

## STAFF COMPLAINTS AND GRIEVANCES (Grievance Procedure)

### A. Definitions:

1. An "employee" shall mean an employee of East Dakota Educational Cooperative.
2. A "reviewable issue" shall mean a claim by an employee that a dispute or disagreement of any kind exists involving interpretation or application of a policy of the East Dakota Educational Cooperative Board of Directors (the "Board") or a rule or practice of the administration or that an employee has been treated inequitably or that there exists a condition which jeopardizes employee health or safety. The term "reviewable issue" shall not apply to any matter for which the method of review is prescribed by law and shall not apply to any subject over which the Board has no authority to act.
3. The term "days" when used in this procedure shall mean weekdays (Monday through Friday, excluding holidays).

### B. Purpose:

As problems arise, good morale is maintained by sincere efforts of all persons concerned to work toward constructive solutions in an atmosphere of good will, mutual respect, and candor. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may from time to time arise. These proceedings will be kept as informal and confidential as shall be appropriate at any level of the procedure.

### C. Procedure:

#### 1. Level I

- a. An employee with a reviewable issue will first discuss it with the employee's immediate supervisor with the objective of resolving the matter informally.
- b. If the employee is not satisfied with the disposition of his/her claim, he/she may file a written request with the immediate supervisor, with a copy to the Human Resources Director, within five days after the informal discussion. The written request for review shall state the particular policy, practice, rule, or unsafe conditions which form the basis of the request for review. The immediate supervisor shall hold a hearing with the parties in interest, including the Human Resources Director, within five days after receipt of the written request for review and shall provide a written answer to the issue within five days after the hearing. The answer shall include the reason(s) upon which the decision was based.
- c. If the employee is not satisfied with the disposition of the complaint the employee may within five days of receipt of the written decision submit a written request that the matter be reviewed by the next supervisor in the chain of command. (This step in the process is skipped if the Director is the supervisor next in the chain of command). The supervisor next in the chain of command shall review the material concerning the dispute and may arrange for a hearing with the employee and/or the appropriate supervisor to obtain additional information or for investigation as required. Upon completion of the investigation, or hearing, the supervisor shall have ten days to provide a written decision. The decision shall state the reason(s) upon which it is based.

#### 2. Level II

If the employee is not satisfied with the disposition of his/her complaint at Level I, he/she may within ten days of receipt of the written decision request that the matter be reviewed by the Director or, at the discretion of the Director, his/her official designee. The Director, or designee, shall review this material concerning the dispute and may arrange for a hearing with the employee and/or the appropriate supervisor to obtain additional information or for investigation as required. Upon completion of the investigation, or hearing, the Director or designee shall have ten days to provide a written decision. The decision shall state the reason(s) upon which it is based.

### 3. Level III

If the employee is not satisfied with the disposition of his/her claim at Level II, he/she may within ten days of receipt of the written decision file a written request for review by the Board. Such request must be made through the Human Resources Director at least ten days prior to the regularly scheduled Board meeting at which the reviewable issue is to be considered. The Board shall have the sole authority to determine whether further review is required and shall take one of the following actions at the next regular meeting of the Board following receipt of the employee's request for review: (1) Affirm or overrule the decision of the Director or designee, upon the information gathered during the previous proceedings. (2) Submit the matter for further hearing before the Director or another officer designated by the Board with the request for specific findings, conclusions, and recommendations within 45 days. Such findings, conclusions, and recommendations will be advisory only to the Board. (3) Schedule a hearing before the Board at a time to be determined by the Board. Following such a hearing, the Board shall enter its findings, conclusions, and decisions within 45 days.

#### D. General Provisions:

1. At all hearings provided for in this regulation, the employee shall have the right to question any witnesses presenting material relative to the matter at issue and shall have the right to present such witnesses as the employee may deem necessary to develop the facts pertinent to the matter. All documentary materials pertinent to the issue shall be made available to the employee. The employee may be accompanied at any of the hearings or fact-finding investigations by any advisor the employee deems to be appropriate or necessary.
2. No issue shall be recognized by the administration or Board unless it shall have been raised at the first level within 60 days after knowledge of the facts which form the basis for the complaint; failure to do this will cause the right to appeal to be forfeited.
3. All the timelines specified above may be extended in writing by mutual agreement of the parties.

Policy Adopted: February 15, 1988  
Revised: October 22, 1992  
Revised: June 16, 2010