

(Professional Staff)

The Board subscribes to an orderly, well-defined grievance process for the resolution of problems derived from applications of published Board policies and district regulations. Grievances will be handled expeditiously in accordance with the process approved by the Board.

Grievance processing should be viewed as a positive and constructive effort to establish the facts upon which the grievance is based and to accurately implement Board policies, regulations or collective bargaining agreements. The Board strictly prohibits discrimination or retaliation against an employee for filing a grievance and directs all district employees to cooperate in the grievance process.

If more than one district grievance process might apply to a particular concern, the superintendent or designee will decide which process will govern. If any part of a grievance includes allegations of illegal discrimination or harassment, or if the grievance is factually similar to a complaint filed by the same employee regarding illegal discrimination or harassment, the entire grievance will be resolved in accordance with policy AC.

Definitions

Board – The Board of Education of the Jefferson City School District.

Days – Calendar days, whether occurring during the regular school year or during the summer, but excluding: weekends; district-designated holidays (whether on the original school calendar or designated thereafter); winter and spring breaks and other Board-designated breaks; and closings due to inclement weather, illness, natural disaster, or other emergencies.

Grievance– An allegation by an individual employee of the Jefferson City Public School District that a collective bargaining agreement or a specific, written, Board-adopted policy or regulation has been violated or misinterpreted. A grievance does not include concerns regarding performance evaluations or remedial documents, nonrenewal of contracts,

employee discipline, reduction in force or termination. This policy does not apply if another Board policy or regulation or state or federal law provides due process, a hearing or a different method for addressing the issue.

Grievance Forms – The forms developed specifically for filing a complaint, which may be obtained from a building principal or central office administrator.

Grievant – A district employee who has filed a grievance.

Immediate Supervisor – An administrator to whom an employee is directly responsible.

Performance Evaluations or Remedial Documents – Any assessment of employee performance including, but not limited to, notice of deficiencies, job targets, professional development plans and professional improvement plans.

Superintendent – The chief administrator for the school district.

Informal Consultation with Immediate Supervisor or Administrator at the Level of Concern

The parties acknowledge that it is usually most desirable for an employee or representative of a group of employees and the immediate supervisor to resolve problems through free and informal communications.

If an employee believes that he or she has a grievance, he or she shall, within ten days following knowledge of the act or condition that is the basis for the grievance, discuss the issues involved with appropriate individuals before initiating a grievance.

The decision by the immediate supervisor shall be given within four working days following the discussion. If the issues are not resolved in this manner, the levels established in this procedure shall be followed.

Formal Grievance Process

1. Grievances must be filed within ten days of the occurrence that is the basis of the grievance. The grievance must be in writing, on the forms provided by the district, and include a copy of the provision of the collective bargaining agreement, policy or regulation alleged to be violated or misinterpreted, as well as a statement of the relief requested.

2. Grievances will be processed according to the step-by-step process outlined below, with the following exceptions. If a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step. If a grievance is directly based on official Board action, the grievance shall be directed to the Board secretary. The grievance may be heard by the Board at the sole discretion of the Board.
3. No new information may be added and no new claims may be made after Step 1. Each subsequent appeal will address only the facts and issues presented at Step 1.
4. The deadlines established under this policy may be extended upon the written request of the grievant or the supervisor, but the final decision regarding any extension shall be made by the superintendent at his or her sole discretion. Investigation and reporting deadlines will be extended when more time is necessary to adequately conduct an investigation and to render a decision. The grievant will be notified when deadlines are extended.
5. Failure of the grievant to appeal within the timelines given will be considered acceptance of the findings and remedial action taken. The district will not consider late appeals.
6. Once a decision is rendered under this grievance process, the decision is final. Grievance decisions cannot be the subject of a new grievance.
7. Because the point of a grievance is to provide resolution outside the court system, an employee is not entitled to bring an attorney to grievance proceedings. Once an attorney becomes involved in the process, the superintendent or designee will refer the matter to the district's private attorney and the grievance process will end.

Level One – Statement of Formal Grievance to Immediate Supervisor

If informal efforts are not successful, the grievant shall present the grievance in writing to his or her immediate supervisor no later than four days following the informal decision by his or her immediate supervisor.

The immediate supervisor shall arrange for a conference to take place within five days after receipt of the grievance.

Within four days following the conference, the immediate supervisor shall communicate his or her decision in writing on the standard grievance form to the grievant.

Level Two – Review by the Assistant Superintendent of Elementary Education or Secondary Education

If the grievance is not resolved at Level One, the employee or the representative of a group of employees may refer the grievance in writing to the appropriate administrator within four days after receipt of the Level One answer.

The administrator shall meet with the employee within five days of his or her receipt of the appeal.

The administrator shall have four days following the conference to provide his or her written decision to the employee.

Level Three – Review by the Assistant to the Superintendent

If the grievance is not resolved at Level Two, the employee or the representative of a group of employees may refer the grievance in writing to the Assistant to the Superintendent for Human Resources within four days after receipt of the Level Two answer.

The assistant to the superintendent shall meet with the employee within five days of his or her receipt of the appeal.

The assistant to the superintendent will have four days following the conference to provide his or her written decision to the employee.

Level Four – Review by the Superintendent

If the employee or representative of a group of employees is not satisfied with the decision of the assistant superintendent, he or she may refer the grievance in writing to the superintendent within four days after receipt of the Level Three answer.

The superintendent shall meet with the employee within five days of his or her receipt of the appeal.

Upon conclusion of the hearing, the superintendent will have four days in which to provide his or her written decision to the employee.

Level Five – Decision by the Board of Education

If the employee or representative of a group of employees is not satisfied with the decision of the superintendent, he or she may, within four days of the decision of the superintendent, request in writing on the standard grievance form that a hearing be held by the Board of Education. The Board of Education, at its sole discretion, may decide to hear the grievance.

If the Board agrees to hear the grievance, a time and date for the hearing will be set by the Board of Education at the next regular meeting. The hearing date set to review the grievance shall be no later than the following regularly scheduled Board meeting and held in a closed meeting of the Board of Education.

The Board shall render a decision on the grievance that shall be final, and this decision shall be communicated in writing to the grievant within five days following the Board's hearing.

Forms

The Grievance Forms for professional staff will be available in each building in the district, as well as in the central office.

Documentation

A grievant will receive a written response or report regarding his or her grievance, but the grievant and persons investigated in the course of the grievance are not entitled to view or receive copies of the investigation file or notes taken during the investigation, unless required by law. If an employee is disciplined as a result of the grievance, the discipline may be recorded in the employee's personnel file and discussed with the employee. Information recorded in an employee's personnel file will not be shared except as provided in Board policy or required by law.

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In the event of a discrepancy between an administrative procedure and a Board policy, the Board policy will take precedence.

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Jefferson City

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Policy Reference

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Description

SALARY DEDUCTIONS