



ETA ETIWANDA TEACHERS ASSOCIATION

...representing the teachers of the Etiwanda Elementary School District

Special Edition : Understanding Grievance Procedures



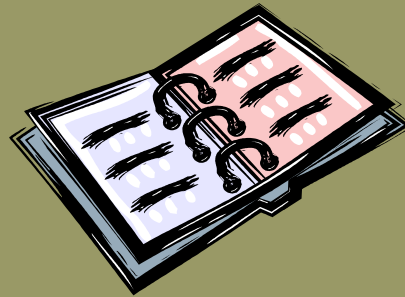
Know your Contract

The Etiwanda School District collective bargaining agreement with the Etiwanda Teacher Association is your guide to understanding your rights as an employee. ETA encourages you to become more familiar with your contract to enable you to understand your rights, responsibilities and duties as an employee. This newsletter contains information that can be found in the current contract language. Please see your school site rep for a copy of the current contract.

ETA School Site Binders

Each school site has an ETA Binder containing information and resources to enable you to have easy access to information pertaining to Etiwanda Teachers Association, CTA and NEA. The site binder includes:

- Current Contract
- Newsletters
- CTA/NEA resources
- ETA Budget information
- ETA Membership information
- CTA Legal Rights for Members CD



Please inquiry with your site rep about the ETA Binder

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NEA is offering two free magazine subscriptions to members. The choices are limited, but free. Check out the website www.neamag.com/thankyou. Also, you will find some of the other more well known magazines at a reduced cost to members on the website. Look up your favorite magazine and you will be surprised at the low cost to NEA members.



What is a “grievance”?

A “grievance” is defined as a claim by the Etiwanda Teacher Association or by one or more teachers that there has been a violation, misinterpretation or misapplication of a provision of the contract.

What is an “aggrieved person”?

An “aggrieved person” is the teacher or teachers making the claim.

What is the purpose of a grievance?

The purpose of a grievance is to secure (at the lowest possible administrative level) equitable solutions to the problems which may arise from time to time. These proceedings are kept as informal and confidential as may be appropriate at any level of the procedure.

How are grievances processed?

There are 3 levels in which grievances are processed and can be resolved. Level One is the lowest administrative level possible. Level Two may involve presenting the grievance to the superintendent or designee. Level Three can lead to a hearing with an arbitrator.

Is there a time line for grievances?

Yes, it is important for grievances to be processed as rapidly as possible. The time limits specified at each level should be considered to be maximum and every effort should be made to expedite the process. Time limits may be extended by mutual agreement.

Level One

- An aggrieved person will notify the immediate supervisor (site administrator) of the grievance
- Notification may be made directly to immediate supervisor or through ETA’s designated grievance representative with the objective of resolving the matter informally.
- Notification must be made within ten (10) days after the occurrence of the act or omission giving rise to the grievance.
- If the teacher does not have actual or constructive knowledge of the occurrence of the grievable act or omission and could not, with the exercise of reasonable diligence, have known about it, then the ten (10) day time limit shall begin to run on the date upon which the teacher knew, or should, with reasonable diligence, have known of the occurrence.
- The immediate supervisor shall schedule a meeting within five (5) days of receipt of the notification from the aggrieved person that there is a grievance to be discussed.
- If the immediate supervisor should fail to schedule the meeting within 5 days, or if the parties can not agree upon an extension of the five day period so that the meeting can take place, the aggrieved person may proceed to Level Two following the five day

Grievance Procedure cont.

Level Two

- *If the grievance has not been resolved after the Level One meeting, the aggrieved person must present the grievance in writing to the superintendent/designee within five (5) days.*
- *The written statement shall be a clear and concise statement of the grievance.*
- *The written statement must include:*
 - *the specific provisions of the agreement alleged to be violated*
 - *the decision rendered at the informal conference*
 - *the specific remedy sought*
- *The superintendent/designee will communicate a written response within ten (10) days after receipt of the grievance.*
- *Each party may request a personal conference to be scheduled prior to the conclusion of the level.*

Rights of Teachers to Representation

A unit member may represent himself/herself at all stages of the grievance procedure by himself/herself or at the member's option, by a representative selected by ETA.

If a unit member is not represented by the association or its representative, a representative of the association may have the right to be present and to state its views at all stages of the grievance procedure if the aggrieved party so desires.



Level Three

- *If the grievance is not resolved at Level One or Two, the teacher and/or ETA may request in writing a hearing before an arbitrator.*
- *Written request shall be filed in the office of the superintendent within (10) working days after receipt of the written decision at Level Two.*
- *ESD and ETA shall select a mutually acceptable arbitrator.*
- *The arbitrator's decision will be in writing and will set forth findings of fact, reasoning and conclusions on the issues submitted.*
- *The arbitrator will be without power or authority to make any decisions which requires the commission of an act prohibited by law or which violative of the terms of the contract.*
- *The recommended decisions of the arbitrator will be submitted to the superintendent and ETA.*
- *The board will determine whether to accept the arbitrator's recommended decision within thirty (30) days of receiving the recommended decision.*

Frequently Asked Questions

What exactly is personal necessity leave?

A teacher is entitled to use up to seven days of paid sick leave every school year in the following cases:

1. death of immediate family members
2. an accident involving person or property of the unit member
3. appearance in court
4. serious or critical illness
5. financial
6. religious holiday
7. birth or adoption



How many days of paid personal leave am I entitled to?

Up to three days of paid sick leave may be used for personal or family business which cannot be conducted outside of the regular school day.

Can a paid personal leave request be denied?

Paid personal request can be denied for two primary reasons

- (1) written request was not submitted according to the timeline
- (2) the unit member does not have any sick time available or has used more than the 3 day allotment of personal paid leave days.

What exactly is an involuntary transfer?

An involuntary transfer is an employer initiated transfer to another site and the teacher may or may not stay at his/her previous grade level.

Is a grade level change at the same site considered an involuntary transfer?

A grade level change at your school site does not constitute an involuntary transfer. Grade level changes at the same site are an administrator decision.

When can an employer initiate transfer be done?

An employer initiated transfer may be made at any time by the district for a number of reasons outlined in the contract.

Do you have a concern and not sure what to do?

Site Reps serve as a liaison between school sites and ETA. They are always willing to assist you in resolving many site concerns. Site Reps can help answer questions, concerns or provide information on ETA and activities.

Do you have any comments or suggestions for the newsletter??

Please send an email to Sonya Scott, Vice President at sonya_scott@etiwanda.org