

## **Complaints and Grievances**

The District encourages all employees to discuss their concerns or complaints associated with their employment informally with their supervisors. Often, the cause of a problem or concern is merely a misunderstanding among the individuals involved. Under normal circumstances, an employee should utilize the grievance procedure only after reasonable informal efforts have failed to produce a satisfactory result. If after reasonable and appropriate informal efforts have failed or for good reasons are inappropriate, an employee feels that a “formal” mechanism for raising his/her concern or problem is needed, he/she should follow the procedure below. Employees who utilize the grievance procedures have the right to do so with complete freedom from reprisal.

With respect to formal grievances, the District recognizes the need to provide an orderly means for the efficient and expeditious resolution of disputes concerning the application of any of the provisions of the District’s policies, rules, regulations and/or unsafe or unhealthy working conditions as they affect the activity of employees. Ideally, employees should secure an equitable solution of grievances at the most immediate administrative level possible.

### **Definition of a grievance**

A grievance is a claim by an employee of a violation, misinterpretation, or misapplication of a provision of District policies, procedures, or rules and regulations as they directly affect the employment or working conditions of the employee filing the grievance. District policies, procedures, or rules and regulations are established by the Superintendent pursuant to Board Governance Policies; therefore, a grievance as defined herein cannot be based on a claimed violation of a Board Governance Policy.

The District does not consider actions which are subject to the Teacher Employment and Dismissal Act, S.C. Code § 59-25-410 et seq, § 59-26-40; employment decisions implemented under the District's reduction-in-force policy; or classified employee terminations to be grievances under this procedure.

### **Joint grievances**

Employees may be allowed 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 District 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 district office is open, excluding any days the district office is open during the winter break or spring break.

## **Grievance procedures**

An employee who wishes to file a grievance must complete the prescribed grievance form (available from the Chief Human Resources Officer) and present it to his/her direct supervisor within 15 days following either the event giving rise to the grievance or the time when the employee reasonably should have gained knowledge of its occurrence. The completed form must include a brief statement as to the nature of the grievance; identify the policy, rule or regulation violated; or with reasonable specificity the circumstances or situation, which is the subject of the grievance. Again, identify with reasonable specificity the relief the employee is requesting by filing the grievance.

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 on the grievance form and submit the form to the Chief Human Resources Officer. In such a case, the Chief Human Resources Officer and/or the Superintendent shall refer the grievance to the proper party for disposition. In no case, with the exception of persons reporting directly to the Superintendent, shall a grievance be filed first with the Board or copied to the Board without first being handled by the administration.

1. The appropriate supervisor will hold a first-level (level one) meeting with the employee within 10 days of receipt of the grievance. The supervisor will provide the employee with a written response to the grievance within 10 days after the meeting. The response will include the name of the District-level administrator to whom the grievance may be appealed. In the event an appeal is desired, such appeal must be presented in writing within 15 days of receipt of the response.
2. If the grievant is not satisfied with the response from the supervisor in level one above, the grievant may appeal the grievance to the appropriate District-level administrator (level two) identified in the supervisor's response. In the appeal, the employee shall specify in writing his/her specific grounds for the appeal and objections to the supervisor's response to the grievance. Such administrator shall notify the employee promptly of the receipt of the grievance and schedule a time and place to hear the grievance. This grievance conference should be held as promptly as practicable and within 15 days of receipt of the grievance. The

original grievance and the level one supervisor's written response will serve as the basis for the second-level grievance determination. The District-level administrator will provide the employee with a written response to the grievance appeal within 10 days after the level two conference.

3. If the employee is not satisfied with the response of the District-level administrator following the grievance meeting, the employee may appeal the decision to the Board. This appeal must be made in writing to the Superintendent within 15 days of the District-level administrator's response to the grievance and shall include the specific grounds for the appeal.

Normally, an appeal to the Board shall be limited to the written record established at the previous levels. If, however, the grievant desires to supplement the record developed in the administrative stage of the grievance proceedings, the grievant may submit additional relevant written materials to the Superintendent, along with the written appeal, and provide a satisfactory explanation as to why such materials were not previously presented. The administration shall have 10 days to respond in writing to the grievant, if necessary, regarding the information submitted by the grievant. Once the administration has responded, the Superintendent will, at the next regularly scheduled Board meeting, present the written appeal to the Board along with a brief grievance summary and copies of all relevant correspondence and responses from the lower administrative levels. Included in these materials shall be the notice of appeal and supporting documentation submitted by the grievant, as well as the administration's response. The Board will normally consider appeals based solely on the written information submitted by the employee and the administration, without the grievant appearing before the Board. The Board will notify the employee of its decision within 15 days of its consideration of the appeal.

4. Nothing shall prevent the Superintendent or his/her representative from participating in the disposition of a grievance at the supervisory and/or District Office level.
5. After the grievance is filed, time requirements under this procedure may be extended at any step with the mutual agreement of the two parties except that neither party will unreasonably refuse an extension or unreasonably delay the proceeding. Failure to adhere to procedural or agreed-upon timelines shall be grounds for ending the grievance process or moving the grievance to the next level.
6. A grievant may not, unless authorized by the Superintendent, bring an attorney to the initial grievance meeting before his/her supervisor. However, a grievant may, at his/her expense, bring an attorney to a hearing before the District-level administrator if he/she chooses provided that sufficient notice is given to the District-level administrator so that he/she can bring an attorney if he/she chooses.