

What is a Grievance?

Grievances are procedures to provide a means for the School Board and its employees to seek solutions to employment problems. The procedures are designed to provide a simple, straightforward, and easily understood method for addressing problems at every administrative level as fairly and as expeditiously as possible.

Background Information

The State Board of Education Grievance Procedure was developed following the Standards of Quality legislation enacted by the 1979 General Assembly. The procedure for adjusting grievances is written in accordance with the statutory mandate of Title 22.1 of the Code of Virginia (1980) as amended, and the Standards of Quality for School Division, Chapter 529 of the Acts of Assembly (1980).

What is grievable?

The definition of a grievance is "...A complaint or dispute by a teacher relating to his or her employment including, but not necessarily limited to:

1. The application or interpretation of personnel policies, rules, regulations, ordinances or statutes.
2. Acts of reprisal as a result of utilization of this grievance procedure.
3. Complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin or sex."

The grievance procedure specifically excludes the following:

1. Establishment and revisions of wages or salaries, position classifications, or general benefits.
2. Suspension of a teacher.
3. Nonrenewal of an annual contract teacher.
4. The establishment or contents of ordinances, statutes, or personnel policies, procedures, rules and regulations.
5. Failure to promote.
6. Discharge, lay-off, or suspension from duties because of decrease in enrollment, decrease in enrollment or a particular subject, abolition of a particular subject or insufficient funding.
7. Hiring, transferring, assignment, and retention of teachers within the school division.
8. Suspension from emergencies.
9. The methods, means, and personnel by which the school division's operations are to be carried on.

Note: While these management rights are reserved to the school board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the school board is grievable.

Who may grieve?

The procedure limits the right to file grievances to non-supervisory personnel such as teachers and other full-time school employees below the management level of principals.

What are the basic steps in processing the grievance?

Step 1 Informal – The teacher and his/her immediate supervisor, which may be the principal, meet informally to discuss the grievance. *The grievance is not reduced to writing. This must occur within 15 work days following the time when the employee knew or reasonably should have known of the occurrence giving cause to the grievance.*

Step 2 Principal or Immediate Supervisor – If the grievance is unresolved at Step 1, the grievant meets with the principal (or designee). The grievance is reduced to writing, specifying the form of relief expected through the use of the grievance process. Either party may present appropriate witnesses and be accompanied by a representative other than an attorney. The principal/designee must respond in writing within 5 days. *This also must occur within the first 15 work days following the event.*

Note: Specific grievance forms are used for each of the following steps.

Step 3 Superintendent – If the grievance is not settled to the teacher's satisfaction, the grievant may appeal the grievance to the division superintendent. The meeting must be held within 5 days of the principal/designee's response. Again, there may be appropriate witnesses and a representative present who is not an attorney. The superintendent responds within 5 days of the grievant's appeal.

Step 4 Fact-finding panel – Within 5 days, if the grievance is not resolved, the grievant may appeal the grievance to a fact-finding panel who must render a written fact-finding report with recommendations to the school board within 60 days.

Step 5 Decision by the School Board – The school board shall render a decision after considering the fact-finding panel's report. The school board may initiate a further hearing on the grievance. The decision of the school board is final.

Note: The teacher may omit Step 4 and proceed to Step 5; however, the school board has the right to refer the grievance to step 4.

What about expenses to the grievant?

If you are a member of FEA, the expenses are borne by the association. Non-members must bear their own expenses. The expenses of the panel hearing, if one is held, will be borne one-half by the school board and one-half by the association. Again, a non-member must bear this expense as well.

What about time limitations?

There are specific time limitations of this procedure. Extreme care and caution must be exercised in order to insure adherence to these timelines is followed.