

EMPLOYMENT-RELATED COMPLAINTS and GRIEVANCES

I. PURPOSE

To establish a process by which employees may address a complaint or file a grievance regarding employment-related issues and by which the District may respond to complaints and grievances in the most effective manner and at the lowest level possible.

II. SCOPE

This policy applies to all employees of Shelby County Schools unless otherwise covered by a Memorandum of Understanding (MOU).

III. DEFINITIONS

Complaint - a general expression of dissatisfaction/concern with an employment-related issue.

Grievance - a written claim by an employee of an alleged violation and/or inconsistent application of a written District policy/standardized practices or federal/state law.

Grievant – an employee who submits a written grievance.

Retaliation - an adverse action taken as a result of an employee filing a complaint or grievance.

Working Days - days on which District business offices are officially open.

IV. POLICY STATEMENT

Shelby County Schools is committed to maintaining a positive and cooperative work environment for all District employees. Accordingly, the District seeks to ensure that

employees demonstrate mutual respect and that operational practices are conducted in accordance with established Board policies. While employees are encouraged to resolve issues through informal procedures, the District recognizes that occasionally more formal processes may be required. Therefore the District shall establish a complaint and grievance process that provides for the fair and equitable treatment of employees seeking to resolve employment-related issues.

The Board authorizes the Superintendent to develop guidelines governing complaint and grievance procedures.

Exclusions

This policy shall not govern the following types of employee complaints, concerns, and/or grievances that are specifically addressed in other District policies:

- Improper governmental activity involving the Shelby County Schools District (see policy 4039 Employee Whistleblower Protection)
- Alleged discrimination in employment practices (see policy 4001 Equal Employment Opportunity Compliance);
- Harassment (see policy 4010 - Harassment of Employees (Sexual, Racial, Ethnic, Religious));
- Performance evaluations for certified employees (see policies 4046 - Teacher Evaluation and 4048- School-Based Administrator Evaluation)
- Performance evaluations for classified employees (see policy 4020 Performance Evaluation - Classified Staff)
- Severe disciplinary actions including suspensions, demotions, or other adverse personnel actions against non-certified (see policy 4052 - Suspension/ Demotion/Dismissal of Non-Certified Employees);
- Discharge (see policies 4017 – Tenured Teacher’s Dismissal Policy and 4018 Non-Tenured Teachers Dismissal Policy)

Retaliation

Any act of retaliation, including but not limited to harassment and/or discrimination against an employee complaining or filing a grievance in accordance with this policy shall be prohibited by the District. Disciplinary measures up to and including termination from employment with the District shall apply to any employee acting in a retaliatory manner against another employee who complains or files a grievance in accordance with this policy.

V. RESPONSIBILITY

- A. Employees are responsible for filing grievances in a timely manner.
- B. Supervisors are responsible for ensuring that employee complaints or grievances are addressed in accordance with established administrative rules and regulations.

C. The Superintendent is responsible for ensuring that this policy is followed.

Legal References:

Cross References:

Administrative rules and regulations
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Any District employee with an employment-related issue is encouraged to informally communicate his/her concerns to the immediate supervisor. Issues not resolved informally may be grieved in writing. Grievances may be filed by an individual employee or collectively by a group of employees in accordance with the following procedures. Such procedures are not intended to replace, supersede, or otherwise interfere with employment-related procedures governed by federal and/or state statute.

I. Complaint Procedures

To address a complaint, the employee should first contact his/her immediate supervisor. In the event the complaint involves the immediate supervisor, the employee should direct his/her complaint to the next supervisory level. It is strongly encouraged, but not required, that a complaint be written and include the nature and any factual information regarding the complaint.

If there is no agreement or resolution during the initial complaint step, the employee may escalate the complaint to the next supervisory level. Unresolved complaints may be addressed up the chain of command to the Superintendent or his/her designee for final consideration.

II. Grievance Procedures

A. Step I

1. An employee may formally request resolution of an employment-related issue by submitting a written grievance to his/her immediate supervisor within five (5) working days of the incident or as soon as practicable. In the event the issue is with the immediate supervisor, the employee should direct his/her concerns to the next supervisory level.
2. If the supervisor is the Chief of a department (e.g., direct report to the Superintendent), the reviewer of the grievance shall be the Superintendent

- or a designee appointed by the Superintendent who is not involved in the complaint/grievance. The reviewer of the grievance shall provide final resolution.
3. Within ten (10) working days from receipt of a written grievance, the supervisor reviewing the written grievance shall meet with the grievant and discuss the issue. Following the meeting, the supervisor reviewing the written grievance shall have five (5) working days to provide a decision in writing to the grievant.
 4. A copy of the written grievance and response shall be submitted to the department responsible for human resources.
 5. Except in the case when the grievance is against a Chief, the decision of the supervisor may be appealed to Step II.

B. Step II

1. The grievant shall have five (5) working days from receipt of the written response from the immediate supervisor (see Step I) to file a written appeal to the next supervisory level. Copies of the grievance and written response received from the immediate supervisor must be attached.
2. Upon receipt of the written appeal, the next level supervisor shall have ten (10) working days to meet with the grievant and discuss the issue. Following the meeting, the next level supervisor shall have five (5) working days to provide a decision in writing to the grievant.
3. A copy of the written appeal and written response to the appeal shall be submitted to the immediate supervisor and department responsible for human resources.
4. The decision of the next level supervisor may be appealed to Step III.

C. Step III

1. If, following the chain of command with the immediate and next level supervisors, any issue remains unresolved, the grievant may file a written appeal with the department responsible for labor relations. The written appeal must be filed within five (5) working days from receipt of the written response from the next level supervisor. Copies of the grievance and written responses received from the immediate and next level supervisors must be attached.
2. The office responsible for labor relations shall have ten (10) working days from receipt of the written appeal to meet with the grievant and discuss the issue. Following the meeting, the office responsible for labor relations shall have fifteen (15) working days to provide a decision in writing to the grievant.

3. A copy of the written grievance and all appeals and decisions shall be submitted to the lower level supervisors and maintained by the office responsible for labor relations.
4. The decision of the office responsible for labor relations may be appealed to Step IV.

D. Step IV

1. If an issue remains unresolved following communication with the department responsible for labor relations, the grievant may file a written appeal with the Superintendent or his/her designee within ten (10) working days of receipt of a decision from the office responsible for labor relations. Copies of the grievance and all appeals and decisions must be attached.
2. The Superintendent or his/her designee shall render a decision within fifteen (15) working days of receipt of the written grievance.
3. A copy of the final decision shall be submitted to lower level supervisors and the departments responsible for human resources and labor relations. A copy of the final decision shall be placed in the personnel file of the grievant.
4. The decision of the Superintendent or his/her designee is final.

III. Employee Representation

Employees have the right to be represented by a professional association/organization at any point throughout the outlined grievance process.

IV. Abandonment of Grievance

Failure of an employee to advance a grievance through the appropriate steps within the time set forth for such, shall be considered an abandonment of his/her grievance unless time limits provided for are extended by mutual agreement.

Failure by the District to respond to a grievance within the prescribed time limits will result in the grievance automatically moving to the next appropriate step in the grievance process unless modification of the time limits are approved in writing by the Superintendent or designee.

V. Scheduled Grievance Meetings

A grievant and representative of a grievant employed by the district shall not have time deducted for attending grievance meetings during scheduled work hours.