

POLICY

EAST WINDSOR BOARD OF EDUCATION

SUPPORT STAFF MEMBERS

4340 /Page 1 of 4

GRIEVANCE

4340 GRIEVANCE

The Board of Education shall develop and practice reasonable and effective means for the resolution of disputes that may arise in the employment of support 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 the working day. 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 twenty (20) school days of the occurrence or twenty (20) school days from the time that the grievant should have known 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 the parties involved or between the grievant and his/her immediate supervisor. A grievance not resolved in one or more such private meetings may be processed in accordance with the following procedure.



POLICY

EAST WINDSOR BOARD OF EDUCATION

SUPPORT STAFF MEMBERS

4340 /Page 2 of 4

GRIEVANCE

If, as a result of the discussion, the matter is not resolved to the satisfaction of the employee, the grievant must present his/her grievance in writing to the grievant's immediate supervisor. The written document will be a clear, concise statement of the grievance and will include the law, rule, policy, or regulation that the grievant alleges to have been violated; the factual circumstances on which the grievance is based; the person or persons involved; the decision, if any, rendered at the private conference; and the remedy sought.

Within five (5) working days the supervisor shall present a decision to the grievant in writing. If the supervisor does not respond during the time permitted, the grievant may appeal to the next level.

Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the School Business Administrator within five (5) working 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 School Business Administrator shall present a decision in writing, along with supporting reasons, to the grievant within ten (10) working 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 five (5) working 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. 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) working 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



POLICY

EAST WINDSOR BOARD OF EDUCATION

SUPPORT STAFF MEMBERS

4340 /Page 3 of 4

GRIEVANCE

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 five (5) working days after the receipt of the decision or the expiration of the time during which the decision must be rendered. The 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, schedule the grievance for hearing and render a decision in writing with reasons that support the decision within fifteen (15) working days. 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



POLICY

**EAST WINDSOR
BOARD OF EDUCATION**

SUPPORT STAFF MEMBERS

4340 /Page 4 of 4

GRIEVANCE

Adopted: 11 February 2008

