

# POLICY

## COMMUNITY CHARTER SCHOOL OF PATERSON BOARD OF TRUSTEES

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Grievance

### 3340 GRIEVANCE

Community Charter School of Paterson is committed to providing an effective way for employees to bring problems concerning violation, misinterpretation, or inequitable application of Board policies, rules and regulations, or administrative procedures to the attention of CCSP's Administration. Misunderstandings or conflicts can arise in any district and should be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that the employee believes is detrimental to any member of the school community or himself/herself; the employee should follow the procedure described here to resolve the matter. The time limits at any step of the grievance procedure may be adjusted by mutual consent of the parties concerned or by authorization of the Chief Executive Officer (CEO)/Chief Advocate. The CEO/Chief Advocate may extend the time limitation not to exceed five working days. If it is mutually agreed upon by both parties to the grievance that any step listed below is not necessary to the presentation of the grievance, then the step(s) may be eliminated from the process.

#### A. Procedure for Employees who are not Represented by a Collective Bargaining Agreement

##### 1. Step One

An employee who has a grievance shall present the matter orally and/or in writing to the immediate supervisor with the authority or responsibility to deal most effectively with the grievance. The employee shall state the remedy sought. If the problem is resolved, or no further action is necessary, the matter shall be closed.

##### 2. Step Two

If the grievance is unresolved after step one, the employee shall file the grievance in writing with the CEO/Chief Advocate within five working days after the meeting with the supervisor.

- a. A meeting shall be scheduled within ten working days of the receipt of the written grievance. The CEO/Chief Advocate, his/her designee, and all other relevant administrators and participants requested by the employee shall be notified of the meeting date.
- b. A decision shall be made within five days from the meeting and the employee notified of the decision in writing within ten working days. If the problem is resolved, or no further action is requested, the matter shall be closed.

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### 3. Step Three

If the grievance is unresolved after step two, the employee shall file the grievance in writing with the Board of Trustees within five working days after receipt of the written decision of the CEO/Chief Advocate. The written request shall be submitted to the Board President at CCSP's address (75 Spruce Street). The Board President will review the request and forward it to the Board's Grievance Committee for review and consideration.

- a. The CEO/Chief Advocate and the complainant shall prepare a written review of the grievance for the Board or its designated Board committee at least five working days prior to the date set for Board review.
- b. The Grievance Committee shall determine if the grievance shall be heard by the Board or referred to the CEO/Chief Advocate for final resolution. The complainant shall be notified of this decision in writing within ten working days of the Board review. If it is the decision of the Board to hear the grievance this notice shall include the date of the hearing. The CEO/Chief Advocate, his/her designee, all other relevant administrators and participants requested by the complainant shall be notified of the meeting date.
- c. After the meeting to hear the grievance, the complainant shall be notified in writing of the Board's decision within thirty-one days from the hearing. If the problem is resolved, or no further action is requested, the matter shall be closed.

### B. Procedures for Employees who are Represented by a Collective Bargaining Agreement

#### 1. Filing a grievance

A grievance may be filed by any individual employed by the Board or by the Association. Any grievance must be lodged at the proper initiating level within twenty-one calendar days of the happening of the event.

#### 2. Failure to communicate a decision

Failure at any step to communicate the decision on a grievance within the specified time limitations will constitute a denial of a grievance. Failure to appeal an answer which is unsatisfactory within a specific time limitation will be deemed to constitute an acceptance of such a response as dispositive.

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3. Informal attempt to resolve a complaint

An individual who has a complaint will discuss it first with his/her immediate supervisor in an attempt to resolve the matter informally.

4. Level one - Immediate superior

If as a result of the discussion, the matter is not resolved to the satisfaction of the complainant within fourteen calendar days, the Association will set forth the Association's grievance in writing to the immediate superior, specifying:

- a. The nature of the grievance;
- b. The nature and extent of the injury, loss, or inconvenience;
- c. The result of the previous discussion.

The Association will identify the exact clause, policy, or administrative decision which is being grieved. The Association will also attach a copy of any previous decisions. The immediate superior will communicate his/her decision to the Association in writing within ten calendar days of receipt of the written grievance.

5. Level two - Board of Trustees

If the grievance is not resolved to the Association's satisfaction, the Association, no later than fourteen calendar days after the receipt of the immediate superior's decision, may request a review by the Board of Trustees or a committee thereof. The request will be submitted in writing through the immediate superior, who will attach all related papers and forward the request to the Board. The Board, or a committee thereof, will review the grievance and will, at its option, hold a hearing with the Association and render a decision in writing within thirty calendar days of the receipt of the grievance by the Board.

6. Level three - Arbitration

In the cases of those grievances involving an alleged violation or interpretation of the express terms of this Agreement only, if the decision of the Board does not resolve the grievance to the satisfaction of the Association, notice of the intention to proceed to arbitration will be given to the Board within fourteen calendar days after the receipt of the decision which is being appealed.

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Any such contractual grievance not resolved by timely resort to the foregoing procedure will be subject to arbitration initiated and conducted under the rules of the New Jersey Public Employee Relations Commission. Only those grievances which arise under the expressed written terms of this Agreement may be submitted to arbitration. The arbitrator will limit him/herself to the issues submitted to him/her. He/she can add nothing to nor subtract anything from nor modify the Agreement between parties or any policy of the Board. This will be given within thirty calendar days of the completion of the arbitrator's hearings. For issues of discipline, as defined in N.J.S.A. 34:13A-22, the arbitrator's decision shall be binding on both parties. For other issues, the arbitrator's decision shall be advisory only. Each party shall bear its own expenses (witnesses, attorney fees, etc.), but the expenses of the arbitrator shall be shared equally by the Association and the Board.

### 7. Meetings and Hearings

No meeting or hearing conducted under this procedure will be public. The only parties in attendance will be the parties in interest and their designated representatives.

### 8. Time Limits

Time limits may be extended upon mutual agreement in writing by the parties.

### C. Recordkeeping

All records dealing with processing of a grievance shall be retained in a separate file in the office of the CEO/Chief Advocate. They shall be held in strict confidence as a protection to the individual employee and in respect to the right to privacy.

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