

EMPLOYEE GRIEVANCE PROCEDURE

Any employee may register a grievance when he/she believes he/she has been improperly treated by the misinterpretation or violation of the Birmingham City Schools policies, laws, or administrative regulations or procedures, or alleged, unfair, discriminatory, unreasonable or abusive treatment. Employee evaluation shall not be the subject of the grievance procedure described herein. In their effort to secure consideration, adjustment, or settlement of grievances, employees shall be free of interference, restraint, coercion or reprisals. It is desirable that problems be resolved at the earliest possible time and at the most immediate level of supervision. If any employee believes he/she may have a grievance, he/she shall advise his/her immediate supervisor of his/her concern and request explanation or relief. For teachers and all other local school personnel, the principal shall be the person to whom they report. The principal or supervisor will hear the concern and offer a response. If the employee is not satisfied, he/she may initiate a formal response. If the employee is not satisfied, he/she may initiate a formal grievance according to the following procedures:

Step 1

The grievance must be submitted in writing to the principal or immediate supervisor within (15) working days of when the problem occurred or should have been known. The grievance shall cite the reasons and nature of the complaint and be signed by the employee on the board approved grievance form. The supervisor will afford the employee a conference if one is requested or may call a meeting on his/her own initiative. If the grievance is not within his/her authority to resolve, he/she shall advise the employee to appeal to the next supervisory level. The employee may be accompanied by one advisor of his/her choosing. Within (15) working days of the receipt of the grievance, the supervisor will provide the grievant a reply in writing.

Step 2

If not resolved to his/her satisfaction, the grievant may, within (5) working days of receipt of the supervisor's reply, forward his/her grievance and the supervisor's reply to the next appropriate supervisory level. The supervisor or his/her designee will afford the grievant a conference if he/she requests it or schedule one on his/her own initiative. The issues presented at this level shall be limited to those set forth in the initial grievance form. The grievant may be accompanied by one advisor of his/her choosing. Within (15) working days of the receipt of the grievance, the supervisor will provide the grievant a reply in writing.

Step 3

If not resolved to his/her satisfaction, the employee may, within (5) working days forward his/her grievance with his/her immediate supervisor's and second level supervisor's replies to the Superintendent. To advise the Superintendent, a Grievance Committee of three persons will be established. The grievant will designate one person to be on the committee, and all expenses borne by the participation of this person will be borne by the grievant.

The Superintendent will designate one person and any expense incurred will be borne by the School System. A third person for the committee shall be jointly selected by the grievant and the Superintendent. Any expenses incurred shall be equally shared. Within (5) working days of the Superintendent's receipt of the Level 3 grievance request, he or his designee will contact the grievant to schedule a meeting to jointly select a 3rd party neutral and name both parties' designees. The Committee shall schedule a conference within (15) working days of appointment at a mutually agreeable time. The Committee shall render its decision and transmit its recommendation along with a record of its findings to the Superintendent within (15) working days of the hearing. The Superintendent will render his/her decision and transmit it in writing within (5) working days of his receipt of the Committee's recommendation.

Step 4

If the grievance is not resolved to his/her satisfaction, the employee may request a review by the Board of Education within (5) working days of receipt of the Superintendent's decision. Upon receipt of the employee's request, the Board shall review the employee's written submission, all supporting documentation, information from the lower level decisions, and any other relevant information. It shall be at the Board's discretion as to whether or not a conference will be granted, or if the matter will be reviewed solely upon the written submissions. In any event, the Board shall review the matter within (15) working days of receipt of all relevant information, or within (15) working days of a conference if one is held. If a conference is held, the grievant may be accompanied by one advisor of his/her choosing. The Board's review is limited to the issues set forth in the initial grievance form. After reviewing the grievance, the Board will issue its decision within (5) working days of the review, or conference if one is held. The decision will be transmitted to the employee in writing. The decision of the Board is final.

Although the above procedure prescribes time limits, every effort will be made to resolve grievances in less time insofar as possible. The failure of the employee to appeal any decision to the next step within the time set forth for such appeal shall be considered an abandonment of his/her grievance unless modification of the time limits are approved by the Superintendent.

The above procedures in no way replace appeal procedures available to employees as specified by law.

BIRMINGHAM CITY SCHOOLS

APPROVED: 3/25/75
REVISED: 4/21/81
REVISED: 9/22/87
REVISED: 4/13/04
REVISED: 2/14/12

PERSONNEL

BIRMINGHAM CITY SCHOOLS
GRIEVANCE REPORT FORM

Name of Grievant _____

Worksite _____

Home Phone _____ Work Phone _____

Date Filed _____

Statement of Grievance

Relief Sought

Request Meeting Yes _____ No _____

Grievant's
Signature _____ Date _____

Received By _____ Date _____

Meeting Date _____

LEVEL I
LEVEL I REPOSE

Supervisor's Signature _____ Date _____
Grievant's Signature _____ Date _____

Response Accepted (Issue Resolved)_____

Rejected (Appeal to Level 2_____)

Request Meeting Yes _____ No _____

Level II

Meeting Date _____

LEVEL II

LEVEL II RESPONSE

[illegible]

Second Level Supervisor Signature _____
Date _____

Response

Accepted (Issue Resolved)_____

Rejected (Appeal to Level III) _____

Grievant's Signature _____ Date _____

Level III

Panel Selection Date _____

Panel Hearing Date _____

LEVEL III

PANEL RECOMMENDATION

[illegible]

Signature/Superintendent

Designee _____ Date _____

Signature/Grievant Representative _____ Date _____

Signature/3rd Party Neutral _____ Date _____

Superintendent

Accept Recommendation _____

Reject Recommendation _____

Date _____

Response

Accept (Issue Resolved) _____

Reject (Appeal to School Board) _____

APPEAL TO SCHOOL BOARD

Date Submitted _____

Hearing Date _____

SCHOOL BOARD DECISION

Signature/President of School Board or

Designee _____

Date _____

*Decision of the Board is final.