

## SUPPORT STAFF GRIEVANCES

The Portsmouth City School Board adopts the following procedure in accordance with § 22.1-79(6) of the Code of Virginia, as amended. Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the School Board's exclusive final authority over the employment and supervision of its personnel.

The following words and terms are defined as indicated when used in this procedure, unless the context clearly indicates otherwise.

"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 next day that is not a Saturday, Sunday or legal holiday. "Working days" means those days that the Portsmouth City School Board office is open for business.

"Dismissal" means the termination of employment of any covered employee with or without cause during the term of such employee's employment.

"Employee" or "employees" means all full-time employees of the Portsmouth City School Board who have completed the required probationary period except the superintendent and those employees covered under the provisions of Articles 2 and 3 of Chapter 15 of Title 22.1 of the Code of Virginia, as amended. "Employee" does not mean a part-time or temporary employee.

"Grievance" means a complaint or dispute involving the dismissal or other disciplinary action of an employee. A dismissal, reassignment or other action pursuant to a Reduction in Force (RIF) is not a disciplinary action and is not grievable. Employee evaluations are not disciplinary actions and are not grievable. "Grievance" does not mean a complaint or dispute regarding the suspension of an employee. The procedure for the suspension of employees is set forth in Policy GCPF Suspension of Staff Members.

### Procedure

1. Written notice of the proposed dismissal or other disciplinary action, along with a statement of the reasons for the action, shall be given to the employee by the employee's building administrator or department head. Upon receipt of the recommendation, the employee is required to meet with a Human Resources administrator. During this meeting the employee receives a copy of this policy as notice of the employee's grievance rights. The employee may file a written request for a hearing with the superintendent within ten (10) working days of receiving the written notice. The failure to file such a request within the prescribed time will constitute a waiver of the right to a hearing and the dismissal or other disciplinary action will become final without a hearing or further notice.

2. Upon receiving a timely written request, the superintendent shall select an impartial hearing administrator to hear the grievance. The hearing administrator will hold a hearing within fifteen (15) working days of receipt of the employee's request. Notice of the hearing shall be given orally or in writing to the employee at least five (5) working days before the hearing. The employee and the school division will share the cost of the hearing administrator and the cost of recording the hearing equally.
3. The employee and the employee's supervisor may be represented by legal counsel or a lay advocate at the hearing, but not both. The division may also be represented by legal counsel at the hearing. The hearing will be private and the hearing administrator will have full discretion over the conduct of the hearing. However, the employee and the division representative may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross examine witnesses. Witnesses may be questioned by the hearing administrator.
4. The hearing administrator shall give the employee and the division representative a written decision within ten (10) working days after the completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party.
5. The decision may be appealed to the School Board by providing written notice of appeal to the superintendent within five (5) working days of receiving the decision of the hearing administrator. Upon timely appeal, the School Board shall decide the appeal on the written record and render its decision within thirty (30) days of the appeal.

Adopted: August 28, 1997  
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Legal Ref.: *The Code of Virginia*, 1950, as amended, §§ 22.1-79(6), 22.1-311, 22.1-313.

Cross Refs.: GCPF                      Suspension of Staff Members  
                  GDG                        Support Staff Probationary Period