

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Everett

A Bill

SENATE BILL 669

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH AN ALTERNATE DISPUTE RESOLUTION
10 PROCESS FOR SCHOOL DISTRICTS AND THEIR EMPLOYEES; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "TO ESTABLISH AN ALTERNATE DISPUTE
15 RESOLUTION PROCESS FOR SCHOOL DISTRICTS
16 AND THEIR EMPLOYEES."

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

20 SECTION 1. Arkansas Code Annotated § 6-17-208 is repealed.

21 ~~6-17-208. Grievance procedure.~~

22 ~~(a)(1) It is the public policy of the State of Arkansas that each school~~
23 ~~district shall have a written grievance procedure which provides for an~~
24 ~~orderly method of resolving concerns raised by an employee at the lowest~~
25 ~~possible administrative level.~~

26 ~~(2)(A) "Grievance" shall mean any concern related to personnel policies~~
27 ~~or salary raised by an employee.~~

28 ~~(B) "Employee" shall mean a person employed by a school district under~~
29 ~~a written contract.~~

30 ~~(b) The grievance policy shall at least include the following provisions:~~

31 ~~(1) A procedure for resolving the matter informally with the employee's~~
32 ~~immediate supervisor;~~

33 ~~(2) A procedure to appeal, in writing, an unsatisfactorily resolved~~
34 ~~grievance from the immediate supervisor to the superintendent of schools, or~~
35 ~~his designee;~~

36 ~~(3) A procedure to appeal in writing an unsatisfactorily resolved~~

~~1 grievance from the superintendent, or his designee, to the school board at a
2 hearing. The hearing shall be open to the public unless either the
3 superintendent or the employee requests a private hearing; and~~

~~4 (4) The right of all parties to be represented by a person of their own
5 choosing, at least at the school board level of the procedure.~~

~~6 (c) The grievance policy shall be adopted in accordance with §§ 6-17-201
7 - 6-17-207 and other applicable policies of the district.~~

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9 SECTION 2. Title 6, Chapter 17, Subchapter 1 of the Arkansas Code
10 Annotated is amended by adding a new section to read as follows:

11 "6-17-114. Grievance procedure - Arbitration.

12 (a)(1) It is the public policy of the State of Arkansas that each
13 school district shall have a written grievance procedure which provides for an
14 orderly method of resolving concerns raised by an employee at the lowest
15 possible administrative level.

16 (2)(A) Grievance shall mean any concern related to personnel
17 policies or salary raised by an employee.

18 (B) Employee shall mean a person employed by a school
19 district under a written contract.

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; and

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 (c) The grievance policy shall be adopted in accordance with
34 §§ 6-17-201 - 6-17-207 and other applicable policies of the district.

35 (d) Any concern that arises between a school district employee and a
36 school district regarding the interpretation, application, violation of, or

1 the procedure followed for adoption or promulgation of any policies or
2 practices of the school district shall be submitted to binding arbitration in
3 accordance with the Rules of the American Arbitration Association either (1)
4 in lieu of a grievance hearing before the board by agreement between the
5 employee and the board or (2) after the grievance hearing before the board at
6 the election of the employee. The cost of arbitration shall be shared equally
7 between the school district and the school district employee; provided,
8 however, that the local education association shall have the option to pay the
9 school district employee's share."

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11 SECTION 3. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 4. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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