

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Lewellen**

A Bill

SENATE BILL 459

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-17-208 TO
9 LIST ADDITIONAL PROVISIONS REQUIRED TO BE INCLUDED IN A
10 SCHOOL DISTRICT GRIEVANCE POLICY; AND FOR OTHER PURPOSES."

Subtitle

13 "LISTING ADDITIONAL PROVISIONS REQUIRED TO BE INCLUDED IN
14 SCHOOL DISTRICT GRIEVANCE POLICIES."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. Arkansas Code § 6-17-208(b) is hereby amended to read as
19 follows:

20 "(b) The grievance policy shall at least include the following
21 provisions:

22 (1) A procedure for resolving the matter informally with the
23 employee's immediate supervisor;

24 (2) A procedure to appeal, in writing, an unsatisfactorily
25 resolved grievance from the immediate supervisor to the superintendent of
26 schools or his designee;

27 (3) A procedure to appeal in writing an unsatisfactorily resolved
28 grievance from the superintendent or his designee to the school board at a
29 hearing. The hearing shall be open to the public unless either the
30 superintendent or the employee requests a private hearing;

31 (4) The right of all parties to be represented by a person of
32 their own choosing at least at the school board level of the procedure;

33 (5) At the beginning of the hearing, the employee or the
34 employee_s representative shall state the basis for the grievance and the
35 relief requested;

1 (6) The employee may then call witnesses and introduce documents
2 in support of the grievance;

3 (7) The employee_s immediate supervisor or the superintendent
4 shall be entitled to ask questions of the witnesses called by the employee;

5 (8) The employee_s immediate supervisor or the superintendent may
6 then call witnesses and introduce documents;

7 (9) The employee or his representative shall be entitled to ask
8 questions of the immediate supervisor_s or superintendent_s witnesses;

9 (10) The employee or the employee_s representative and the
10 superintendent or employee_s immediate supervisor may make opening and closing
11 statements;

12 (11) The board members who will decide the grievance may ask
13 questions of any witness following the questions by the parties;

14 (12) At the close of the hearing the board shall vote on each item
15 of relief requested and, if the board deems some other form of relief is
16 appropriate, may then award that relief; and

17 (13) The board shall be impartial in its deliberations; and

18 (A) The administration, *the employee, and the employee's*
19 *representative* shall not communicate with the board members, either directly
20 or indirectly, about the grievance except at the hearing; however

21 (B) The administration may inform the board members that a
22 grievance has been filed and may communicate with the board to schedule a
23 hearing.

24 (14) *No reprisal of any kind shall be taken against an employee*
25 *for participation in or support of a grievance."*

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27 SECTION 2. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Senator Lewellen

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