

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy No.
Administrative	Uniform Grievance Procedures	1014

I. PURPOSE

A grievance procedure is established to provide employees with a prompt review, impartial consideration, and an equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable matter shall be free from restraint, interference, discrimination, or reprisal.

This procedure is intended to encourage employees to discuss problems with their supervisor, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary and to foster better understanding between employees and supervisors.

Such discussion will lead to better employee/supervisor understanding of policies, procedures, and practices.

The ADA Grievance Procedures should be used for those employees who are not covered under this procedure and who desire to file a grievance relating to a claim of discrimination based upon disability.

II. POLICY

It is the policy of this agency that all employees are given the opportunity, through established steps and procedures, to resolve complaints or grievances in a timely manner which they believe adversely affect their employment or working conditions.

Reasonable efforts should be made to settle complaints or grievances as quickly as possible. Direct contact on a one-to-one basis between supervisor and employee has always been a policy of this agency and thus the grievance procedure is not intended, nor will it be allowed to become, a barrier to the supervisor/employee relationship.

Employees should submit only grievances made in good faith, expressed in reasonable terms, containing causes for the grievance, corrective action desired, and sufficient information upon which to base these decisions.

Access to this procedure does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations.

III. DEFINITIONS

- EMPLOYEE** – an individual who is a non-probationary, full-time employee of the Arkansas School for the Deaf who occupies a regular salaried position and who works a minimum of 1000 hours per year, provided, however, that this policy shall not apply to employees who hold the Superintendent’s position and employees who are on initial new hire probationary status.
- WITNESS** - any employee that has direct knowledge of the alleged incident
- REPRESENTATION** – An attorney, or any person of his or her own choosing
- GRIEVANCE** – a complaint by an employee regarding an aspect of his or her employment, including, but not limited to: annual leave, sick leave, dismissal, suspension, promotion, demotion, disciplinary actions, discrimination, disability, or any other work related problems except compensation and conditions which are beyond the control of agency management or are mandated by law.

Grievances based upon performance evaluation may be appealed utilizing the Performance Evaluation Appeal Procedures. The State Grievance Review Committee and/or the State Employee Grievance Appeal Panel will not hear complaints concerning performance evaluation unless discrimination is the basis of the complaint. Discrimination is on the basis of race, color, sex, age, national origin, religion, or disability.

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This procedure may be utilized to hear Reduction-In-Force appeals, provided, however, that the State Grievance Review Committee and/or the State Grievance Appeal Panel will not hear complaints concerning reduction-in-force unless discrimination is the basis of the complaint.

IV. PROCEDURE

Every employee and/or agency may be represented by someone of his or her own choosing at each step of this procedure except the initial, informal discussion with the immediate supervisor.

The grievance procedure may be terminated at any step, should an agreement between parties be reached.

All grievances and steps in the procedure and any appeal steps shall be processed through the agency grievance officer and should be handled in accordance with the following procedures:

Employees who feel that they have a job-related problem are encouraged to contact their immediate supervisor for an informal discussion of the problem. Most problems can be cleared up or resolved at this point. In the event the problem is not resolved by an informal meeting between the employee and the supervisor, the employee shall contact the Arkansas School for the Deaf Grievance Officer to commence the formal grievance procedure.

Individuals should refrain from discussing information regarding the grievable issue outside the hearing process. All witnesses are required to stay during the entire hearing and will be released after the proceedings are dismissed. There are no specific timeframes on how long the hearing will last, so witnesses should make no other obligations on that day. Should a previous engagement already be scheduled, other arrangements for that engagement should be made. Witnesses will not be available or have the ability to leave until the proceedings are concluded. If a witness wishes not to testify on behalf of the grievant, they may notify the grievant that they do not wish to testify on their behalf and therefore request that he/she notify the Grievance Officer no later than the close of business on (date) to remove their name from the witness list.

Initial notification that an employee will be called as a witness to testify will be made by e-mail from the Grievance Officer informing the employee to come to the Personnel Office to pick up and sign notification by the designated deadline. Failure to pick up notification by required deadline shall be considered intentionally interfering with, hindering, blocking, or otherwise impeding the process of the grievance.

Should any person within the Agency intentionally interfere with, hinder, block, or otherwise impede the processing of a grievance, such employee shall be subject to disciplinary action. Further, should any employee or supervisor willfully fail to meet any of the deadlines set forth within this procedure in such an attempt to delay the resolution or disposition of a grievance, such employee or supervisor shall be deemed to have forfeited any participation which such employee or supervisor might otherwise have under this procedure.

Under special circumstances, the Grievance Officer has the authority to modify, waive, or otherwise change the Grievance Procedures in order to fulfill the intent of the procedure, provided such modification, waiver, or change is agreed to by the Superintendent and the employee. The Grievance Officer shall submit, in the same manner as his/her final report to the Agency Personnel Manager, his/her justification for, and the details of, any variation from the state procedure.

The Superintendent shall make every effort to resolve all matters involving allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion and/or failure to award compensatory time.

NOTE: Meetings and hearings at all Steps of this procedure shall be recorded and if appealed to the State Grievance Review Committee or the State Employees Grievance Appeal Panel shall be transcribed and become part of the case file record.

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Grievances involving allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion, promotions, lateral transfers, harassment and/or failure to award compensatory time shall commence at the appropriate Step to be determined by the Grievance Officer.

Grievances filed against the Superintendent shall commence at Step 4.

At the conclusion of each step of the procedure, notification of decisions or recommendations will be provided in writing to all parties involved, including the employee’s immediate supervisor.

V. DETERMINATION OF GRIEVABLE MATTERS

In the event the Grievance Officer and the employee disagree as to whether the matter under consideration is a grievable matter within the scope of these procedures and Executive Order No. 86-1 and/or Executive Order 93-1, the Grievance Officer shall request a Determination from the State Grievance Review Committee

VI. STEPS OF GRIEVANCE PROCEDURES

To initiate this grievance procedure, the employee must submit the grievance in writing to the agency Grievance Officer within five (5) agency business days of the notification of action issued, excluding State issued holidays. The Grievance Officer will assist the employee with the necessary documentation as necessary.

STEP 1 – Employee and Employee’s Supervisor

The Grievance Officer will arrange a meeting within three (3) agency business days between the employee and the employee’s supervisor with the Grievance Officer acting as a facilitator. Within three (3) agency business days from the date of the hearing the Grievance Officer will submit to the Superintendent resolutions, if any, that were agreed upon between the employee and the Supervisor. If the employee does not file an appeal for advancement to Step 2 within five (5) agency business days from receipt of hearing decision, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

This Step is not available if the grievance is against the Superintendent.

STEP 2-Superintendent

The Grievance Officer will arrange a meeting between the employee, the employee’s supervisor and the Superintendent within five (5) agency business days after receiving the employee’s written request.

The Superintendent shall require the employee to set forth the nature of the disagreement with the decision in Step 2, in writing, prior to the hearing. The Superintendent shall submit his decision in writing to the employee and the Grievance Officer within three (3) agency business days following the conclusion of the hearing. If the employee does not file an appeal for advancement to Step 3 within five (5) agency business days from receipt of hearing decision, the matter will be considered resolved and the employee shall have no further right with respect to said grievance. If the decision of the Superintendent overturns the disciplinary action causing the grievance, such decision shall be final and binding and will not proceed to the next step and shall be removed from the personnel files.

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STEP 3 – Board of Trustees

The Grievance Officer will notify the Board of Trustees Chairman to hear the grievance or have a representative appointed to hear the grievance and arrange for the grievance to be placed on the agenda for the Board of Trustees to be deliberated at their next regular scheduled monthly meeting. The Grievant shall have the option to have the grievance held in open or closed session. The Board Chair shall make the determination whether it will be heard in open or closed session. The Grievance Officer will attend a meeting between the Superintendent, the employee, the employee’s supervisor and the Board of Trustees or their authorized representative. The Grievance Officer shall take testimony and accept exhibits. Within three (3) agency business days of the conclusion of the hearing, the Board of Trustees shall submit their decision in writing to all parties involved. If the employee does not file an appeal for advancement to Step 4 within five (5) agency business days from receipt of hearing decision, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

Should a grievance proceeding be held in open session, all witnesses that are called to testify will be allowed to stay during the hearing.

STEP 4 – State Grievance Review Committee or State Employee Grievance Appeal Panel

If the employee is not satisfied with the decision of the Board of Trustees in Step 4, he/she may, within five (5) agency business days of receipt of the Board of Trustees’ written decision, appeal the decision to the State Grievance Review Committee or the State Employee Grievance Appeal Panel (as appropriate).

The Committee or Panel shall conduct whatever review of the grievance it deems necessary. The Panel shall hear grievances concerning allegations of unlawful discrimination, termination, and suspension without pay, involuntary demotion and/or failure to award compensatory time. The Committee shall hear all other grievances. (Appeals to the State Grievance Review Committee or State Employee Grievance Appeal Panel should be processed by the Agency Grievance Officer or authorized representative).

STEP 5 – State Chief Fiscal Officer

If the review body is the State Grievance Review Committee, the decision shall be reviewed by the Board of Trustees and shall be submitted to all parties, and representatives involved. The Committee shall be copied on this decision. The decision of the Board of Trustees shall be final and binding on all concerned parties.

If the review body is the State Employee Grievance Appeal Panel, the Board of Trustees shall review the Panel’s decision and effect implementation of the decision. If the Board of Trustees does not agree with the Panel’s decision, they may within ten (10) agency business days of receipt of the Panel’s written decision, provide the Chief Fiscal Officer of the State and the aggrieved employee with written justification of the action of Arkansas School for the Deaf and request a formal review of the Panel’s decision by the Chief Fiscal Officer. The employee may also submit comments regarding the Board of Trustees’ justification to the Chief Fiscal Officer. (Appeals to the Chief Fiscal Officer should be processed by the Agency Grievance Officer or authorized representative).

VI. DOCUMENTATION

It shall be the responsibility of the Grievance Officer to file a brief report of the grievance, the procedures followed and its ultimate disposition, along with copies of all documentary evidence, with the Agency Personnel Manager within ten (10) agency business days following final disposition of the grievance. In addition, when an employee

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commences the formal grievance procedure at Step 1, it shall be the responsibility of the Grievance Officer to immediately file a form with the Agency Personnel Manager, listing the name of the Grievance Officer, a brief statement of the nature of the grievance and the date formal proceedings commenced. All documentation relating to an employee grievance, which shall be maintained in the Agency Personnel Office, shall be placed in a file separate from the employee's personnel file. No information relating to the grievance shall become a part of an employee's permanent personnel record. However, such records shall be maintained in hard copy for five years and permanently in such a manner as may be prescribed in applicable state and federal laws with regard to retention of such records.

VII. GRIEVANCE PROCEDURE REVISION POLICY

The Board of Trustees may revise the Grievance Procedure. However, any changes must be submitted to the Office of Personnel Management for review and approval before becoming effective and will be made public to the employees of the Arkansas School for the Deaf before becoming effective.

APPROVED BY:

Superintendent, Arkansas School for the Deaf

Date

Chairperson, Arkansas School for the Deaf Board of Trustees

Date

Administrator, Office of Personnel Management

Date

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**STEP 1
GRIEVANCE FORM**

This form is to be used by the employee in filing a formal grievance. The form will be filled in completely and will serve, without amendment, as the source document for the grievance process. All supporting documentation must be attached to this grievance form.

EMPLOYEE'S NAME: _____ JOB TITLE: _____

SUPERVISOR ISSUING ACTION: _____

EMPLOYEE'S WORK LOCATION: _____

GRIEVANCE STATEMENT

In order for a formal grievance to be processed, the following four (4) elements must be addressed: (Attach additional pages if needed.)

- 1) What was the date of occurrence and what specific behavior, condition or violation of policy or procedure occurred which you consider constitutes a grievance?
- 2) How have you been adversely affected by this grievance situation?
- 3) What specific action have you taken to reconcile and improve this situation, including discussing it with your immediate supervisor? What has been the outcome of these efforts?
- 4) What specific remedy do you request?
- 5) Check one option of how you would like the hearing to be heard before the Board of Trustees if applicable?
 Open session
 Closed session

GRIEVANT'S SIGNATURE: _____ DATE: _____

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STEP 1
REPLY TO EMPLOYEE GRIEVANCE
EMPLOYEE'S SUPERVISOR

SUPERVISOR, ARKANSAS SCHOOL FOR THE DEAF

DATE

EMPLOYEE ANSWER:

- I accept the answer to my grievance.
- The answer to my grievance is not acceptable and I wish to refer my grievance to the Superintendent.

NOTE: EXPLAIN fully why you do not accept the above response/decision.

GRIEVANT'S SIGNATURE: _____

DATE: _____

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STEP 2
REPLY TO EMPLOYEE GRIEVANCE
SUPERINTENDENT'S DECISION

SUPERINTENDENT'S SIGNATURE

DATE

EMPLOYEE ANSWER:

- I accept the answer to my grievance.
- I do not accept the answer to my grievance and wish to refer my grievance to the Board of Trustees.

NOTE: EXPLAIN fully why you do not accept the above response/decision.

GRIEVANT'S SIGNATURE: _____

DATE: _____

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**STEP 3
BOARD'S DECISION
BOARD OF TRUSTEES**

BOARD CHAIRMAN'S SIGNATURE

DATE

EMPLOYEE ANSWER:

- I accept the answer to my grievance.
- The answer to my grievance is not acceptable and I wish to refer my grievance to the State Grievance Review Committee or to the State Employee Grievance Appeal Panel.

NOTE: EXPLAIN fully why you do not accept the above response/decision.

GRIEVANT'S SIGNATURE: _____

DATE: _____

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**APPEAL
TO GRIEVANCE REVIEW COMMITTEE OR TO GRIEVANCE APPEAL PANEL**

DATE: _____

GRIEVANCE OFFICER: _____

AGENCY/DEPARTMENT: _____

EMPLOYEE'S NAME: _____

SUPERVISOR'S NAME: _____

This form is to be used if and when the employee wishes to appeal the Board or Superintendents' decision on the disposition of a grievance. All questions must be answered.

Who is appealing the grievance? (Please include name and job title.)

Why is the grievance decision being appealed?