

## 4130-R Grievance –~~Non-Administrative Certified~~ Process for Employees

### A. Definitions

1. Grievance: An alleged violation, misinterpretation or inappropriate application by a supervisor of any **District** policy or regulation ~~contained in C.C.S.D. Policy Handbook Section 4000 or 6000~~; a complaint filed as a result of such alleged violation, misinterpretation or inappropriate application.
2. Grievant: ~~A non-administrative certified~~ **An** employee who initiates a grievance.
3. Immediate Supervisor: The employee possessing immediate supervisory authority over the grievant (**ex. Principal, Manager, Director, Supervisor, Superintendent**).
4. Informal Discussion: Oral discussion between an employee and **his/her their** immediate supervisor concerning a grievable issue involving that employee. The employee must indicate during the discussion that this issue may become a filed grievance.
5. Written Notice: Information filed by the grievant on district forms at each level of the grievance process. The information filed must include 1) a clear and concise statement of the alleged grievance, including the specific section of board policy and/or regulation with which the grievance deals, and 2) all documented facts and other pertinent information concerning the grievance.
6. Written Response: Information filed by the appropriate supervisor in response to a grievance.
7. Parties of Interest: The grievant, participating supervisor(s) and the Board of Trustees as they become involved.
8. Observer: ~~A certified~~ **An** employee of ~~Campbell County School~~ **the** District mutually agreed upon by the immediate supervisor and grievant to sit in on the grievance meeting(s) as a silent observer.
9. Day(s): Constitutes ~~contract~~ **business** day(s) for the grievant and appropriate supervisor when neither is out-of-district on approved school business or on approved leave (excluding sick leave).
10. Date Filed: Date and time all original forms and documentation are received by the immediate supervisor.
11. Date and Time of Response: Twenty-four hours after the response is signed and dated by the appropriate supervisor.
12. Timely Fashion: Employees must notify their supervisor, in a timely fashion, of any complaint/grievance not resolved through informal means of resolution. As used in this

policy, the terms "timely fashion," "reasonable time," and "promptly" will mean ten (10) ~~working business~~ days unless a reasonable excuse is provided.

## B. Guidelines

1. Method of Resolution: Any ~~certified~~ employee seeking resolution regarding an alleged violation, misinterpretation, or inappropriate application by a supervisor of any ~~District~~ policy or regulation ~~contained in Campbell County School District Policy Handbook Section 4000 or 6000~~ will discuss the complaint with ~~his/her~~ **their** immediate supervisor. ~~Prior to the complaint/grievance being processed through the three-step grievance process explained in Section G,~~ Every attempt will be made to resolve the complaint through an informal resolution process involving the ~~complainant~~ employee and other appropriate parties. If this discussion does not resolve the complaint, the employee may choose to seek resolution using this grievance policy.

2. Confidentiality: All grievance information, including testimony, documents, communications, and records, will be treated in a confidential manner by all persons involved. Access to such material will be limited to parties of interest at any given level of the process.

Any documented breach of confidentiality by any person involved is a grievable issue.

3. Record Keeping: Documents, communications, and records dealing with the processing of a grievance will not be placed in a personnel file of any participant, but will be kept in a separate file in Human Resources.

All records of the grievance proceedings will be kept in this file no matter at what level resolution or withdrawal is made.

Said file will be destroyed after three (3) years from the date the grievance was resolved or withdrawn.

**Notes of** all grievance meetings which involve the grievant and appropriate supervisor(s), except the informal discussion will be ~~made.~~ ~~tape recorded.~~ The ~~notes~~ ~~tape recording~~ will be considered the official record, and ~~the recording~~ will be kept in the grievance file as noted above. A copy of the ~~recording notes~~ will be available for review by all parties of interest. Copies of notes taken by an observer must be attached to the documentation.

4. Timelines: Since it is important that grievances be processed in a timely manner, the timetable specified at each level should be considered as maximum. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of all parties of interest.

~~In the event a grievance is filed at such a time that it is not resolved by the last duty contract day of school the grievant's current contract,~~ Employees who only work the school year and the grievance is not resolved, three options are available. Choosing ~~Option No. 1~~ ~~option a~~ ~~below~~ will not preclude use of ~~Option No. 2 or Option No. 3~~ ~~options b or c~~ at a later date.

- a. The parties of interest may continue the process as long as there is mutual agreement to do so.
- b. The grievant may continue the process the following **contract** year beginning with the official reporting day for **all that particular staff member**. (The Grievance process will continue at the next level above the last level completed.)
- c. The grievant may **discontinue withdraw** the grievance. **process**.
- d. **Employees who are designated 12-month employees will continue with the process until the grievance process is completed or the grievance is withdrawn.**

5. Observer: If an observer is to be utilized, **he/she the observer** must be agreed upon no later than 48 hours after the grievance is filed. If no agreement is reached, there will be no observer.

The observer may attend the first meeting and any subsequent meetings if requested by either the appropriate supervisor or the grievant.

Functions of the observer:

1. to listen intently;
2. to provide reflection after the meeting to the supervisor and/or grievant, if so requested;
3. to attend any subsequent grievance meetings, if so requested **by any of the parties of interest**; and
4. to abide by the confidentiality statement of this **regulation policy**.

The observer should not communicate **during the meeting unless it is for clarification purposes**. **Observers are not to interrupt or give advice during the meeting. must not communicate in any way with any participant during a meeting. If the observer does communicate during the meeting, his/her participation will be immediately terminated for that and any subsequent meeting. Another observer may be substituted.**

6. Documentation: Documentation will include all completed procedural forms, any observer notes, **all tape recordings and transcriptions and notes taken by Human Resources personnel**.

7. Withdrawal of Grievance: The grievant may withdraw the grievance at any time by submitting a completed Grievance Withdrawal form to the supervisor at the current level of proceedings.

8. Disciplinary Action: There will be no reprisal against any party of interest because of **his/her their** good faith participation in this process.

9. New Information: Documentation and supporting information not presented by the grievant at the beginning of the grievance procedure may not be presented at any subsequent level unless requested by the supervisor at the current or subsequent level(s).

10. Non-Grievable Matters: This policy will not apply to any issue for which the method of review is prescribed by law or for which the Board of Trustees is without authority to act.

The absence of, or disagreement with, an existing policy, rule, or regulation is not grievable.

Decisions and actions of the Board in all policy categories are final and not grievable.

11. The Right to Grieve: Any ~~non-administrative-certified~~ employee has the right to pursue a grievance.

The right of ~~the non-administrative-certified~~ an employee to proceed at any level and step of this procedure is contingent upon compliance with the time limitations, use of appropriate forms, and other requirements as set forth ~~in Section C, Procedures and Timelines~~, below.

### C. Procedures and Timelines

**Step Level 1** - Promptly bring the ~~complaint~~/grievance to the attention of the immediate supervisor through the submission of the attached grievance form. A representative from the ~~Campbell County School~~ District Human Resource's Department will assist the employee in reducing the ~~complaint~~/grievance to writing if requested by the employee. If the ~~complaint~~/grievance involves the immediate supervisor **and has not been resolved informally**, it is then permissible for the employee to submit the grievance **to the next level of supervision i.e., Head Principal, Department Supervisor/Manager**. If there is no next level of supervision, the person will submit the grievance to **the appropriate superintendent. For the purposes of this regulation appropriate superintendent will be the Associate Superintendent for Instructional Support for educational support personnel and the Deputy Superintendent for certified personnel.** ~~the next level of supervision within the department, such as: Superintendent of Instruction or other Associate Superintendents~~. The supervisor who is presented with the grievance is to investigate the ~~complaint~~/grievance, attempt to resolve it, and give the decision to the employee within a timely fashion. The decision should be in writing; summarize the ~~complaint~~/grievance, resolution, or reason for denial; and be dated and signed by the supervisor. A copy of the decision is to be included in the ~~employee's grievance~~ file.

**Step Level 2** - If the ~~complaint~~/grievance is not resolved in Step 1, the employee may appeal the supervisor's decision to **the appropriate superintendent. For the purposes of this regulation appropriate superintendent will be the Associate Superintendent for Instructional Support for educational support personnel and the Deputy Superintendent for certified personnel.** ~~the head of the department or to~~ If the immediate supervisor had been by-passed in Step 1, **and the grievance was not resolved by the appropriate superintendent, the employee may appeal the decision to** the Superintendent of the ~~school~~ district. This appeal must be made in writing and submitted in a timely fashion. The ~~party~~ **superintendent** receiving the ~~complaint~~/grievance will confer with the employee, the supervisor and any other staff members deemed appropriate; investigate the issues; and communicate a decision in writing to the employee, the employee's department head and immediate supervisor. A copy of the decision is to be included in the ~~employee's grievance~~ file.

**Step Level 3** - A decision unsatisfactory to the employee in **Step Level 2** may be appealed to the Board of Trustees. The Board of Trustees will investigate the grievance and submit its recommendation regarding the resolution of the grievance to the Superintendent. The Superintendent will communicate the decision in writing to the employee, the employee's department head and immediate supervisor. A copy of the decision is to be included in the **grievance** file. This is the final process of the grievance procedure. Decisions and actions of the Board in all policy categories are final.

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LEGAL REFERENCE(S):

CROSS REFERENCE(S): 4130

ADMINISTRATIVE REGULATION: