

GRIEVANCE PROCEDURE

WHEN AN EMPLOYEE HAS A GRIEVANCE, THAT EMPLOYEE SHALL HAVE THE RIGHT TO APPEAL FOR A HEARING. THIS GRIEVANCE PROCEDURE SHALL COVER ALL EMPLOYEES NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT WHO CHOOSE TO USE THIS PROCEDURE; PROVIDED, HOWEVER, THAT ONCE A PERSON HAS STARTED A GRIEVANCE PROCEDURE UNDER HIS/HER UNIT CONTRACT, HE/SHE WAIVES HIS/HER RIGHT TO PROCEED UNDER SCHOOL BOARD POLICY. CONVERSELY, WHEN A GRIEVANCE IS COMMENCED UNDER SCHOOL BOARD POLICY, THE GRIEVANT WAIVES HIS/HER RIGHT TO PROCEED WITH A GRIEVANCE UNDER HIS/HER UNIT CONTRACT. SUCH APPEAL(S) AND HEARING(S) SHALL CONFORM TO THE ESTABLISHED RULES.

AUTHORITY: F.S. 230.22 (1) (2)

POLICY ADOPTED: 8/3/72 P

POLICY READOPTED: 9/5/74

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RULES**SECTION I: DEFINITIONS**A. **Grievance**

A claim by an employee or group of employees by name that there has been a violation, misinterpretation, or misapplication of Florida Statutes, Policy, Rules or Administrative Directive may be processed as a grievance as hereinafter provided. However, claims relating to performance evaluations and/or merit pay shall be excluded as a grievance and not processed, except a claim by an employee that there has been a violation of the procedure for performance evaluation and/or merit pay, may be processed as a grievance to the Board for a final decision.

B. **Grievance Procedure**

A process whereby an employee or employees and, if designated, their representative may seek solutions to problems by obtaining fair hearings at progressively higher levels.

C. **Immediate Superior**

The person in chain of authority to whom an individual is primarily responsible.

D. **Days**

Days shall mean working days during the period when school is in regular session and shall mean weekdays other than Saturdays, Sundays and holidays when school is not in regular session.

SECTION II: PURPOSE

A. To provide employees a procedure for obtaining a hearing on grievances.

B. To secure at the most immediate administrative level possible an equitable solution of grievances.

SECTION III: GENERAL PROVISIONSA. **Representation**

All grievants shall have the right of representation at each step of the formal grievance procedure.

Nothing herein contained will be construed as limiting the right of any employee having a grievance to discuss the matter informally with his/her immediate superior, and having the employee's grievance adjusted. Copies of employer decisions given at any time of the grievance procedure shall be made available to the grievant and by written request of the grievant, to his/her representative.

GRIEVANCE PROCEDURE**B. Released Time**

Grievances will ordinarily be processed during the regular workday, and released time, if necessary, shall be provided for all participants in the investigating and processing of grievances, including the grievant, his/her representatives and witnesses. Consideration should be given wherever possible to schedule a grievant hearing so as to minimize the interruption of regular work duties.

C. Personnel File

All documents, communications and records dealing with the processing of a grievance shall be filed separately from the personnel file and be available to the employee on the same basis as the personnel file.

D. Reprisals

No reprisals shall be invoked against any grievant for processing a grievance or participating in any way in the grievance procedure.

E. Information

The Board and the Administration will furnish the grievant with such related information as is requested for processing of any grievance. A written record shall be kept of each step of the grievance procedure and made available to the next level of the hearing. Such records shall be required to be signed by both parties.

F. In the event of a suspension or termination of employment, any employee who is cleared shall be paid for time lost due to the suspension or termination.**SECTION IV: PROCEDURES**

The following procedural steps will be used to process all grievances. Should anyone in the line of authority from the initial procedure upward be involved in the complaint as a witness, grievant, or accused, the grievant may file initially with the next higher authority. This procedure may also be used in matters of emergency.

A. Step 1

In the event that an employee believes that there is a basis for a grievance, he/she shall first discuss promptly the alleged grievance with the immediate supervisor within twenty (20) working days of the date on which the employee could reasonably have known of the occurrence of the event giving rise to the alleged grievance.

B. Step 2

If the grievance is not settled informally within a reasonable time following knowledge of the act or condition which is the basis of the complaint, the grievant may file in writing within seven (7) working days a grievance with the school principal or his/her immediate superior. There shall be a conference with the aggrieved employee, his/her representative, if one has been selected, his/her immediate superior and such persons as either party deems necessary, and a decision by the immediate supervisor in writing made within seven (7) working days after the grievance is filed.

C. Step 3

If the grievance is not settled at the second step, and the grievant wishes to proceed further, it shall be appealed within seven (7) working days to the Area Superintendent/Associate Superintendent. The appeal shall be in writing and shall set forth specifically the act or condition and the grounds on which the grievance is based. It shall state also the name of the grievant's representative, if any. The Area Superintendent/Associate Superintendent or his/her designee shall hold a hearing with the aggrieved employee, his/her representative if one has been selected, and such persons, witnesses or consultants as either party deems necessary, and a written decision rendered by the Area Superintendent/Associate Superintendent within seven (7) working days after the grievance is filed at this step.

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D. **Step 4**

If the grievance is not settled at the third step, it may be appealed to the Superintendent of Schools. The appeal shall be made within ten (10) working days after the decision by the Area Superintendent/ Associate Superintendent, shall be in writing and shall set forth specifically the act or condition and the grounds on which the grievance is based. It shall state also the name of the grievant's representative, if any. The Superintendent, or his/her designee, shall hold a hearing with the aggrieved employee, his/her representative if one has been selected, and such persons, witnesses or consultants as either party deems necessary, and a written decision rendered by the Superintendent within ten (10) working days after the grievance is filed at this step.

The time limits in this policy shall be strictly observed but may be extended by written agreement of the parties.

E. **Step 5**

If the grievance is not settled at the fourth step, it may be appealed to the Board. The appeal shall be made within ten (10) days after the decision by the Superintendent, shall be in writing and shall set forth specifically the act or condition and the grounds on which the grievance is based. It shall state also the name of the grievant's representative, if any. The Board, or its designee, shall hold a hearing with the aggrieved employee, his/her representative if one has been selected, and such persons, witnesses or consultants as either party deems necessary, and a written decision rendered by the Board within fifteen (15) days after the grievance is filed at this step. The decision of the Board shall be final as to the grievance procedure.

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