

POLICY

EAST WINDSOR BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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GRIEVANCE

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The Board of Education shall develop and practice reasonable and effective means for the resolution of disputes that may arise in the employment of teaching staff members not covered by the terms of a negotiated agreement.

The Board directs that any grievance not provided for by negotiated agreement be resolved by submission to the following grievance procedure, which is designed to promote proper and equitable settlement of grievances at the lowest appropriate level and to facilitate an orderly process for the resolution of grievances.

For the purposes of this policy, "grievance" means an unresolved problem concerning the application or interpretation by an officer or employee of this district of law, regulations of the State Board of Education, the bylaws or policies of the Board, or the administrative regulations of the Superintendent; "grievant" is a district employee who alleges a grievance or the employee's representative; "party" means the grievant or any person named in the grievance as allegedly having violated a law, bylaw, policy, or regulation; and "day" means a school day.

A grievant may use personal leave time when it becomes necessary to process a grievance during school hours. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible. There will be no reprisal of any kind taken against any employee or employee's representative for participation in a grievance.

Grievances shall be initiated within thirty (30) school days of the occurrence or thirty (30) school days from the time that the grievant should have know of the occurrence.

All documents, communications, and records regarding the processing of a grievance will be filed in a separate grievance file and will not be kept in the personnel file of any of the participants of the grievance.

Level One

Any alleged grievance should, at the first instance, be discussed in one or more private, informal conferences between



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the parties involved or between the grievant and his/her immediate supervisor. These meetings should occur within seven (7) school days of notification of any alleged grievance. A grievance not resolved in one or more such private meetings may be processed in accordance with the following procedure.

Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the principal within seven (7) school days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal will include a copy of the original grievance; the decision rendered, if any; the name of the grievant's representative, if any; and a clear, concise statement of the reasons for the appeal of the decision.

The principal shall present a decision to the grievant within seven (7) school days. If no decision is rendered within that time limit, the grievant may appeal to the next level.

Level Three

A grievant not satisfied with a decision at Level Two may appeal that decision in writing to the Superintendent within seven (7) school days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal to the Superintendent will include copies of the original grievance, the appeal of that grievance at Level Two, and the decision, if any, rendered at Level Two. After the delivery of the appeal, the Superintendent shall investigate the grievance, giving all persons who participate in Levels One and Two a reasonable opportunity to be heard.

Within fifteen (15) school days of the presentation of the appeal, the Superintendent shall submit a decision in writing together with the reasons that support that decision to the grievant and any other party to the grievance. If the Superintendent does not render a decision within that time limit, the grievant may appeal to the next level.

Level Four

A grievant not satisfied with the Superintendent's decision may appeal that decision in writing to the Board within ten (10) school days after the receipt of the decision or the expiration of the time during which the decision must be rendered. The



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written appeal to the Board will include copies of the original grievance, the appeal of that grievance at Level Two, and the decisions, if any, rendered at Levels Three and Four.

A committee of the Board shall review the grievance and hold a hearing with the teacher if requested. Within fifteen (15) school days of the hearing, the board shall submit its decision in writing together with reasons to support the decision to the grievant. A copy of the decision shall be given to the Superintendent and to any other party to the grievance.

Level Five

The grievant may appeal the decision of the Board to an arbitrator through the Public Employment Relations Commission. The grievant must notify the Board within thirty (30) calendar days of the Board's decision of his/her intent to submit the matter to arbitration. The arbitrator or arbitrators shall receive evidence and hear testimony concerning the grievance at a private hearing.

All costs for the arbitration shall be borne equally by the Board and the grievant.

The arbitration decision shall be rendered within thirty (30) days of the completion of the hearings and shall be final and binding.

N.J.S.A. 34:13A-5.3



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Adopted: 11 February 2008

