

CLASSIFIED EMPLOYEES GRIEVANCE PROCEDURE

The Westmoreland County School Board adopts the following procedure in accordance with § 22.1-79(6) of the Code of Virginia. 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 management and operation of the school division.

The following words and terms have the following meanings 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 central office is open for business.

"Dismissal" means the dismissal of an employee for disciplinary reasons during the term of such employee's contract.

"Demotion" means the involuntary assignment of an employee to a lower paying position for disciplinary reasons during the term of such employee's contract.

"Grievance" means a complaint or dispute involving the dismissal or demotion of an employee. "Grievance" shall not mean a complaint or dispute regarding the suspension of an employee, the nonrenewal or layoff of an employee, or reprimands or other forms of disciplinary action other than a dismissal or demotion. The procedure for the suspension of classified employees will be that as set forth in §22.1-315 of the Code of Virginia.

"Employee" or "employees" means all full-time employees of the school division who have completed the required probationary period, except the Division Superintendent and those employees covered under Part III of the Procedure for Adjusting Grievances. "Employee" does not mean a part-time or temporary employee.

Procedure

1. Written notice of the proposed action, along with a statement of the reasons for the action, shall be given to the employee by his or her supervisor or appropriate administrator. Such notice shall also advise the employee that he may file a written request for a hearing with the superintendent within five days of the written notice, and that the failure to make a written request within the prescribed time will constitute a waiver of the right to a hearing and the action will become final without a hearing or further notice.
2. Upon a timely request, the superintendent or his/her designee shall hold a hearing within ten 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 calendar days before the hearing.

3. The employee and his supervisor may be represented by legal counsel at the hearing. The hearing shall be private and the superintendent or his/her designee shall have full discretion over the conduct of the hearing. However, the employee and the supervisor 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 superintendent or his/her designee.
4. The superintendent or designee shall give the employee a written decision within five 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. If the Superintendent or designee decides to accept the recommendation of dismissal or demotion, the decision shall specify the effective date of the action, which may be immediate.
5. The school board shall conduct a hearing regarding the recommended dismissal or demotion only when such action is initiated by the Superintendent. In all other cases, the Superintendent or designee shall provide the hearing. A hearing before the school board, when applicable, must be requested in the manner and within the time, and will be conducted, as set forth above.
6. In cases in which the Superintendent or designee has provided the hearing, the employee may appeal the decision to the school board by providing written notice of appeal to the Superintendent within five (5) days of the decision of Superintendent or designee. Upon timely appeal, the school board shall decide the appeal on the record and render its decision within 30 days of the appeal.

Adopted: August 10, 1998

Amended: July 20, 2009

Amended: July 2013

Amended: July 18, 2016

Amended: July 20, 2020 (ReedSmith)

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-311, 22.1-313.

Cross Refs.: GCPF
GDG

Suspension of Staff Members
Support Staff Probation