

Employee Grievances Made Easy

Navigating Complaints under DGBA (LOCAL)



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Without fail, the beginning of a new school year is accompanied by a horde of difficult challenges for school administrators to navigate. Whether it be the impacts felt from a lingering statewide teacher shortage, last-minute student transfer requests, or public outrage toward the graphic novels gracing the shelves of your library, you can bet that the new year will come with a few headaches.

In addition to the list of growing pains brought on with a fresh school year are employee grievances. No matter how hard we try to create an open and attentive working environment, employee complaints are inevitable.

At first glance, the grievance

process as outlined in your DGBA (LOCAL) is complicated and burdensome, prompting some to cringe at the thought of a formal complaint. Developing a consistent and measured approach to dealing with employee grievances contributes to a more collaborative workplace and ultimately, represents less time that you have to dedicate to handling these complaints.

If you are interested in streamlining your grievance process and minimizing potential complications, consider these four takeaways when you receive a complaint:

1. CONSIDER THE ROLE OF EMPLOYEE GRIEVANCES

Too often, our kneejerk reaction to employee complaints is despair—in the apt words of Bill Murray,

it invokes feelings of “human sacrifice, dogs and cats living together, mass hysteria!” In its basic form, though, the employee grievance procedures are simply opportunities for an employee to air out their concerns and for the administration to reconsider previous action taken. Plainly put, a good way to think of the administration’s role in handling employee complaints is to “stop, look, and listen.”

School districts are not necessarily compelled to grant any and all remedies requested by an employee-complainant, but we are required to give them a platform for sharing the concerns underlying their request and appropriately respond to legitimate issues in the workplace. More often than you would expect, the school district’s offer of a Level I conference where

the complainant feels that the administration fairly and seriously considered their complaint and requested relief will result in a decision to not appeal to the next level. Provide your employee-complainants with a legitimate platform to share their concerns, listen and thoughtfully consider the complaint, and grant appropriate requests for relief.

2. UNDERSTAND YOUR TIMELINES

It is critical that you docket applicable timelines for scheduling conferences, issuing written decisions, and the complainant’s right to appeal the decision. Generally¹, your District’s DGBA (LOCAL) will provide the following periods for scheduling responses and conferences:

Action	Action
When must a grievant file his/her written complaint?	Within <u>15 days</u> ² of the date the individual knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.
When must the administration schedule a Level I Conference with the complainant?	Within <u>10 days</u> of receipt of the written complaint.
When must the administration issue a written decision of the Level I Complaint?	Within <u>10 days</u> of the Level I Conference.
When must the Complainant appeal to Level II?	Within <u>10 days</u> of receipt of the Level I decision.
When must the administration schedule a Level II Conference with the complainant?	Within <u>10 days</u> of receipt of the written Level II appeal.
When must the administration issue a written decision of the Level II Complaint?	Within <u>10 days</u> of the Level II Conference.
When must the Complainant appeal to Level III?	Within <u>10 days</u> of receipt of the Level II decision.
When must the Board of Trustees schedule the Level III Conference?	During a subsequent scheduled meeting of the Board of Trustees.
When must the Board of Trustees issue a decision of the Level III Complaint?	The Board may issue an oral or written decision at any time before the end of the next regularly scheduled meeting. ³

¹ These are the most common grievance timelines, but please consult your DGBA (LOCAL) policy to confirm.

² “Days” are typically defined in DGBA (LOCAL) as District business days. In calculating timelines, the day a document is filed is “day zero.” The following business day is “day one.”

³ Most DGBA (LOCAL) policies indicate that if the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level II.

3. ADOPT AND IMPLEMENT A CONSISTENT CONFERENCE STRATEGY

One of the major pitfalls associated with processing employee complaints is procedural inconsistency. Too often I get reports that “the Level I administrator went rogue and openly argued with the Complainant” or “we gave this Complainant 5 minutes to speak at her Conference although we typically provide 15 minutes for presentations.” This presents difficulties that will come back to haunt the District down the road, in some cases with the Commissioner of Education.

The best practice is to implement a consistent approach in handling all aspects of the grievance process. Consider adopting the following practices:

- Only permit complaints to be filed through submission of standard written complaint intake forms for each of Levels I/II/III.
- Remain professional at all times during the Conference.
- Maintain an audio recording of the Conference.
- Permit the Complainant to be accompanied by a representative of their choice.
- Listen to the Complainant present their grievance; do not argue with the Complainant on the facts or merits of their grievance.
- If necessary, ask questions only to seek additional information or clarification.

4. ISSUING A DECISION—FINISH STRONG!

Do not issue a decision immediately after the Conference—waiting until the end of the allotted period implies that the District has thoughtfully and fully considered the complaint. Additionally, this provides a prolonged “cooling off period” that might result in emotions settling before the employee considers appealing to Level II.

Ensure that the administration’s decision is consistent with prior decisions on similar issues involving other school employees. If you deny a remedy that was granted to another employee pursuant to a prior grievance under similar circumstances, it creates the appearance that the administration’s actions are “arbitrary and capricious,” opening the door for subsequent challenges.

Finally, if the remedies requested by the Complainant

are impractical or impossible, consider proposing alternative remedies that might appease the Complainant. It is often worth compromising with some type of remedy at Level I if it means that the Complainant decides against appealing the decision to Level II.

We realize that employee complaints can be a daunting part of school business—it can disrupt an otherwise harmonious workplace environment and demands time and resources that could be utilized elsewhere. When it comes to employee complaints, adopting the recommendations we’ve shared here can significantly reduce the burden on your administrators and increase the chances of a shortened grievance process.

