

STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal. This policy applies solely to those employees who are not covered under a collective bargaining agreement or contract. This Policy in no way replaces any grievance procedure that is outlined in any collective bargaining agreement or contract with the District.

This Policy relates solely to grievances regarding employees' health or safety, physical facilities, materials or equipment furnished to employees or supervision of employees.

The District shall implement a multi-stage grievance procedure and an appellate stage pursuant to the following:

1. The first procedural stage shall consist of the employee's presentation of his/her grievance to his/her immediate supervisor who shall, to such extent as he/she may deem appropriate, consult with his/her superiors. The discussion and resolution of grievances at the first stage shall be on an oral and informal basis. If such grievance is not satisfactorily resolved at the first stage such employee may proceed to the second stage. A grievance shall be presented within twenty (30) days of the date upon which the circumstances and/or acts which gave rise to the grievance occurred.
2. The second procedural stage shall consist of a request by the aggrieved employee for a review and determination of his/her grievance by the head of the department filed within forty (40) days of the circumstances and/or acts which gave rise to the grievance occurred. In such case the aggrieved employee and his/her immediate supervisor shall each submit to the head of the department a written statement setting forth the specific nature of the grievance and the facts relating thereto. Thereupon such head of the department shall, at the request of the employee, hold an informal hearing at which the employee, and in accordance with the provisions of the grievance procedure his/her representative, may appear and present oral and written statements or arguments. The final determination of the second stage of such grievance proceeding shall be made by the head of the department.
3. The Board of Education shall serve as the grievance board and shall hear appeals of decisions made by the head of the department.

4. Any employee not covered under a collective bargaining agreement or contract may appeal to the Board of Education from a determination by the head of his/her department, made in accordance with the provisions of this Policy. Such employee shall be granted a hearing before the Board on such appeal, and the grievance procedure established under this article shall give such employee the right to be represented in such appeal.
5. Any such hearing may be conducted by any one or more members of the Board, designated by the Board to act on its behalf; provided, however, that if less than the full Board presides at such a hearing, the member or members thereof conducting such hearing shall render a report thereon to the full Board and the full Board shall thereupon make its report.
6. The report of the Board shall contain a statement of the Board's findings of fact, conclusions and advisory recommendations. The Board shall send a copy of its report to each employee involved, his/her representative, if any, the head of the department and to the Superintendent.

Cross-ref: 0100, Equal Opportunity

Ref: Americans with Disabilities Act, 42 USC §12111-12117; 12210
General Municipal Law, Article 15-c
Title IX, Education Amendments of 1972, 20 USC Chapter 38; 45 CFR Part 86
Rehabilitation Act of 1973, §504; 29 USC §794
Civil Service Law, Article 14
Matter of Gatje, 24 EDR 191 (1984)

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