

Employee Grievances

Pursuant to state law, the School Board shall provide for the orderly resolution of employee grievances related to discipline, termination, and workplace safety. Any employee of the District has the right to access the grievance procedure provided the employee complies with the applicable timelines and provided that the issue presented by the grievance properly concerns a grievable complaint. However, nothing within this policy or within the written rules and procedures implementing this policy shall be construed:

- To prevent an employee and the District from voluntarily resolving, or attempting to resolve, an employee's grievance, complaint, concern or other dispute using informal methods separate from the formal grievance process, such as a mediated resolution or other similar outcome.
- To grant or confer to any employee any substantive rights or employment protections that would not exist in the absence of this policy and its implementing rules, except for those primarily procedural rights inherent and minimally necessary to an employee's ability to access and use the grievance procedure in the manner defined by state law and by the Board.

No employee is required to pursue a formal grievance using the procedures established pursuant to this policy, and supervisors and administrators are expected to fulfill their supervisory role(s) with respect to managing employee complaints and concerns even where an employee is unable to or elects not to pursue a grievance under the formal procedures established by the Board.

No employee or District official shall, or attempt to, restrain, interfere with, coerce, discriminate against or retaliate against any employee who files or processes a grievance in good faith. The same protections apply to any person who otherwise participates in the presentation, processing or resolution of a grievance (e.g., a witness), regardless of whether the allegations presented by the grievance are ultimately sustained. Actions taken in bad faith, such as engaging in abuse of the process, providing false information, or engaging in libel or slander in connection with a grievance, are not protected. Violations of this paragraph may lead to disciplinary action, up to and including termination.

The procedure shall provide for grievances to be handled in a timely manner and shall contain an appeals process in which the highest level of appeal is the Board. The procedure shall also include an opportunity for employees to present their case before an impartial hearing officer.

The Board shall select the hearing officer in accordance with the following guidelines:

1. The hearing officer shall be impartial and have no bias, personal conflict or perceived personal conflict in the case.
2. The hearing officer shall be (1) an attorney who is licensed to practice in the State of Wisconsin; (2) a current or former school administrator who is familiar with procedures for conducting a fair and impartial hearing; or (3) a Wisconsin Employment Relations Commission (WERC) staffer.
3. The hearing officer must be available to hear the case and render a decision in a timely manner.
4. The hearing officer may not be an employee of the District.
5. The hearing officer must agree to comply with all relevant laws covering personnel and student records.

A determined effort shall be made to settle any grievance at the lowest possible level.

LEGAL REFERENCES:

Wisconsin Statutes

- Sections 19.81-19.88 [Open Meetings Law]

School District of Rib Lake

- Section 66.0509(1m) [Civil service protection and grievance procedure]
- Section 111.31 [declaration of fair employment policy]
- Section 111.321 [prohibited basis for discrimination]
- Section 111.322 [discriminatory actions prohibited]
- Section 118.195 [discrimination against handicapped teachers]
- Section 118.20 [teacher/administrator discrimination prohibited]

Federal Laws And Regulations

- Title IX, Education Amendments of 1972 [sex discrimination in employment in educational programs]
- Title VII of the Civil Rights Act of 1964 [employment discrimination based on race, color, religion, sex and national origin]
- Section 504 of the Rehabilitation Act of 1973 [employment discrimination based on handicap; reasonable accommodations]
- Age Discrimination Act of 1967 [age discrimination in employment]
- Pregnancy Discrimination Act [pregnancy discrimination in employment]
- Americans with Disabilities Act of 1990 [disability discrimination in employment; reasonable accommodations]
- Genetic Information Nondiscrimination Act of 2008 [employment discrimination based on genetic information]
- Uniformed Services Employment and Reemployment Rights Act (USERRA) [employment discrimination on the basis of military service]
- Immigration and Nationality Act (Title II, Chapter 8, Act 274B) [employment discrimination based on national origin and citizenship status]

CROSS REFERENCES:

Employee Handbook: Staff Grievance Procedure
Form: Employee Grievance Form

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