



## GRIEVANCE PROCEDURE

The District shall provide an orderly process for prompt and equitable resolution of grievances. The Board intends that, whenever reasonable, grievances are resolved at the lowest possible administrative level. Grievances may relate to discipline, termination and/or workplace safety. The grievance must specify the individual harm alleged.

### Definitions

#### A. Grievant

A grievant is an employee whose own substantial interests related to termination, discipline, or workplace safety are adversely affected by a final administrative decision.

#### B. Grievance

A grievance is a formal written complaint by an employee that a final administrative decision related to termination, discipline, or workplace safety violated, misapplied, or misinterpreted a Board policy, administrative regulation or procedure; specified federal or State law or rule; or in the case of an employee with a written employment contract, the terms of such written employment contract.

#### C. Days

Days means calendar days.

#### D. Impartial Hearing Officer

The Board shall adopt, as the need arises, a resolution authorizing an Impartial Hearing Officer who will then be appointed by the Board to hold a grievance hearing and make a decision regarding the grievance. The Impartial Hearing Officer shall not be an officer, agent, or employee of the District at the time of appointment.

#### E. Employee Discipline

The term “employee discipline” shall be narrowly construed to mean a suspension without pay, or a demotion or reduction in rank, pay, or other benefits, imposed by the District for disciplinary reasons, but shall not include the following;

- termination, non-renewal of teacher contracts, non-renewal of administrator contracts, layoffs or workforce reduction activities;
- adverse employment actions other than a suspension without pay, or a demotion or reduction in rank, pay or other benefits, imposed upon the employee for disciplinary reasons;
- lateral transfers or reassignments;
- plans of performance improvement;

- performance appraisals;
- documentation of employee acts and/or omissions in an employment file;
- oral or written reprimands or warnings;
- administrative suspension, with or without pay, pending investigation of misconduct or nonperformance; and/or
- non-disciplinary wage, benefit, or salary adjustments, or reductions in assigned hours.

### **Employee Termination**

The term “employee termination” shall be narrowly construed to mean a separation from employment initiated by the District, but shall not include the following;

- layoffs;
- reduction in workforce activities;
- voluntary termination including, without limitation, quitting and resignation;
- job abandonment;
- end of employment due to disability;
- retirement;
- death; and/or
- end of employment and/or completion of assignment of limited term, temporary, seasonal, substitute, or part-time employees.

### **F. Workplace Safety**

The term “workplace safety” shall be narrowly construed to refer to

- an existing condition that substantially endangers an employee’s health and safety; **OR**
- any workplace policy or procedure established by state or federal law or the Board to protect the safety and health of employees in the District and is alleged by an employee to have been violated and to have substantially adversely affected the employee’s safety at a District workplace.

### **Informal Resolution Before a Grievance is Filed**

Before a grievance is filed, the employee must first take the concern to the employee’s direct supervisor/principal. If the situation isn’t resolved by the direct supervisor/principal, then the next step is for the employee to take the issue to the next level supervisor/administrator.

If the issue concerns the next level supervisor/administrator, the employee may seek to resolve the concern with the Director of Human Resources.

Employee termination decisions and contract non-renewal decisions are not subject to the informal resolution process.

### **Filing a Grievance**

If the informal resolution process does not resolve the concern, and the employee believes that the concern(s) rises to the level of a grievance, the employee may initiate a formal grievance. A grievance involving employee termination or discipline shall be filed no later than twenty-one (21) days after the employee receives notice of the discipline, termination, or non-renewal of a contract pursuant to Wis. Stat. §§ 118.22 or 118.24. A grievance involving workplace safety shall be filed no later than twenty one (21) days after the employee first attempts to resolve the workplace safety concerns through the informal resolution process.

Revised 06-2020

Approved 09-12-11

**Level One**

- A. The grievant may initiate a formal grievance by obtaining a grievance form from the immediate direct supervisor/principal or from the Human Resources Department, filling out the form, and providing a copy to the direct supervisor/principal and the Director of Human Resources. On the form, the grievant shall (1) identify the category of grievance; (2) describe the attempts to resolve the complaint informally; (3) identify the facts supporting the grievance; (4) specify the policy, rule, regulation, or law alleged to have been violated; and (5) describe the relief requested.
- B. The Director of Human Resources (or designee) shall act on the grievance within seven (7) days of the filing of the grievance. If the Director of Human Resources (or designee) denies the grievance, the Human Resources Director or designee shall inform the grievant who shall have seven (7) days to appeal the denial to the Superintendent by filing a letter of appeal with the Superintendent. If the Superintendent (or designee) denies the grievance, the Superintendent (or designee) shall inform the grievant who shall have seven (7) days to appeal the denial to the School Board by filing a letter of appeal with the Board President through the Board Clerk.

**Level Two**

- A. Within ten (10) days after receipt of an appeal from a grievant, the Board President shall appoint an Impartial Hearing Officer as authorized by resolution of the School Board.
- B. The hearing shall be recorded and the grievant shall be given the opportunity to have the hearing conducted in open session, subject to such other legal requirements relating to confidentiality or privacy, which may apply to the subject matter of the hearing, e.g., student confidentiality.
- C. The Impartial Hearing Officer shall issue a written decision no more than thirty (30) days after the hearing is concluded, unless the Impartial Hearing Officer notifies the parties that more time is needed and the reasons therefore. The need for post-hearing briefs, as determined by the Impartial Hearing Officer, shall be sufficient reason to extend the deadline.
- D. The Impartial Hearing Officer shall inform the parties that an appeal of the decision may be taken to the Board if filed within ten (10) days of the receipt of the decision of the Impartial Hearing Officer, after which the decision of the Impartial Hearing Officer shall become final.

**Level Three**

- A. If either party is aggrieved by the decision rendered by the Impartial Hearing Officer, either party has the right to file a written appeal with the Board within ten (10) days of receiving the Impartial Hearing Officer's decision, after which the decision of the Impartial Hearing Officer shall become final.
- B. Except for grievances involving an employee termination or teacher or administrator contract non-renewal under Wis. Stat. §§ 118.22 or 118.24, the Board may, at its sole discretion, assign an appeal panel of at least three members of the Board, for the purpose of considering appeals under the grievance procedure.
- C. The Board or appeal panel shall make every reasonable effort to meet, consider and decide the appeal within sixty (60) days after receipt of the appeal.

- D. The Board President shall give ten (10) days notice to the parties of an appeal hearing before the Board or appeal panel, if such a hearing is necessary.
- E. The Board or appeal panel shall review the grievance on the record established by the Impartial Hearing Officer unless it determines that additional information is needed. Each party may make a brief oral presentation to the Board or appeal panel to summarize their position. The appeal hearing shall be recorded and shall be held in closed session, unless the parties are allowed to present additional information, in which case the grievant shall be given the opportunity to have the evidentiary portion of the appeal hearing conducted in open session, subject to such other legal requirements relating to confidentiality or privacy, which may apply to the subject matter of the hearing, e.g. pupil confidentiality.
- F. The Board or appeal panel may affirm, reverse, or modify the decision of the Impartial Hearing Officer.
- G. Procedural errors, which do not have a substantial affect on the rights of the parties, shall not be grounds for reversal of any decision.
- H. The decision of the Board or appeal panel shall be final. The Board or appeal panel shall make every effort to send to the grievant a written statement of its decision within a reasonable time after hearing the appeal.

### **Retaliation**

No reprisals of any kind shall be taken by the Board or by an employee of the District against any party in interest or other employee on account of the employee filing a grievance or participating in a filed grievance.

### **Request for Reconsideration of School Board Decision**

This policy establishes a procedure for employees to grieve certain termination, discipline, and/or workplace safety administrative decisions. The policy does not grant employees the right to appeal decisions of the Board itself, other than a termination or contract non-renewal decision by the Board. Nonetheless, an employee may file, in writing to the Board President through the Board Clerk, a request that the Board reconsider one of its own decisions. The request shall be filed within fifteen (15) days of the Board's decision and shall state the reasons why the Board should reconsider its decision. The Board may exercise its discretion whether to grant the requested reconsideration.

Reference: *Board Policy 3139* Staff Discipline

*Wisconsin Statutes:* §118.22  
§118.24

**EMPLOYEE GRIEVANCE FORM**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Please identify the category of your grievance (circle one):**

Termination

Discipline

Workplace Safety

**Are you an employee with a contract?** Yes  No

**Describe your attempts to resolve your complaint informally (if applicable).**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Identify the facts that support your grievance.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Specify the policy(ies), rule(s), regulation(s), and/or law(s) that you believe has/have been violated.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Describe the relief that you are requesting.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If you require additional space, please attach additional sheets to this form.**