

Staff Complaints and Grievances

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

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

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

Guidelines

- a. Grievance shall mean a claim by an employee of a violation, a misapplication or a misinterpretation of the statutes, NWBOCES Board personnel policies, rules, or regulations under which such employee works, specifying that which is claimed to be violated and the specifics of such violation. The term "grievance" shall not apply to any matter for which (1) the method of review is prescribed by law, 2) the NWBOCES Board is without authority to act, or 3) a decision terminating employment.
- b. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems, or misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their immediate supervisors and are urged to initiate such discussions at the time the dissatisfaction or question arises. Supervisors, in turn, should take positive and prompt 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 complaints, the action at each step of the procedure should be taken as rapidly as possible, but not later than the prescribed time limit. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties of that step.
- d. New grievance issues that were not raised at Step 1 or Step 2 may not be raised by either party at Step 3 or Step 4.

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- e. Grievance information or testimony must be treated in a most discreet and confidential manner by all persons 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 any other participant in the grievance procedure for such 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 reason therefore. Decisions rendered shall be transmitted promptly to all interested parties.
- h. Grievances shall be processed in a manner which does not interfere with the employee's work and the normal operation of NWBOCES.

Procedure

- Step 1. An employee who feels he/she has an alleged grievance may within 22 days following the time when the alleged grievance or 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 at the informal meeting, the person filing the grievance must fill out a Grievance Procedure Form, detailing the complaint. The completed form will be presented to the supervisor or administrator within five working days following the informal meeting. If not so 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 confer 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 the original 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

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

Step 4. A complainant who does not accept the decision of the Administrative Director may, within ten working days of receipt of the Step 3 decision, make a written appeal for a hearing with the Board. This written appeal will include the original complaint and all previous supporting statements, evidence, and decision. The Administrative Director and the Board shall, at the next regularly scheduled Board meeting, include time to confer with the complainant. At the hearing the Board shall 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 grievance process nor consider testimony from other witnesses. A final written determination shall be made by the Board within fifteen days following the meeting. The decision by the Board shall be final.

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