

# Regulation 0402.10-AR-07 Classified Personnel Grievance Procedure

The following procedure will be followed for all classified personnel:

1. A grievance shall be defined as a written allegation of:
  - a. A violation of current written board approved school district policy;
  - b. A violation of current written school procedures;
  - c. A violation of the current written board approved personnel handbook;
  - d. A condition or conditions that jeopardize the health or safety of personnel or another; or
  - e. Tasks assigned outside of the personnel's essential job functions and for which the personnel has no specialized training.

Classified personnel of the district may file a grievance about any matter related to their employment, only if it directly relates to any of the grounds for a grievance provided for in the above paragraph. However, neither the rate of salary or wage of the personnel nor the decision to terminate personnel for cause during the initial one hundred eighty (180) days of employment shall be a proper subject for consideration under the grievance procedure provided in this section. For the purposes of this section, "current" means as of the date of the incident giving rise to the grievance.

1. If a classified personnel files a grievance, the personnel shall submit the grievance in writing to the Director of Accountability and Support within six (6) working days of the incident giving rise to the grievance. The grievance shall state the nature of the grievance and the remedy sought. Within six (6) working days of receipt of the grievance, the Director of Accountability and Support shall schedule an informal grievance meeting with the grievant, the personnel against whom the grievance is filed, respective advocates, as well as a district administrator who will not be involved in the statutory grievance process. The purpose of the meeting shall be to attempt to find a resolution to the personnel grievance.
2. If a resolution is not reached during the informal grievance meeting, the individual against whom a grievance is filed shall file a written response to the personnel grievance within six (6) working days after the conclusion of the informal grievance meeting. Thereafter, the personnel may appeal the grievance to the Chief Human Resources Officer within six (6) working days of the receipt of the written response or within six (6) working days from the date the written

response was due if the classified personnel received no written response. Within six (6) working days of an appeal, the Chief Human Resources Officer shall provide a written response to the classified personnel.

3. If the classified personnel is not satisfied with the response of the Chief Human Resources Officer, or if there is no response by the Chief Human Resources Officer within the time frame provided, the classified personnel may request a review of the grievance by a hearing panel within six (6) working days from receipt of the response, or six (6) working days from the date the Chief Human Resources Officer last had to respond if the classified personnel received no written response. Within ten (10) working days of receipt of an appeal, a panel will be gathered consisting of three (3) persons; one (1) designated by the Superintendent, one (1) designated by the personnel, and one (1) agreed upon by the two (2) appointed members for the purpose of reviewing the appeal. Within ten (10) working days following completion of the review, the panel shall submit its decision in writing to the classified personnel, the Superintendent, and the Board of Trustees.
4. The panel's decision shall be the final and conclusive resolution of the grievance unless the Board of Trustees overturns the panel's decision by resolution at the Board of Trustees' next regularly scheduled public meeting or unless, within forty-two (42) calendar days of the filing of the Board's decision, either party appeals to the district court in the county where the school district is located. Upon appeal of a decision of the Board of Trustees, the district court may affirm or set aside and remand the matter to the Board of Trustees upon the following grounds, and shall not set the same aside on any other grounds:
  - a. That the findings of fact are not based on any substantial, competent evidence;
  - b. That the Board has acted without jurisdiction or in excess of its powers;
  - c. That the findings by the Board of Trustees as a matter of law do not support the decision.
5. Classified personnel filing a grievance pursuant to this section shall be entitled to a representative of the personnel's choice at each step of the grievance procedure provided in this section. The person against whom the grievance is filed, the Superintendent or designee shall be entitled to a representative at each step of the grievance procedure. None of these individuals will be qualified to sit on the advisory grievance panel.
6. The timelines of the grievance procedure established in this section may be waived or modified by mutual agreement.
7. Utilization of the grievance procedure established pursuant to this section shall not constitute a waiver of any right of appeal available pursuant to law or regulation.
8. No member of the administration shall take reprisals affecting the employment status of any party in interest. Personnel filing a grievance shall not take any reprisals regarding the course of the outcome of the grievance nor take any reprisals against any party or witness participating in the grievance.

9. Classified personnel of a school district shall be provided a personnel file consistent with the provisions of section 33-518, Idaho Code.

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