

Staff Complaints and Grievances

Channels shall be established for personnel to present and grievances which will permit their resolution at possible level.

An employee shall present the complaint or grievance to his/her immediate supervisor. In those instances where adjustment cannot be made by the immediate supervisor, the matter shall be taken up with the Administrative Director. If the matter is not resolved with the Administrative Director, it may be referred to the Grievance Board.

4012

Adopted 11-21-02
Revised 2-27-13
Reviewed 2-22-17
Reviewed 6-30-2021

Staff Complaints and Grievances

The following grievance procedure is established to provide for the NWBOCES Board and its employees to resolve grievance complaints that may occur between them. This procedure is designed to provide a simple and straightforward way for the resolution of problems at the lowest possible administrative level, as expeditiously as possible.

Guidelines

- a. Grievance shall mean a claim by an employee of a misapplication or a misinterpretation of the NWBOCES Board personnel policies, rules, or procedures under which such employee works, specifying the policy or rule claimed to be violated and the specifics of such violation. The term "grievance" shall not apply to any claim which (1) the method of review is prescribed by the NWBOCES Board is without authority to act, or 3) terminating employment.
- b. Every reasonable effort should be made by superior and employees to resolve any questions, problems, or misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions with their immediate supervisors and are to initiate such discussions at the time the discussion or question arises. Supervisors, in turn, should take prompt and positive action to answer employees' questions and resolve complaints presented to them.
- c. All time limits specified herein are work days. In the interest of the prompt resolution of employee grievances, the action at each step of the procedure should be completed as rapidly as possible, but not later than the prescribed time limit. In the event of extenuating circumstances, the time limit may be extended by mutual agreement of the parties at that step.
- d. New grievance issues that were not raised at Step 1 or 2 may not be raised by either party at Step 3 or 4.

4012a-R

Adopted 11-21-02
Revised 2-27-13
Reviewed 2-22-17
Reviewed 6-30-2021

- e. Grievance information or testimony must be transmitted in the most discreet and confidential manner by a person not involved, and must be limited only to those people directly involved at any given step of the process.
- f. No reprisals will be taken by the Board or by any member of the administration against any grievant or participant in the grievance procedure or in the grievant's participation.
- g. All decisions rendered at all levels of the grievance procedure, except at the informal stage, shall be in writing, setting forth the decision and the reasons therefor. Decisions rendered shall be transmitted in writing to all interested parties.
- h. Grievances shall be processed in a manner which does not interfere with the employee's work and the normal operations of NWBOCES.

Procedure

Step 1. An employee who feels he/she has an alleged grievance must file a grievance within 22 days following the time when the alleged grievance is known. A grievance complaint comes to the knowledge of the employee contact his/her immediate supervisor or administrator and make an appointment for an informal meeting in an attempt to resolve the grievance. If the alleged grievance is not resolved satisfactorily after the informal meeting, the person filing the grievance must complete a Grievance Procedure Form, detailing the complaint. The form will be presented to the supervisor or administrator within five working days following the informal meeting. If the grievance is presented, the grievance will be considered resolved.

Step 2. The supervisor or administrator will investigate the grievance to determine its validity and within 5 working days will meet with complainant, reach a decision, and furnish the complainant with a written statement with reasons supporting the decision.

Step 3. Within ten working days of receipt of the Step 2 decision, the complainant may appeal the decision to the Administrative Director of NWBOCES. The appeal must be written and shall include a copy of the complaint and all the previous supporting statements, evidence, and decisions. Within ten working days of receipt of the appeal, the Administrative Director will meet and

4012b-R

confer with the complainant. Within ten working days of the meeting, the Administrative Director's decision will be provided to the complainant in written form.

Step 4. A complainant who does not accept the decision of the Administrative Director may, within ten working days of the Step 3 decision, make a written appeal for a hearing before the Board. This written appeal will include the original complaint and all previous supporting statements, evidence, and the Administrative Director's decision. The Administrative Director and the Board will meet at the next regularly scheduled Board meeting, including the complainant, to confer with the complainant. At the hearing the Board will review all the information submitted to the Board by the complainant and give the complainant and Administrative Director additional time to discuss the grievance. NWBOCES will not consider new evidence not previously submitted in the process nor consider testimony from other witnesses. A written determination shall be made by the Board within ten working days following the meeting. The decision by the Board is final.

4012c-R

Adopted 11-21-02
Revised 2-27-13
Reviewed 2-22-17
Reviewed 6-30-2021