

POLICY TITLE:	Classified Employment, Assignment and Grievance Minidoka County Joint School District # 331	POLICY NO: 590.50 PAGE 1 of 3
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It is the Board’s desire that procedures for settling classified staff grievances be an orderly process within which solutions may be pursued. Further, that the procedures provide prompt and equitable resolutions at the lowest possible administrative level. Additionally, it is the Board’s desire that each classified employee be assure an opportunity for orderly presentation and review of grievances without fear of reprisal.

Classified Employment, Assignment, and Grievance

Classified employees are those non-certificated employees who are employed by the District or personnel hired in positions which do not require certification. With the exception of those classified employees specifically hired by the Board as holding a status of not at-will, all classified employees shall be regarded as “at-will” employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any reason, so long as the same does not violate public policy or violate any other provision of law. Such at-will designation will be included in all job descriptions and related written documentation, should the same be implemented by the District. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written documentation shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of the District so long as the employment relationship continues.

Classified employees shall have no expectation of continued employment, unless so expressly specified by the District’s Board. The District reserves the right to change employment conditions affecting the employee’s duties, assignment, supervisor, or grade.

The Board shall determine the salary and wages for classified personnel.

The grievance procedure for classified employees shall be the procedure set forth in Idaho Code. Classified employees may file a written grievance alleging a violation of current, written District approved policy, procedure, or employee handbook, a condition or conditions that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training. However, neither the rate of pay nor the decision to terminate an employee

Grievance Definition

A grievance shall be defined as a written allegation of a violation of current written school policy, current written board approved school district policy, violation of the current written board approved employee handbook, a condition that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee’s essential job function and for which the employee has no specialized training. However, neither the rate of salary or wage of the employee nor the decision to terminate an employee for cause during the initial one hundred eighty (180) days of employment shall be proper subject for consideration under the grievance procedure. For the purpose of this section, “current” means as of the date of the incident giving rise to the grievance.

Grievance Procedure

A classified employee with a complaint is encouraged to first discuss it with their immediate supervisor with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be addresses as described in Policy 375.00 and 375.00P

Level 1 Grievance

If the grievance is not resolved informally, the grievant may file a formal written grievance stating:

1. The alleged date of the violation;
2. The nature of the grievance; and
3. The remedy sought.

If a classified employee files a grievance, the employee shall submit the grievance in writing to the district's human resources administrator within six (6) working days of the incident giving rise to the grievance. The grievant shall state the nature of the grievance and the remedy sought. Within six (6) working days of receipt of the grievance, the district's human resources administrator shall 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 shall be to attempt to find a resolution to the employee grievance.

Level 2 Grievance

If a resolution is not reached during the informal grievance meeting, the individual against whom a grievance is filed shall file a written response to the employee grievance within six (6) working days after the conclusion of the informal grievance meeting.) Thereafter, the employee may appeal the grievance to the superintendent of the district or the superintendent's designee within six (6) working days of the receipt of the written response or within six (6) working days from the date the written response was due if the classified employee received no written response. Within six (6) working days of an appeal, the superintendent or his designee shall provide a written response to the classified employee. If the complaint alleges a violation of Title IX, Title II, or Section 504 of the Rehabilitation Act, or sexual harassment that is found to not fall within the scope of Policy 375.00 and Procedure 375.00P, the person who received the written grievance shall turn the complaint over to the nondiscrimination coordinator who shall investigate the complaint. The District has appointed nondiscrimination coordinators to assist in the handling of discrimination complaints. The coordinator will complete the investigation and file the report with the Superintendent within 30 days after receipt of the written grievance. The coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the coordinator, the recommendation shall be implemented. If the Superintendent rejects the recommendation of the coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within 15 days of receiving the report of the coordinator to the Board for a hearing.

Level 3 Grievance

If the classified employee is not satisfied with the response of the superintendent or the designee, or if there is no response by the superintendent or the designee within the time frame provided in the Level 2 Grievance paragraph, the classified employee may request a review of the grievance by a hearing panel within six (6) working days from receipt of the response provided in the Level 2 Grievance paragraph if the employee received a written response, or six (6) working days from the date the superintendent or designee last had to respond if the classified employee received no written response. Within ten (10) working days of receipt of an appeal, a panel consisting of three (3) persons; one (1) designated by the superintendent, one (1) designated by the employee, and one (1) agreed upon by the two (2) appointed members for the purpose of reviewing the appeal shall be selected and review the appeal. Within ten (10) working days following completion of the review, the panel shall submit its decision in writing to the classified employee, the superintendent, and the board of trustees.

The panel's decision shall be the final and conclusive resolution of the grievance unless the board of trustees overturns the panel's decision by resolution at the board of trustees' next regularly scheduled public meeting or unless, within forty-two (42) calendar days of the filing of the board's decision, either party appeals to the district court in the county where the school district is located. Upon appeal of a decision of the board of trustees, the district court may affirm or set aside and remand the matter to the board of trustees upon the following grounds, and shall not set the same aside on any other grounds:

1. That the findings of fact are not based on any substantial, competent evidence;
2. That the board of trustees has acted without jurisdiction or in excess of its powers;
3. That the findings by the board of trustees as a matter of law do not support the decision.

A classified employee filing a grievance pursuant to this section shall be entitled to a representative of the employee's choice at each step of the grievance procedure provided in this section. The person against whom the grievance is filed, the superintendent or the superintendent's designee shall be 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.

The timelines of the grievance procedure established in this section may be waived or modified by mutual agreement.

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

Neither the board nor any member of the administration shall take reprisals affecting the employment status of any party in interest. The employee filing a grievance shall 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.



LEGAL REFERENCE: Idaho Code 33-517

ADOPTED: March 20, 1989

AMENDED/REVISED: February 19, 1990; May 22, 1996; June 21, 2004; May 18, 2015; December 14, 2020; December 19, 2022