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Type: Policy  
Descriptor Code: GAE(3)  
Title: **Complaints and Grievances, Non-certified Employees**  
Status: ADOPTED



## **COMPLAINTS AND GRIEVANCES CLASSIFIED EMPLOYEES**

It is the policy of the Board that classified employees should have a reasonable and fair means of addressing their working conditions and employment requirements. To this end, an individual classified employee of the Board of Education who, after informally attempting to resolve a complaint, considers himself unjustly treated shall have the right to the following grievance procedures where the classified employee is substantially affected in his or her employment relationship by an alleged violation or misapplication of statute, policies, rules or regulations governing the school system.

1. Within ten working (10) days (as defined by the Board of Education calendar and work schedule) of the cause of complaint said employee shall make a written complaint to his/her immediate supervisor who shall then make such investigation and interview has a legitimate cause for grievance and if so shall take such steps as are within the authority of such superior to settle said grievance. Such supervisor or superior shall render his decision in writing within ten working (10) days after the investigation is completed and shall furnish the complaining party and the Superintendent a copy of said letter.
2. If said grievance is not satisfactorily settled with the employee's immediate supervisor, the employee shall have the right to appeal to the Superintendent or his designee, provided the request is given in writing to the Superintendent within ten working (10) days after a decision has been rendered by the immediate supervisor. If the employee fails to comply with this provision, the matter will be considered closed.
3. If said grievance is not satisfactorily settled by the Superintendent, or his designee, following investigation, the employee shall have the right to appeal to the Board of Education. The Board's personnel committee may hear the appeal, as determined by the Board President provided the request is made in writing by said employee within ten working (10) days after a decision has been rendered by the Superintendent or his designee. The Board, or designated member, shall issue the decision in writing to the employee within ten working (10) days of the investigation and/or hearing.
4. During all steps of the proceeding, employees shall have the right to request the appropriate supervisor or administrator to interview any and all witnesses having pertinent information concerning the grievance, or in the event a hearing is held, to have such witnesses testify in such matter.

5. A copy of any transcript of the investigation will be furnished the employee, although there is no requirement that a transcript be made. However an electronic recording shall be made. The need for an actual transcript will be determined by the Board on a case by case basis.
6. (a) This policy is intended to grant classified employees a fair and reasonable method to address a job related grievance. It is not intended to address terminations, resignations or related issues. This policy will not under any circumstances, be used to address termination, resignations, renewals, demotions or suspensions of teachers, principals, or other employees who have a written contract for a definite term. Such employees' rights, responsibilities and recourse shall be governed by and limited to that provided for in §20-2-940, et seq., O.C.G.A.

#### PROCEDURES FOR GRIEVANCE HEARINGS

7. All grievance hearings actually heard before the Board of Education or Personnel Committee shall be conducted as follows:
  - a. There is no burden of proof. The school administration generally has the right to administer school employees. The Board or Personnel Committee will determine whether or not the administrative action was fair or unfair and whether or not to uphold, modify or reverse the decision. All witnesses will be sworn.
  - b. The employee in his/her own words will present the grievance to the Board or Personnel Committee. There will be no cross examination of the employee, although Board members shall have the right to ask limited questions for clarification purposes.
  - c. If the employee, in accordance with the grievance procedure, earlier requested the Superintendent or appropriate supervisor to interview any particular witnesses, then the employee shall have the right to have such employees testify. Similarly the Board or Personnel Committee can hear from any witness or employee who was in fact interviewed by the supervisor or consulted by the Superintendent. In all instances, these witnesses shall tell in their own words what they know and shall not be subjected to cross examination by anyone, but Board members shall have the right to ask questions for clarification.
  - d. No other witnesses will be allowed.
  - e. No attorney shall be allowed to cross examine. Furthermore, such attorney shall not take part in the actual hearing proceedings, once the preliminaries are finished, other than to advise their client., The Board Attorney shall advise the Board unless instructed to take a different role by the Board.
  - f. The Superintendent or other administrators in responding to the grievance shall have the right to explain why he/she took the action he did.

- g. The hearings will not be formal, but informal for the Board or Personnel Committee to review whether or not the employee was treated unfairly.
8. The handbook for employees shall specifically designate that the Board has the right to abolish, modify or amend this procedure at the sole discretion of said Board.

Classified employees who have less than 24 months of continuous uninterrupted employment with the School System do not have the right to a termination review hearing. However, in the event of a termination or formal resignation, such classified employee with less than 24 months of continuous uninterrupted employment with the Board of Education may request the Board hear a discretionary appeal as follows:

This Grievance Policy is not designed to address terminations. Notwithstanding this, however, the Board in limited and appropriate cases, may consider the following:

For classified employees, who do not have written contracts for a definite term, and are therefore employees at will, there is no right under the grievance policy to have the Board of Education review termination or resignation decisions, as this policy is intended to grant employees a fair and reasonable method to address a job related grievance. Notwithstanding this, such employees at will or those without written contracts, may request in writing that the Board of Education consent to review termination, or resignation decisions under this grievance policy. The terminated employees shall make written request to the President of the School Board within ten working (10) days of such resignation or termination, requesting the school board to hear such grievance. The written request shall set forth precisely and in clear language the issue and the facts supporting the employees' grievance, as well as the names of witnesses and documentary evidence supporting the employee's claim. The written request must be in enough detail to fairly allow the Superintendent to clearly respond. The Superintendent or his designee shall be given a copy of the written request and ten working (10) days to present a written rebuttal. The Board members will privately review the written request and administration rebuttal and determine within a reasonable time whether or not to hear the grievance. Such decision shall be final. The Board will grant such reviews only sparingly and only upon very good cause shown.

In those rare cases where the Board grants such reviews, the procedure for the hearing will be the same as in all other grievance hearings. However, it is clearly pointed out that this procedure will only be sparingly used upon good cause shown and is subject to modification, amendment or banishment by the Board at any time. It is designed simply to give the Board a chance to equitably consider such action but no rights are granted to the review complaint.

Classified employees who have no less than 24 months of continuous uninterrupted employment with the Board shall have the right to have their termination or forced resignation to be reviewed by the Board of Education in accordance with the following procedures.

The affected employee shall make written request to the President of the School Board within ten working (10) days of such forced resignation or termination, requesting the school board to hear such grievance. The written request shall set forth precisely and in

clear language the issue and the facts supporting the employees' grievance, as well as the names of witnesses and documentary evidence supporting the employee's claim.

The

written request must be in enough detail to fairly allow the Superintendent or designee to clearly respond. The Board President shall decide whether to have an appeal review heard by the Board or the Personnel Committee of the Board.

Such termination review will follow the same procedural format as contained in Items 7 and 8 of this policy entitled "Procedures for Grievance Hearings". Nothing in this policy shall grant the right to continued employment nor change the legal status from at-will employees. The policy is simply designed to give classified employees a fair means to have terminations fairly and informally reviewed.

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**Richmond County Schools**

**Original Adopted Date:** 9/11/2008

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**Note:** *The State of Georgia requires acceptance of Terms and Conditions before reviewing the code. To 'accept' click here: [State of Georgia Terms and Conditions](#) After accepting, return here and click on the links below to be taken to each specific code.*

*You should only have to do this one time per session.*

**State Reference**

**Description**

O.C.G.A 45-01-0004

Complaints or information from public employees as to fraud, waste, and abuse in state programs and operations

**Federal Reference**

**Description**

18 USC 1513

Retaliating against a witness, victim, or an informant