

Book	POLICY MANUAL
Section	500 PERSONNEL
Title	GRIEVANCE PROCEDURE
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Pursuant to state law, the School Board shall provide a grievance procedure for the orderly resolution of employee grievances related to employee discipline, employee terminations, and workplace safety. Any employee of the District has the right to access the grievance procedure provided the grievance is filed in writing within the applicable timelines, and provided that the issue presented by the grievance properly concerns a grievable complaint. However, nothing within this policy or within the written rules and procedures implementing this policy shall be construed:

1. To prevent an employee and the District from voluntarily resolving, or attempting to resolve, an employee's grievance, complaint, concern or other dispute using informal methods separate from the formal grievance process, such as a mediated resolution or other similar outcome.
2. To grant or confer to any employee any substantive rights or employment protections that would not exist in the absence of this policy and its implementing rules, except for those primarily procedural rights inherent and minimally necessary to an employee's ability to access and use the grievance procedure in the manner defined by state law and by the Board.

No employee is required to pursue a formal grievance using the procedures established pursuant to this policy, and supervisors and administrators are expected to fulfill their supervisory role(s) with respect to managing employee complaints and concerns even where an employee is unable to or elects not to pursue a grievance under the formal procedures established by the Board.

Employees shall use the following procedure for resolving disputes regarding employee termination, employee discipline or workplace safety issues.

I. Definitions.

A. "Days" as used in this policy is defined as any day that the District's Business Office is open.

B. "Employee Termination" as used in this policy section, shall not include the following:

1. Layoffs;
2. Workforce reduction activities;
3. Voluntary termination including, without limitation, quitting or resignation;
4. Job abandonment;
5. End of employment due to disability, lack of qualification or licensure or other inability to perform job duties;
6. Retirement;

7. Non-Renewal under Wis. Sec. 118.22 and 118.24, applicable; or
8. Any other cessation of employment not involving involuntary termination.

C. "Employee discipline" as used in this policy shall include any employment action that results in disciplinary action, which typically involves any of three (3) steps: , written warning, suspension with or without pay, and termination of employment.

"Employee discipline," as used in this policy, shall not include the following:

1. Plans of correction or performance improvement;
2. Performance evaluations or reviews;
3. Documentation of employee acts and/or omissions in an employment file;
4. Administrative suspension with pay pending investigation of alleged misconduct or nonperformance;
5. Non-disciplinary wage, benefit or salary adjustments;
6. Other non-material employment actions;
7. Counselings, meetings or other pre-disciplinary action;
8. Demotion for reasons other than discipline, transfer or change in assignment; or
9. Verbal warnings.

D. The term "workplace safety" as used in this section means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

II. Time Limits.

Unless mutually agreed to in writing by the employee and the District in advance of the expiration of the timeline, the timelines provided in this policy must be strictly adhered to. Failure of the employee to comply with the timelines will be deemed a waiver of the processing of the grievance and the grievance will be denied. The employee may advance a grievance to the next step of the process if a response is not provided within the designated timeframes. The Human Resources Officer may advance a grievance to the next step at the request of either the employee or the employee's supervisor.

III. Procedure.

A. Informal Grievance Resolution: The employee must discuss any grievance related to discipline or workplace safety with the employee's immediate supervisor prior to filing a formal written grievance in order to informally resolve the issue. This discussion must occur within five (5) business days of when the employee knew or should have known of the events leading to the grievance. Grievances related to termination may proceed straight to the Formal Grievance Procedure.

B. Formal Grievance Submission: The employee must file a written grievance with the Human Resources Officer within ten (10) days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. The written grievance must contain:

1. Name of Grievant;
2. A statement of the pertinent facts surrounding the nature of the grievance;
3. The date the alleged incident occurred;
4. The work rule or policy allegedly violated including any safety rule alleged to have been violated, if applicable;
5. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion; and
6. The specific requested remedy.

C. Administrative Response: The Human Resources Officer (or designee) will meet with the grievant within ten (10) business days of receipt of the written grievance. The Administration will provide a written response within a timely manner . The Administration's written response to the grievance must contain:

1. A statement of the date the meeting between the Administration and grievant was held;
2. A decision as to whether the grievance is sustained or denied; and
3. In the event the grievance is denied, a statement outlining the timeline to appeal the denial.

D. Impartial Hearing: The grievant may file an appeal to the Impartial Hearing Officer by giving written notice to the Human Resources Officer within five (5) business days of the issuance of the Administrative Response. Depending on the issues involved, the hearing officer will determine whether a hearing is necessary unless a hearing is required under the procedures established by the district in a different applicable policy. The Administration will work with the Impartial Hearing Officer and grievant to schedule a mutually agreeable hearing date should one be needed. If it is determined that no hearing is necessary, the matter will be decided based on the submission of written documents.

The Administration shall select the Impartial Hearing Officer (IHO). The IHO shall not be an employee of the district. The IHO may be an employee of another district, a retired school administrator, a lawyer, a professional mediator/arbitrator, or other qualified individual. The cost of the IHO will be the responsibility of the district.

Standard of Review: The IHO will adhere to specific guidelines set forth by the District regarding hearing procedures. The Rules of Evidence will not be strictly followed, but no factual findings may be based solely on hearsay evidence. The standard of review for the IHO is whether the decision of the Administration was arbitrary or capricious. A decision will not have been arbitrary or capricious if it was made in the best interest of the district. If the decision was not arbitrary or capricious then the IHO is required to find on behalf of the Administration.

Impartial Hearing Officer Response: The Impartial Hearing Officer shall file a written response within thirty (30) calendar days of the hearing date or the date of submission of written document

The Impartial Hearing Officer's written recommendation to the grievance must contain:

1. A statement of the pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision to the School Board.
4. The IHO must sustain or deny the decision of the Administration. The IHO has no authority to modify the Administration's decision and may not grant in whole or in part the specific request of the grievant.

E. Review by the School Board: The non-prevailing party may file a written request for review of the IHO's decision by the School Board within ten (10) business days of receipt of the Impartial Hearing Officer Response.

The School Board shall not take testimony or evidence; it may only decide whether the IHO reached an arbitrary or capricious decision. The School Board may, in each situation, decide whether it will review the record and make a decision or whether it will assign the matter to the district's legal counsel for a recommendation. The manner of review is the sole choice of the School Board. A written decision will be made within thirty (30) calendar days of the filing of the appeal.

The School Board's written decision regarding the grievance must contain
a decision as to whether the grievance is sustained, denied or modified

The School Board shall decide the matter by a majority vote and the decision of the School Board is final and binding and is not subject to further review.

F. General Requirements:

1. Grievance meetings/hearings held during the employee's off-duty hours will not be compensated.
2. Granting the requested or agreed upon remedy at any step in the process resolves the grievance.