

Policy

EQUAL EMPLOYMENT OPPORTUNITIES EMPLOYEE GRIEVANCE

The Chester board of Education shall comply with all State and Federal laws related to equal employment, including but not limited to the New Jersey Law Against Discrimination (N.J.S.A. 105-1 et seq.); Title VI of the New Jersey Administrative Code, Title VII of the Civil Rights Act of 1972, Executive Order 11246 as amended, Equal Pay Act of 1963 as amended, and Title IX of the Education Amendments of the 1972 Federal Higher Education Act.

The board of education shall designate a member of the professional staff to serve in the capacity of Affirmative Action Officer/Title IX Coordinator. This coordinator will have full authority to oversee the district's efforts to comply with and carry out all of its responsibilities and obligations pursuant to Title VI and Title IX. Any complaint or grievance pertaining to Equal Employment Opportunities that is filed against the Board of Education will be investigated by the coordinator.

The board of education will notify all of its employees of the name, office location, address and telephone number of the coordinator. Furthermore, the board of education will publish its adopted employee grievance procedure policy in order to facilitate the prompt and equitable resolution of complaints alleging any action, which is prohibited by New Jersey Title VI and/or Federal law Title IX.

The Chester Board of Education guarantees that:

- A. No person shall, on the basis of sex and/or other classifications in accordance with the Law against Discrimination, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or recruitment, consideration, or selection therefore, whether full-time or part-time.
- B. All employment decisions shall be made in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status
- C. It will not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees to discrimination prohibited by this policy, including relationships with employment and referral agencies, with labor unions and with organizations providing or administering fringe benefits to employees of the board.
- D. It will not grant preferences to applicants for employment on the basis or attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this policy.
- E. It will not approve or enforce any policy or practice which makes distinctions in rates of pay or other compensation on the basis or sex and/or other classifications in accordance with the Law against Discrimination. Employees of the district shall be entitled to equal pay for equal work.
- F. It will not classify a job as being for males or for females or maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex, unless sex is a bona-fide occupational qualification for the positions in question such as a female physical education teacher.
- G. It will not establish separate lines of progression, seniority lists, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of any protected classification in accordance with the Law Against Discrimination.

EMPLOYEE/STUDENT GRIEVANCE (continued)

- H. It will not administer, operate, offer or participate in a fringe benefit plan, which does not provide either for equal periodic benefits for members.
- I. It will not adopt any policy or take any employment action concerning the potential marital, parental or family status of an employee or applicant for employment, which treats persons differently.
- J. It will not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery there from.

Employees shall be assured the opportunity for an orderly presentation and review of concerns and grievances.

No employee shall suffer reprisals or reduction in status as a result of having presented a grievance or having represented an employee in a grievance.

It shall be the general practice to process grievance procedures during time which does not interfere with assigned duties.

An individual employee or his/her representative during the course of the processing of a grievance shall continue to follow administrative directives and board policy.

The board shall comply with grievance procedures set forth in any applicable collectively negotiated bargaining agreements.

Adopted: May 17, 1977
 Revised: March 2, 2004
 NJSBA Review/Update: October 2008, August 2016, September 2018
 Readopted: April 27, 2009, September 17 2018, August 16, 2021, January 2024

Key Words

Affirmative Action, Affirmative Action Officer, Discrimination, Nondiscrimination, Equal Educational Opportunity, Grievance

Legal References: N.J.S.A. 2C:16-1 Bias intimidation
N.J.S.A. 2C:33-4 Harassment
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.
N.J.S.A. 18A:26-1.1 Residence requirements prohibited
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
N.J.S.A. 18A:37-14 through -19 Harassment, intimidation, and bullying defined; definitions
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act
N.J.A.C. 5:23-7.1 et seq. Barrier free subcode of the uniform construction code
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.7, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Possible

Cross References: *2224 Affirmative action; nondiscrimination

EMPLOYEE/STUDENT GRIEVANCE (continued)

*4111	Recruitment, selection and hiring
*4111.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4211	Recruitment, selection and hiring
*4211.1	Nondiscrimination/affirmative action
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131	Conduct/discipline
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.