

## GRIEVANCE PROCEDURE

### I. Purpose and Application:

To provide a method for employees to raise concerns and, as required by Wisconsin statutes, to trigger a timely and orderly review of decisions concerning: a) employee discipline; b) employee terminations; and c) workplace safety.

This procedure is designed to provide all employees with an opportunity to raise concerns. The District expects employees and managers to work together to resolve any questions, problems, or misunderstandings. And, if the concerns are regarding employee discipline, termination, or workplace safety, to establish a procedure for employees to raise concerns regarding discipline, termination, or workplace safety, to establish a procedure for processing such concerns to an Impartial Hearing Officer (IHO), whose decision would be reviewable by the Board of Education.

### II. Definitions/Procedure:

A. "Days:" The term "days" as used in this provision means calendar days, excluding holidays as defined in the Handbook. If the last day on which a grievance is to be filed or a decision is to be appealed is a Saturday, Sunday, or holiday as defined in the Handbook, the time limit is the next day which is not a Saturday, Sunday, or holiday.

B. "Discipline:" For the purpose of this policy, "discipline" means an employment action that results in an unpaid suspension or demotion.

Discipline does not include coaching through written or verbal notices, warnings, reprimands, or reminders. The purpose of written and verbal notices, warnings, reprimands, or reminders is to alert the employee that failure to correct the behavior will result in a disciplinary action, an unpaid suspension, demotion to a lower paying position, or termination. Paid administrative leave and paid suspensions are also not discipline.

C. "Employee:" For the purpose of raising concerns or complaints, including workplace safety issues under this grievance procedure, an employee shall be defined to include all individuals receiving wages or salary from the District.

D. "Grievance:" A "grievance" is defined as any complaint that arises concerning discipline, termination, or workplace safety.

- E. "Grievant:" A grievant may be any individual or group of regular full-time, regular part-time, or limited term employees. Casual employees, temporary employees, and substitute employees are excluded.

Employees grieving a discipline and termination are limited to regular full-time, regular part-time, and limited term employees. All others employed by the District, such as casual employees, temporary employees, and short-term substitutes, as well as independent contractors, are specifically excluded from the definition of grievant.

- F. "Representation:" The employee shall have the right to representation during the grievance procedure at the employee's choice.

- G. "Scheduling:" Grievance meetings and hearings will typically be held during the employee's off-duty hours. Time spent in grievance meetings and hearings shall not be considered as compensable work time.

- H. Termination: For purposes of this procedure, "termination" means a separation from employment by the employer for disciplinary or quality of performance reasons. "Termination" shall not include layoff, reduction in workday, furlough, non-renewal, reduction in workforce, job transfer, or the end of completion of temporary employment, including the end of an employment contract which is not covered by statutory non-renewal procedures.

- I. "Time Limits" Failure to submit or process a grievance by the employee within the time limits specified below, or agreed upon extensions, shall constitute waiver of the grievance and it will be considered resolved on the basis of the District's last answer.

Failure of a District representative to meet the time limits specified below shall cause the grievance to move automatically to the next step in the procedure within seven (7) calendar days of such failure.

A grievance or decision or appeal is considered timely if received by the employer during normal business hours or if postmarked by 12:00 midnight on the due date. The time limits contained in this procedure are to be strictly observed and can only be extended upon the express written consent of the parties.

- J. "Workplace Safety:" Workplace Safety is defined in Part I, Section 1.02, Subsection M, of the Handbook.

### **III. Employee Complaints About Something Other than Workplace Safety, Discipline, or Termination:**

- Step 1:** An earnest effort shall be made to settle all matters between the employee and the employee's immediate supervisor.

**Step 2:** If the matter is not resolved to the employee's satisfaction at Step 1, and the employee wishes to appeal the decision of the immediate supervisor, the employee shall submit a written grievance to the District Administrator.

The District Administrator or a designee shall review and investigate the complaint. The District Administrator or designee may confer with the employee and/or the immediate supervisor. If the investigation is assigned to a designee, both shall sign the reply, which shall be issued within fourteen (14) days of receipt of the Step 2 grievance.

#### **IV. Procedure for Grievances Concerning Employee Terminations and Employee Discipline:**

The employee and employer may mutually agree, in writing, to waive any step to Facilitate or expedite resolution of the grievance.

**Step 1:** Any grievance involving employee discipline or termination shall be reduced in writing by the employee, who shall submit it to the employee's immediate supervisor within fourteen (14) days after the facts upon which the grievance is based first became known, or should have become known, to the employee.

The written grievance shall give a detailed statement concerning the subject of the grievance, the facts upon which the grievance is based, and indicate the specific relief being sought.

The immediate supervisor shall reply in writing to the employee within fourteen (14) days.

**Step 2:** If the matter is not settled to the employee's satisfaction at the immediate supervisor level, the employee shall submit a written grievance to the District Administrator within seven (7) days after receipt of the supervisor's written answer. The District Administrator or a designee shall review and investigate the complaint. The District Administrator or designee may confer with the employee and/or the immediate supervisor. If this investigation is assigned to a designee, both shall sign the reply, which shall be issued within fourteen (14) days of receipt of the Step 2 grievance.

**Step 3:** If the matter is not settled at the District Administrator level, and the employee wishes to appeal the decision of the District Administrator's decision, the employee shall, within seven (7) days after receipt of the District Administrator's written answer, in writing, request that the District Administrator appoint an Impartial Hearing Officer (IHO). The request for the appointment of an IHO shall be accompanied by a filing fee made out to

the District equal to the cost of filing a small claims action in Polk County Circuit Court made payable to the School District of Amery.

The IHO shall be appointed (and paid for) by the District.

The IHO will identify the issue(s) in dispute and, if appropriate, schedule a hearing. The IHO may require the parties to exchange documents and/or witness lists in advance of the hearing, may administer oaths, issue subpoenas at the request of either party, apply standards for admission of evidence, and decide if a transcript, briefs, or a hearing is necessary.

The IHO shall render a written decision indicating the reasons for one of four decisions: 1). Sustaining the discipline/termination, 2). Modifying the discipline/termination, 3). Denying the discipline/termination, or 4). Recommending additional investigation prior to issuing a final determination.

**Step 4:** If the matter is not settled to the grievant's or the administrator's satisfaction, that party shall submit a written grievance the Board of Education within seven (7) days after receipt of the Step 3 decision. The Board will issue a written decision at or before the second regularly scheduled school board meeting after receipt of the Step 4 appeal of the IHO's decision. The Board's review and decision shall be limited to:

- A. Did the IHO follow a fair and impartial process?
- B. Is there evidence of corruption, fraud, or misconduct by the IHO?
- C. Did the IHO make an error which makes his/her award invalid?

**V. Procedure for Raising Concerns Regarding Workplace Safety:**

*The employer and employee may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.*

**Step 1:** Any employee who is injured at work, identifies or is given information about, a workplace safety issue or incident shall notify his/her immediate supervisor of the concern as soon as is reasonably practicable, preferably within twenty-four (24) hours. If possible, a written report of the incident or issue, outlining the concerns (and proposed resolution, if any), shall be submitted to the immediate supervisor.

**Step 2:** After being advised of the workplace safety issue, incident, or concern, the immediate supervisor shall investigate and, when appropriate, contact the Director of Building and Grounds/Maintenance Director and/or the School Nurse. The immediate supervisor shall issue a written report setting out the findings and conclusions as soon as reasonably practicable, but in no case

more than seven (7) days from receipt of the notification. A copy of the report will be given to the person who complained.

**Step 3:** The employee may appeal the findings and conclusions of the immediate supervisor to the District Administrator within seven (7) days after receipt of the immediate supervisor's answer.

**Step 4:** The District Administrator or designee shall review the complaint and the immediate supervisor's answer. The District Administrator or designee may confer with the employee, the immediate supervisor, and others. The District Administrator, if assigned to a designee, both the designee and the District Administrator shall sign the decision, which shall be issued within fourteen (14) days of receipt of the Step 2 grievance.

**Step 5:** If the employee wishes to appeal the District Administrator's decision, the employee shall, within seven (7) days after receipt of the Step 4 decision, submit to the District Administrator a written request for the appointment of an IHO. The request for the appointment of an IHO shall be accompanied by a filing fee made out to the District equal to the cost of filing a small claims action in Polk County Circuit Court made payable to the School District of Amery.

The IHO shall be appointed (and paid for) by the District.

The IHO will identify the issue(s) in dispute and, if appropriate, schedule a hearing. The IHO may require the parties to exchange documents and/or witness lists in advance of the hearing, may administer oaths, issue subpoenas at the request of either party, apply standards for admission of evidence, and decide if a transcript, briefs, or a hearing is necessary.

The IHO shall render a written decision.

**Step 6:** If the matter is not settled to either the grievant's or administrator's satisfaction at the IHO level, that party shall submit a written grievance to the Board of Education within seven (7) days after receipt of the Step 3 decision. The Board will issue a written decision at or before the second regularly scheduled school board meeting after receipt of the Step 4 appeal of the IHO's decision. The Board's review and decision shall be limited to:

- A. Did the IHO follow a fair and impartial process?
- B. Is there evidence of corruption, fraud, or misconduct by the IHO?
- C. Did the IHO make an error which makes his/her award invalid?