

## **SCHOOL DISTRICT OF NEW LONDON**

### **ADMINISTRATIVE GUIDELINE 527 - GRIEVANCE PROCEDURE**

#### **A. First Step.**

1. The grievant shall present a written grievance to his/her immediate supervisor within ten (10) days after the facts and circumstances upon which the grievance is based are known or should have reasonably become known, the employee shall present the written grievance to his/her immediate supervisor. The immediate supervisor shall provide a written answer within ten (10) days of receipt of the grievance, with a copy to the District Office.
2. An employee who has been notified of termination may process the grievance commencing at the Third Step.

#### **B. Second Step.**

1. If the grievance is not satisfactorily resolved at the First Step, the grievance may be submitted to the District Administrator within five (5) days after the grievant receives the First Step response. Thereafter, the District Administrator, or his/her designated representative, will meet with the grievant in an effort to resolve the issue(s) raised by the grievance. Within ten (10) days after the meeting, the District Administrator shall respond to the grievance in writing. The District Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this Grievance Procedure and otherwise properly processed as required by this Grievance Procedure. If the District Administrator is aware of other similar pending grievances, he/she may consolidate those matters and process them as one grievance.

#### **C. Third Step.**

1. If the grievance is not satisfactorily resolved at Second Step, the grievance may be appealed within ten (10) days after the grievant receives the Second Step response. The grievant shall submit a written statement specifically describing the reason(s) for the appeal to the District Office. If the Second Step decision is based, in whole or in part, on the basis of timeliness, scope of this Grievance Procedure or other failure of the grievant to properly follow this Grievance procedure, the matter shall be referred to the Board who shall determine whether the matter should be processed further. If the Second Step decision addresses only the merits of the grievance, the grievance will be referred to an Impartial Hearing Officer (IHO). The IHO will be designated by the District Administrator. Any costs

incurred by the IHO will be paid by the School District. The IHO will convene a hearing in the manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance exhibits and witness lists in advance of the hearing to expedite the hearing. The burden of proof shall be "a preponderance of the evidence". In termination and discipline cases, the District shall have the burden. In workplace safety cases, the employee shall have the burden. The IHO may request oral or written arguments. The IHO shall provide the parties a written decision.

2. The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add to, subtract from or modify the terms of the Employee Handbook (including Board Policy) or the workplace safety rule that forms the basis for the grievance.

D. Fourth Step.

1. Either party may appeal an adverse determination at Third Step to the School Board by filing written notice the District Office within ten (10) days of the receipt of the decision of the IHO. The Board shall, within thirty (30) days, after submission of the appeal, schedule the review of the IHO's decision. The review will be conducted by the Board during a closed session meeting unless an open session is requested by the employee. The Board may make its decision based on the written decision of the IHO or the Board may examine any records, evidence and testimony produced at the hearing before the IHO. A majority vote of those members of the Board present shall decide the appeal within twenty (20) days following the last session scheduled for review. The Board will issue a final written decision which shall be binding on all parties.

- E. Timelines - Failure to process a grievance by the grievant within the time limits, or agreed upon extensions, shall constitute waiver of the grievance and the grievance will be considered dismissed and resolved on the basis of the District's last answer. Failure of a District representative to meet the time limits shall cause the grievance to move automatically to the next step in the Grievance Procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this Grievance Procedure are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.
- F. Exclusive Remedy - This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this Grievance Procedure shall prevent any employee from addressing concerns regarding matters not subject to this Grievance Procedure. Matters

not subject to the Grievance Procedure that are raised by employees shall be considered by District representatives who have final authority, subject to any applicable Board policy or directive, to resolve the matter.

ADOPTION DATE: September 26, 2011  
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CROSS-REFERENCE: Policy 527 Grievance Procedure  
LEGAL REFERENCE: Wisconsin Act 10