

# **Overview of the Procedures for Adjusting Grievances**

**School Board of the City of Richmond  
October 3, 2011**

**Harrell & Chambliss LLP**

---

---

---

---

---

---

---

---

## **Background and Purpose**

- Procedure for Adjusting Grievances
  - 8 VAC 20-90-10 et seq.
  - Adopted by the Virginia Board of Education
  - Most recent effective date – May 2, 2005
- Procedures provide an orderly process to resolve disputes regarding:
  - Application of School Board policies, rules and regulations (Part II); and
  - Disciplinary actions including dismissal or probation (Part III)

---

---

---

---

---

---

---

---

## **Grievance Procedures**

- Part I – Definitions
- Part II – Grievance Procedure
- Part III – Procedure for Dismissals or Placing on Probation and Time Limitations
- Appendix - Forms

---

---

---

---

---

---

---

---

## **Part I - Definitions**

---

---

---

---

---

---

---

## **Part I – Definitions**

- What is a grievance?
  - Part II - A complaint or dispute relating the application or interpretation of personnel policies, rules, regulations, ordinances, statutes, and acts of reprisal as a result of discrimination.
  - Part III – A complaint or dispute related to the dismissal or placing on probation of an employee.

---

---

---

---

---

---

---

## **Part I – Definitions**

- A grievance is NOT a complaint or dispute about:
  - Wages/Salaries
  - Position Classifications
  - Benefits
  - Suspension
  - Nonrenewal of a teacher
  - Establishment/Content of ordinances, statutes or personnel policies, procedures, rules and regulations
  - Failure to promote
  - Discharge, layoff or suspension due to RIF
  - Hiring, transfer, assignment and retention
  - Suspension from duties in emergencies
  - Methods, means or personnel by which the division operates

---

---

---

---

---

---

---

## Part II – Grievance Procedure

---

---

---

---

---

---

---

## Part II – Grievance Procedure

- A grievance must be initiated within 15 business days after the event or after the employee knew or reasonably should have known about event.
- Decisions regarding grievability shall be made by School Board at request of superintendent or grievant.
  - Written or Oral arguments by parties
  - Decision shall be made within 10 business days
  - Failure to meet timeline allows grievant to advance
  - Decision can be appealed to circuit court

---

---

---

---

---

---

---

## Part II – Grievance Procedure

### Steps

- Step 1 • Informal
- Step 2 • Principal
- Step 3 • Superintendent
- Step 4 • Fact-finding Panel
- Step 5 • School Board

---

---

---

---

---

---

---

### Step 1 - Informal

- Informal conference between teacher and immediate supervisor.
- Teacher shall state nature of grievance.
- Immediate supervisor shall attempt to resolve grievance.
- Step 1 is MANDATORY.

---

---

---

---

---

---

---

### Step 2 - Principal

- Grievance must be "perfected" within 15 business days following event or from when employee knew or should have known.
- Timeline must be followed or grievance is barred.
- Meeting between principal/designee and teacher within 5 business days of receipt of grievance.
- Principal shall respond within 5 business days after meeting.

---

---

---

---

---

---

---

### Step 3 – Superintendent

- Written notice of appeal may be filed with superintendent within 5 business days of receipt of Step 2 answer.
- Meeting between teacher and superintendent/designee within 5 business days.
- Superintendent/designee shall respond within 5 business days of meeting.
- If not resolved, teacher can proceed with Step 4 or Step 5.

---

---

---

---

---

---

---

### Step 4 – Fact-finding Panel

- Either party may elect to have fact-finding hearing.
- Filing Timeline
  - Teacher – 5 business days after receipt of Step 3 answer
  - School Board – 15 days after Step 3 answer
- Panel
  - Each party selects a panel member within 5 days
  - Two panel members select impartial third member within 5 days

---

---

---

---

---

---

---

### Step 4 – Fact-finding Panel

- Fact-finding Panel Hearing
  - Hearing must be held within 30 business days from the selection of the final panel member.
  - Either party may be represented by legal counsel or other representative.
  - Shall be private at request of teacher.
  - Panel shall file written report of findings and recommendations with School Board, superintendent and teacher within 30 business days of hearing.

---

---

---

---

---

---

---

### Step 4 – Fact-finding Panel

- Fact-finding Panel Hearing
  - A stenographic record or tape recording may be taken.
  - Each party shall bear his own expenses.
  - The expenses of the panel shall be split.
  - Witnesses who are employees of School Board shall be given leave.
  - School Board has right to a further hearing.

---

---

---


---

---

---

---

### Step 5 – School Board

- 
- If teacher opts to go from Step 3 to Step 5 directly:
    - Teacher must file written appeal to superintendent within 5 business days of Step 3 answer.
    - School Board may elect to have a fact-finding hearing by filing written notice of intent with teacher within 10 business days of teacher's deadline.
    - School Board must issue written decision within 30 days of receipt of transcript of hearing and panel findings and recommendation.

---

---

---


---

---

---

---

### Step 5 – School Board

- 
- School Board has right to conduct a further hearing before the School Board after Step 4.
    - School Board shall send written notice of intention to teacher and superintendent within 10 days of receipt of fact-finding decision.
    - School Board shall consider the fact-finding hearing transcript and panel's findings and recommendation.
    - School Board can consider taking additional testimony.

---

---

---


---

---

---

---

### Step 5 – School Board

- 
- School Board Hearing
    - Must be set within 30 days of initiation.
    - Teacher must have 15 days written notice of date, place and time.
    - Parties may be represented by legal counsel or other representatives.
    - Hearing shall be private unless otherwise requested by teacher.
    - School Board establishes rules of hearing.

---

---

---

---

---

---

---

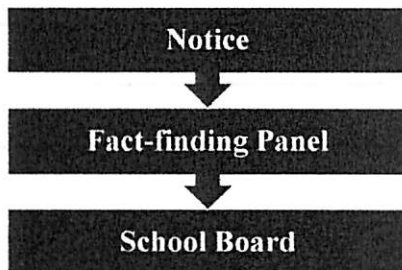
### Step 5 – School Board

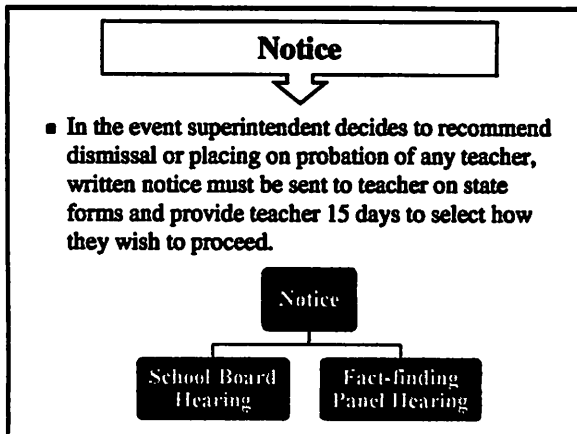
- School Board Hearing

- Stenographic record or tape recording may be made
- Written decision must be issued within 30 days after hearing
- Decision must include rationale if different from fact-finding panel decision
- School Board retains final authority

### Part III – Procedure for Dismissals or Placing on Probation

### Part III - Procedure





---

---

---

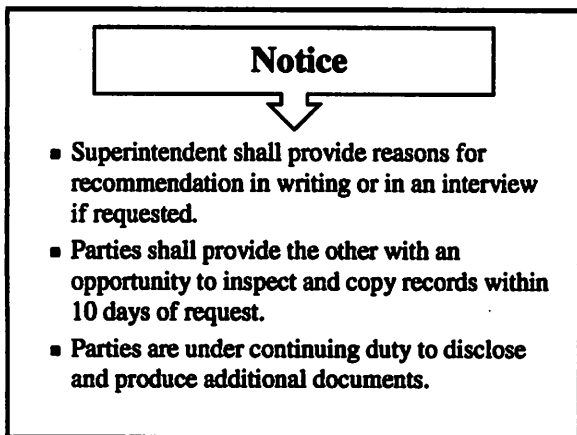
---

---

---

---

---



---

---

---

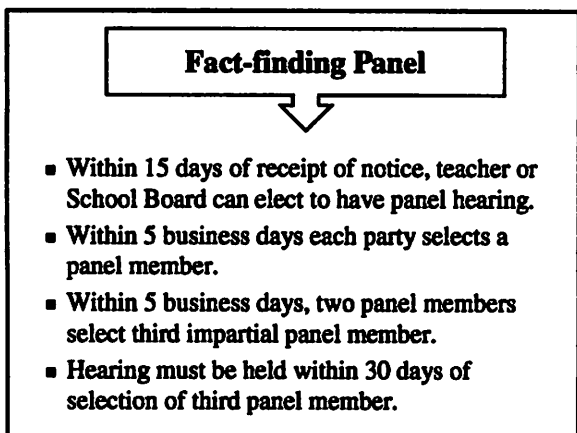
---

---

---

---

---



---

---

---

---

---

---

---

---



### **Fact-finding Panel**

- A stenographic record or tape recording **MUST** be taken.
- Each party bears his own expenses.
- The expenses of panel shall be split.
- Right to further hearing:
  - If School Board opts for hearing, teacher shall have right to further hearing by School Board.
  - School Board shall have right to further hearing.

---

---

---

---

---

---

---

### **School Board**

- Within 15 days of receipt of notice, teacher may request hearing before School Board.
- As permitted, parties may request hearing before School Board after fact-finding hearing within 10 business days of panel decision.
- Hearing shall be conducted within 30 days of request.
- Teacher shall be given 15 days written notice of date, place and time of hearing.

---

---

---

---

---

---

---

### **School Board**

- School Board shall establish rules of hearing.
- School Board may hear recommendation for dismissal and make determination regarding teacher licensure.
- School Board must issue written decision within 30 days after hearing.
- Decision shall be based on transcript, panel decision and relevant evidence as applicable.

---

---

---

---

---

---

---

### **School Board Determination**

- If a fact-finding hearing is held but no further School Board hearing, School Board has 30 days to issue written decision on disciplinary recommendation.
- School Board may dismiss, suspend or place on probation by majority vote.
- If School Board decision differs from fact-finding panel, the School Board is required to conduct an additional hearing.

---

---

---

---

---

---

---

### **QUESTIONS**

---

---

---

---

---

---

---

### **Proposed Procedure for Adjusting Grievances for Support Staff**

---

---

---

---

---

---

---

## Purpose and Eligibility

- Procedures provide an orderly process to resolve disputes for support staff regarding:
  - Application of School Board policies, rules and regulations (Part II); and
  - Disciplinary actions including dismissal or probation (Part III)
- Eligibility
  - All full-time support staff that have completed probationary period.

---

---

---

---

---

---

---

## Part I – General Provisions

- Determination of Grievability
- Procedural Requirements
- Separability
- Definitions
  - The term “grievance” has the same definition as in the Procedure for Adjusting Grievances.

---

---

---

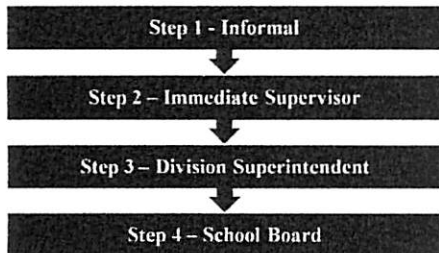
---

---

---

---

## Part II – Procedure for Disputes Other than Dismissal or Probation



---

---

---

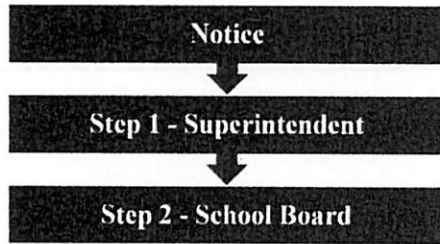
---

---

---

---

**Part III – Procedures for  
Dismissal or Probation**



---

---

---

---

---

---

---

**QUESTIONS**

---

---

---

---

---

---

---