



# Mitchell Technical Institute POLICY

Category	Approval		
Series 700: Personnel	Effective	Administration	Board
	2/22/10	12/4/09	2/22/10
	Revised		For Review
	6/26/17		2021

## EMPLOYEE GRIEVANCE PROCEDURE

MTI 713

The Board will encourage the administration to develop effective means for resolving differences that may arise between employees and administrators, reduce potential areas of legitimate grievances, and establish and maintain recognized channels of communication between the staff, administration, and the Board. The grievance procedure presented in this policy, and stated in SDCL 3-18-1.1, provides for prompt and equitable adjustment of differences at the lowest administrative level possible and to assure each employee the opportunity for an orderly presentation and review of grievances.

### ARTICLE I

#### DEFINITIONS:

1. A "grievance" is a complaint by an employee or group of employees of the District based upon an alleged violation, misinterpretation, or inequitable application of any existing contract, policy, rule, or regulation of the District, as they apply to the conditions of employment. A disagreement over a non-existing contract, policy, rule or regulation is not a "grievance" and is, therefore, not subject to this procedure.
2. An "employee" shall be an individual employee or a group of employees who are similarly affected by a grievance.
3. A "complainant" shall be an individual employee or group of employees making the complaint. In the case of a group of employees, all persons in the group shall be named co-complainants.
4. The "Board" is the Board of Education of Mitchell School District 17-2.
5. A "representative" shall be a fellow employee or legal counsel. All representatives shall be duly authorized in writing prior to their involvement in the procedure.
6. In the grievance policy alone, "days" shall be calendar days, excluding Christmas break.
7. A "supervisor" is the administrator directly responsible for the unit in which the employee is assigned.

### ARTICLE II

#### PURPOSE:

The purpose of this procedure is to secure fair and equitable solutions to problems which may arise between MTI employees and the District. In order to facilitate this purpose, these proceedings will be kept as informal and confidential as may be appropriate at any level.

### ARTICLE III

#### INFORMAL PROCEDURE:

An employee who has a grievance shall, within twenty (20) days of the alleged violation, discuss the matter with the appropriate administrator who is directly responsible for the matter involved in an effort to

resolve the problem informally. If the employee is not satisfied with the disposition of the matter following the informal procedure, he/she shall have the right to submit the grievance under the formal procedures provided.

#### **ARTICLE IV**

##### **FORMAL PROCEDURE:**

- A. Level One (Supervisor)
  - 1. If a complainant is not satisfied with the disposition of his/her problem through the informal procedure, he/she may submit his/her grievance in writing to his/her supervisor, notwithstanding that such supervisor may not have been the person to whom the grievance was submitted under the informal procedure. The grievance must be filed within ten (10) days of the conference specified in the informal procedure in Article III. Copies of the grievance shall be submitted to the president of MTI, district superintendent and board president by the complainant.
  - 2. The supervisor may hold a hearing with the complainant if he/she was not involved in the informal procedure. Such hearing, if held, must be within the time requirement for a response to the grievance at Level One.
  - 3. The supervisor shall render his/her decision in writing within ten (10) days after receipt thereof. Failure to render a decision within the time provided shall constitute a denial of the grievance.
- B. Level Two (President)
  - 1. If the complainant is not satisfied with the disposition of his/her grievance at Level One, he/she may file a written appeal to the president within ten (10) days of the decision or expiration of time at Level One. A copy must be provided to the district superintendent and board president by the complainant.
  - 2. The president, or his/her designee, may conduct a hearing regarding the grievance within ten (10) days after the receipt of the appeal.
  - 3. The president, or designee, shall render his/her written decision within ten (10) days after the hearing. Failure to render a decision within the time provided shall constitute a denial of the grievance.
  - 4. If the president, or his/her designee, denies a hearing within the ten (10) days after the receipt of the appeal, the complainant may continue procedures at Level Three.
- C. Level Three (Superintendent)
  - 1. If the complainant is not satisfied with the disposition of his/her grievance at Level Two, he/she may file a written appeal to the superintendent within ten (10) days of the decision or expiration of time at Level Two. A copy must be provided to the district superintendent and board president by the complainant.
  - 2. The superintendent, or his/her designee, may conduct a hearing regarding the grievance within ten (10) days after the receipt of the appeal.
  - 3. The superintendent, or designee, shall render his/her written decision within ten (10) days after the hearing. Failure to render a decision within the time provided shall constitute a denial of the grievance.
  - 4. If the superintendent, or his/her designee, denies a hearing within the ten (10) days after the receipt of the appeal, the complainant may continue procedures at Level Four.
- D. Level Four (Board of Education)
  - 1. If the complainant is not satisfied with the disposition of his/her grievance at Level Three, the complainant may file a written appeal with the Board. The written appeal of the decision at Level Three must be filed with the president, superintendent, district business manager, and board president within ten (10) days of the delivery of the decision or expiration of time at Level Three.
  - 2. Upon receipt of a written appeal, the Board shall hold a hearing before the full body at its next regular meeting or a special meeting held for the purpose of considering the grievance. That portion of the meeting dealing with the grievance shall be held in executive session.

3. A decision shall be rendered by the Board within forty (40) days after the appeal was filed. Failure to render a decision within the time period shall constitute a denial of the grievance.

E. Level Five (Department of Labor)

If the complainant is not satisfied with the disposition of his/her grievance at Level Four, he/she may file an appeal with the Department of Labor, as provided in statute, within thirty (30) days after delivery of the board's decision or expiration of time at Level Four. The inclusion of this paragraph in this grievance procedure shall not constitute a waiver by either party of its rights to dispute the authority of the Department of Labor to hear the appeal and/or render any particular decision.

**ARTICLE V**

**MISCELLANEOUS:**

1. Employees filing a grievance should include the following information in the written grievance: the contract, ordinance, policy, rule, or regulation under which the alleged violation, misinterpretation, or inequitable application occurred; the nature of the problem; and the desired resolution.
2. The complainant may be represented at any level of the grievance procedure by no more than three representatives. Each representative must be duly authorized in writing, together with his/her address. Thereafter, formal written notice and decisions given such representative(s) shall be deemed notice of the same to the complainant.
3. Notwithstanding the time limitations stated above, extensions of time may be made by stipulations of both parties.
4. A statement of rationale for any position taken shall be required in the statement of any decision and in the appeal therefrom.
5. Due to the nature of an alleged grievance or the number of persons affected thereby, the President may, at his/her sole discretion, accept the submission of a grievance in writing without the same having been submitted at Level One. In such a case, the processing of such a grievance shall begin at Level Two.
6. At all hearings conducted under this procedure, the complainant and the administrative representative may call witnesses and present evidence that is relevant to the matter under consideration. The Board may request that other witnesses be called for questioning by the parties. Both parties shall attempt to schedule all hearings conducted under this procedure during non-student contact time.
7. No reprisal shall be taken against an employee because of a grievance.