

# Regulation

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries: Policy GAHH, 800.33, Policy GAFF, 800.31**  
**Responsible Office: EMPLOYEE RELATIONS**

### **EMPLOYEE COMPLAINTS AND GRIEVANCES**

#### **I. PURPOSE**

To establish procedures to process and obtain prompt and equitable solutions to employee complaints and grievances and to encourage the informal resolution of such issues whenever possible.

#### **II. DEFINITIONS**

- A. A complaint is an allegation that challenges the interpretation or application of workplace policies and regulations (except those committed to an alternative appeal process by a collective bargaining agreement, other policy or regulation, or state or federal laws).
- B. A complainant is an employee who claims that an action is contrary to that required by policy or administrative regulations or contrary to that required by applicable laws.
- C. An employee is a part-time or full-time permanent employee of the Anne Arundel County Public Schools.
- D. A grievance is a complaint that may be filed under the terms of a collective bargaining agreement between an employee organization and the Board of Education of Anne Arundel County. Such grievances are not subject to the complaint process and must be handled through the agreed-upon process in the negotiated agreement.
- E. Unlawful harassment and discrimination are defined in the regulation that accompanies Policy 800.31/GAFF. Complaints brought on the basis of unlawful harassment or discrimination must be brought in accordance with that policy and regulation.

- F. A party in interest is the person or persons making the complaint and any person who might be required to take action or the person or persons against whom action might be taken to resolve the complaint.
- G. Work day means a day, other than a Saturday, Sunday or legal holiday, on which the central office of the Anne Arundel County Public Schools is open for the transaction of business.

### **III. RIGHTS OF AN EMPLOYEE**

- A. Nothing in this regulation is to be construed as limiting the rights of any employee having a concern to discuss the matter with any appropriate member of the administration.
- B. At all formal levels of the procedure (Level One and above), a party in interest may be represented, at his or her option, by counsel. However, meetings or hearings are not required to be delayed so that counsel may appear.
- C. An employee is not entitled to release time, with or without salary, to attend meetings or hearings with regard to an employee complaint. If a meeting or hearing is held outside of the workday, an employee is not entitled to compensation for attendance.
- D. The classification of positions per se may not be the subject of a complaint or grievance since it is the prerogative of management to determine what work will be done by its employees and the criteria on which the pay for the work is based.

### **IV. PROCEDURE FOR COMPLAINTS**

- A. All complaints must be initiated within fifteen (15) workdays after the complainant knows or should have known of the facts giving rise to the complaint.
- B. Failure to appeal at any level within the specified times will be taken to mean an acceptance of the last decision rendered.
- C. Informal Process
  - 1. An employee with a complaint will discuss it with the principal or immediate supervisor to seek an informal resolution of the matter within ten (10) work days of the event giving rise to the complaint. If the complaint is of unlawful discrimination against the principal or immediate supervisor, the complainant

must follow the procedures set forth in Policy 800.31/GAFF and its accompanying regulation.

2. The complainant and principal or supervisor will attempt to informally resolve the complaint through discussion.

D. Level One

1. If the complaint cannot be resolved to the satisfaction of the complainant through the informal process within fifteen (15) work days of the date the complaint was initiated, the complainant will obtain a register number from the Office of Employee Relations and complete the *Employee Complaint* form provided by the school system. The Office of Employee Relations shall designate the respondents/designees to the complaint at each level of the process at this time; however, nothing shall prevent the Office of Employee Relations from changing a designee should it be deemed necessary. Depending on the position of the immediate supervisor, the Office of Employee Relations reserves the right to eliminate one or more levels of this process. If such an action is taken, the Office of Employee Relations will ensure that the decision is documented on the *Employee Complaint* form.
2. The complainant will submit the completed form to the principal or immediate supervisor within five (5) workdays after the informal discussion period has ended.
3. The principal or immediate supervisor has ten (10) workdays to:
  - a. Review the written complaint and provide the complainant with the opportunity to present witnesses and evidence; and
  - b. Render a decision and complete the section of the *Employee Complaint* form entitled Level One decision. If the employee does not make his/her self available for a meeting or hearing within the ten (10) workdays and the principal or immediate supervisor chooses, at his or her sole discretion to reschedule the meeting or hearing, the timeline for response will be extended to an additional five (5) work days after the meeting or hearing is held. This extension applies any time a designee agrees to a meeting or hearing outside of the allotted timeframe at the request of the complainant.

4. The principal or immediate supervisor will return the form to the complainant either through hand delivery, facsimile, electronic mail, basket mail, or U.S. postal service. The principal or immediate supervisor will distribute a copy to the Office of Employee Relations and keep a copy for his or her administrative record.

E. Level Two

1. If the complainant is not satisfied with the decision at Level One, or if no decision has been rendered within the required timeframe, the complainant may appeal the matter to the Level Two designee within five (5) work days, specifying the grounds on which the Level One decision should be overturned.
2. Within ten (10) work days after receiving the written complaint, the designee:
  - a. May choose to schedule a meeting with the complainant for the purpose of resolving the complaint; and
  - b. Render a decision and complete the section of the *Employee Complaint* form entitled Level Two decision.
3. The designee will return the form to the complainant either through hand delivery, facsimile, electronic mail, basket mail, or U.S. postal service. The designee will distribute a copy to the Office of Employee Relations and keep a copy for his or her administrative record.

F. Level Three

1. If the complainant is not satisfied with the decision at Level Two, or if no decision has been rendered within the required timeframe, the complainant may appeal the matter to the Level Three designee within five (5) work days, specifying the grounds on which the Level One and Two decisions should be overturned.
2. Within ten (10) work days after receiving the written complaint, the designee:
  - a. May choose to schedule a meeting with the complainant for the purpose of resolving the complaint; and

b. Render a decision and complete the section of the *Employee Complaint* form entitled Level Three decision.

3. The designee will return the form to the complainant either through hand delivery, facsimile, electronic mail, basket mail, or U.S. postal service. The designee will distribute a copy to the Office of Employee Relations and keep a copy for his or her administrative record.

G. Level Four

1. If the complainant is not satisfied with the decision at Level Three or if no decision has been rendered within the required timeframe, the complainant may appeal the matter to the Superintendent or his or her designee within five (5) work days, specifying the grounds on which the previous decisions should be overturned.
2. Within ten (20) work days after receiving the written complaint, the Superintendent or designee:
  - a. May choose to schedule a meeting with the complainant for the purpose of resolving the complaint; and
  - b. Render a decision and complete the section of the *Employee Complaint* form entitled Level Four decision.
3. The Superintendent or designee will return the form to the complainant either through hand delivery, facsimile, electronic mail, basket mail, or U.S. postal service. The Superintendent or designee will distribute a copy to the Office of Employee Relations and keep a copy for his or her administrative record.

H. Appeal to the Board of Education

1. If the complainant is not satisfied with the decision at Level Four or if no decision has been rendered within the required timeframe, and the decision is subject to the appeal process as outlined in Section 4-205 of the Education Article, the complainant may appeal the matter to the Board of Education within (5) work days.
2. The appeal must be made in writing within thirty (30) calendar days of the date of the Superintendent or designee's decision and addressed the President of the Board of Education of Anne Arundel County, 2644 Riva Road, Annapolis, Maryland 21401.

3. Neither the Board of Education as a whole nor any individual member will investigate or act on complaints from employees until the Superintendent has ruled on the matter.

## V. GRIEVANCES

- A. As indicated in Section II(D) above, grievances may be filed under the terms of a collective bargaining agreement between an employee organization and the Board of Education of Anne Arundel County. Such grievances are not subject to the complaint process and must be handled through the agreed-upon process in the negotiated agreement.
- B. At each level of the process beginning with the first formal step in the grievance process, the management designee who responds to the grievance will notify the Office of Employee Relations of its decision. This notification will be in writing.

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