearing and notify all interested parties of such decision.

III. Group Grievances:

If a grievance affects a group or class of employees, the employees may submit such grievance in writing (Grievance Form - filed GAE-R) directly to Level Two. The Superintendent will decide whether this grievance will be heard at Level Two or return it to Level One. The grievance procedure will then proceed as indicated above.

IV. Rights of Employees to Legal Counsel:

Any **grievant** may be represented at Level Three by himself/herself or, at his/her option, an attorney; however, the grievant must be present at each Level. The grievant may also exercise the option to choose an employee of the school system, rather than an attorney, to accompany him/her. The grievant must notify the Superintendent five (5) days prior to the Board meeting in order to have Board counsel present if the grievant is to be represented by counsel.

V. Reprisals:

No reprisals of any kind may be taken by the board or by any member of the administration against any party in interest or any other participant in the grievance procedure by reason of such involvement.

VI. Written Decisions:

All decisions rendered at Levels Two and Three shall be in writing (Grievance Form - Filed GAE-R), setting forth the decision, and should be transmitted promptly to all parties in interest.

VII. Separate Grievance File:

All documents, communications, and records dealing with the processing of a grievance should be maintained for not less than thirty (30) days in a separate grievance file and shall not be kept in the personnel file of participants.

VIII. Exclusions

Complaints of sexual harassment are not subject to the grievance procedures herein described. See Board Policy GAJDBH, regarding reporting procedures for sexual harassment complaints. Also, this grievance policy does not apply to dismissals, terminations, transfers, and any other employment procedures other provide for by law.

SOURCE: Athens City Board of Education, Athens, AL
ADOPTED: August 15, 1994; REVISED: June 5, 2008
LEGAL REF: The Code of Alabama, 16-11-9, 16-12-15, 16-12-3, and 36-25A-1, et seq.