

POLICY GBK

Board of Education Las Cruces Public Schools

Related Entries: GBK-R

Responsible Office: Deputy Superintendent for Operations

STAFF CONCERNS/COMPLAINTS/GRIEVANCES

I. PURPOSE

To provide a procedure for the reporting and resolution of legitimate employment-related concerns of the employees of Las Cruces Public Schools at the earliest possible time and with the least possible expense, disruption, and friction.

This policy does not apply to employees covered by a union Collective Bargaining Agreement, unless the Collective Bargaining Agreement specifically so provides.

II. BACKGROUND

The LCPS Board of Education recognizes that employees are an invaluable resource and a vital part of the school district's mission and goals and should be provided with a means of resolving employment-related complaints. The Board of Education also recognizes that personnel difficulties encountered by employees frequently arise from a lack of communication.

III. POSITION


- A. The school district shall provide a formal mechanism for promoting and/or restoring employment-related communication so that problems may be resolved before far more serious difficulties result.
- B. The Board recognizes the importance of resolving conflict at the lowest possible level. No grievant shall be permitted to bypass their immediate supervisor or superintendent in the chain of command, unless the grievance alleges a violation of the law in the workplace by that person in the chain of command, or an unlawful harassment of the grievant by that person in the chain of command. The Board shall not hear a grievance that has not been properly exhausted.
- C. The Board further recognizes that there are legal limits on its authority under law. The primary powers and duties of the Board include employing and negotiating the contract of the superintendent for the District, creating and adopting District policy, and reviewing and approving the budget. The superintendent, rather than the Board, employs, fixes the salaries of, and assign all employees of the school District. The Board evaluates the superintendent.
- D. The Board may only take action in the context of a grievance, consistent with its statutory roles and responsibilities and authority to act. If the grievance involves the performance of the superintendent, the Board may listen to the

grievance regarding the performance concerns. The Board may address concerns regarding the superintendent's performance with the superintendent through the evaluation process. The Board may not take action to overturn a decision (e.g., personnel decisions of the superintendent) outside of its authority.

- E. The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy. Said regulation shall:
1. list those situations which are not covered by this grievance procedure and therefore may not be grieved under this policy;
 2. list general procedural requirements for employee grievances;
 3. outline procedural steps to be taken by a grievant both before a written grievance is filed and after it is filed; and
 4. outline conditions under which a grievant may request a hearing before the Board of Education which fall within the legal authority of the Board to listen or act. The process shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require an evidentiary hearing or trial like proceeding. The Board President shall have the authority to manage the proceedings before the Board and set reasonable limits on any hearing before the Board. Hearings before the Board of Education are applicable for employees who are not covered by a Collective Bargaining Agreement only if the grievance alleges a violation, misinterpretation or inequitable application of Board policy, administrative rules or regulations.

IV. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



Board of Education, President

10.24.23

Date approved

History: Formerly Policy 266B:

Grievance, Non-Bargaining Unit; revised 11.22.95, 10.17.00, 9.01, 01.22.10, 10.24.23