PROCEDURE FOR ADJUSTING GRIEVANCES FOR CLASSIFIED STAFF IN ACCORDANCE WITH 22.1-79(6)

PREAMBLE

The Albemarle County- School Board ("School Board" or "Board") adopts the following Procedure for Adjusting Grievances to provide, in accordance with the statutory mandate of 22.1-79(6) of the Code of Virginia, an orderly procedure for resolving disputes arising between the School Board and covered employees regarding dismissal, suspension, or other disciplinary actions, for employees who have completed a probationary period of employment.

PART I – GENERAL TERMS APPLICABLE TO ALL GRIEVANCES

1.1 DEFINITIONS

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Business day" means~~, in accordance with Virginia Code § 22.1-312,~~ any day that the School Board office is open.

"Covered employee" or "employee" means all regularly employed full-time classified employees of the school division who have successfully completed their probationary period. The following individuals are not considered "covered employees" under this grievance procedure and shall not be entitled to grieve under this policy:

(a) all licensed employees covered under Virginia Code Sections 22.1-293 and 22.1-306 and Policy GBM, Licensed Teaching Staff Grievances;
(b) ~~supervisory employees, as defined below;~~
~~(c)~~ probationary employees; and
(c) ~~d)~~ non-regular employees, such as temporary (whether part-time or full-time), limited term, or seasonal employees and substitutes.

Supervisory employees, as defined below, are only eligible to utilize these grievance procedures in the cases of (a) dismissal; (b) suspension; and (c) disciplinary action.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

"Department Head" means the highest-level supervisor of a department or a school which may be a principal or director.

"Dismissal" means the dismissal of any covered employee after completion of the probationary period. Dismissal may be with or without cause.

"Grievance" means:

a. For the purpose of Part II: a complaint or dispute by a covered employee relating to ~~his or her~~ their employment, including but not necessarily limited to (i) disciplinary actions other than dismissal; (ii) the application or interpretation of (a) personnel policies, (b) procedures, (c) rules~~,~~ and regulations, (d) ordinances, (e) and statutes; (iii) acts of reprisal against a covered employee for filing or processing a grievance, participating as a witness in any step, meeting, or hearing relating to a grievance, or serving as a hearing officer~~.~~; and (iv) complaints of discrimination on the basis of one or more protected classes as outlined in ~~as outlined in~~ Albemarle County School Board Policies GB, *Equal Employment Opportunity* and JB, *Equal Educational Opportunities*. Employee evaluations are not "disciplinary actions."

b. For the purpose of Part III: a complaint or dispute involving a covered employee relating to ~~his or her~~ their employment involving dismissal.

c. Exclusions. For both Part II and Part III, the term "grievance" shall not include: a complaint or dispute by an employee relating to (i) the establishment and revision of wages or salaries, position classifications, or general benefits; (ii) demotion based on skill, performance or change of duties; (iii) individual employee evaluations or action plans for assistance/remediation; (iv) non-disciplinary~~—~~ suspensions; (v) non-continuation or termination of employment during, or non-continuation of employment at the end of the probationary period; (vi) the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; (vii) failure to promote; (viii) ~~or~~ discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment in a particular subject, abolition of a particular subject/service/program, or insufficient funding; (ix) hiring, transfer, assignment, and retention of employees within the school division; (x) suspension from duties in emergencies; (xi) ~~or~~ the methods, means, and personnel by which the school division's operations are to be carried on; or (xii) coaching or extracurricular activity sponsorship.

~~All management rights available by law are reserved to the School Board.~~While these management rights are reserved to the School Board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the School Board is grievable.

"Hearing officer" means an impartial hearing officer from outside the school division who possesses some knowledge and expertise in public education and education law and who is

capable of presiding over an administrative hearing.

"Personnel file" means any and all memoranda, entries, or other documents included in the covered employee's file as maintained in the Department of Human Resources or in any file on the employee maintained within a school/department in which the employee serves.

"Probationary period" means a six-month period of continuous employment in the same position. In case of any separation from employment with the school division, a new probationary period must be completed if rehired.

"Shall file," "shall respond in writing," or "to be presented" means the document is either delivered personally to the grievant or office of the proper Superintendent or School Board representative/designee or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure. Such notice may be mailed to the last address provided by the grievant to the Board. It is the duty of the grievant to notify the Board in writing of any change of address. Electronic mail submissions may also be permissible with the expectation that the receiving party confirms receipt with the sending party. Employees shall state their preferred communication method upon initiation of the grievance.

"Superintendent" means the Superintendent of the school division or may be the designee so assigned to oversee such procedure.

"Supervisory employee" means any person having authority in the interest of the Board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in clause (i), (ii), or (iii) ~~above~~of this definition; provided that the authority to act as set forth in clause (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

"Written grievance appeal" means a written or typed statement describing the event or action complained of, the date of the event or action complained of, and a concise description of those policies, procedures, regulations, ordinances, or statutes upon which the covered employee bases ~~his or her~~their claim. The grievant shall specify ~~what he or she expects to obtain~~ the specific relief sought through use of the grievance procedure. A statement shall be written upon forms prescribed by the Board. While signed and dated designated forms, which may be electronic, must be used at each step of the process, this does not preclude any party from attaching additional typed responses.

1.2 GRIEVABILITY

A. ~~A.~~ Initial Determination of Grievability. Decisions regarding whether a matter is grievable shall be made by the School Board at the request of the Superintendent or grievant. ~~The grievance must be reduced to writing before a grievability determination by the School Board may be requested.~~ Such determination of grievability shall be made

subsequent to the reduction of the grievance to writing and prior to any hearing, or the right to such determination shall be deemed to have been waived. Failure of the School Board to make such a determination within such a prescribed 10-business day period shall entitle the grievant to advance to the next step as if the matter were grievable. The School Board shall make a written determination regarding grievability based on the grievance record and the written arguments, if any, submitted by the parties. If either the grievant or the Superintendent requests a determination on grievability, the other party shall be provided a copy of the written argument and given the opportunity to respond.

~~A. The School Board shall reach its decision only after allowing the Superintendent and the grievant the opportunity to present written arguments regarding grievability. If either the grievant or the Superintendent requests a determination on grievability, the other party shall be provided a copy of the written argument and given the opportunity to respond.~~

1. Requests for determination may only be initiated once the grievant has submitted the statement of the grievance to the department head/designee. A request to the School Board may be initiated by the grievant, department head/designee, or the Superintendent/designee. (Use Grievance Form GBMA-F1-D.) It may be filed at any of the following times:

   a. By the department head/designee within five (5) business days of receipt of the statement of the grievance~~, or~~;

   b. By the department head/designee within five (5) business days of the ~~meeting in Section 2.2.B~~Step 2 meeting;~~, or~~

   c. By the grievant within five (5) business days of receipt of the department head/designee's response~~, or~~;

   d. By the Superintendent within five (5) business days of receipt of the written appeal by the grievant~~, or~~;

   e. By the Superintendent within five (5) business days of the Step 3 meeting between the Superintendent and the grievant~~;~~ or

   f. By the grievant within five (5) business days of receipt of the Superintendent's response.

   Responses are due within five (5) business days of request. The Superintendent shall submit the request for determination of grievability with all arguments to the School Board within five (5) business days of receiving the argument from the grievant.

~~2.~~ Decisions shall be made by the School Board within ~~ten (~~10~~)~~ business days of such

request from the Superintendent. (Use Grievance Form GBMA-F1-A.) ~~Such determination of grievability shall be made subsequent to the reduction of the grievance to writing and prior to any Board hearing, or the right to such determination shall be deemed to have been waived. Failure of the School Board to make such a determination within such a prescribed ten (10) business day period shall entitle the grievant to advance to the next step as if the matter were grievable. The School Board shall make a written determination regarding grievability based on the grievance record and the written arguments, if any, submitted by the parties.~~

~~3.~~

2.

3. If the grievance is allowed to be heard, the process shall continue with the next established step in the process within five (5) business days of receipt of the decision from the School Board.

~~4.~~

~~B.~~ Appeal of Determination on Grievability.

~~1.~~ ~~Grievability~~ decisions of the School Board may be appealed to the Albemarle County Circuit Court for a hearing on the issue of grievability.

a. Proceedings for a review of the decision of the School Board shall be instituted by filing a notice of appeal with the School Board within ~~ten (~~10~~)~~ business days after receipt of the decision and giving a copy of the notice to all other parties. (Use Grievance Form GBMA-F1-A.)

b. ~~Within~~ ~~ten (~~10~~)~~ business days thereafter, the School Board shall transmit to the Albemarle County Clerk of the Court a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the School Board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court may, on motion of the grievant, issue a writ of certiorari requiring the School Board to transmit the records on or before a certain date.

c. ~~Within~~ ~~ten (~~10~~)~~ business days of receipt by the Clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the School Board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court may, in its discretion, receive such other evidence as the ends of justice require.

d. The court may affirm the decision of the School Board or may reverse or modify the decision. The decision of the court shall be rendered not later than ~~fifteen (~~15~~)~~ calendar days from the date of the conclusion of the court's hearing.

2. Upon receipt of the court's decision, the Superintendent shall notify the grievant within five (5) business days. (Use Grievance Form GBMA-F1-AD.) Following the circuit court's decision allowing the grievance to proceed, the process must continue with the

next step within five (5) business days of receipt of notice. If the Albemarle County Circuit Court determines that the matter is not grievable, the matter shall be dismissed and concluded.

1.3 TIME LIMITATIONS

The right of any party to proceed at any step of Part II or Part III of this grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

A. The failure of the covered employee to comply with all substantial procedural requirements, including initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate the employee's right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the School Board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at ~~his or her~~their option, to advance to the next step in the procedure or, at the final step, to a decision in ~~his or her~~ their favor.

The determination as to whether the substantial procedural requirements of Parts II or III of the Procedure for Adjusting Grievances have been complied with shall be made by the School Board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the School Board shall have the option of allowing the grievant to proceed to the next step. In order to request a just cause determination, the grievant must present a written request specifying the alleged just cause to the Superintendent/designee. The Superintendent/designee shall forward the request to the School Board for a decision at its next regularly scheduled meeting. The grievance procedure shall not proceed to the next step unless a decision by the School Board has been received in favor of allowing the grievance to proceed. The fact that the grievance is allowed to proceed in such a case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further meeting(s) involving the grievance.

C. Exceptions to the time periods stated that may be extended by mutual written agreement by both parties.

1.4 SEPARABILITY

If any portion of this Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected

thereby.

In the event of any conflict or inconsistency between the provisions of this policy (or its accompanying regulations) and the Code of Virginia, federal or state law, or regulations of the State Board of Education, the applicable statute or regulation shall govern and prevail.

PART II - GRIEVANCE PROCEDURE
(All Grievable Matters Other than Dismissal)

2.1 PURPOSE

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning all grievable matters, as defined in Part I, other than dismissal. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any covered employee to discuss any matter of concern with any member of the school administration, nor should the procedure be construed to restrict any covered employee's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a School Board's exclusive final authority over the management and operation of the school division, nor confer any property right whatsoever. While signed and dated designated forms must be used at each step of the process, this does not preclude any party from attaching typed responses.

2.2 GRIEVANCE PROCEDURE

Recognizing that grievances should begin and end promptly, after meeting informally with the supervisor, a grievance must be ~~initiated~~ formalized within ~~fifteen (~~15~~)~~ business days following either the event giving rise to the grievance, or within ~~fifteen (~~15~~)~~ business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

A. Step 1 – Informal Conference

1. At the initiation of the employee, the first step shall be an informal conference which should occur immediately, generally within five (5) business days of the event giving rise to the grievance between the covered employee and ~~his/her~~ their immediate supervisor (which may be the department head). The employee may have a representative present who is not an attorney. The employee shall state that ~~he/she is~~they are initiating the grievance process and the nature of the grievance; the relief/outcome requested shall be discussed at the conference. The immediate supervisor shall attempt to adjust the grievance from this conference., ~~held within five (5) business days upon initiation of the grievance. Representatives on behalf of either party shall not be present at this conference.~~ If not decided at the informal conference, the supervisor must render a decision to the employee within five (5) business days of the informal conference.

2. It is mandatory that the employee present the grievance informally prior to proceeding to Step 2.

B. Step 2 – Department Head/Designee

1. Filing. If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the covered employee, the employee must file a written grievance appeal

with the department head/designee within five (5)15 business days of notification of the decision by the supervisor,following the event giving rise to the grievance or when the employee should have known of its occurrence, specifying on the form the specific relief expected (Use Grievance Form GBMA-F1). Regardless of at the outcome of Step 1, if the written grievance is not, without just cause, filed within the specified time, the grievance will be barred. Upon receipt of the formalization of the grievance, the principal/designee must contact the Department of Human Resources to determine the eligibility for grievability. If the employee is eligible or more information is needed to determine eligibility, the process shall continue as follows.

2. Additional Information. The department head/designee may file a written request to the employee within five (5) calendar days from the receipt of the written grievance for more specific information regarding the grievance. (Use Grievance Form GBMA-F2-I). The employee shall file an answer thereto within ten (10) business days, and the meeting must then be held within five (5) business days upon receipt of the information as stated in the next step. giving notice of the meeting within two (2) business days. (Use Grievance Form GBMA-F2-M.)

3. Meeting. The meeting shall be held between the department head (and/or designee) and the covered employee (and/or designee) at a time and place set by the department head/designee within five (5) business days of the receipt by the department head/designee of the written grievance or receipt of the additional information if so requested. Notice of the meeting shall be given within three two (23) business days of receipt. (Use Grievance Form GBMA-F2-M.) At such meeting the employee and/or other party involved shall be entitled to present appropriate witnesses and to be accompanied by a representative other than an attorney.

4. Decision. The department head/designee shall respond in writing within five (5) business days following such meeting. (Use Grievance Form GBMA-F2.)

C. Step 3 – Superintendent/Designee

1. Filing. If the grievance is not settled to the covered employee's satisfaction in Step 2, the employee can proceed to Step 3 by filing a written notice of appeal with the Superintendent/ or his/her designee, accompanied by the original grievance appeal form(s) (GBMA-F1 and GBMA-F-2) within five (5) business days after receipt of the Step 2 answer. (Use Grievance Form GBMA-F2.)

2. Additional Information. Upon receipt of the written grievance documents, the Superintendent/designee may file a written request for more specific information from the grievant within five (5) calendar days, but only if such information was not requested in Step 2. (Use Grievance Form GBMA-F3-I.) The grievant shall respond in writing within ten (10) business days, and the meeting shall be held within five (5) business days of the date on which the response was received, giving notice of the meeting within two (2) business days. (Use Grievance Form GBMA-F3-M.)

3. Meeting. If additional information was requested in Step 2 or is not requested by the Superintendent/designee, the meeting shall then be held between the Superintendent (and/or designee) and the employee (and/or designee) within five (5) business days giving notice within three two (32) business days of receipt to hear the grievance. (Use Grievance Form GBMA-F2F3-M.) At such meeting hearing both the Superintendent/designee and the employee shall be entitled to present appropriate witnesses and be accompanied by a representative who may be an attorney. The Superintendent shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the Superintendent without violating the provisions of Section 54.1-3904 of the Code of Virginia. At the discretion of the Superintendent/designee, the hearing may be reopened for good cause shown, at any time to hear after-discovered evidence before the Superintendent/designee's decision is delivered.

4. Recording and Costs. A stenographic record or audio recording of the meeting may be created. The record or recording may be dispensed with entirely by written mutual consent of the parties. If the record or recording is not dispensed with, the two parties shall share equally the cost of the record or recording and the Superintendent/designee shall determine whether to create a stenographic or audio recording. If either party requests a transcript, that party shall bear the expense involved in preparing it. If both parties request a transcript, the costs of the transcript shall be shared equally by both. If the record or recording is dispensed with, but the matter is appealed to the School Board, each party must prepare a written record of his/hertheir case for the School Board's consideration.

   The covered employee shall bear his/her own expenses. The School Board shall bear the expenses of the Superintendent. Witnesses who are employees of the School Board shall be granted paid leave if the meeting is held during their working hours. The meeting shall be held at a site designated by the Superintendent/designee.

5. Decision. The Superintendent/designee shall respond in writing within five (5) business days following such meeting. (Use Grievance Form GBMA-F3.)

D. Step 4 - School Board

1. Filing. If the grievance is not resolved to the satisfaction of the employee in Step 3, the employee may request a decision by the School Board pursuant to Step 4. If the employee elects to proceed to Step 4, he/shethe employee shall file in writing with the Superintendent a request for a decision and enclose a copy of the previous grievance forms as applicable (GBMA-F1, GBMA-F2-I, GBMA-F2, GBMA-F3-I) within five (5) business days after receipt of a Step 3 answer. (Use Grievance Form GBMA-F3.) The Superintendent/designee shall provide a copy of the grievance record, including any transcript of the Step 3 meeting, to the School Board and the employee on the date of the Board's next regularly scheduled meeting. Within At least five (5) calendar days prior to this meeting date, the employee and the Superintendent may, if desired, submit written statements to the Board Clerk summarizing their positions on the grievance for

the Board's consideration. If the next regularly scheduled meeting is within five (5) calendar days of receipt of the request, the School Board will review the grievance and any submitted positions at the subsequent regularly scheduled meeting.

2. Record Review and Option for Hearing. At the next regularly scheduled meeting following the School Board's receipt of the grievance record from the Superintendent, ~~the Board shall review the grievance record in closed session and deliberate on whether to affirm, modify, or reverse the decision of the Superintendent/designee~~ the ~~.~~ Board in closed session may elect to hold a hearing on the grievance or may elect to have a hearing conducted by a hearing officer appointed by the School Board consistent with the procedures in Section 22.1-311 of the Code of Virginia, or may make its determination on the basis of the written evidence presented by the employee and the recommendation of the Superintendent. The Board may deliberate on whether to affirm, modify, or reverse the decision of the Superintendent/designee. ~~If, after deliberation, the Board determines that it requires further evidence to reach a decision, it may elect to conduct a hearing to receive such further evidence in accordance with Section 3 below.~~

~~The School Board's attorney, assistants, or representative, if he/she/they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any closed session of the School Board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative, and the Superintendent, may join the School Board in closed session to assist in the writing of the decision.~~

~~2.~~3. Hearing Protocol (if applicable). Should the Board vote to conduct a hearing, the Board shall provide written notice to the Superintendent and the grievant, setting the date, time, and place of the hearing within ~~thirty (~~30~~)~~ calendar days of the vote. (Use Grievance Form GBMA-F4-H.) The notice shall be provided to the grievant and Superintendent at least ~~fifteen (~~15~~)~~ calendar days before the hearing and may also state the nature of the further evidence the Board or hearing officer wishes to receive. Both the grievant and the Superintendent may be represented by legal counsel or another representative at the hearing. The hearing before the School Board or hearing officer shall be private, unless the grievant requests a public hearing and the School Board or hearing officer shall establish the rules for the conduct of any hearing. Such rules shall include the opportunity for the grievant and the Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the School Board or hearing officer.

A stenographic record or audio recording of the proceedings shall be taken unless the grievant and the School Board or hearing officer agree otherwise. If the recording is not dispensed with, the two parties shall share the cost of the recording equally, and if either party requests a transcript, that party shall bear the expense of its preparation. If both parties request a transcript, the costs of the transcript shall be shared equally by

Formatted: Font: (Default) Times New Roman

both.
Otherwise, the grievant will bear his/her their own expenses and the School Board will bear the expenses of the Superintendent and hearing officer. Witnesses who are employees of the School Board will be granted paid leave if the hearing is held during their working hours.

4. Hearing by Hearing Officer.

a. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing officer's own motion or upon application by either party to the grievance, the hearing officer may reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before his recommendation is due. The hearing officer shall transmit their written recommendation and a record or recording of the hearing to the grievant and the School Board as soon as practicable and no more than 10 business days after the hearing. (Use Grievance Form GBMA-F4-R.)

b. In the event of a hearing by a hearing officer, the School Board may make its decision upon the record or recording of such hearing or the School Board may elect to conduct a further hearing to receive additional evidence. The School Board must hold such further hearing as soon as practicable within 30 calendar days and must give at least 15 calendar days' written notice of the time and place of such further hearing to the Superintendent and the employee within 10 business days after the Board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the School Board. The School Board shall determine the procedure to be followed at such further hearing. (Use Grievance Form GBMA-F4-R.)

5. DecisionSchool Board Determination.

a. In the event of a hearing before the School Board, the School Board shall give the employee its written decision as soon as practicable and no more than 30 calendar days after the hearing. The decision of the School Board shall be reached after considering the evidence and information presented at the School Board hearing. (Use Grievance Form GBMA-F5 or other written notice at the Board's discretion.)

b. In the event of a hearing before a hearing officer followed by a further hearing by the School Board, the School Board shall give the employee its written decision as soon as practicable and no more than 30 calendar days after such further hearing. (Use Grievance Form GBMA-F5 or other written notice at the Board's discretion.) The decision of the School Board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the School Board.

c. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the School Board, the School Board shall give the employee its written decision as soon as practicable and no more than 30 calendar days after receiving the record or recording of the hearing. (Use Grievance Form GBMA-F5 or other written notice at the Board's discretion.) The decision of the School Board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.

d. In cases in which the determination is made on the basis of the written evidence presented by the employee and the recommendation of the Superintendent and no hearing is held, the School Board shall give the employee its written decision within 30 calendar days of the receipt of the employee's request for a hearing. (Use Grievance Form GBMA-F5 or other written notice at the Board's discretion.)

~~a. The School Board shall give the grievant its written decision within thirty (30) days after the School Board receives the grievance record from the Superintendent, or, if it elects to conduct a hearing, within thirty (30) calendar days after the hearing. (Use Grievance Form GBMA-F5.) The decision of the School Board shall be reached based solely on the written record and any further evidence the School Board receives at a hearing, if one is held.~~

The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel. It may affirm, modify, or reverse the decision of the Superintendent/designee. The decision of the School Board is final.

The School Board's attorney, assistants, or representative, if they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any closed session of the School Board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative, and the Superintendent, may join the School Board in closed session to assist in the writing of the decision.

E. Expenses.

1. The employee shall bear their own expenses.

2. The School Board shall bear the expenses of the Superintendent.

3. The expenses of the hearing officer shall be borne by the School Board.

F. Witnesses.

Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. Non-exempt employees will be compensated for all

such time participating in the grievance as time worked. The hearing shall be at the school in which most witnesses work, if feasible.

PART III – GRIEVANCE PROCEDURE
(Dismissal)

3.1 PURPOSE

This Part III of the Procedure for Adjusting Grievances adopted in accordance with the statutory mandate of 22.1-79(6) of the Code of Virginia is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal of covered employees who have completed a probationary period. An equitable solution should be secured at the most immediate administrative level before any appeal through to the School Board. Nothing in this procedure shall be interpreted to limit the School Board's exclusive final authority over the management and operation of the school division, nor confer any property right not expressly made available by law or policy. While signed and dated designated forms must be used at each step of the process, this does not preclude any party from attaching typed responses.

3.2 NOTICE TO EMPLOYEE OF DISMISSAL ACTION

In the event the Superintendent/designee takes action to dismiss a covered employee, written notice shall be sent to the employee in a manner or on forms prescribed by the School Board notifying the employeehim/her of the dismissal and informing the employee that within ten (10) business days of receiving the notice, the employee may request a meeting before the Superintendent/ or his/her designee. (Use Grievance Form GBMA-F6.)

3.3 PRELIMINARY INFORMATION GATHERING

During the time between notice and the Step 1 meeting, the merits of the action shall not be considered, discussed, or acted upon by the School Board. At the request of the covered employee, the Superintendent/designee shall provide the reasons for the dismissal in writing, or if the covered employee prefers, in a personal interview. Representatives for either party shall not may be present at this interview but may not participate as , and it the sole purpose is to receive provide the reasons only. A request for the reasons shall be filed within three (3) business days of receipt of notification by the Superintendent/designee. (Use Grievance Form GBMA-F6-I.) A response shall be filed or interview held within three (3) business days of receipt of the request. (Use Grievance Form GBMA-F6-I.)

In the event a covered employee requests a meeting with the Superintendent, the Superintendent shall provide the employee or his representative, who may be an attorney, within five (5) calendar days of the request, the opportunity to inspect and copy his/her personnel file and all other documents relied upon by the Superintendent in reaching his/her decision, unless confidential by law. (Use Grievance Form GBMA-F7-I.) Within five (5) calendar days of the request of the Superintendent, at a time designated by the Superintendent, the employee or his/her representative shall provide the Superintendent the opportunity to inspect and copy the documents to be offered in rebuttal to the Superintendent's decision. (Use Grievance Form GBMA-F7-I.)

The Superintendent and the employee shall be under a continuing duty to disclose and

~~produce any additional documents identified later that may be used in the respective parties' cases-in-chief. The cost of copying shall be paid by the requesting party.~~

3.4 GRIEVANCE PROCEDURE

Disputes by a covered employee involving dismissal shall be processed as noted below.

During the ~~ten (~~10~~)~~ business day period following the notice of dismissal and thereafter, until the School Board holds its meeting at Step 2, the merits of the dismissal action by the Superintendent/designee shall not be considered, discussed, or acted upon by the School Board except as may be provided for herein.

A. Step 1 – Superintendent/Designee

1. ~~–~~Filing. Within ~~ten (~~10~~)~~ business days of receiving notice of dismissal, the covered employee may initiate a grievance by submitting Grievance Form GBMA-F7 to the Superintendent.

2. ~~2.~~Document Exchange. In the event a covered employee requests a meeting with the Superintendent, the Superintendent shall provide the employee or his representative, who may be an attorney the opportunity to inspect and copy their personnel file and all other documents relied upon by the Superintendent in reaching their decision, unless confidential by law. The Superintendent/designee shall provide notice of the meeting to exchange documents within two (2) business days of receipt of the request for a meeting and the document exchange shall be held within five (5) business days. (Use Grievance Form GBMA-F7-I.) The employee or their representative shall also provide the Superintendent/designee the opportunity to inspect and copy the documents to be offered in rebuttal to the Superintendent's decision at this meeting.

   The Superintendent and the employee shall be under a continuing duty to disclose and produce any additional documents identified later that may be used in the respective parties' cases-in-chief. The cost of copying shall be paid by the requesting party. Electronic records may also be shared with mutual agreement of the parties.

3. ~~—~~Meeting. A meeting shall be held within five (5) business days of the document exchange~~Superintendent's receipt of the form~~ at a time and place designated by the Superintendent/designee. Notice of the meeting shall be given within two (2) business days of the document exchange. (Use Grievance Form GBMA-F7.) Each party may be represented by an attorney or other representative and will have the opportunity to present witnesses and documents. At such meeting both the Superintendent/designee and the employee shall be entitled to present witnesses and be accompanied by a representative who may, but need not, be an attorney. If the representative is an

Formatted: Font: (Default) Times New Roman, Underline

attorney, the employee must give advanced notice on Form GBMA-F7 and agree to a meeting date when the School Board Attorney can attend. The Superintendent/designee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. At the discretion of the Superintendent/designee, the hearing may be reopened for good cause shown at any time to hear after-discovered evidence before the Superintendent/designee's decision is delivered.

3. Recording and Costs. A stenographic record or audio recording of the meeting shall be created, and the Superintendent/designee shall decide which will be created. If either party requests a transcript, that party shall bear the expense involved in preparing it. If both parties request a transcript, the costs of the transcript shall be shared equally by both. If the matter is appealed to the School Board, the record or recording and any transcript shall be provided for the School Board's consideration.

~~The covered employee shall bear his/her own expenses. The School Board shall bear the expenses of the Superintendent. Witnesses who are employees of the School Board shall be granted paid leave if the meeting is held during their working hours. The meeting shall be held at a site designated by the Superintendent/designee.~~

~~4.~~

~~5.~~4. Decision. The Superintendent/designee shall provide a decision in writing within five (5) business days following such meeting. (Use Grievance Form GBMA-F~~-~~8.) In the event, the Superintendent/designee determines to reinstate an employee, the employee will be placed in a position for which they qualify with the pay and terms of employment associated with that position. This position may be different from the one from which they were separated. The Superintendent/designee may decide whether the previous hire date and/or any leave not previously paid out will be reinstated and any additional terms of employment associated with reinstatement.

B. Step 2 – School Board.

1. Filing. If the grievance is not resolved to the satisfaction of the employee in Step 1, the employee may request a decision by the School Board pursuant to Step 2 by filing a written notice of appeal (Grievance Form GBMA-F8) with the Superintendent within five (5) business days after receipt of the decision as required in Step 1. The Superintendent/designee shall provide a copy of the grievance record, including any transcript of the Step 1 meeting, to the School Board and the employee on the date of the Board's next regularly scheduled meeting. Within five (5) calendar days of this meeting date, the employee and the Superintendent/designee may, if desired, submit written statements to the Board Clerk summarizing their positions on the grievance for the Board's consideration. If the next regularly scheduled meeting is within five (5) calendar days of receipt of the request, the School Board will review the grievance and any submitted positions at the subsequent regularly scheduled meeting.

2. Record Review and Option for Hearing. At the next regularly scheduled meeting following the School Board's receipt of the grievance record from the Superintendent,

the Board shall review the grievance record in a closed session and deliberate on whether to affirm, modify, or reverse the decision of the Superintendent/designee. If, after deliberation, the Board determines that it requires further evidence to reach a decision, it may elect to conduct a hearing or appoint a hearing officer to receive such further evidence in accordance with Section 3 below.

~~The School Board's attorney, assistants, or representative, if he/she/they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any closed session of the School Board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative, and the Superintendent, may join the School Board in closed session to assist in the writing of the decision.~~

~~2.~~3. Hearing (if applicable). Should the Board vote to conduct a hearing, the Board shall provide written notice to the Superintendent and the grievant setting the date, time, and place of the hearing which shall occur within ~~thirty (~~30~~)~~ calendar days of the vote. (Use Grievance Form GBMA-~~F9~~F8-H.) The notice shall be provided to the grievant and Superintendent at least ~~fifteen (1~~5~~0)~~ calendar days before the hearing and may also state the nature of the further evidence the Board wishes to receive. Both the grievant and the Superintendent may be represented by legal counsel or another representative at the hearing. The hearing before the School Board or hearing officer shall be private, unless the grievant requests a public hearing and the School Board or hearing officer shall establish the rules for the conduct of any hearing. Such rules shall include the opportunity for the grievant and the Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the School Board or hearing officer.

A stenographic record or audio recording of the proceedings shall be taken and the record or recording of the proceedings ~~as determined by the Superintendent shall be made and~~ preserved for a period of six (6) months. If either the covered employee or the School Board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The School Board shall bear the expense of the recording and the transcription.

~~Otherwise, the grievant will bear his/her own expenses and the School Board will bear the expenses of the Superintendent. Witnesses who are employees of the School Board will be granted paid leave if the hearing is held during their working hours.~~

4. Hearing by Hearing Officer.

a. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the

hearing. Upon the hearing officer's own motion or upon application by either party to the grievance, the hearing officer may reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before their recommendation is due. The hearing officer shall transmit their written recommendation and a record or recording of the hearing to the grievant and the School Board as soon as practicable and no more than 10 business days after the hearing. (Use Grievance Form GBMA-F8-R.)

b. In the event of a hearing by a hearing officer, the School Board may make its decision upon the record or recording of such hearing or the School Board may elect to conduct a further hearing to receive additional evidence. The School Board must hold such further hearing as soon as practicable within 30 calendar days and must give at least 10 calendar days' written notice of the time and place of such further hearing to the Superintendent and the employee within 10 business days after the Board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the School Board. The School Board shall determine the procedure to be followed at such further hearing. (Use Grievance Form GBMA-F8-R.)

5. Decision. The School Board shall give the grievant its written decision within ~~thirty (~~30~~)~~ calendar days of the meeting at which the School Board received the grievance record from the Superintendent/designee, hearing officer if elected or, if it ~~elects~~ elected to conduct a hearing, within ~~thirty (~~30~~)~~ calendar days after the hearing. (Use Grievance Form GBMA-F~~9~~9.) The decision of the School Board shall be reached based solely on the written record and any further evidence the School Board receives at a hearing, if one is held.

The School Board's attorney, assistants, or representative, if they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any closed session of the School Board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative, and the Superintendent, may join the School Board in closed session to assist in the writing of the decision.

The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel. It may affirm, modify, or reverse the decision of the Superintendent/designee. In the event, the Board determines to reinstate an employee, the employee will be placed in a position for which they qualify with the pay and terms of employment associated with that position. This position may be different from the one from which they were separated. The School Board may decide whether the previous hire date and/or any leave not previously paid out will be reinstated and any additional terms of employment associated with reinstatement. The decision of the School Board is final.

E. Expenses.

1. The employee shall bear their own expenses.

2. The School Board shall bear the expenses of the Superintendent.

3. The expenses of the hearing officer shall be borne by the School Board.

F. Witnesses.

Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. Non-exempt employees will be compensated for all such time participating in the grievance as time worked. The hearing shall be at the school in which most witnesses work, if feasible.

Adopted: July 1, 1993
Amended: December 8, 1997; July 8, 2004; January 14, 2010; March 24, 2016
Reviewed: July 8, 2004

PART II

FORMS FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES IN ALBEMARLE COUNTY PUBLIC SCHOOLS

Enclosed herein are the necessary forms for adjusting grievances in accordance with Part II of the Grievance Procedure of the State Board of Education.

The grievant is advised to become familiar with the procedure for adjusting grievances. Special emphasis should be given to the procedural steps.

Adopted: July 1, 1993
Amended: December 8, 1997; July 8, 2004; January 14, 2010; March 24, 2016
Reviewed: July 8, 2004

GRIEVANCE FORM GBMA-F1
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

STATEMENT OF GRIEVANCE
TO BE PRESENTED TO DEPARTMENT HEAD/DESIGNEE WITHIN 15 BUSINESS DAYS ~~OF NOTIFICATION OF DECISION BY THE SUPERVISOR~~ OF EVENT OR WHEN EMPLOYEE SHOULD HAVE KNOWN OF OCCURRENCE

Please print all information.

Name of Grievant: _____

Phone: _____ Email: _____

Method of Grievance Communication (Choose One):

_____ Email _____ Drop Off/Pick Up at COB _____ Registered/Certified US Mail

School/Department: _____

Position: _____

Date of Informal Conference with Supervisor: _____

Immediate Supervisor's Name and Position:

_____

Grievant's Representative (if applicable, may not be an attorney at this level):

_____

Cite the policy, procedure, regulation, ordinance, and/or statute being grieved and the date you knew, or reasonably should have known, of its occurrence:

Statement of Grievance:

Specific Relief Requested:

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F1-D
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

REQUEST FOR DETERMINATION OF GRIEVABILITY
TO BE PRESENTED TO SUPERINTENDENT WITHIN 5 BUSINESS DAYS OF 1) RECEIPT STATEMENT OF THE GRIEVANCE BY THE DEPARTMENT HEAD/DESIGNEE, 2) THE MEETING WITH THE DEPARTMENT HEAD, OR 3) RECEIPT OF THE DEPARTMENT HEAD/DESIGNEE'S RESPONSE, OTHER PARTY TO BE NOTIFIED OF REQUEST WITHIN 5 BUSINESS DAYS OF RECEIPT
(Attach typed argument and GBMA-F1.)

Name of Grievant: _____

Date of Event: _____

I am requesting a determination by the School Board regarding the grievability of the issue stated on Form GBMA-F1. Attached is my typed argument on this matter. I understand that oral arguments will be at the request of the School Board only.

Requestor's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

NOTIFICATION OF REQUEST FOR DETERMINATION OF GRIEVABILITY
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS OF 1) RECEIPT OF REQUEST, 2) RECEIPT OF WRITTEN APPEAL, OR 3) MEETING WITH THE SUPERINTENDENT/DESIGNEE, BOTH ARGUMENTS SUBMITTED TO SCHOOL BOARD WITHIN 5 BUSINESS DAYS OF RECEIPT OF ARGUMENT FROM GRIEVANT
(Attach typed argument.)

Date Request Received: _____

I am requesting a determination by the School Board regarding the grievability of the issue stated on Form GBMA-F1. Attached is my typed argument on this matter. I understand that oral arguments will be at the request of the School Board only. You may submit to me, within 5 business days of receipt of this notice, your typed argument to present to the School Board.

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F1-A
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

DETERMINATION BY SCHOOL BOARD ON GRIEVABILITY
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT WITHIN 10 BUSINESS DAYS OF SCHOOL BOARD'S RECEIPT OF REQUEST FOR DETERMINATION

Date Request Received: _____

_____ The matter is grievable, and the grievant may proceed with the process within 5 business days of receipt of this notice.

_____ The matter is not grievable, and the grievance is barred. An appeal may be filed to be heard by the circuit court having jurisdiction.

Board Chair/Designee's Signature: _____ Date Signed:_____

APPEAL OF SCHOOL BOARD'S DECISION ON GRIEVABILITY
TO BE PRESENTED TO SCHOOL BOARD BY SUPERINTENDENT WITHIN 10 BUSINESS DAYS OF RECEIPT OF SCHOOL BOARD'S DECISION, COPY TO OTHER PARTY

Date Decision Received: _____

I hereby request a decision on the determination of grievability by the circuit court having jurisdiction.

Requestor's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F1-AD
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

NOTICE OF DETERMINATION BY CIRCUIT COURT ON GRIEVABILITY
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT WITHIN 5 BUSINESS DAYS
OF RECEIPT OF CIRCUIT COURT'S DECISION

Date Court's Decision Received: _____

_____ The matter is grievable, and the grievant may proceed with the process within 5 business days of receipt of this notice.

_____ The matter is not grievable, and the grievance is barred.

Superintendent/Designee's Signature: _____ Date Signed:_____

GRIEVANCE FORM GBMA-F2-M
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

NOTIFICATION OF RECEIPT OF GRIEVANCE AND MEETING
TO BE PRESENTED TO GRIEVANT BY DEPARTMENT HEAD/DESIGNEE WITHIN 3 2 BUSINESS DAYS OF RECEIVING STATEMENT OF GRIEVANCE, MEETING TO BE HELD WITHIN 5 BUSINESS DAYS OF RECEIPT OF STATEMENT OF GRIEVANCE OR HELD WITHIN 5 BUSINESS DAYS OF RECEIPT OF ADDITIONAL INFORMATION

Name of Grievant: _____

Date of Receipt of Grievance/Information: _____

A meeting to discuss the issues stated on GBMA-F1 will be held on_____ at_____, to be held at _____. You may present appropriate witnesses and be accompanied by a representative other than an attorney.

Department Head/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F2-I
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

DEPARTMENT HEAD/DESIGNEE'S REQUEST FOR MORE INFORMATION
TO BE PRESENTED TO GRIEVANT WITHIN 5 CALENDAR DAYS
OF RECEIPT OF GBMA-F1

Please print all information.

Name of Grievant: _____

Date Grievance Received: _____

Please provide more information regarding:

Department Head/Designee's Signature: _____ Date Signed: _____

GRIEVANT'S RESPONSE FOR MORE INFORMATION
TO BE PRESENTED TO DEPARTMENT HEAD/DESIGNEE WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBMA-F2-I

Please print all information.

Date Request Received: _____

Response for more information regarding above request:

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F2
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

DEPARTMENT HEAD/DESIGNEE'S DECISION
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS OF MEETING

Please print all information.

Name of Grievant: _____

Date Grievance Received: _____

Date Additional Information Received (if applicable): _____

Date of Meeting: _____

Decision of Department Head/Designee:

_____

_____

_____

OR

_____ Not accepted/individual is not a covered employee.
_____ Not accepted for failure to comply with time limitations and this matter is dismissed.
_____ The issue is not a grievable issue.
_____ I am requesting a determination of grievability.
_____ I lack the authority to grant the relief requested.

Department Head/Designee's Signature: _____ Date Signed: _____

GRIEVANT'S APPEAL TO SUPERINTENDENT
TO BE PRESENTED TO SUPERINTENDENT WITHIN 5 BUSINESS DAYS
OF RECEIPT OF GBMA-F2
(Attach copies of all previous forms.)

Date of Receipt of Department Head/Designee's Decision: _____

Grievant's Representative (if applicable, may be an attorney at this level):

_ _____ Attorney _____ Yes _____ No _____

I hereby appeal this decision to Step 3, Superintendent's level. I, the grievant, disagree with the action taken and the Department Head/Designee's response because:

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F3-I
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

SUPERINTENDENT'S REQUEST FOR MORE INFORMATION
TO BE PRESENTED TO GRIEVANT WITHIN 5 CALENDAR DAYS
OF RECEIPT OF GBMA-F2 IF GBMA-F2-I WAS NOT USED

Please print all information.

Name of Grievant: _____

Date Grievance Received: _____

Please provide more information regarding:

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANT'S RESPONSE FOR MORE INFORMATION
TO BE PRESENTED TO SUPERINTENDENT WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBMA-F3-I

Please print all information.

Date Request Received: _____

Response for more information regarding above request:

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F3-M
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

NOTIFICATION OF RECEIPT OF GRIEVANCE AND MEETING
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT WITHIN ~~3~~ 2 BUSINESS DAYS OF RECEIVING APPEAL OR WITHIN ~~3~~ 2 BUSINESS DAYS OF RECEIPT OF ADDITIONAL INFORMATION, MEETING TO BE HELD WITHIN 5 BUSINESS DAYS OF RECEIPT OF GRIEVANCE OR RECEIPT OF ADDITIONAL INFORMATION

Name of Grievant: _____

Date Grievance Received: _____

A meeting to discuss the issues stated on GBMA-F1 will be held on_____ at_____, to be held at _____. You may present appropriate witnesses and be accompanied by a representative who may be an attorney.

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F3
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

SUPERINTENDENT/DESIGNEE'S DECISION
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS OF MEETING

Please print all information.

Name of Grievant: _____

Date Appeal Received: _____ Date of Meeting: _____

Date Additional Information Received (if applicable): _____

Decision of Superintendent/Designee:

_____
_____
_____
_____
_____
_____

OR

_____ Not accepted/individual is not a covered employee.
_____ Not accepted for failure to comply with time limitations and this matter is dismissed.
_____ The issue is not a grievable matter.
_____ I am requesting a determination of grievability.
_____ I lack the authority to grant the relief requested.

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANT'S APPEAL TO SCHOOL BOARD
TO BE PRESENTED TO SUPERINTENDENT/DESIGNEE WITHIN 5 BUSINESS DAYS OF RECEIPT OF NOTIFICATION SUPERINTENDENT/DESIGNEE'S DECISION
(Attach copies of all previous forms.)

Please print all information.

Date Superintendent's/Designee's Decision Received: _____

I hereby petition that the attached grievance be decided by the School Board or at their option, a Hearing Officer appointed by the School Board. If a Hearing Officer is appointed by the School Board, I understand that I shall not be entitled to a further hearing by the School Board unless at their request. I disagree with the action taken and the previous response for the reason(s) cited below. Supporting documentation is attached. The relief sought is also included.

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F4-H
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

SCHOOL BOARD'S NOTIFICATION OF HEARING BEFORE SCHOOL BOARD
~~TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT WITHIN 30 CALENDAR DAYS OF VOTE, GIVING AT LEAST 15 CALENDAR DAYS' NOTICE FOR HEARING~~
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE, HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF REQUEST FOR HEARING, GIVING AT LEAST 15 CALENDAR DAYS' NOTICE FOR HEARING

Date of Board's Vote in Favor of Hearing: _____

_____ This grievance will be heard by the School Board on _____ at_____, to be held at_____.

The Board wishes to receive further evidence regarding:

OR_____

SCHOOL BOARD'S NOTIFICATION OF HEARING BEFORE HEARING OFFICER
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE, HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF REQUEST FOR HEARING, GIVING AT LEAST 15 CALENDAR DAYS' NOTICE FOR HEARING

Date Request Received: _____

_____ This grievance will be heard by a hearing officer appointed by the School Board on _____ at _____, to be held at _____.

The Board wishes to receive further evidence regarding:

Board Chair/Designee's Signature:_____ Date Signed:_____

GRIEVANCE FORM GBMA-F4-R
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

RECOMMENDATION FROM HEARING OFFICER
TO BE SUBMITTED TO SUPERINTENDENT/DESIGNEE, WITH COPY TO GRIEVANT, TO PRESENT TO SCHOOL BOARD WITHIN 10 BUSINESS DAYS OF HEARING
(Attach record or recording of hearing for School Board.)

Please print all information.

Name of Grievant: _____

Date of Hearing: _____

Recommendation to School Board from Hearing Officer:

Hearing Officer's Signature: _____ Date Signed: _____

RESPONSE BY SCHOOL BOARD FOR ADDITIONAL HEARING
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE WITHIN 10 BUSINESS DAYS OF RECEIPT OF RECOMMENDATION FROM HEARING OFFICER. HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF RECEIPT OF RECOMMENDATION FROM HEARING OFFICER AND GIVING 15 CALENDAR DAYS' NOTICE.

Date Recommendation from Hearing Officer Received: _____

The Board agrees to hold an additional hearing. The hearing will be held on _____ at _____, to be held at _____.

Matters that will be inquired about:

Board Chair/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F5
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

DECISION BY SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT WITHIN 30 CALENDAR DAYS OF HEARING OR RECEIPT OF GRIEVANCE RECORD FROM SUPERINTENDENT IF NO HEARING HELD. * SEPARATE NOTICE MAY BE PROVIDED BY THE BOARD IN LIEU OF USING THIS FORM.

Name of Grievant: _____

Date of Hearing: _____ OR Date Request Received: _____

The Board's decision regarding matter grieved and relief sought:

This matter is now closed.

Board Chair/Designee's Signature:_____ Date Signed:_____

PART III

FORMS FOR PROPOSED DISMISSAL IN ALBEMARLE COUNTY PUBLIC SCHOOLS

Enclosed herein are the necessary forms for proposed dismissal proceedings as prescribed in Part III of the procedure enacted by the Virginia State Board of Education.

Adopted: _____
Reviewed: _____

GRIEVANCE FORM GBMA-F6
FOR ADJUSTING CLASSIFIED GRIEVANCES

NOTICE OF DISMISSAL
TO BE PRESENTED TO COVERED EMPLOYEE BY SUPERINTENDENT/DESIGNEE

Please print all information.

Name of Employee: _____

School/Department: _____

This form is to notify you that you are hereby being dismissed from your position as_____ from Albemarle County Public Schools effective _____.

You have three (3) business days from receipt of this notice to request the reasons for the dismissal, using Form GBMA-F6-I. Reasons will be provided to you in writing or, at your request, in a personal interview within three (3) business days of receipt of your request. Representatives shall may not be present at this interview but may not participate as the sole purpose is to provide the reasons.

You have ten (10) business days from receipt of this form to request, in writing, a meeting with the Superintendent or his/her their appointed designee. Please advise me as soon as possible whether you wish to have such meeting, using Form GBMA-F7. Enclosed, for your information, is a copy of the policy and regulation. If a meeting is not requested within the allowable time frame, this dismissal is considered final.

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F6-I
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

GRIEVANT'S REQUEST FOR MORE INFORMATION
TO BE PRESENTED TO SUPERINTENDENT WITHIN 3 BUSINESS DAYS
OF RECEIPT OF GBMA-F6

Please print all information.

Name of Grievant: _____

Date of Receipt of Notice: _____

Method of Grievance Communication (Choose One):

_____ Email _____ Drop Off/Pick Up at COB _____ Registered/Certified US Mail

I hereby request reasons for the dismissal. I request the reasons:

_____ in writing

_____ in a personal interview

Grievant's Signature: _____ Date Signed: _____

SUPERINTENDENT/DESIGNEE'S RESPONSE
TO BE PRESENTED TO GRIEVANT WITHIN 3 BUSINESS DAYS OF RECEIPT OF GBMA-F6-I,
INTERVIEW TO BE HELD WITHIN 3 BUSINESS DAYS OF RECEIPT OF REQUEST

Please print all information.

Date of Receipt of Request: _____

Reasons for dismissal:

_____

_____

_____

_____

OR

An interview with the Superintendent/Designee has been scheduled on_____ at _____, to be held at _____ to provide the reasons for the dismissal only.

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F7
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

REQUEST FOR MEETING WITH SUPERINTENDENT/DESIGNEE
TO BE PRESENTED TO SUPERINTENDENT WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBMA-F6

Please print all information.

Name of Grievant: _____

Date of Receipt of Notice: _____

Grievant's Representative: _____ Attorney: ____Y~~/~~____N

Method of Grievance Communication (Choose One):

_____ Email _____ Drop Off/Pick Up at COB _____ Registered/Certified US Mail

I hereby request a meeting with the Superintendent or ~~his/her~~their designee regarding my dismissal. I understand that I will be given opportunity to inspect and copy my personnel file and other related documents. ~~I understand I am responsible for the cost of the document preparatio~~Copying costs are borne by the requesting party~~n~~. I understand that I am under continuing obligation to provide all documents used in rebuttal to the Superintendent/Designee's recommendation within 5 business days of this request. ~~Expense of copying shall be of the Superintendent.~~

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

NOTIFICATION OF MEETING
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT/DESIGNEE WITHIN 2 BUSINESS DAYS OF DOCUMENT EXCHANGE, MEETING TO BE HELD WITHIN 5 BUSINESS DAYS OF ~~SUPERINTENDENT'S RECEIPT OF REQUEST FOR MEETING~~DOCUMENT EXCHANGE

Please print all information.

Date of Receipt of Request: _____

A meeting will be held on _____ at_____, to be held at _____. You may present appropriate witnesses and be accompanied by a representative who may be an attorney.

Superintendent/Designee's Signature:_____ Date Signed: _____

GRIEVANCE FORM GBMA-F7-I
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

MEETING TO EXCHANGE DOCUMENTS
TO BE PRESENTED TO GRIEVANT WITHIN 2 BUSINESS DAYS OF RECEIPT OF GBMA-F7,
MEETING HELD WITHIN ~~10 CALENDAR~~5 BUSINESS DAYS
OF RECEIPT OF GBMA-F7

Name of Grievant: _____

Date of Receipt of Request: _____

The meeting to exchange documents related to the grievance will be on _____ at _____, to be held at _____.

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F8
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

SUPERINTENDENT/DESIGNEE'S DECISION
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS OF MEETING

Please print all information.

Name of Grievant: _____

Date of Meeting: _____

Decision of Superintendent/Designee:

_____

_____

_____

Superintendent/Designee's Signature: _____ Date Signed: _____

GRIEVANT'S APPEAL TO SCHOOL BOARD
TO BE PRESENTED TO SUPERINTENDENT WITHIN 5 BUSINESS DAYS OF RECEIPT OF NOTIFICATION SUPERINTENDENT'S DECISION
(Attach copies of all previous forms.)

Please print all information.

Date Superintendent's/Designee's Decision Received: _____

I hereby petition that the attached grievance be decided by the School Board. I disagree with the action taken and the previous response for the reason(s) cited below. Supporting documentation is attached. The relief sought is also included.

_____

_____

_____

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F8-H
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

SCHOOL BOARD'S NOTIFICATION OF HEARING BEFORE SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE, HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF REQUEST FOR HEARING, GIVING AT LEAST 10 CALENDAR DAYS' NOTICE FOR HEARING

Date of Board's Vote in Favor of Hearing: _____

_____ This grievance will be heard by the School Board on _____ at _____, to be held at_____.

The Board wishes to receive further evidence regarding:

OR

SCHOOL BOARD'S NOTIFICATION OF HEARING BEFORE HEARING OFFICER
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE,
HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF REQUEST FOR HEARING, GIVING AT LEAST 10 CALENDAR DAYS' NOTICE FOR HEARING

Date Request Received: _____

_____ This grievance will be heard by a hearing officer appointed by the School Board on _____ at _____, to be held at _____.

The Board wishes to receive further evidence regarding:

Board Chair/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F8-R
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

RECOMMENDATION FROM HEARING OFFICER
TO BE SUBMITTED TO SCHOOL BOARD, WITH COPY TO GRIEVANT AND SUPERINTENDENT WITHIN 10 BUSINESS DAYS OF HEARING
(Attach record or recording of hearing for School Board.)

Please print all information.

Name of Grievant: _____

Date of Hearing: _____

Recommendation to School Board from Hearing Officer:

Hearing Officer's Signature: _____ Date Signed: _____

RESPONSE BY SCHOOL BOARD FOR ADDITIONAL HEARING
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE WITHIN 10 BUSINESS DAYS OF RECEIPT OF RECOMMENDATION FROM HEARING OFFICER. HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF RECEIPT OF RECOMMENDATION FROM HEARING OFFICER AND GIVING 10 CALENDAR DAYS' NOTICE.

Date Recommendation from Hearing Officer Received: _____

The Board agrees to hold an additional hearing. The hearing will be held on _____ at _____, to be held at _____.

Matters that will be inquired about:

Board Chair/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBMA-F9
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES

SCHOOL BOARD'S NOTIFICATION OF HEARING BEFORE SCHOOL BOARD TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT TO OCCUR WITHIN 30 CALENDAR DAYS OF VOTE, GIVING AT LEAST 15 CALENDAR DAYS' NOTICE FOR HEARING

Date of Board's Vote in Favor of Hearing: _____

This grievance will be heard by the School Board on _____ at _____, to be held at _____.

The Board wishes to receive further evidence regarding:

_____

_____

_____

_____

_____

Board Chair/Designee's Signature: _____ Date Signed: _____

DECISION BY SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT WITHIN 30 CALENDAR DAYS OF HEARING OR RECEIPT OF GRIEVANCE RECORD/RECOMMENDATION FROM SUPERINTENDENT IF NO HEARING HELD. * SEPARATE NOTICE MAY BE PROVIDED BY THE BOARD IN LIEU OF USING THIS FORM.

Please print all information.

Name of Grievant: _____

Date of Hearing: _____ - OR _____ Date Request Record/Recommendation Received: _____

The Board's decision regarding matter grieved and relief sought:

_____

_____

_____

_____

_____

This matter is now closed.

Board Chair/Designee's Signature:_____ Date Signed:_____