

GROTON BOARD OF EDUCATION
SPECIAL MEETING MINUTES
MARCH 18, 2019 @ 5:30 P.M.
CENTRAL OFFICE, ROOM 11

Members Present: Chairman Kim Shepardson Watson, Vice Chairman Andrea Ackerman, Katrina Fitzgerald, Jane Giulini, Jay Weitlauf, Lee White, Michael Graner, Susan Austin, Floyd Dugas

Members Absent: Gretchen Newsome, Rosemary Robertson, Rita Volkmann

Chairman Shepardson Watson called the meeting to order at 5:40 p.m.

Attorney Dugus gave an overview of the grievance process and distributed the Union Grievance Process document. [ATTACHMENT #1]

MOTION: Ackerman, White; to adjourn at 6:00 p.m.
MOTION PASSED UNANIMOUSLY

March 18, 2019

Attachment #1



FLOYD J. DUGAS
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PLEASE REPLY TO
MILFORD OFFICE
WWW.BERCHEMMOSES.COM

To: Groton Board of Education
From: Floyd J. Dugas, Esq.
Re: Orientation – Board’s Role In The Union Grievance Process
Date: March 18, 2019

I. What Is A Grievance?

Generally speaking, it is an alleged violation of an explicit provision of a collective bargaining agreement (“CBA”), or a long standing past practice. Sometimes (e.g. GASA, GEA) it can extend to alleged violations of Board policy.

II. Who “Own’s” The Grievance?

A grievance belongs to the Union, not the specific individual involved. Thus, the Union decides whether to pursue or withdraw the grievance.

III. What Is The Process?

A grievance is first filed with the immediate supervisor. If the Union is not satisfied, it can advance the grievance to the Superintendent (or her designee) and if not satisfied with that outcome, to the Board and ultimately to arbitration.

IV. Are There Specific Timelines?

There are and they are set forth in the CBA. Typically, the Board need only worry about holding the grievance hearing within the time required by the CBA and responding within the time called for in the CBA, e.g. GEA – 15 days.

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V. **Are There Different Types of Grievances, And If So, Are They Dealt With Differently?**

There are two types:

(a) Discipline Grievances –

The employer has the burden of proof. The question to be resolved by the Board is whether there was “just cause” for the discipline. Generally this means was there a good reason for the discipline as opposed to the reason being arbitrary or capricious. If you feel there was just cause (a good reason) you should Deny the grievance. If you feel there was not just cause, you would Sustain the grievance. You have the right also to reduce the penalty if you feel there was grounds for discipline but the level issued was too harsh. In this regard, usually discipline should follow “progressive discipline” i.e. documented “verbal” warning, written warning, suspension, then termination. You cannot issue more serious discipline.

(b) Language Grievance –

The other type of grievance is a claim that some provision of the CBA (other than just cause) has been violated, e.g. the wrong person was promoted, someone did not receive overtime, etc. In these cases the Union shoulders the burden of proof. If you feel they failed to prove a violation of the contract (or a binding past practice) you should Deny the grievance. If you feel they did prove a violation, you should Sustain the grievance.

VI. **Does A Quorum Need To Be Present To Hear And Decide A Grievance?**

Yes, not because the law requires it, but because Groton Board of Education Policy Governance does. In addition,

- discipline grievance hearings may be conducted in executive session as they deal with a “personnel” matter;
- language grievance hearings must be held in public session;
- deliberations may be in private (non-meeting) or public ;
- requirements of posting and minutes apply as to both.