

# POLICY

## BOARD OF EDUCATION ROSELAND

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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.

If the same or substantially the same alleged grievance is made by more than one employee, a single grievant may process the grievance through the grievance procedure on behalf of all grievants. The names of all the grievants will appear on all documents related to the settlement of the grievance.

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.

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.

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.

#### Level One

Within ten (10) working days of the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to the grievant's immediate supervisor. The



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\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.

Any party to the grievance may request a personal conference with the supervisor in order to resolve the grievance.

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 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 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 Superintendent shall present a decision 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 the Superintendent's decision may appeal that decision in writing to the Board within fifteen (15) 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 Two and Three.

Within fifteen (15) calendar days of the hearing, the Board shall submit its decision in writing together with reasons that 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 4

The grievant may appeal the decision of the Board to an arbitrator mutually chosen by the grievant and the Board. In the event the grievant and the Board are unable to agree on the selection of an



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arbitrator within ten (10) working days, the grievant and the Board shall each select an arbitrator and the arbitrators so selected shall select a third arbitrator by agreement.

The arbitrator or arbitrators shall receive evidence and hear testimony concerning the grievance at a private hearing.

The arbitration award shall be advisory only.

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

First reading: October 22, 2009

Second reading: November 19, 2009

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