Policy 9140.1

Staff Complaints and Grievances

Grievances under the Municipal Law

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 establishes this policy. The Board 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.

"Grievance" for purposes of this portion of the policy and the accompanying regulation shall mean any alleged violation 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 or benefits.

The district shall implement a multistage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law.

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

Other Complaints and Grievances

Complaints and grievances by employees against other employees that are not covered by other District policies, procedures, the General Municipal Law, or collective bargaining agreements shall be handled in accordance with this policy.

Employees should bring their complaints to their direct supervisor, who shall handle the investigation and resolution of the complaint. If the complaining employee's supervisor is the subject of the complaint, the complaint shall be brought to the Superintendent of Schools. The Superintendent of Schools shall handle the investigation and resolution of the complaint, or shall designate an administrator to perform this role. If the Superintendent of Schools is the complaining employee's supervisor and the subject of the complaint, the complaint shall be brought to the Board President, who shall share the allegations of the complaint with the Board of Education to determine how the complaint will be investigated. The Board will bring such complaint to the attention of the Superintendent. The Board of Education reserves the right to appoint an outside investigator if warranted.

The investigator, whether an administrator or outside investigator, shall first meet with the complainant. This meeting shall be kept as confidential as possible. The investigator shall next meet with any identified witnesses or other individuals who may have information relevant to the

complaint, and shall collect any documentary evidence. Finally, the investigator will speak with the accused individual. If the complaint is found to be a violation of District policy, the District will follow all policies, procedures, laws, employment contracts and collective bargaining agreements when determining resolutions to the complaint.

Retaliation Prohibited

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint under this policy.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

Ref:

General Municipal Law, Article 15c
Civil Service Law, Article 14
Matter of Gatje, 24 EDR 191 (1984)

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Staff Complaints and Grievances Regulation

It is the Board's intention to work toward resolving complaints at the level closest to their origin and to take reasonable steps to avoid litigation. Generally, the procedure outlined below should be followed for complaints that fall under the General Municipal Law.

Definitions

1. Grievant shall mean an employee who alleges a grievance.
2. Grievance shall mean any alleged violation 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 or benefits.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The District has other policies and procedures that may be relevant to the staff complaint, such as the District's discrimination and harassment procedures. The resolution of staff complaints that are not otherwise covered by policy or collective bargaining agreement shall be dealt with in the following manner:

Stages

*A. Stage I—**Supervisor***

1. Within 30 days after the events giving rise to the grievance, the grievant shall present the grievance orally to their supervisor. The supervisor may informally discuss the grievance with the grievant. They shall promptly investigate the complaint. All employees of the school district shall cooperate with the supervisor in such investigation.
2. Within 15 days of hearing of the grievance, the supervisor shall make a finding in writing that there has or has not been a violation of the applicable work rule or other governing procedure. In the event the supervisor finds that there has been a violation, they shall propose a resolution of the complaint.

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 15 days after they have received the report of the supervisor, file a written request for review by the Superintendent of Schools.

*B. Stage II-**Superintendent of Schools***

1. The Superintendent may request that the grievant, the supervisor, or any member of the school district staff 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. The Superintendent 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. The grievant may be accompanied by representation. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the applicable work rule or other governing procedure and a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

*C. Stage III-**Board of Education***

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 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.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.