

# VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY FOUR

## STAFF COMPLAINTS AND GRIEVANCES

Policy 4350

The Board of Education believes that a more harmonious and cooperative relationship between the School District and its employees may be established through procedures for the settlement of certain complaints and procedures for the settlement of certain complaints and grievances in accordance with appropriate due process standards. Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. All staff members have the right to present complaints and grievances in accordance with established procedures, free from coercion, interference, restraint, discrimination or reprisal.

The District will implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law.

This policy provides the grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Staff complaints that are not covered under the General Municipal Law will be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

### Definitions

1. "Grievant" shall mean an employee who has alleged that he/she has a grievance as that term is defined in 2 below.
2. "Grievance" shall mean any alleged violation, misinterpretation or inequitable application of the existing laws, rules, procedures, regulations, administrative orders or work rules of the School District which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees or supervision of employees; provided that this term shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceeding or any matter that is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law.
3. "Immediate Supervisor" shall mean the person under whose immediate jurisdiction the grievance occurs.
4. "Representative" shall mean the person or persons designated by the aggrieved employee as his counsel or to act in his behalf.
5. "School day" shall mean a day when school is in session including Superintendent conference days, and shall not include a day(s) when school is closed for any reason.

### Procedures

Grievants shall have the right to representation at all stages of the grievance process. The resolution of staff complaints shall be dealt with in the following manner:

#### *A. Stage I – Immediate Supervisor*

1. Within thirty (30) school days after the events giving rise to the grievance, the grievant shall present the grievance orally to their immediate supervisor. The immediate

supervisor may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the School District shall cooperate with the immediate supervisor in such investigation. If the immediate supervisor is the subject of the grievance, then the review shall be completed by a designee or the Assistant Superintendent for Business.

2. The immediate supervisor shall render his/her determination within fifteen (15) school days after the grievance was presented to him/her. In the event the immediate supervisor finds that there has been a violation, he/she shall propose a resolution of the complaint. The discussion and resolution of grievances with the immediate supervisor shall be on an oral and informal basis.
3. If the grievant is not satisfied with the finding of the immediate supervisor, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) school days after he/she has discussed the determination and/or proposed resolution with the immediate supervisor, file a written request for review by the Superintendent of Schools.

*B. Stage II – Superintendent of Schools*

1. The Superintendent of Schools may request that the grievant and the immediate supervisor 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. At the request of the grievant the Superintendent of Schools shall hold an informal hearing and 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. Such hearing shall be held within fifteen (15) school days of the receipt of the appeal by the Superintendent of Schools.
3. Within fifteen (15) school days of receipt of the grievance, or from the hearing, if applicable, the Superintendent of Schools shall render his/her determination in writing. If the grievant is not satisfied with the determination of the Superintendent of Schools, the grievant may, within fifteen (15) school days after its receipt, file with the District Clerk, a written request for review by the grievance committee as established by the Board of Education.

*C. Stage III – Grievance Committee*

1. The Board of Education shall appoint a committee composed of three (3) representatives to hear the grievance.
2. When a request for review by a grievance committee has been made, the Superintendent of Schools shall submit all written statements and other materials concerning the case to the grievance committee.

3. The grievance committee shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (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.
4. The grievance committee shall render a report in writing within fifteen (15) school days after the hearing has been concluded. The report of the grievance committee shall contain a statement of the committee's findings of fact, conclusions and advisory recommendations. The grievance committee shall send a copy of its report to each employee involved, his/her representative, if any, and the Superintendent of Schools.

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

Cross-ref: 0100 Equal Opportunity and Nondiscrimination  
0110 Sexual Harassment

Ref: General Municipal Law, Article 15-c  
Civil Service Law, Article 14

Adoption date: November 20, 2019