

Policy Title: Grievance Policy	Revised Date 9/13/11
	Policy Number 428

PURPOSE

The purpose of this grievance procedure is to secure, at the lowest possible administration level, equitable solutions to work related disputes, which may, from time to time, arise. Both parties agree that these proceedings will be kept informal and confidential as may be appropriate at any level of the procedure.

Nothing herein contained will be construed as limiting the right of any employee having a grievance to discuss the matter informally with any appropriate administrator/supervisor and having the grievance resolved, provided the resolution is consistent with the terms of employment.

DEFINITIONS

A "*grievance*" shall mean a written complaint alleging a violation of School District Policy or a claim based upon an event or condition which affects the condition(s) or circumstances under which an employee works, or violation of an individual's rights under the law. An "*aggrieved person*" also referred to as "grievant" is an employee asserting a grievance. A "*party in interest*" shall mean any employee who might be required to take action or against whom action might be taken in order to resolve a grievance.

A "*day*" as used in this Grievance Procedure shall mean any day school is in session within the regular school year as shown on the official school calendar. If the grievance extends beyond the regular school year, a "*day*" means any day, Monday through Friday, exclusive of holidays. If a grievance is filed which might not be finally resolved under the time limits set forth herein prior to the end of the school year, then the time limits set forth herein may by mutual agreement be reduced so that the grievance procedure will be concluded prior to the end of the school year, or as soon thereafter as is practical.

PROCESS

Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level shall constitute the maximum and every effort will be made to expedite the process.

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- (a) The employee shall submit the grievance in writing using the provided Initial Grievance Report Form to his/her immediate supervisor within fifteen (15) days of the incident giving rise to the grievance.
- (b) Within seven (7) days of receipt of the grievance, the immediate supervisor shall provide a written response to the employee.
- (c) If the employee is not satisfied with the response of the immediate supervisor or if there is no response within the seven (7)-day timeline, the employee may appeal the grievance to the Superintendent/designee within five (5) days of the receipt of the response.
- (d) Within seven (7) days of receipt of the employee's appeal, the Superintendent/designee shall communicate with the employee and provide him/her a written response.
- (e) If the employee is not satisfied with the Superintendent's/designee's response or lack of response within the seven (7)-day time frame provided, the employee may contact the Board Clerk in writing and request a review of the grievance by a hearing panel within seven (7) days from the date of the Superintendent/designee's response.
- (f) Within ten (10) days of receipt of a request for hearing, the Board of Trustees shall convene a panel consisting of three (3) persons; one (1) designated by the Board of Trustees, one (1) designated by the employee, and one (1) neutral party agreed upon by the two (2) appointed members for the purpose of reviewing the grievance. Within five (5) days following completion of the review, the panel shall submit its decision in writing to the employee, the Superintendent, and the Board.
- (g) The panel's decision shall be the final and conclusive resolution of the grievance unless the Board of Trustees overturns the panel's decision by resolution at the Board of Trustees' next regularly scheduled public meeting or unless within forty-two (42) calendar days of the filing of the Board's decision, either party appeals to the district court in the county where the school district is located. Upon appeal of a decision of the Board of Trustees, the district court may affirm or set aside and remand the matter to the Board of Trustees upon the following grounds, and shall not set the same aside on any other grounds:
 - i) That the findings of fact are not based on any substantial, competent evidence;
 - ii) That the Board of Trustees has acted without jurisdiction or in excess of its powers;
 - iii) That the findings by the Board of Trustees as a matter of law do not support the decision.

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An employee filing a grievance pursuant to this section shall be entitled to a representative of his/her choice at each step of the grievance procedure provided in this section. The immediate supervisor or Superintendent/designee shall be entitled to a representative at each step of the grievance procedure.

The time lines of the grievance procedure established in this section may be waived or modified by mutual agreement.

Utilization of the grievance procedure established pursuant to this section shall not constitute a waiver of any right of appeal available pursuant to law or regulation.

There shall be no reprisal, restraint, interference, coercion, or discrimination by the District or its employees against any person involved in the grievance procedure.

Nothing herein contained shall be construed as limiting the right of any employee having a grievance to discuss the matter informally with any appropriate member of the administration.

The grievant shall not approach members of the Board individually nor shall the Superintendent discuss the grievance with the Board in an attempt to prejudice the Board prior to a full hearing. The grievance shall not be released to the press until a final decision has been reached.

All documents, communications, or records dealing with a grievance shall be filed separately from the employee's personnel file.

Reference:

[Idaho Code Section 33-517](#)

BLAINE COUNTY SCHOOL DISTRICT #61
INITIAL GRIEVANCE REPORT FORM

Aggrieved Person _____ Date Filed _____

Location _____ Position _____

1. Statement of grievance. (**Must be specific** – indicate the specific section of the policy which has been violated or give statement specifically identifying how aggrieved was treated unfairly). Attach additional sheet of paper, if necessary.

2. Synopsis of facts giving rise to the policy violation/misinterpretation or violation of rights. Attach additional sheet of paper, if needed.

4. Date alleged violation(s) occurred:

5. Names of all persons who could testify:

6. Action requested or relief sought. Attach additional sheet of paper, if needed.

Signature of Aggrieved

Date

TO BE FILED IN GRIEVANCE FILE SEPARATE FROM PERSONNEL FILE OF AGGRIEVED

Date Received