

## **Noncertificated Staff Grievance Procedure**

### **Purpose**

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

### **Guidelines**

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. Time limits herein designed may be extended by mutual agreement between the individual grievant(s) and the superintendent.

Any grievance not commenced under the provisions herein stipulated within twenty (20) school days after the grievant knew of the conditions upon which such grievance is based shall be null and void.

If a grievant fails to appeal a decision at any level within the prescribed time limits, he/she shall be deemed to have waived his/her right to further processing of that grievance. Such time limits shall be five (5) workdays after the conclusion of the preceding step.

If the administration, at any level, fails to respond within the prescribed time limits, the grievance may be advanced to the next step of the procedure.

All documents, communications, and records dealing with the processing of a grievance shall be filed in duplicate as follows:

- One with the aggrieved person.
- One with the clerk of the board.
- No record of the grievance shall be placed in the personnel files of the parties to the grievance.

No reprisals of any kind will be taken by the school board or the school administration against any noncertificated staff member because of his/her participation in this grievance procedure.

A written grievance shall meet the following specifications:

- It shall be specific.
- It shall contain a synopsis of the facts giving rise to the violation or misinterpretation.
- It shall contain the specific policy or issue, which has allegedly been violated.
- It shall state the relief requested.
- It shall contain the date of the alleged violation.
- It shall be signed by the grievant.

### **Definitions**

Grievance: A "grievance" shall mean a claim by an "aggrieved person or persons" that there has been violation or misapplication of any of the provisions of written school board policy or the employee's handbook.

Aggrieved person: An "aggrieved person" is a noncertificated employee working in the school district.

Party of interest: A "party of interest" is an employee who might be required to take action or against whom action might be taken in order to resolve a grievance.

### **Procedure**

**Level one:** The school board and the employee recognizes and acknowledges that it is most desirable for an employee and his/her appropriate supervisor to resolve problems through free and informal communications. Within twenty (20) workdays following knowledge of the act or condition, which is the basis of the complaint, the employee may present his/her complaint to his/her immediate supervisor or appropriate supervisor in accordance with the provisions of level two of this procedure.

**Level two:** If the grievant is not satisfied with the disposition of his/her grievance at level one, he/she may submit it to his/her supervisor or appropriate administrator in writing. The administrator shall arrange for a meeting to take place within three (3) workdays following personal receipt of the grievance. The administrator shall provide the grievant with a written answer to the grievance within five (5) workdays after the meeting. Such answer shall include the reasons upon which the decision was based.

**Level three:** If the grievant is not satisfied with the disposition of his/her grievance at level two, then within three (3) workdays the grievance may be referred to a designee of the superintendent. Within five (5) workdays of his/her receipt of the appeal the designee shall arrange for a hearing to be held within a reasonable period of time with the grievant, who has the right to be accompanied by an attorney. The parties of interest shall have the right to include in the representation such witnesses, as they deem necessary to develop facts pertinent to the grievance. Upon conclusion of the hearing, the designee will have five (5) workdays to provide written decision, together with the reasons for the decision, to the grievant.

**Level four:** If the grievant is not satisfied with the disposition of his/her grievance at level three, then within three (3) workdays the grievance may be referred to the school board. Within ten (10) workdays of receipt of the appeal the board shall arrange for a closed hearing to be held within a reasonable period of time with the grievant, who has the right to be accompanied by an attorney. The parties of interest shall have the right to include in the representation such witnesses, as they deem necessary to develop facts pertinent to the grievance. Upon conclusion of the hearing, the board will have ten (10) workdays to provide a written decision, together with the reasons for the decision, to the grievant.

**Legal source:**        Idaho Code 33-517    "Noncertificated personnel."

**Adopted:** September 26, 1996  
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