

CLASSIFIED STAFF GRIEVANCES

The Albemarle County School Board has adopted the attached regulations and forms for adjusting grievances established by the State Board of Education. This grievance procedure shall afford a timely and fair method for the resolution of disputes arising between the School Board and its employees regarding all grievable matters.

Adopted: July 1, 1993

Amended: December 8, 1997; July 8, 2004; January 14, 2010; January 28, 2016; March 24, 2016

Legal Ref.: Virginia Code §§ 22.1-79(6), 22.1-293, 22.1-306, and 22.1-312; 8 VAC 20, Part 90.

Cross Ref.: GB, Equal Employment Opportunity
GBM, Licensed Teaching Staff Grievances
GCA, Personnel Definitions
GCN, Performance Review
JB, Equal Educational Opportunities

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

PREAMBLE

The School 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
- (d) non-regular employees, such as temporary (whether part-time or full-time), limited term, or seasonal employees and substitutes.

"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 employment, including but not necessarily limited to disciplinary actions other than dismissal; the application or interpretation of personnel policies, procedures, rules, and regulations, ordinances, and statutes; 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 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 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 the establishment and revision of wages or salaries, position classifications, or general benefits; demotion based on skill, performance or change of duties; individual employee evaluations or action plans for assistance/remediation; suspensions; noncontinuation or termination of employment during, or noncontinuation of employment at the end of the probationary period; the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; failure to promote; 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; hiring, transfer, assignment, and retention of employees within the school division; suspension from duties in emergencies; or the methods, means, and personnel by which the school division's operations are to be carried on. All management rights available by law are reserved to the School Board.

"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 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 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.

"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; 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, and a concise description of those policies, procedures, regulations, ordinances, or statutes upon which the covered employee bases his or her claim. The grievant shall specify what he or she expects to obtain through use of the grievance procedure. A statement shall be written upon forms prescribed by the Board.

1.2 GRIEVABILITY

1. 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. 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.

2. 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, 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 meeting between the Superintendent and the grievant, or

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

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.

3. 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.
4. 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.

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 option, to advance to the next step in the procedure or, at the final step, to a decision in his or her 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.

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, a grievance must be initiated 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 between the covered employee and his/her immediate supervisor (which may be the department head). The employee shall state that he/she is 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) business days of notification of the decision by the supervisor, specifying on the form the specific relief expected (Use

Grievance Form GBMA-F1). Regardless of the outcome of Step 1, if the written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

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.
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 (3) 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.)
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.
2. 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 (3) business days of receipt. (Use Grievance Form GBMA-F2-M.) At such meeting 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.

3. 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/her 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.

4. 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/she 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 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. 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.

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 within thirty (30) calendar days of the vote. (Use Grievance Form GBMA-F4.) 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 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 shall be private, unless the grievant requests a public hearing and the School Board 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.

A stenographic record or audio recording of the proceedings shall be taken unless the grievant and the School Board 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 both.

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. Decision. 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.

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 him/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 be present at this interview, and it is to receive the reasons only. A request for the reasons shall be filed within three (3) business days of receipt of notification by the Superintendent. (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 Form GBMA-F7 to the Superintendent.
2. **Meeting.** A meeting shall be held within five (5) business days of the Superintendent's receipt of the form at a time and place designated by the Superintendent/designee. (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 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. Decision. The Superintendent/designee shall provide a decision in writing within five (5) business days following such meeting. (Use Grievance Form GBMA-F-8.)

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 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 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.

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.) 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 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 shall be private, unless the grievant requests a public hearing and the School Board 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.

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 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. 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, or, if it elects to conduct a hearing, within thirty (30) calendar days after the hearing. (Use Grievance Form GBMA-F-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 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.

Adopted: July 1, 1993
Amended: December 8, 1997; July 8, 2004; January 14, 2010; March 24, 2016
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**GRIEVANCE FORM GBMA-F1
FOR ADJUSTING CLASSIFIED STAFF GRIEVANCES**

STATEMENT OF GRIEVANCE

TO BE PRESENTED TO DEPARTMENT HEAD/DESIGNEE WITHIN 5 BUSINESS DAYS
OF NOTIFICATION OF DECISION BY THE SUPERVISOR

Please print all information.

Name of Grievant: _____

Phone: _____ Email: _____

School/Department: _____

Position: _____

Date of 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.

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, 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. 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'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 BUSINESS
DAYS OF RECEIVING STATEMENT OF GRIEVANCE, MEETING TO BE HELD WITHIN 5
BUSINESS DAYS OF RECEIPT OF STATEMENT OF GRIEVANCE OR 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 GBM-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.
- _____ 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):

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 BUSINESS DAYS OF
RECEIVING APPEAL OR WITHIN 3 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'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.
- _____ 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 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-F4
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

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: _____

**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

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: _____

**GRIEVANCE FORM GBMA-F6
FOR ADJUSTING CLASSIFIED GRIEVANCES**

NOTICE OF DISMISSAL
TO BE PRESENTED TO COVERED EMPLOYEE BY SUPERINTENDENT

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.

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 not be present at this interview.

You have ten (10) business days from receipt of this form to request, in writing, a meeting with the Superintendent or his/her 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: _____

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

_____ in writing

_____ in a personal interview

Grievant's Signature: _____ Date Signed: _____



SUPERINTENDENT'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
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

I hereby request a meeting with the Superintendent or his/her 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 preparation. I understand that I am under continuing obligation to provide all documents used in rebuttal to the Superintendent's recommendation within 10 calendar 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, MEETING TO BE HELD WITHIN 5 BUSINESS DAYS OF
SUPERINTENDENT'S RECEIPT OF REQUEST FOR MEETING**

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, MEETING HELD WITHIN 10 CALENDAR 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'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-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 FROM SUPERINTENDENT IF NO HEARING HELD

Please print all information.

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: _____