

# InterMountain Education Service District

Code: **GBM**  
Adopted: 1/19/11  
Readopted: 10/21/15

## Staff Complaints

It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

It is the policy of the Board to provide a process through which employees may resolve grievances, unless otherwise provided in appropriate collective bargaining agreements.

1. Every ESD employee will have the right of access to the Board through a grievance or complaint procedure, without reprisal by the Board or board member, or any ESD employee.
2. It is expected that ESD employees will resolve differences with supervisors and that the use of the grievance/complaint process will be limited to situations when other efforts at reconciliation have been unsuccessful.
3. Every effort will be made to expedite reconciliation efforts.
4. Grievance Procedure
  - a. The aggrieved will first discuss grievance with immediate supervisor, with the objective of resolving the matter informally. Representative participation will be in accordance with collective bargaining agreement provisions.
  - b. If the aggrieved is not satisfied with the disposition of grievance, the aggrieved may file a written grievance with the superintendent within 10 working days following the act or condition which is the basis of the complaint; or, if the aggrieved had no knowledge of said occurrence at the time of its happening, then within 10 working days of the first such knowledge. This complaint shall set forth the grounds upon which the complaint is based and the reasons why the aggrieved considers the decision rendered unacceptable. If the aggrieved does not submit the grievance to the superintendent in writing within 10 working days, the grievance will be deemed waived. The superintendent shall communicate a decision in writing within five working days to the aggrieved.
  - c. Within five working days of receipt of the decision rendered by the superintendent, the aggrieved, if not satisfied with the decision of the superintendent, may appeal in writing to the Board or representative of the Board.
  - d. Appeals to the Board shall be heard at the next regularly scheduled board meeting which is not less than seven days after receipt of the appeal. Written notice of the time and place of the hearing shall be given five working days prior thereto, to the aggrieved, the aggrieved's representative, or any other person officially involved in the grievance.

- e. Attendance at the hearing of appeal shall be restricted to persons officially involved. Parties in interest may elect to call witnesses who shall appear individually at the hearing.
- f. Decision of the Board shall be binding upon all parties involved.

5. Definitions

- a. "Grievance" is a claim by an employee based on the interpretation, application, or violation of ESD policies or administrative rule.
- b. "Aggrieved" is the person who has the grievance.
- c. The "Party in Interest" is the person(s) making the complaint or the person(s) against whom the complaint is made.
- d. "Representative" is the one who may speak for and/or advise a party in interest.
- e. "Immediate Supervisor" is the one who has direct supervisory responsibilities over the aggrieved.
- f. "Days" shall mean the aggrieved's working days.
- g. "Persons Officially Involved" means the superintendent, the superintendent's representative and/or consultant, the aggrieved, the aggrieved's representative and/or consultant, and witnesses.

END OF POLICY

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**Legal Reference(s):**

[ORS 334.125](#)

[ORS 659A.199](#)

[OAR 581-024-0245](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).