GRIEVANCE PROCEDURE

Grievance Procedure Flow Chart
Adopted May 2017

Article V – Level 1

1. Aggrieved person files Written Grievance with his/her principal within 20 days
2. Signed copies of grievance shall be delivered
3. Principal has 5 days to meet with aggrieved person
4. Principal has 5 days after the meeting to render written decision

Article V – Level 2

1. Aggrieved can appeal within 5 days with the superintendent
2. Superintendent has 5 days to meet with aggrieved person
3. Superintendent has 5 days after the meeting to render written decision

Article V – Level 3

1. Aggrieved can appeal within 5 days with the Board of Education
2. Board will schedule hearing at the first regular meeting after the appeal is filed.
3. Board has 5 days after the final scheduled hearing meeting to render written decision

Article V – Level 4

Aggrieved can appeal within 10 days to the Department of Labor

Article V – Principal is Superintendent

1. Aggrieved person files Written Grievance with superintendent
2. Superintendent has 5 days to meet with aggrieved person
3. Superintendent has 5 days after the meeting to render written decision
4. Aggrieved can appeal within 5 days with the Board of Education
5. Board, at its next meeting, will designate a person to address grievance

A. Board Representative has 5 days to meet with aggrieved and superintendent

B. Board Representative has 5 days after the meeting to render written decision

6. Aggrieved can appeal within 5 days with the Board of Education

Board will schedule hearing at the first regular meeting after the appeal is filed.

GRIEVANCE PROCEDURE

ARTICLE I

DEFINITIONS

A. A “grievance” is a complaint by a teacher or group of teachers based upon an alleged violation, misinterpretation or inequitable application of any existing policy, rule or regulation of the school district. The absence of or disagreement with existing policy, rules or regulations is not a grievance.

B. The term “employee” is considered to apply to any certified professional employee and may include an individual or group of teachers or non-certified staff member or group of non-certified staff members who are similarly affected by a grievance.

C. An “aggrieved person” is the person making the claim.

D. A “party in interest” is the person making the claim or any person or persons who might be required to take action or against who action might be taken in order to resolve the problem.

E. The term “days” means Calendar days.

F. “Board” means the Board of Education of the Howard School District #48-3, Howard, SD.

ARTICLE II

PURPOSES

A. The purpose of this statement of grievance procedure policy is to secure at the lowest possible administrative level equitable solutions to problems which may from time to time arise between employees and the district and to facilitate this purpose these proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.

B. Nothing herein contained shall be construed as limiting the rights of any employee having a grievance to discuss the matter informally with any appropriate member of the administration, and nothing herein contained shall be construed as limiting the rights of any employee to have the grievance adjusted without the intervention of the employee association, provided the adjustment is not inconsistent with the terms of any settlement with the employee association then in effect.

ARTICLE III

TIME LIMITS

A. It is important that grievances be processed as rapidly as possible and every effort should be made to expedite grievance procedures. The number of days indicated at each level shall be the maximum and every effort should be made to expedite the process.

B. If an employee does not file a grievance in writing with the principal within twenty days after the employee knew or should have known, of the act or condition on which the grievance is based, or does not file an appeal within the required time frame, the grievance shall be considered as having been waived.

C. The time limits specified herein may be extended by mutual written agreement, provided the time extension is requested within the time limits provided in the Article.

ARTICLE IV

INFORMAL PROCEDURES

A. If an employee feels he/she has a grievance, he/she must first discuss the matter with his/her principal or administrator to whom he/she is directly responsible in an effort to resolve the problem. The employee must tell the principal, prior to the meeting, that the employee is invoking the informal procedure of the grievance procedure.

ARTICLE V

FORMAL PROCEDURES

LEVEL 1 SCHOOL PRINCIPAL

1. An aggrieved person must file a written grievance with his/her principal within twenty days after the employee knew or should have known of the act or condition on which the grievance is based. Failure to file a written grievance within the required time frame constitutes a waiver on the part of the aggrieved person to file a grievance based on that act or condition.

2. Signed copies of the written grievance shall be delivered by the employee to each of the following: supervisor, principal or other administrator, and the superintendent of schools.

3. The principal shall meet within 5 days from the filing of the written grievance with the aggrieved person and his/her representative if the aggrieved person desires representation, for the purpose of considering the grievance.

4. The principal shall within 5 days of the meeting render his/her decision and the reasons therefore in writing to the aggrieved person.

5. The principal shall keep on file a statistical summary of the number and types of grievances processed, including the names and details of the grievances.

LEVEL 2 SUPERINTENDENT OF SCHOOLS

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level 1 by the principal, or if no written decision has been rendered within 5 days after presentation of the grievance in writing, he or she shall, within five days after the decision is rendered, or within eight days after filing at level one if no written decision was rendered by the principal, file a formal written grievance appeal with the superintendent.

2. The superintendent shall meet within 5 days from the filing of the written grievance with the aggrieved person and his/her representative if the aggrieved person desires representation, and the principal, for the purpose of considering the grievance.

3. The superintendent shall within 5 days of such meeting render his/her decision and the reasons therefore in writing to the aggrieved person.

LEVEL 3 BOARD OF EDUCATION

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level 2 by the superintendent, or if no written decision has been rendered by the superintendent within 5 days after the meeting in Level 2, the aggrieved person may within 5 days thereafter, appeal to the Board of Education which shall consider at the first regular meeting after the grievance appeal has been filed with the Board, and schedule a date and time for the grievance hearing. If more than 2 weeks before the next scheduled board meeting, a special board meeting will be set.

2. The aggrieved person with a representative of his/her choice, if he desires one, may appear before the board of such meeting. A decision of the board on such grievance shall be rendered in writing to the aggrieved person within 5 days after the final hearing meeting.

LEVEL 4 DEPARTMENT OF LABOR

If the aggrieved person is not satisfied with the disposition of the grievance at Level III or if no written decision has been rendered within the time period set forth in the preceding paragraph, he or she may, within ten (10) days after receipt of the written decision of the Board, or within ten (10) days of the date the decision is due, whichever is earlier, appeal to the Department of Labor pursuant to SDCL 3-18-15.2. The inclusion of this paragraph in this Grievance Procedure shall not constitute a waiver by either party of its rights to dispute the authority of the Department of Labor to hear the appeal and/or render any particular decision.

ARTICLE VI

IF THE PRINCIPAL IS THE SUPERINTENDENT

1. If an aggrieved person is not satisfied with the disposition of his/her problem through informal procedures, he/she may submit his/her claim in writing to the superintendent.

2. The superintendent shall meet within 5 days from the filing of the written grievance with the aggrieved person and his/her representative if the aggrieved person desires representation, for the purpose of considering the grievance.

3. The superintendent shall within 5 days after the meeting render his/her decision and the reasons therefore in writing to the aggrieved person.

4. If the aggrieved person is not satisfied with the disposition of his/her grievance by the superintendent, he or she shall, within 5 days after the decision is rendered, or shall within fifteen days after filing the grievance with the superintendent if no decision was rendered by the superintendent, submit a grievance appeal with the School Board President and HEA President.

5. At the next School Board meeting, the school board will select an attorney familiar with school law from the pre-approved list through the following procedure:

    A. The Board appointed representative shall within 5 days of being appointed, meet with the aggrieved person and his/her representative if the aggrieved person desires representation, and the superintendent, for the purpose of considering the grievance. ~~The representative should be an attorney familiar with school law chosen by the Board president and HEA president.~~

    B. This representative within 5 days of such meeting will render his/her decision and the reasons therefore in writing to the aggrieved person.

6. If the aggrieved person is not satisfied with the disposition of his/her grievance by the representative, or if no written decision has been rendered within 5 days of the meeting, the aggrieved person may file the grievance appeal with the Board of Education which shall acknowledge receipt of the appeal and schedule a date and time for the grievance hearing.

7. The aggrieved person with a representative of his/her choice, if he desires one, may appear before the board of such meeting. A decision of the board on such grievance shall be rendered in writing to the aggrieved person within ten days after the Board has rendered a decision.

8. If the aggrieved person is still not satisfied, refer to Level 4, Department of Labor.

ARTICLE VII

MISCELLANEOUS

A. If, in the course of investigation of any grievance by representative of the aggrieved person such investigation requires his/her presence in any building of the School District, such representative shall report immediately to the principal of such building being visited and state the purpose of the visit.

B. There shall be no interruption of classroom activities during the grievance procedure.

C. Any party or parties in interest may be represented at formal Levels I and II of the grievance procedure personally and by a representative. When the representative is not a member of the employee association, the employee association shall have the right to have a representative of the association present.

D. If, in the judgment of the employee association, a grievance affects a group or class of employees, the association may submit such grievance in writing to the Superintendent directly and the processing of such grievance shall be commenced at Level II. The employee association shall designate not more than two (2) spokespersons for the association in processing such a grievance through the remaining levels of the grievance procedure. Provided, however, that the employee association shall not be permitted to file or process a grievance with respect to an incident or occurrence on which an employee or group has already initiated a grievance.

E. Meetings and hearings under this procedure shall not be conducted in public and shall include such parties and only such parties in interest and his/her designated or selected representatives, theretofore referred to in this Grievance Procedure. The vote on the Board's decision on Level III grievances shall be made in open session, but the name of the aggrieved party shall not be disclosed.

F. When it is necessary for a party or parties in interest to attend a meeting or a school board hearing called during the working day, the Superintendent's Office shall so notify the party or parties in interest, principals, or immediate supervisor, and the party or parties in interest shall be released without loss of pay for such time as his/her attendance is required at such meeting or hearing.

G. At all school board hearings conducted under this procedure, the aggrieved person and the administrative representative may call any witnesses which they desire and may present any evidence that is relevant to the matter being considered.

LEVEL 1
FORMAL REQUEST FOR SETTLEMENT OF GRIEVANCE

(To be completed by aggrieved person)

Date of Submission to Principal _____

Name of Aggrieved Person _____

Home Address _____

Nature of Grievance _____

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Settlement Requested _____

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Signed _____
Aggrieved Person

PRINCIPAL REPLY TO LEVEL 1 GRIEVANCE

Date of Submission to Principal _____

Date Reply of Principal Sent to Aggrieved Person _____

Name of Aggrieved Person _____

Home Address _____

Decision of Principal with Rationale_____

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Signed _____
Principal

LEVEL 2
REQUEST FOR SETTLEMENT OF GRIEVANCE

(Copies of All Requests for Settlement of Grievance Level 1 and Reply Must be Attached)

Date of Submission to Superintendent _____

Date of Reply of Principal to Level 1 Grievance_____

Name of Aggrieved Person _____

Home Address _____

State Reason for Submission of Grievance to Level 2 _____

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Settlement Requested _____

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Signed _____
Aggrieved Person

SUPERINTENDENT REPLY TO LEVEL 2 GRIEVANCE

(Copies of Request for Settlement of Grievance – Level 1 and Reply Must be Submitted)

Date of Submission of Grievance to Superintendent _____

Date Reply of Superintendent Sent to Aggrieved Person _____

Name of Aggrieved Person _____

Home Address _____

Decision of Superintendent with Rationale_____

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Signed _____

Superintendent

LEVEL 3

REQUEST FOR SETTLEMENT OF GRIEVANCE

(Copies of All Previous Requests for Settlement and Replies Must be Attached)

Date of Submission to Board President _____

Date of Reply of Superintendent to Level 2 Grievance _____

Name of Aggrieved Person _____

Home Address _____

State Reason for Submission of Grievance to Level 3_____

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Settlement Requested _____

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Signed _____

Aggrieved Person

BOARD OF EDUCATION REPLY TO LEVEL 3 GRIEVANCE

Date of Submission to Board President _____

Date Reply of Board of Education Sent to Aggrieved Person _____

Name of Aggrieved Person _____

Home Address _____

Date of Request for Settlement of Grievance – LEVEL 3 _____

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Signed _____

Board President

WITHDRAWAL OF GRIEVANCE

Date of Withdrawal _____

Name of Aggrieved Person _____

Home Address _____

Department _____

Subject Area _____

Present Level of Grievance – 1 2 3 (Please circle one)

Brief Description of Grievance

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REQUEST FOR WITHDRAWAL

I hereby request that the above Grievance be withdrawn from further consideration without prejudice or record. I acknowledge that I may not re-open this Grievance.

Signed _____

Aggrieved Person

IF THE PRINCIPAL IS THE SUPERINTENDENT

FORMAL REQUEST FOR SETTLEMENT OF GRIEVANCE

(To be completed by aggrieved person)

Date of Presentation to Superintendent _____

Name of Aggrieved Person _____

Home Address _____

Nature of Grievance

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Settlement Requested _____

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Signed _____
Aggrieved Person

IF THE PRINCIPAL IS THE SUPERINTENDENT

SUPERINTENDENT REPLY TO GRIEVANCE

Date of Submission to Superintendent _____

Date Reply of Superintendent Sent to Aggrieved Person _____

Name of Aggrieved Person _____

Home Address _____

Decision of Superintendent with Rationale_____

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Signed _____

Superintendent

IF THE PRINCIPAL IS THE SUPERINTENDENT

REQUEST FOR SETTLEMENT OF GRIEVANCE

(Copies of All Previous Requests for Settlement and Replies Must be Attached)

Date of Submission to Board President & HEA President_____

Date of Reply of Superintendent _____

Name of Aggrieved Person _____

Home Address _____

State Reason for Submission of Grievance _____

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Settlement Requested _____

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Signed _____

Aggrieved Person

IF THE PRINCIPAL IS THE SUPERINTENDENT

SCHOOL BOARD APPOINTED ATTORNEY'S REPLY TO GRIEVANCE

Date of Submission to School Board President _____

Date Reply of School Board Appointed Attorney Sent to Aggrieved Person _____

Name of Aggrieved Person _____

Home Address _____

Decision of School Appointed Attorney with Rationale_____

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Signed _____

School Appointed Attorney

IF THE PRINCIPAL IS THE SUPERINTENDENT

REQUEST FOR SETTLEMENT OF GRIEVANCE

(Copies of All Previous Requests for Settlement and Replies Must be Attached)

Date of Submission to Board of Education_____

Date of Reply of School Appointed Attorney _____

Name of Aggrieved Person _____

Home Address _____

State Reason for Submission of Grievance _____

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Settlement Requested _____

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Signed _____

Aggrieved Person

IF THE PRINCIPAL IS THE SUPERINTENDENT

BOARD OF EDUCATION REPLY TO GRIEVANCE

Date of Submission to Board of Education _____

Date of Reply of Board of Education _____

Name of Aggrieved Person _____

Home Address _____

Decision of School Appointed Attorney with Rationale_____

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Signed _____

School Board President