



Book	Policy Manual
Section	4000 Support Staff
Title	GRIEVANCE PROCEDURE
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4340 - **GRIEVANCE PROCEDURE**

Purpose

The purpose of this section is to provide for the exclusive internal method for resolving grievances concerning discipline, termination and workplace safety. A determined effort shall be made to settle any grievance at the lowest possible level in the grievance procedure.

Definitions

- A. Grievance: A "grievance" is defined as any complaint that arises concerning discipline, termination or workplace safety.
- B. Grievant: A "grievant" may be any employee.
- C. Day: The term "days" as used in this section shall mean regularly scheduled workdays, unless otherwise indicated.
- D. Discipline: "Discipline" means verbal reprimands in which a written record of the reprimand is placed in the employee's file, written reprimands, suspension, and demotion. Discipline does not include performance reviews, work plans, or corrective actions that do not include a reprimand or other adverse employment action.
- E. Termination: "Termination" means discharge from employment. Non- renewals and layoffs (reduction in force) are not considered terminations and are not subject to this procedure.
- F. Workplace Safety: "Workplace Safety" means those conditions related to physical health and safety of employees enforceable under federal or state law, or District rule related to safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training, and warning requirements, workplace violence, and accident risk.

Time Limits

The time limits set forth in this section shall be considered as substantive, and failure of the grievant to file and process the grievance within the time limits set forth in this section shall be deemed a waiver and a settlement of the grievance. The number of days indicated at each level should be considered a maximum. The time limits specified, however, may be extended by the mutual consent of the District and the grievant. The parties may, through mutual consent, agree to start the grievance at a higher step if the grievance involves termination and is initially filed in a timely manner pursuant to the timelines set forth below.

Grievance Processing Procedure

Grievances shall be processed in accordance with the following procedure:

- A. **Step One - Informal Resolution:** An earnest effort shall first be made to settle the matter informally between the employee and the immediate supervisor. A grievance may be initiated through an informal meeting and discussion with the immediate supervisor, the employee and the employee's designated representative. The informal meeting and discussion shall occur within ten (10) days after the facts upon which the grievance is based first occurred or should have reasonably become known. The grievant(s) shall be required to state the purpose of the discussions and event(s) upon which the discussions are based. The immediate supervisor shall notify the grievant in writing and (if applicable and appropriate) the representative of his/her answer within ten (10) days. If the matter cannot be resolved or if no answer is provided in the above timeframe, the grievant(s) may file a written grievance.
- B. **Step Two - Written Grievance:** If the grievance is not resolved at Step One, the grievant(s) shall file a written grievance with the immediate supervisor within ten (10) days of the response in Step One above or if no response is provided within ten (10) days of the deadline for the response. The written grievance shall include: (a) the facts upon which the grievance is based; (b) the issues involved; (c) the specific Handbook and policy provisions that were allegedly violated that triggered the discipline, workplace safety or termination issue; and (d) the relief sought. The grievance shall be signed and dated by the grievant. The immediate supervisor shall respond to the grievance in writing within ten (10) days. However, if there is an ongoing investigation related to the subject matter of the grievance, the immediate supervisor shall have until ten (10) days after completion of the investigation to respond to the grievance. If the matter cannot be resolved or if no answer is provided in the above timeframe, the grievant(s) may file an appeal to the District Administrator.

If the grievant's immediate supervisor is the District Administrator, the grievant shall skip Step Three and proceed directly to Step Four if s/he is not satisfied with response of his/her immediate supervisor at Step Two (or if no answer is provided in the above timeframe).

- C. **Step Three - Appeal to District Administrator:** If the grievance is not resolved at Step Two, the grievant may appeal the written grievance to the District Administrator within ten (10) days after the response at Step Two or if no response is provided within ten (10) days of the deadline for the response. The District Administrator shall meet with the grievant(s) and/or the employee's designated representative and the principal or immediate supervisor within ten (10) days after receiving the written grievance. The District Administrator shall respond to the written grievance within ten (10) days of the meeting or at a later date as determined by the District Administrator if further investigation is warranted. The District Administrator shall indicate in writing the disposition of the grievance and forward it to the grievant and (if applicable and appropriate) the grievant's representative. If the matter cannot be resolved or if no answer is provided in the above timeframe, the grievant(s) may file an appeal to the impartial hearing officer.
- D. **Step Four - Appeal to Impartial Hearing Officer ([HO]):** If the grievance is not resolved in Step Three, the employee must notify the District Administrator, within ten (10) days after receipt of the District Administrator's answer or if no response is provided within ten (10) days of the deadline for the response, if s/he intends to process the grievance to an impartial hearing officer.
- E. **Step Five - Appeal to Board of Education of Education:** If the grievance is not resolved at Step Four, the grievance may be appealed to the Board within ten (10) days after the decision at the prior step. Either the administration or the grievant may appeal an impartial hearing officer's decision to the Board. The Board's decision is final and may not be appealed. All Board actions throughout this process shall comply with requirements of Wisconsin's Open Meetings Law.

The Board shall meet with the parties to review the evidence and hear testimony relating to the grievance. At the hearing, each party may cross-examine any witness of the other party. If either party presents an exhibit that was not presented at a prior step of the grievance process, the exhibit must be provided to the other party at least twenty-four (24) hours prior to the hearing.

The Board shall render a written decision that affirms, reverses, or modifies the decision of the hearing officer (or, if applicable, of the District Administrator). Such decision shall be rendered in a timely manner and shall be sent to the administration, the grievant, and (if applicable) the grievant's representative. The Board's decision is final and may not be appealed. All Board actions throughout this process shall comply with requirements of Wisconsin's Open Meetings Law.

Grievant's Right to Representation

Any grievant may be represented at all stages of the grievance procedure by a representative(s) of his/her own choosing.

Consolidation of Grievances

Grievances of the same type, and with similar fact situations, may be consolidated at the discretion of the Administration.

Last Modified by Kristy Andrea on September 10, 2019