

GRIEVANCE/DISPUTE RESOLUTION

Employees have an opportunity to present their work-related complaints or grievances and to appeal management decisions through a dispute resolution. Matters that may be considered appropriate grievances include:

- A belief that BRHS policies, procedures, practices, rules, or regulations have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, religion, national origin, marital status, or disability; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, benefits, transfers, holidays, performance evaluation, salary, or seniority.

Before the grievance is initiated, the employee must attempt to deal with and diffuse the issue directly with the person or persons the complaint is against. The employee may choose to enlist the services of the Employee Assistance Program, or their supervisor, to help in the resolution before the grievance process begins. If the complaint then remains unresolved, the employee may begin the process by writing a written grievance.

The process for filing a grievance is as follows:

Step One:

Promptly bring the written grievance to the attention of your immediate supervisor. If the grievance involves the supervisor, proceed to the Director. If the grievance is against the Director, submit the written grievance to the Chairman of The Board of Trustees.

The complaint will be discussed between the parties involved and the supervisor. This step involves a meeting between the person writing the grievance and the person/persons the grievance is against with the supervisor acting in the mediation capacity. This group will attempt to work out a mutually agreeable plan to solve the grievance at this relatively low level. The supervisor will document in writing the response or plan that was developed and any strategies to be implemented that will address and correct the problem. Any necessary follow up on the plan will be ongoing, as necessary.

The supervisor must investigate the grievance and meet with the parties involved and document the plan for resolution. A written response must be available within five working days of receiving the grievance.

If the person filing the grievance is satisfied with the resolution, the grievance is over at this step. If the person is not satisfied with the plan for resolution, they may proceed to step two.

Step Two:

To appeal the decision and further the grievance, the employee must submit the ongoing grievance to the Director within ten working days after receiving the response from step one. The employee must include a copy of the original grievance, the response plan and written documentation of why the response is not sufficient to end the grievance. The Director will review the documents, confer with the parties involved in the grievance, their supervisors and other management as necessary. The Director will investigate the problem and issue a decision in writing to all parties involved within ten working days after receiving the written grievance and the accompanying documentation.

If the person filing the grievance is satisfied with the decision, the grievance ends at this step.

Step Three:

If the person filing the grievance is still not satisfied with the outcome, the same grievance and all related documentation will be submitted to the Chairman of the Board of Trustees. This must be done within ten working days of receiving the written response from Step Two.

The Chairman of the Board of Trustees will confer with the Bear River Head Start's legal counsel and other members of the Board as appropriate and either:

- a) Issue a written decision indicating the grantee's decision, or
- b) Invite the person with the grievance to participate in a mediation session with a professional mediator.

If mediation is recommended by BRHS counsel or requested by either party, and both parties are willing to participate, the Chairman of the Board of Trustees will arrange for a mediation session to take place with an impartial, professionally trained mediator.

Step Four:

If the person filing the grievance is not satisfied with the grantee's decision or no resolution is reached during the mediation process, BRHS's legal counsel has the choice to approve the issuing of a final legal decision on behalf of Bear River Head Start, or counsel may elect to recommend a Board of Arbitration to issue a final

decision.

Optional Board of Arbitration (upon legal counsel recommendation):

The Board of Arbitration shall consist of a representative selected by the person filing the grievance, a representative selected by the employee the grievance is against, a member of Policy Council, a current employee of BRHS, and a member of the community. These last three participants will be randomly selected by identifying a minimum of four persons from each category that qualify as disinterested parties and are willing to participate in the Board of Arbitration. Final participants will be selected from these four names using a completely random method of selection such as drawing.

The Board of Arbitration will hear the arguments representing both side of the grievance. The Board of Arbitration will make a decision regarding the grievance which will be final and binding. Final decisions on grievances will not be precedent setting or binding on future grievances unless they are stated as program policy.

The grievance system may be valuable in dispute resolution. Employees will not be penalized or retaliated against for proper use of the grievance system. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purpose of grievance. Use of the grievance system to make defamatory statements will not be tolerated. Use of the system that causes injury or damage to a person's character or their reputation by false or malicious statements may result in the pursuit of legal action that may include civil or criminal penalties. For this reason, it is very important for individuals involved with Bear River Head Start to be careful when making allegations about anyone to ensure that the information is accurate and first-hand information.