

### **Staff Concerns/Complaints/Grievances**

It is the Board's desire that procedures for settling differences provide for prompt and equitable resolution at the lowest possible administrative level, and that each employee be assured an opportunity for orderly presentation and review of complaints without fear of reprisal. The grievance process should not be viewed as a negative situation in which one party wins and one party loses, but rather should be viewed as an effective problem-solving process, and should be treated in a confidential manner.

#### Definitions

1. A "grievance" shall mean a complaint by a staff member employed by the Eagle County School District that there has been a violation, misinterpretation, or inequitable application of any of the existing Board of Education policies. This shall not apply to any matter for which (1) the method of review is prescribed by law, or (2) the Board is without authority to act.
2. An "aggrieved person" is a staff member asserting a grievance.
3. The term "days," except where otherwise provided in this policy, shall refer to calendar days.
4. The term "reprisal" shall be defined as punishment or negative feedback arising from participation in a grievance process.

#### Principles

1. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may arise from time to time.
2. The proceedings under this procedure will be kept as informal and confidential as may be appropriate at any level of the procedure.
3. Regardless of status (probationary or non-probationary), no staff member who files, participates in, or is a witness to a grievance will experience reprisal.

#### Timelines

1. Since it is important grievances be processed as rapidly as possible, the number of work days indicated at each step should be considered as a maximum, and reasonable efforts should be made to expedite the process. The time limit specified may, however, be extended by mutual agreement.
2. In the event that a time period provided in the grievance procedure expires during a vacation period occurring during the school year or during summer vacation, the time limit shall be extended to and shall include the next regularly-scheduled working day.

3. If a grievance is filed which cannot be finally resolved under the time limits set forth herein prior to the end of the school year, and which if left unresolved until the beginning of the following school year could result in irreparable harm to an aggrieved person or a party in interest, the time limits set forth herein will be reduced so that the grievance procedure may be concluded prior to the end of the school year, or as soon thereafter as is practicable.
4. No grievance shall be recognized unless it shall have been presented at the appropriate level within twenty-one (21) days (*to include Step 1A - Informal Procedures and Step 1B, Formal Procedures, Steps 1 through 4,*) after the aggrieved person knew, or should have known, of the act or condition on which the grievance is based, and if not so presented, the grievance will be considered as waived.

#### Recording/Monitoring

When a formal grievance is filed, form GBK-E1 will be sent to the Superintendent. The form includes the name of the person filing the grievance, the party against whom the grievance is filed, the name of the immediate supervisor, the date the grievance is being filed, the policy/practice being grieved, and the relief sought. This action is necessary so that there can be an official record of all formal grievances.

#### GRIEVANCE PROCEDURE:

##### Step 1A - Informal Procedure

1. If a staff member has a grievance, (s)he should first discuss the matter with his/her immediately involved supervisor in an effort to resolve the problem informally. The grievance need not be in writing and neither party shall have representation however this effort made to resolve the problem should be identified by the employee as the informal procedures. (Step 1A).

##### Step 1B - Formal Procedure

1. If the aggrieved person is not satisfied with the disposition of the grievance through informal procedures, (s)he may submit the problem as a formal written grievance to his/her supervisor.
2. This written statement will include but not be limited to the following information.
  - a. The date of the alleged grievance.
  - b. The time of the alleged grievance, if applicable
  - c. The person(s) perpetrating the grievance situation
  - d. A detailed narrative of the circumstances that led to the filing of the grievance
  - e. The policy/practice being grieved

- f. Relief sought
- 3. A staff member who is not directly responsible to a first-line supervisor may submit the formal written grievance directly to the person who is being grieved with the alleged misinterpretation, violation, or inequitable application of any of the existing Board policies. If a grievance is filed by a staff member and is directed against a District Office administrator, Step 1A need not be completed.
- 4. The aggrieved person may discuss the grievance personally or may request that a representative accompany him/her and/or act on his/her behalf at all levels of the grievance procedure. Such representation would require the written consent of the aggrieved person.
- 5. The supervisor shall within seven (7) days, render a decision in writing to the aggrieved person.

STEP 2 - Formal Procedure, APPEAL TO SUPERINTENDENT

- 1. In the event that the response to Step 1B is not considered satisfactory by the staff member, an appeal will be made to the Superintendent. This appeal will be made in writing within ten (10) working days.
- 2. The appeal must include the following:
  - a. The original grievance statement
  - b. A copy of the response of the immediate supervisor (*if applicable*)
  - c. A statement indicating the reason for an appeal to the Superintendent
- 3. The Superintendent has a period of fourteen (14) working days to study the material submitted, investigate the circumstances, review the District policies, and respond to the grievance. The Superintendent's response will be presented to the individual in writing. It may include a conference with those parties involved, if considered necessary.

STEP 3 - Formal Procedure, HEARING OFFICER (Optional)

*(Support Staff Employees go directly from Step 2 to Step 4)*

- 1. In the event that the response to Step 2 is not considered satisfactory by the staff member, an appeal may be filed in writing with the Executive Board of the organization selected to represent teachers. This appeal will be made in writing within seven (7) days of the decision made by the Superintendent in Step 2, and a copy of the appeal will be sent to the Superintendent.

2. The organization selected to represent teachers will review and study the case and make a formal written decision within seven (7) working days as to whether or not it wishes to provide the resources necessary to pay for one-half of the cost of contracting with a hearing officer. This formal written decision will be shared with the staff member and with the Superintendent. Costs for the services of the hearing officer shall include consultation fees, per diem expenses, actual and necessary travel expenses, and subsistence.
3. The proposed budget/costs (*supplied by the chosen hearing officer*) of the hearing process must be approved in advance of final acceptance of the contract.
4. If the organization selected to represent teachers chooses not to support the grievance, the aggrieved party has the option of going directly to Step 4 or the option of paying for all costs necessary to implement Step 3, Hearing Officer.
5. An aggrieved person may choose to go directly from Step 2 to Step 4 (*i.e. to not consider the Hearing Officer, but instead to go directly from the decision of the Superintendent to a final decision by the Board of Education*).
6. The organization selected to represent teachers and the Eagle County School District Superintendent will generate a list of not less than five (5) potential hearing officers. The names of the hearing officers will be placed in order of call by a draw conducted by the president of the organization selected to represent teachers and the Superintendent. The name placed at the top of the list shall be the officer used for the Step 3 hearing. If the person at the top of the list is not available to serve as the Hearing Officer, the second person on the list will be contacted. If that person is not available, the third person on the list will be contacted and so on. When a Hearing Officer has been utilized by the Eagle County School District, his/her name will be placed at the bottom of the list. This list will be generated/revised as needed.
7. The format of the hearing will be left to the discretion of the Hearing Officer. Objective decisions, based upon comprehensive data, will be expected.
8. The Hearing Officer must issue a report within fifteen (15) days after the date of the close of the hearings. Decisions and recommendations made by the Hearing Officer will be advisory to the Board of Education. The Board of Education will receive a report from the Hearing Officer not later than the next regular Board meeting and will make a final decision not later than one month from the date of receiving the recommendations of the Hearing Officer.

#### STEP 4 - Board of Education

*NOTE: This step applies only to staff members who have chosen to bypass Step 3.*

1. In the event that the response to Step 2 is not considered satisfactory by the staff member, he/she may request the Superintendent to schedule a hearing with the Board of Education

to review the filed grievance. Such request shall be made in writing within ten (10) days of the decision made in the appeal to the Superintendent in Step 2. The hearing with the Board will be in executive session and not open to the public.

2. The hearing with the Board will be scheduled to enable the Board to review the material provided them by the Superintendent. The executive session will be scheduled for a regular Board meeting, but in no case more than (30) working days from the request for the Board hearing. The Superintendent will notify the staff member in writing of the time and date of the scheduled executive session in which the grievance will be acted upon.
3. The Board of Education has the final ruling on the disposition of the filed grievance within the structure of the School District.
4. A decision will be made by the next regular Board meeting, but in no case more than 30 working days after the executive session with the Board of Education.

CROSS REF.:           CCB, Line and Staff Relations