

G-3 EMPLOYEE GRIEVANCE

It is the policy of the Opelika Board of Education to reduce as much as possible the potential areas of grievance; to assure an employee the opportunity for an orderly presentation and review of grievances; to establish and maintain appropriate channels of communication between staff and administration; and to resolve each grievance at the most immediate level of administration.

It will be understood that the Board of Education is the final authority in all matters pertaining to complaints and grievances unless an employee should desire to exercise proper redress through the courts or utilize appeal procedures as established by law. No employee will suffer reprisals or reduction in status as a result of having presented a grievance or having an employee in grievance.

Grievance Procedures:

Section I – Purpose

The purpose of this procedure is to provide an orderly and systematic method whereby the Board of Education and its employees can resolve differences that might develop between them in an equitable and expeditious manner.

Section II – Definitions

(a) Grievance – Grievance will mean a claim submitted by an employee of a violation, misinterpretation or inequitable application of Board policy, existing laws, or established procedures. The term “grievance” shall apply to matters which fall within the discretionary powers of the Board but shall not apply to areas where the Board of Education has no authority to act.

- Employee – Employee will mean any person hired by the Board of Education to perform services, either on full or part-time basis. Persons employed by a company contracting services will not be considered an employee of the Opelika City Board of Education.

- Immediate Supervisor – Immediate supervisor is that employee possessing that degree of administrative authority next in rank above the grievant.

(d) Days – Days will mean working days exclusive of Saturday, Sunday, or official holidays, as established by the school calendar or work schedule.

(e) Parties of Interest – Any persons involved in the processing of grievance.

- Representative – Any employee organization, fellow employee, legal counsel or other person designated by the grievant as the grievant's representative.

Section III – Informal Procedures

Hopefully most grievances can be resolved informally and at the most immediate administrative level. With this objective in mind, honest and straight-forward communication is encouraged between the employee and the immediate supervisor. An employee who has a grievance should present the matter orally or in writing to immediate supervisor. The immediate supervisor to whom the grievance is presented will attempt to resolve the grievance within a five (5) day period. If the grievance is resolved, or grievance has not been resolved, the employee may resort to the formal procedures as outlined in Section IV.

Section IV – Formal Procedures

In order to resolve grievances in the most appropriate fashion and in the shortest time possible, each grievant should start at the most immediate level of administration (level one in most cases) and progress to the next level until the matter is resolved. If level one or two does not apply to a particular grievant, that level should be omitted from the process.

All decisions rendered at each level shall be set forth in writing and promptly transmitted to all parties in interest.

All meetings and hearings will be conducted in private at a specified time which does not interfere with the employee's work day or the normal operation of the schools. Scheduled

meetings or hearings can be changed with mutual consent of the parties in interest. All records of meetings and hearings will be maintained in strict confidence.

Level One – Immediate Supervisor

Representation – The grievant must present the grievance but may be accompanied by a fellow employee or any other person designated by the grievant.

If the grievance is not resolved at the informal level, the grievant may lodge a claim with the immediate supervisor within five (5) days of the accrual of the grievance or the unfavorable resolutions of such grievance at the informal grievance procedure level. The grievance must be stated in writing and the written communication will be signed by the grievant.

The immediate supervisor will set a time to discuss the grievance that is mutually convenient for the parties in interest provided that such time will not exceed five (5) days subsequent to receipt by the immediate supervisor of the written communication containing the nature of the grievance, and will seek an amicable solution to the problem within five (5) days after receipt of the grievance, the immediate supervisor will notify the aggrieved party in writing of the final decision. Such notification will include any finding of fact made by the supervisor and the reason (s) for which the determination is made. Any finding of fact so set out by the immediate supervisor will be binding upon such supervisor at subsequent levels of the formal grievance procedure.

If the grievance cannot be resolved by the immediate supervisor at level one and the immediate supervisor is accountable to another person with administrative authority at level one, the grievant will appeal to the next in authority prior to any appeal to level two. The same conditions and time limits as stated above will apply.

Level Two – Principal

Representation –the grievant must present the grievance, but may be accompanied by a fellow employee or any other person designated by the grievant who will be given ample opportunity to present arguments in favor of the grievant's position.

Within five (5) days after receipt of the decision at level one, the aggrieved party may appeal to the next administrative level. The administrator receiving the appeal will seek to reach a reasonable solution within five (5) days and shall notify the parties in interest of the decision in writing.

The Principal may choose to: 1) review written decisions of previous meetings at level one and render a decision, or 2) conduct a hearing which would involve all parties in interest at level one and render a decision.

Level Three – Superintendent

Representation – The grievant must present the grievance initially but may choose to be represented by a fellow employee or by a member of the grievant's local or state professional organizations. However, the grievant must be present at all meetings where the grievance is discussed.

Within five (5) days after receipt of the decision at level two, the aggrieved party may appeal to the next administrative level by notifying the Superintendent in writing. The Superintendent will seek to resolve the grievance within five (5) days and will notify the parties in interest, in writing, of the decision.

Representation – The grievant must be present but may choose to be represented by a fellow employee or by a representative of the grievant's local or state professional organizations or by legal counsel.

Within five (5) days after receiving the decision at level three, the aggrieved party may appeal to the Board of Education. The Board will conduct a hearing in executive session, with all parties in interest permitted to attend. All hearings and appeals will be conducted according to the following procedures:

1. The aggrieved party will file a written request with the Superintendent

for a hearing before the Board. The request will contain a detailed description of the grievance as well as previous action or lack of action relative to the grievance.

- After receipt of the written request, the Board will set a time, date and place for the hearing. All parties in interest will be given written notice of the time, date, and place for the hearing. After written notice is given, the time, date and place can be changed only by mutual consent of the Board and the aggrieved party.
- All parties will have the right to legal counsel, to present sworn statements, to present witnesses and documentary evidence, and to cross examine witnesses offered by other parties. Costs associated with securing witnesses and/or compiling documentary evidence will be borne by the requesting party.
- All parties will be given an opportunity to present oral arguments and written briefs within reasonable time limits of thirty (30) minutes. All such arguments and briefs will be made available to the opposing parties.
- The Board will reach a decision concerning the grievance within five (5) days after the hearing and will convey the decision to all parties in interest in writing.

The decision of the Board of Education will be final unless the grievant

decides to appeal to the courts or to utilize any other duly recognized procedure as established by law.

ADOPTED: May 11, 2004