DEFINITIONS

"Current" means as of the date of the incident giving rise to the grievance.

"Grievance**"** means a written allegation of one or more of the following:

1. A violation of current written board approved school district policy.

2. A violation of current written school procedures.

3. A violation of the current written board approved employee handbook.

4. A condition or conditions that jeopardize the health or safety of the employee or another.

5. Tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training.

"Working day" means, for purposes of this policy, a weekday (Monday through Friday) except those weekdays identified in the approved school calendar as vacation or holidays.

PROCEDURE

A non-certificated employee of this district may file a grievance about any matter related to his or her employment, only if it directly relates to any of the grounds for a grievance as defined above. However, neither the employee's salary or benefits nor the decision to terminate the employee for cause during the initial one hundred eighty (180) days of employment will be a proper subject for consideration under this grievance procedure.

If a non-certificated employee is terminated and subsequently files a grievance for something outside of the defined definitions of grounds for grievance (see items 1-5 above) the non-certificated employee's termination shall be immediate and remain in effect.

1. A grievance must be in writing and received by the district's human resources administrator within six (6) working days of the incident giving rise to the grievance. The grievance must state the nature of the grievance and the remedy or remedies sought.

2. Within six (6) working days of receipt of the grievance, the district's human resources administrator will schedule an informal grievance meeting with the grievant, the employee against whom the grievance is filed, respective advocates, as well as a district administrator who will not be involved in the statutory grievance process. The purpose of the meeting will be to attempt to find a resolution to the employee grievance.

3. If a resolution is not reached during the informal grievance meeting, the individual against whom a grievance is filed will file a written response to the employee grievance with the district's human resources administrator within six (6) working days after the conclusion of the informal grievance meeting. Thereafter, the employee may appeal the grievance to the superintendent or designee within six (6) working days of the date the written response was,

or should have been, received.

4. The superintendent or his or her designee will provide a written response to the non-certificated employee within six (6) working days in an effort to resolve the appeal.

5. If the employee is not satisfied with the response of the superintendent or designee, or no response was received in the appropriate timeframe, the employee may request a review of the grievance by a hearing panel within six (6) working days of the date the response was, or should have been, received.

6. A panel consisting of three (3) persons will be convened for the purpose of reviewing the appeal within ten (10) working days of receipt of the appeal. The panel will consist of one (1) individual designated by the superintendent, one (1) individual designated by the employee, and one (1) individual agreed upon by the two (2) appointed panel members.

7. The employee and the superintendent or designee, or their representative, will be given an opportunity to present information and arguments, oral or written, relevant to the grievance filed in the matter. The panel may establish time limits for the submission or presentation of information and argument(s). The panel will exclude evidence that is not relevant to the matter(s) raised in the grievance. The rules of civil procedure and evidence do not apply.

8. The panel will review all relevant information presented by the parties and will make a determination as to whether the information supports a finding of:

    a. A violation of current written board approved school district policy;

    b. A violation of current written school procedures;

    c. A violation of the current written board approved employee handbook;

    d. A condition or conditions that jeopardize the health or safety of the employee or another; or

    e. Tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training.

    If the panel determines that the information supports a finding of one (1) or more of the above, the panel will make a determination as to the appropriate resolution of the grievance.

9. Within ten (10) working days following completion of the review, the panel will submit a written decision setting forth factual findings and conclusions to the employee, the superintendent or designee, and the board.

10. The panel's decision will be the final and conclusive resolution of the grievance unless the board overturns the panel's decision by resolution at the board's next regularly scheduled public meeting, or either party appeals to the district court within forty-two (42) calendar days of the filing of the board's decision.

11. Upon appeal of a decision of the board, the district court may affirm or set aside and remand the matter to the board of trustees upon the following grounds:

a. The findings of fact are not based on any substantial, competent evidence;

b. The board of trustees has acted without jurisdiction or in excess of its powers; or

c. The findings by the board of trustees as a matter of law do not support the decision.

12. The employee, the person against whom the grievance is filed, and the superintendent or designee are entitled to a representative at each step of the grievance procedure. None of these individuals will be qualified to sit on the advisory grievance panel.

13. The grievance procedure timelines established in this policy may be waived or modified by mutual agreement.

14. Utilization of the grievance procedure established pursuant to this policy will not constitute a waiver of any right of appeal available pursuant to law or regulation.

15. Neither the board nor any member of the administration will take reprisals affecting the employment status of any party in interest. The employee filing a grievance will not take any reprisals regarding the course of the outcome of the grievance nor take any reprisals against any party or witness participating in the grievance.

16. A non-certificated employee of the district will be provided a personnel file consistent with the provisions of Section 33-518, Idaho Code.

17. A non-certificated employee of the district will be required to review and sign any entries made to his or her personnel file. The employee may inspect documents contained in his or her official personnel file at reasonable times and places, in the presence of appropriate district officials.

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LEGAL REFERENCE:
Idaho Code Section
33-506 – *Organization and Government of Board of Trustees*
33-517 – *Non-certificated Personnel*

ADOPTED: May 8, 2000

AMENDED: April 9, 2002

AMENDED: October 22, 2013

AMENDED: December 15, 2017

AMENDED: December 16, 2021