

Classified Employee Grievance Procedure

Classified employees may file a written grievance alleging unfair treatment or a violation of District policy in strict accordance with the procedure set forth herein. However, neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

Level 1: Informal

A classified employee with a complaint is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be addressed as described in Policy 3085 and Procedure 3085P.

Level 2: Immediate Supervisor

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with their immediate supervisor within six (6) working days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the immediate supervisor shall investigate and attempt to resolve the complaint. The immediate supervisor shall provide a written response to the employee within six (6) working days of receiving the written grievance.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment that is found to not fall within the scope of Policy 3085 and Procedure 3085P, the person who received the written grievance shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation shall be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

### Level 3: Superintendent

If the employee is not satisfied with the response of the immediate supervisor, or no response is received within the timeline provided in Level 2, the employee may appeal to the Superintendent or the Superintendent's designee within five (5) working days of the response or lack thereof. Upon receipt of the request for review, the Superintendent shall notify the parties in writing of the decision within five (5) working days of receipt of the appeal.

### Level 4: Hearing Panel

If the classified employee is not satisfied with the decision of the Superintendent or the Superintendent's designee or there is no response from the Superintendent or the Superintendent's designee the employee may request a review of the grievance by a hearing panel within (5) working days of the response or lack thereof. A written appeal must be submitted to the Board and within ten (10) working days of receiving the appeal the Board shall convene a hearing panel consisting of three (3) persons; one (1) to be selected by the Board, one (1) to be selected by the employee and one (1) to be mutually agreed upon by the two (2) appointed members of the panel. The panel shall submit its decision in writing to the employee, the Superintendent and the Board within five (5) working days of completing its review.

### Level 5: The Board

The panel's decision shall be final unless the Board overturns the panel's decision by resolution at the Board's next regularly scheduled public meeting. The decision of the Board will be final, unless appealed within forty-two (42) calendar days of the Board's resolution to overturn the panel's decision in the district court in the county in which the school District is located.

Cross Reference: 5800

Classified Employment, Assignment and Grievance

Legal Reference: I.C. § 33-517

Non-certificated personnel

#### Policy History:

Adopted on: 7-21-14

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