

Staff Complaints and Grievances

The Board of Education recognizes that staff complaints and grievances regarding work rules arise from time to time. In many instances the complaint process is covered by collective bargaining agreements, and in those instances, the grievance procedure outlined in the agreement shall be used. In order to address staff complaints not covered by bargaining agreements, and/or for those employees not covered by such an agreement, the Board of Education establishes this policy. The Board of Education acknowledges that staff members have the right to present complaints and grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

Definitions

1. "Grievant" shall mean an employee who alleges a grievance.
2. "Grievance" shall mean any alleged violation, misinterpretation or inequitable application of laws, regulations, rules or governing procedures which relates to employee health or safety, physical facilities, materials or equipment furnished. It does not include complaints regarding compensation, benefits, disciplinary proceedings or any matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law.
3. "Immediate Supervisor" shall mean the person under whose immediate jurisdiction the grievance occurs.
4. "Representative" shall mean the person or persons designated by the aggrieved employee as his counsel or to act in his behalf.

Procedures

This policy provides grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Grievants shall have the right to representation at all stages of the grievance process. The resolution of staff complaints shall be dealt with in the following manner:

Stages

A. Stage I—Immediate Supervisor

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall present the grievance orally to their immediate supervisor. The supervisor may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the School District shall cooperate with the supervisor in such investigation. If the immediate supervisor is the subject of the grievance, then the review shall be completed by a designee the Deputy Superintendent
2. The supervisor shall render his/her determination within fifteen (15) days after the grievance was presented to her. In the event the supervisor finds that there has been a

violation, he/ she shall propose a resolution of the complaint. The discussion and resolution of grievances with the supervisor shall be on an oral and informal basis.

3. If the grievant is not satisfied with the finding of the supervisor, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he/she has discussed the determination and/ or proposed resolution with the supervisor, file a written request for review by the Superintendent of Schools.

B. Stage II — Superintendent of Schools

1. The Superintendent of Schools may request that the grievant and the supervisor present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. At the request of the grievant the Superintendent of Schools shall hold an informal hearing and shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within fifteen (15) school days of the receipt of the appeal by the Superintendent of Schools.
3. Within fifteen (15) days of receipt of the grievance, or from the hearing, if applicable the Superintendent of Schools shall render his/her determination in writing. If the grievant is not satisfied with the determination of the Superintendent of Schools, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the grievance committee as established by the Board of Education.
4. In the event the Superintendent of Schools is the supervisor of the grievant, the grievance shall proceed from Stage I to Stage III.

C. Stage III — Grievance Committee

1. The Board of Education shall appoint a committee composed of two representatives to hear the grievance.
2. When a request for review by a grievance committee has been made, the Superintendent of Schools shall submit all written statements and other materials concerning the case to the grievance committee.

Policy 9410

3. The grievance committee shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
4. The grievance committee shall render a report in writing within fifteen (15) days after the hearing has been concluded. The report of the grievance committee shall contain a statement of the committee's findings of fact, conclusions and advisory recommendations. The grievance committee shall send a copy of its report to each employee involved, his/her representative, if any, and the Superintendent of Schools.

This policy shall be filed with the District Clerk and the State Civil Service Commission within fifteen (15) days of adoption and/or amendment, as required by law.

Cross-ref: 0100, Equal Opportunity and
Nondiscrimination
0110, Sexual Harassment

Ref: General Municipal Law, Article 15-c
Civil Service Law, Article 14

Adopted: October 2015