

COMPLAINTS AND GRIEVANCES

Any employee of the East Baton Rouge Parish School Board shall have the right to grieve the violation of a policy and/or procedure affecting him/her. Complaints or grievances about any job action taken against an employee are excluded from this policy. The person(s) filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance. The primary purpose of this procedure is to secure, at the most immediate level possible, an equitable solution to the claim of the aggrieved employee(s).

If at any step of the procedure outlined below, the administration fails to comply with the timelines set forth therein, the complaint and/or grievance will immediately move to the next higher step in the process for review and decision.

Any complaint by a teacher, group of teachers, other school employees or group of employees about or involving the school system shall be reviewed in accordance with the following procedure:

I. Step One

- A. An employee shall submit a written complaint to the principal or for personnel not based at a school site to the immediate supervisor within ten (10) working days of the date of the alleged complaint. If the complaint is not submitted within the time prescribed, the employee has no further right with respect to the claim or grievance.
- B. Within five (5) working days of the receipt of a complaint, the principal and/or the immediate supervisor and the employee(s) shall meet to attempt to resolve the complaint. The principal or the immediate supervisor shall receive, investigate and consider information from all affected parties he/she feels necessary to resolve the complaint and to make a decision.
- C. Within five (5) working days following the meeting between the principal or the immediate supervisor and the employee(s), the principal or the immediate supervisor shall mail or deliver his/her decision in writing to the employee(s). The principal or immediate supervisor is required to document the date the employee receives the written decision.

II. Step Two

- A. If the employee (or group of employees) is not satisfied with the disposition of the grievance by the principal or the immediate supervisor, then within five (5) working days of receipt of the decision from the principal or the immediate supervisor, the employee(s) or the employee's representative may submit to the Superintendent or designee a written request for a Step 2 review together with a copy of the written decision rendered in Step One. If the employee fails to request the review within the time limit set out above, the employee

shall have no further right to proceed through the complaint/grievance process.

- B. The Superintendent or designee shall within five (5) working days provide a written notice to the employee(s) of the disposition of the grievance based upon the file presented to the Superintendent or designee. The date of receipt by the employee of the written notice of the disposition shall be documented in the file.

III. Step Three

- A. If the employee is not satisfied with the written notice of disposition of the grievance by the Superintendent or designee, the employee(s) may, within five (5) working days of the date of receipt of the Superintendent's notice of disposition, request a full hearing, of the claim or grievance before the Superintendent or designee. If the employee fails to request a hearing within the time limit set out above, the employee shall have no further right to proceed through the complaint/grievance process.
- B. The Superintendent or designee shall schedule the full hearing with the employee(s) within twenty (20) working days of the request for a hearing. The Superintendent or designee may receive at the hearing written statements of witnesses, other written materials and/or interview witnesses, if relevant to the claim or complaint. The hearing is an informal meeting or hearing controlled by the Superintendent or designee. The purpose of any such fair hearing is to resolve the complaint. The Superintendent or designee shall provide for the recording of the hearing and will maintain a transcript of the proceedings. Following the hearing, the Superintendent or designee shall make a written recommendation regarding the disposition of the grievance. The recommendation of the Superintendent or the designee will be provided to the employee not more than thirty (30) working days following the hearing. The Superintendent or designee's recommendation, together with a copy of the transcript of the hearing as well as the previous decisions, shall also be provided to the School Board within the same time frame set out above for disposition of the grievance.

IV. Step Four

- A. On the basis of the written recommendation and the transcript of the hearing before the Superintendent or designee provided to the School Board, the School Board shall dispose of the grievance. There shall be no hearing involving testimony, the receipt of evidence or additional matters before the School Board. An employee or their representative may comment on the School Board's proposed disposition of the grievance. The School Board may vote to affirm, reverse or modify the recommendation. Absent a motion and second to modify or reverse the recommendation, the Superintendent's recommendation stands. Notice of the School

Board's decision will be given to the employee(s) and to the individuals who rendered the Step One and Step Two decisions. The School Board's action is final.

V. General Matters

- A. An employee is entitled to representation of his/her choice at all levels of the grievance process after Step One. The employee who chooses to have a representative shall provide advance written notice of the name of the representative to the Superintendent or designee.
- B. *Working day* is defined as any day the Central Administrative Office of the School Board at 1050 South Foster Drive, Baton Rouge, Louisiana is open for business.
- C. Nothing in this grievance policy shall be applicable to any job action taken against an employee, including, but not limited to, a recommendation for termination of employment. Any recommendation for termination shall be handled in accordance and any applicable law, such as the teachers' tenure law, the bus driver tenure law, etc. as well as in accordance with School Board policy and procedure for termination of classified employees.
- D. The employee(s) or the administration may request an extension of time to comply with the mandates of this policy at any step. The maximum extension that can be granted is the applicable time limit for the step at which the grievance is in the process.

Ref: La. Rev. Stat. Ann. '17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Board minutes, 1-18-96.