

DELANCO TOWNSHIP BOARD OF EDUCATION

No. 4330/page 1 of 4
Grievance Procedure

GRIEVANCE PROCEDURE

The following procedure has been adopted by the Board of Education for use by support staff when not otherwise covered by the terms of a negotiated agreement:

A. Definitions

1. The term "grievance" means a complaint by any employee that, as to him or her, there has been an inequitable, improper, or unjust application, interpretation, or violation of a policy or administrative decision. The term "grievance" and the procedure relative thereto, shall not be deemed applicable in the following instances:

a. The failure or refusal of the Board to renew the contract of a nontenured employee.

b. Where a method is prescribed by law or by a rule or regulation of the Commissioner of Education or the State Board of Education. In cases of disagreement where recourse to the law, State Board, or Commissioner of Education's directives or decisions prescribe a means of appeal, then those procedures shall be followed. In cases of disagreement where recourse is not established by the law, State Board, or commissioner's directives or decisions, then the appeal shall be through this grievance procedure.

2. The term "employee" where applicable shall mean any regularly employed individual receiving compensation from the Board who is not presently covered by the terms of a negotiated agreement, but shall not include the Superintendent, the principals, or temporary and substitute employees.

3. The term "representative" shall include any person authorized or designated by any employee or any group of employees, or by a public employees' association, or by the Board to act on its or their behalf and to represent it to them.

4. The term "immediate" supervisor shall mean the person to whom the aggrieved employee is directly responsible under the Table of Organization prevailing in the district.

5. The term "party" means an aggrieved employee, his or her immediate supervisor, the school principal or any staff member below the Superintendent, not including temporary or substitute employees, who

DELANCO TOWNSHIP BOARD OF EDUCATION

No. 4330/page 2 of 4
Grievance Procedure

may be affected by the determination of the Superintendent in connection with the procedure herein established.

B. Procedure

1. An aggrieved employee shall institute action under the provision hereof within thirty (30) calendar days of the occurrence complained of, or within thirty (30) calendar days after he or she would reasonably be expected to know of its occurrence. Failure to act within said thirty (30) calendar day period shall be deemed to constitute an abandonment of the grievance.
2. An employee processing a grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal.
3. In the presentation of a grievance, the employee shall have the right to present his or her own appeal or to designate a representative to appear with him or her at any step in the appeal. A minority organization shall not have the right to present or process a grievance.
4. Whenever the employee appears with a representative, the Board shall have the right to designate a representative to participate at any stage of the grievance procedure.
5. Level 1 - An employee shall first discuss his or her grievance orally with his or her immediate supervisor. A decision shall be rendered within five (5) school days of said hearing.
6. Level 2 - If the grievance is not resolved to the employee's satisfaction within five (5) school days from the determination referred to in paragraph 5 above, the employee shall submit the grievance to the Superintendent in writing, specifying:
 - a. The nature of the grievance;
 - b. The results of the previous discussion;
 - c. The basis of his or her dissatisfaction with the determination. A copy of the written grievance shall be furnished to the school principal and to the immediate supervisor of the aggrieved employee.
7. Within ten (10) school days from the receipt of the written grievance (unless a different period is mutually agreed upon), the Superintendent

DELANCO TOWNSHIP BOARD OF EDUCATION

No. 4330/page 3 of 4
Grievance Procedure

shall hold a hearing at which all parties in interest shall have the right to be heard.

8. Within ten (10) school days of said hearing (unless a different period is mutually agreed upon), the Superintendent shall in writing, advise the employee and his or her representative, if there be one, of his or her determination and shall forward a copy of said determination to the school principal and to the immediate supervisor of the aggrieved employee.

9. Level 3 - In the event of the failure of the Superintendent to act in accordance with the provisions of paragraphs 7 and 8, or, in the event a determination in accordance with the provisions thereof is deemed unsatisfactory by either party, within ten (10) school days of the failure of the Superintendent to act or within ten (10) school days of the determination by him or her, the grievant may appeal to the Board of Education.

10. Where an appeal is taken to the Board, there shall be submitted by the appellant the writing set forth in paragraphs 6 and 8 and a further statement in writing setting forth the appellant's dissatisfaction with the Superintendent's action. A copy of said statement shall be furnished to the Superintendent and to the adverse party.

11. If the appellant, in his or her appeal to the Board, does not request a hearing, the Board may consider the appeal on the written record submitted to it, or the Board may, on its own, conduct a hearing or it may request the submission of additional written materials. Where additional written materials are requested by the Board, copies thereof shall be served upon the adverse parties who shall have the right to reply thereto. Where the appellant requests in writing a hearing before the Board, a hearing shall be held.

12. The Board shall make a determination within thirty O (30) calendar days from the receipt of the grievance and shall, in writing, notify the employee, his or her representative if there be one, the principal, and the Superintendent of its determination. This time period may be extended by mutual agreement of the parties. The determination of the Board shall be final.

DELANCO TOWNSHIP BOARD OF EDUCATION

No. 4330/page 4 of 4
Grievance Procedure

C. Miscellaneous Provisions

1. In the event a grievance should be filed by a principal or by any employee who is not subject to the jurisdiction of any principal or who may be answerable to more than one principal, he or she shall discuss the grievance initially with the Superintendent and, if dissatisfied with the determination, may appeal to the Board in accordance with the provisions herein set forth.

2. In any case where a grievance is based upon direct order, ruling, or determination of the Superintendent, the aggrieved employee may appeal directly to the Board within ten (10) school days of the issuance of said order, ruling, or directive or within ten (10) school days of the time when same has been brought to the employee's attention, by filing with the Secretary of the Board, a writing setting forth:

- a. The order, ruling or determination complained of;
- b. The basis of the complaint;
- c. A request for a hearing, if a hearing is desired.

A copy of the writings set forth above shall be served upon the Superintendent who shall have the right to reply in writing thereto. A copy of such reply shall be served upon the aggrieved employee.

3. Upon receipt of the grievance filed under the provisions of paragraph 2 (above), the procedure shall be as set forth in paragraphs 11 and 12 preceding.

4. All employees shall be entitled to resort to the full procedure hereinabove set forth.

5. A staff member representing an aggrieved person whose attendance is necessary at a hearing during the working day shall suffer no loss of pay.

6. In the event that any five (5) or ten (10) school day limit expires after the close of school in June, those limits will be construed to mean calendar days.

Adopted: September 10, 1986