

DEFINITIONS

Grievance is a written allegation of unfair treatment or a violation of district policy by a non-certificated employee.

Working day is, for purposes of this policy, a weekday (Monday through Friday), except those weekdays identified in the approved school calendar as vacation or holidays.

PROCEDURE

1. A non-certificated employee of this district may file a grievance about any matter related to his or her employment, provided that neither the employee's rate of salary or wage nor the decision to terminate the employee for cause during the initial one hundred eighty (180) days of employment will be a proper subject for consideration under this grievance procedure.
2. A grievance must be in writing and received by the employee's immediate supervisor within six (6) working days of the occurrence of the incident giving rise to the grievance. The grievance must state the allegation and the remedies sought.
3. The immediate supervisor will respond, in writing, to the employee within six (6) working days of receipt of a grievance.
4. If the employee is not satisfied with the response of the immediate supervisor, or there is no response within six (6) working days, the employee may appeal the grievance to the superintendent or designee within five (5) working days of the date the response was, or should have been, received.
5. The superintendent or designee will communicate with the non-certificated employee within six (6) working days in an effort to resolve the appeal.
6. Within five (5) working days of communicating with the employee, the superintendent or designee will respond, in writing, to the employee.
7. If the employee is not satisfied with the response of the superintendent or designee, or no response was received, the employee may request a review of the grievance by a panel within five (5) working days of the date the response was, or should have been, received.
8. The board will convene a panel consisting of three (3) persons within ten (10) working days of receipt of the appeal. The panel will consist of one (1) individual designated by the board, one (1) individual designated by the employee, and one (1) individual agreed upon by the two (2) appointed panel members.

9. The panel will meet for an informal proceeding within ten (10) working days from the date it is appointed. Both the non-certificated employee and the superintendent or designee will be given an opportunity to present information and arguments, oral or written, relevant to the grievance filed in the matter. The panel may establish time limits for the parties' presentation of information and argument. The parties do not have the right to present evidence or cross-examine witnesses. The rules of civil procedure and evidence do not apply.
10. The panel will review all relevant facts presented by the parties and will determine whether the employee's grievance constitutes:
 - a. Act(s) of unfair treatment by the district; or
 - b. A violation of district policy.
11. The panel will submit a written decision, setting forth factual findings and conclusions, within five (5) working days following completion of the review to the employee, superintendent, and board. The decision will also inform the parties of the right to appeal to the board.
12. The panel's decision will be the final and conclusive resolution of the grievance unless either party appeals the panel's decision to the board of trustees. The written appeal must be received by the clerk five (5) days prior to the next regularly scheduled board meeting. The board will review the panel's decision and decide, by resolution, to affirm or overturn such decision at the its next regularly scheduled public meeting.
13. Either party may, within forty-two (42) calendar days of the filing of the board's decision, appeal to the district court of this county.
14. Both the employee and district will be entitled to a representative of choice, including legal counsel, at each step of the grievance procedure.
15. The time lines of the grievance procedure set forth in this policy may be waived and modified by mutual agreement.
16. Utilization of the grievance procedure will not constitute a waiver of any right of appeal available pursuant to law or regulation.
17. Neither the board nor any member of the administration will take reprisals affecting the employment status of any party in interest.



LEGAL REFERENCE:

Idaho Code Section 33-517

FIRST READING: December 9, 2002
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