

STAFF CONCERNS/COMPLAINTS/GRIEVANCES

Code **GBK** Issued **2/05**

Purpose: To establish the basic structure for orderly and expeditious resolution of staff concerns, complaints and grievances.

The board recognizes the need for a procedure providing a prompt and effective means of resolving differences that may arise among employees and between employees and administrators.

A grievance is a disagreement involving the work situation in which an individual or group of individuals believes an injustice has occurred due to one of the following reasons.

- lack of policy
- unfair policy
- deviation from a policy
- misapplication or misinterpretation of a policy or contract

Employees should secure an equitable solution of grievances at the most immediate administrative level. Employees are encouraged to seek resolution of disputes under the existing grievance regulation and will have the right to do so with complete freedom from reprisal.

It is important that grievances be settled as quickly as possible. Therefore, there will be no extension of the prescribed time for moving through the grievance procedure except upon a compelling show of good cause. All appeals for such an extension of time will be to the director, whose decision will be final.

Nothing in this policy limits the right of any employee to discuss a grievance with any appropriate member of the administration. Such grievance may be adjusted without formal proceedings, provided the adjustment is consistent with board policy and existing administrative rules and regulations.

The board does not consider actions which are subject to the Teachers Employment and Dismissal Act, S.C. Code of Laws 1976, as amended, Section 59-24-410, et seq., Section 59-26-40 (Rev. 1998) or employment decisions implemented under the school's reduction in force policy to be grievances under this procedure,

The director is responsible for maintaining administrative procedures that will facilitate this policy.

Adopted 10/13/87; Revised 2/8/05

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Code **GBK-R** Issued **2/05**

The board encourages employees to discuss their concerns or complaints informally with their supervisors. Often, the cause of a problem or concern is merely a misunderstanding among the individuals involved. If, at any time, an employee believes that a formal mechanism for raising his/her concern or problem is needed, he/she should follow the procedure below.

Purpose

The purpose of this procedure is to settle, at the lowest possible administrative level, employee grievances. The center will keep these proceedings as informal and confidential as may be appropriate at all levels of procedure.

Definition

A grievance is a claim by an employee of a violation, misinterpretation or misapplication of a provision of board policies and administrative procedures or rules and regulations as they affect the employment or work of such employee.

Joint grievances

The center may allow employees to present a joint grievance where each grievant alleges essentially the same facts or circumstances and requests the same relief. Joint grievances must bear the signature of each grievant. The center reserves the right to consolidate individual grievances and the right to hear joint grievances on a separate basis.

Definition of supervisor

The term "supervisor" means any person having the authority to recommend employment, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline an employee or any person having the responsibility for directing or reviewing the work of an employee.

Definition of day

A "day" is any day on which the administrative office is open.

Grievance procedure

Step one

An employee who wishes to file a grievance must complete the prescribed grievance form and present it to his/her direct supervisor within 10 days following either the event giving rise to the grievance or the time when the employee reasonably should have gained knowledge of its occurrence.

Should the employee believe that resolution of the grievance requires a decision beyond the supervisor's level or area of authority, the employee will so state such belief upon submitting the grievance form. If the supervisor is in agreement concerning authority to resolve the grievance, he/she will immediately pass the grievance on to the appropriate supervisor, who will handle the matter as a first level grievance. The direct supervisor may, however, determine that resolution of the grievance is not outside his/her authority and hear the grievance.

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The appropriate supervisor will arrange a meeting with the employee within five days of receipt of the grievance. The supervisor will provide the employee with a written response to the grievance within five days after the meeting. The response will include the name of the next level supervisor to whom the grievance may be appealed, provided such appeal is presented in writing within five days.

The center will take all necessary steps to prevent recurrence of any harassment and will strive to correct any discriminatory affects on the complainant and others, where appropriate.

The center prohibits retaliation for filing a complaint or participating in an investigation or inquiry. Any person attempting to retaliate will suffer reprisals.

Step two

The grievance may be appealed through each supervisory or administrative level to the director. At each level, the procedure set out above will be followed. The original grievance and the supervisor's response will serve as the basis of the meeting. The employee and the supervisor at the preceding level may summarize the facts previously presented.

On appeals to the director, the director will arrange a meeting within five days of receipt of the grievance and will respond in writing to the employee within five days of his/her hearing of the grievance. The director will make summaries of the lower level presentations and responses, and may, at his/her discretion, hear witnesses and evidence directly.

Upon mutual agreement between the employee and the supervisor, the time requirements under this procedure may be extended at any step, except that neither party will unreasonably refuse an extension or unreasonably delay the proceeding.

Appeal to the board of trustees

After following the above procedure, an employee may request a meeting with the board of trustees for the purpose of discussing the grievance which arose from his/her employment. The request will be made in writing to the director within five days of the director's response to the grievance.

The director will, at the next regularly scheduled board meeting, present to the board the request that the grievance be heard, together with copies of all correspondence and responses from the lower administrative levels.

The board will notify the employee of its decision (whether or not to meet with the grievant to discuss the grievance) within 10 days. Should the board decide to discuss the grievance with the grievant, said discussion will be informal and non-adversarial for the discussion of employment as allowed under S. C. Code, Section 30-4-70 (Supp. 1984).

Procedure for appeal of termination of classified personnel

In the case of termination of a classified employee, an appeal of the decision may be made initially to the principal, department head or other person having final responsibility for the decision. The employee may take a further appeal of the termination to the director or his/her designee.

Finally, the employee may request a meeting with the board to discuss the grievance in accordance with the procedure outlined above.

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Civil rights grievances

The center will use the grievance procedures set forth above to process employee complaints based on alleged violations of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 and Titles I and II of the Americans with Disabilities Act of 1990 (referred to as "civil rights grievances").

However, if the grievance is not resolved after the first two levels above, the employee may appeal in writing to the center's civil rights coordinator. If the employee does not file such appeal within five days of the grievant's receipt of the written response, the employee waives his/her right to appeal.

If the employee files an appeal, the civil rights coordinator will investigate the claim as appropriate. He/She will conduct a hearing within five days following any investigation. All interested persons and their representatives, if any, will have an opportunity to submit evidence relevant to the complaint. The civil rights coordinator will render a decision on the matter within five days after receipt of the grievance or, if a hearing is conducted, within five days after the conclusion of the hearing. The decision and any description of the resolution will be in writing and a copy forwarded to the grievant.

After appeal to the civil rights coordinator, the grievant may follow the procedures described above beginning with appeal to the director.

The employee's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency will not impair his/her right to a prompt and equitable resolution of any civil rights grievance.

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