

Western Dakota Technical Institute Policy 4000 – Grievance Policy

Purpose

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems that may arise from time to time.

Definitions

- 1 A "grievance" shall mean a complaint by an employee, or employees, of WDT, that there has been an alleged violation, misinterpretation or inequitable application of any of the terms and conditions of an employee's negotiated agreement or work agreement, except that the term "grievance" shall not apply to any matter as to which (a) the method of review is prescribed by law, (b) the Board of Education is without authority to act, or (c) termination of employment in accordance with the provisions of SDCL 13-39-65.
- 2 An "aggrieved person" is an employee or employees asserting a grievance.
- 3 A "party in interest" is a person who might be required to take action or against whom action might be taken in order to resolve a grievance.
- 4 The term "days" shall refer to calendar days.

Miscellaneous Provisions

- 1 The proceedings under the procedure will be kept as informal and confidential as appropriate at any level of the procedure.
- 2 The District shall not discriminate against any employee, any party in interest, or any other participant in the grievance procedure by reason of such participation.
- 3 Employees shall use the prescribed grievance form. Forms shall be located in the WDT Office of Administration or RCAS Office of Human Resources.
- 4 Employees shall have the opportunity to have representation present at any level in the grievance procedure. Prior to the time of any grievance meeting, the Employee shall advise the WDT as to the name of the employee's representative, if any.
- 5 Upon written request, WDT shall make available to the aggrieved person all pertinent information, not privileged under law, in its possession or control that is relevant to the issues raised in the grievance.
- 6 When it is necessary for an aggrieved person (and representative, if any) to attend a meeting or a hearing called during the school day, such person or persons shall make advance arrangements with their supervisor, and they shall be released without loss of pay for such time as their attendance is required at such meeting or hearing.

- 7 No grievance shall be recognized unless it is presented within ten (10) days after the aggrieved person knew, or should have known, of the act or condition on which the grievance is based. If not so presented, the alleged grievance shall be null and void. In addition, failure by an employee to comply with any time limitation shall constitute a withdrawal of the grievance.
- 8 Resignation or termination of employment with cause shall result in the immediate withdrawal of a grievance.

References: SDCL 13-46, SDCL 3-18

Cabinet Review:	04/02/08
Cabinet Recommendation:	05/12/08
President's Approval:	05/12/08
Board of Education Approval:	08/28/08

Western Dakota Technical Institute Procedure 4000.0001 – Grievance Procedure

It is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered the maximum, and every effort should be made to expedite the process. The time limit specified may, however, be extended by mutual agreement. The original grievance form shall be submitted to the aggrieved person's supervisor with a copy filed to the Assistant Superintendent of Human Resources of the Rapid City Area Schools.

Informal Level: Prior to the expiration of five (5) days, the potential grievance must first be discussed with the employee's immediate supervisor with the objective of resolving the matter informally.

Level One: If the potential grievance is not resolved at the informal level the aggrieved person shall reduce the grievance to writing on the prescribed grievance form. The grievance form shall be submitted within five (5) days after the informal meeting between the aggrieved person and the immediate supervisor. Within ten (10) days after submission of the grievance, the aggrieved person's supervisor shall enter a decision in writing to the aggrieved person.

Level Two: If the aggrieved person is not satisfied with the disposition of the grievance at Level One, the grievant shall, within ten (10) days, file the written grievance with the Vice President. The Vice President, or designee(s), shall represent the administration at Level Two of the grievance procedure. In those cases where the employee reports directly to the Vice President, the written grievance shall be filed at Level Three. The Vice President, or designee(s), shall meet with the aggrieved person and any parties in interest in an effort to resolve the grievance. Such meetings shall take place within ten (10) days after the receipt of the written grievance by the Vice President. Within ten (10) days after said meeting, the Vice President or designee(s) shall enter a decision in writing to the aggrieved person.

Level Three: If the aggrieved person is not satisfied with the disposition of the grievance at Level Two, the grievant shall, within ten (10) days, file the written grievance with the President. The President, or designee(s), shall represent the administration at Level Three of the grievance procedure. The President, or designee(s), shall meet with the aggrieved person and any parties in interest in an effort to resolve the grievance. Such meetings shall take place within ten (10) days after the receipt of the written grievance by the President. Within ten (10) days after said meeting, the President or designee(s) shall enter a decision in writing to the aggrieved person.

Level Four: If the aggrieved person is not satisfied with the disposition of the grievance at Level Three, the grievant may, within thirty (30) calendar days after the receipt of the President's or designee(s) decision, initiate an appeal to the Department of Labor in accordance with the provisions of SDCL 3-18-15.2.

It is specifically and expressly understood and agreed that taking an appeal to the Department of Labor constitutes an election of remedies and a waiver of any and all rights by the appealing party or parties and his or their representative to litigate or otherwise contest the appealed subject matter in any court under SDCL 13-46. Any decision of the Department of Labor may be appealed to the Circuit Court and the State Supreme Court as provided by law.

**RAPID CITY AREA SCHOOLS
GRIEVANCE FORM**

District Code: GBM-E

Name(s) of Grievant(s)

Association Representative

Work Location(s)

Date(s) of Occurrence(s)

Date Filed

Statement of the Grievance:

Provision of Negotiated Agreement Involved:

Requested Remedy:

Has the grievance been processed at the Informal Level Yes____ No____

Date

Signature of Grievant

Level I (_____ received at Level I _____)

date

initials

Administrator's Disposition of: (i.e. denied, agreed, resolution)

Administrator

Date

To be completed by grievant(s):

- () I agree to the proposed settlement.
- () I do not agree to the proposed settlement.
- () Resolution reached.

Grievant(s)

Date

Level II (_____ received at Level II _____)

date

initials

Administrator's Disposition of: (i.e. denied, agreed, resolution)

Administrator

Date

To be completed by grievant(s):

- () I agree to the proposed settlement.
- () I do not agree to the proposed settlement.
- () Resolution reached.

Grievant(s)

Date

Level III (_____ received at Level III _____)

date

initials

Administrator's Disposition of: (i.e. denied, agreed, resolution)

Administrator

Date

To be completed by grievant(s):

- () I agree to the proposed settlement.
- () I do not agree to the proposed settlement.
- () Resolution reached.
- () Case closed.
- () Proceed to the Department of Labor.

Grievant(s)

Date

Case Number (to be assigned by the Personnel Office)