

# DAE Meet & Confer Proposals Fall 2025

Version 2 — February 2026

## Overview:

These Meet & Confer Proposals were developed democratically by DAE member leaders after hosting 40 platform development sessions at worksites across DPS in January 2025. These platform development sessions were open to all DPS staff. The issues and concerns identified at these meetings were synthesized into [our Meet & Confer Platform](#), which includes the highest priority changes that workers believe will make DPS a better place for students and staff. Last year, the Meet & Confer team presented articles on 9 top Spring priorities. While the Board of Education and DPS administration [publicly supported](#) several of the Spring articles, there has been inconsistent follow-through. Students, families, and staff are waiting for the commitments to become a reality. This Fall, member leaders voted to prioritize the 7 issues below as the most urgent to address during the 2025-26 Meet & Confer negotiations.

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# Proposal 1. Budget Transparency

## I. PURPOSE AND GOALS

DPS has averaged one budget debacle per year for the past three years. After winning a historic budget increase at the end of the 24-25 school year, DPS families and staff are unsure of where that money is being spent. Workers and the community waited for the results of an outside audit of DPS's budget for months. Budget transparency for DPS is paramount to rebuilding trust and ensuring that our current families and future families feel confident that DPS will not fall into more crises. Districts that do not have transparency protocols face horrific financial challenges, as in Forsyth County this school year. Forsyth County is currently confronting a \$36 million deficit due to a lack of transparency and mismanagement of funds. Over 340 staff positions have been cut there. Such a result in Durham would cripple the district's ability to fulfill its mission to embrace, educate, and empower all Durham students. This district-wide policy establishes a clear and inclusive framework accessible to all stakeholders for disseminating, communicating, and updating budget-wide allocations from city, county, state, and federal funding sources.

## II. SCOPE OF THE POLICY

This district-wide policy will be inclusive of all Durham Public Schools' worksites and programs, ie. Traditional and Non-Traditional Schools, Magnet Schools, After-School programs, and non-instructional worksites, as well as legal settlements and claims expenditures.

## III. ACCOUNTABILITY, COMPONENTS, INDICATORS, AND STANDARDS

This district-wide policy will comply with North Carolina's State Funds Transparency (G.S. § 115C-105.25) Act. This statute mandates that "*each local school administrative (Superintendent) unit publishes information about the use of state funds on its website by October 15 each year.*" Quarterly reports shall be prepared and shared in a clear, accessible format. This report shall provide comprehensive financial reporting that addresses local educational priorities, promoting financial transparency while upholding principles of fiscal accountability.

Such quarterly reporting shall include, but not be limited to:

- Quarterly budget-versus-actuals reports for the district, departments, and worksites are available to all staff (in both English and Spanish).
- Explanations of full-time employees (FTEs) by position;
- Internal audit information, including up-to-date information on the Fund Balance and all other sources of district funds.
- District budgeting practices;
- Transparency around all salaries, incentives, and bonuses offered to employees and administrators for any reason;
- Position allotments for each school and projected staffing ratios by school;
- Capital Building Fund allocations;

- Vendor and consultant contract allocations;
- Transportation allocations;
- Explanation of position reductions (all employee categories) and associated budget implications;
- New and proposed positions (all employee categories) and salaries;
- Proposed “Local Fund” budget increases for director and supervisor positions;
- Educational technology (EdTech) allocations; and
- Allocations designated for celebrations and excursions

## **IV. ONGOING EVALUATION OF THIS POLICY**

To ensure reciprocal accountability between the district and its stakeholders, the district shall articulate the rationale for allocating resources and providing support, identify the district expectations being met, and delineate the basis upon which budgetary determinations are made. In fulfillment of this mandate, the district shall provide stakeholders with the information specified in Section III, thereby demonstrating compliance with the required standards.

## **V. GUIDANCE FOR IMPLEMENTATION**

### **A. Timeline for Reporting**

This report shall be made accessible to all stakeholders every quarter throughout the school year. This will be supported by effective district reporting on the indicators outlined in Section III, ensuring that information is presented in a manner that is clear, easily accessible, and understandable to all stakeholders.

### **B. Reporting Authority**

The individual designated by DPS administration will disseminate, communicate, and ensure accessibility of the report information to all stakeholders. This individual will also be available to respond to any questions or provide clarification as needed.

### **C. Dissemination of the Report**

The District shall ensure that all stakeholders are fully informed and able to access and understand the report. The quarterly reports shall be posted on the district’s website and the posting of the report shall be communicated to employees and families by email. It is the responsibility of the district to provide materials in both English and Spanish to ensure language accessibility. If an employee or community member requires materials in a different language, the district will provide such materials upon request.

### **D. Transparency Policy Efficacy**

The District will provide the report information with utmost efficacy, for all intended audiences: families, community members, school leaders, certified and classified staff, and all other practitioners.

# February 2026 DAE & DPS Tracked Changes Version

Red strikethrough: taken out by DAE

Crimson: added by DAE

Light blue strikethrough: taken out by DPS

Dark blue: added by DPS

## I. PURPOSE AND GOALS

~~DPS has averaged one budget debacle per year for the past three years. After winning a historic budget increase at the end of the 24-25 school year, DPS families and staff are unsure of where that money is being spent. Workers and the community waited for the results of an outside audit of DPS's budget for months. Budget transparency for DPS is paramount to rebuilding trust and ensuring that our current families and future families feel confident that DPS will not fall into more crises. Districts that do not have transparency protocols face horrific financial challenges, as in Forsyth County this school year. Forsyth County is currently confronting a \$36 million deficit due to a lack of transparency and mismanagement of funds. Over 340 staff positions have been cut there. Such a result in Durham would eripple the district's ability to fulfill its mission to embrace, educate, and empower all Durham students.~~ Transparency is the quintessential pillar that fosters trust, eradicates suspicion, and promotes equity for all scholars. School district transparency policies play an epistemic role in helping students reach their optimal academic and social achievements. Budget transparency enables the broader community to frame its discussion of a budget that spends public tax dollars. Transparency will benefit DPS's relationship with the Board of County Commissioners and instill confidence in DPS's budget requests. DPS families and other Durham residents will understand how money is spent and what hard decisions have to be made. Budget transparency is trust written into policy. This district-wide policy establishes a clear and inclusive framework accessible to all stakeholders for disseminating, communicating, and updating budget-wide allocations from city, county, state, and federal funding sources.

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Such quarterly reporting shall include, but not be limited to:

- Quarterly budget-versus-actuals reports for the district, departments, and worksites are available to all staff (in both English and Spanish).
- Explanations of full-time employees (FTEs) by position;
- Internal audit information, [to the extent allowed by relevant statutes such as the Family Educational Rights and Privacy Act \(FERPA\)](#), including up-to-date information on the Fund Balance and all other sources of district funds, [whether donated or otherwise](#).
- [District budgeting practices](#):
- Transparency around all salaries, incentives, and bonuses offered to employees and administrators for any reason;
- Position allotments for each school and projected staffing ratios by school;
- Capital Building Fund allocations;
- Vendor and consultant contract allocations;
- Transportation allocations;
- Explanation of position reductions (all employee categories) and associated budget implications;
- New and proposed positions (all employee categories) and salaries;
- Proposed “Local Fund” budget increases for director and supervisor positions;
- Educational technology (EdTech) allocations; and
- Allocations designated for [professional development, travel expenses, and district-wide celebrations and excursions](#), such as Convocation and recognition awards, [whether donated or otherwise](#).

## IV. ONGOING EVALUATION OF THIS POLICY

To ensure reciprocal accountability between the district and its stakeholders, the district shall articulate the rationale for allocating resources and providing support, identify the district expectations being met, and delineate the basis upon which budgetary determinations are made. In fulfillment of this mandate, the district shall provide stakeholders with the information specified in Section III, thereby demonstrating compliance with the required standards.

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## Proposal 2. Classified Pay

Classified school staff are the foundation of a functioning K-12 education system, supporting student health and safety, and maintaining school facilities that operate efficiently. Because most classified workers don't make a living wage in DPS, they are forced to work second and third jobs to make ends meet. Classified workers are operating school buses at 6:30am, supporting our EC students with reading and math, serving students fresh meals that many families rely on, and keeping our buildings clean and safe for students. How late do you want them to have worked the night before at an Amazon warehouse? How many hours away from Durham do you want them to have to live? [As reported by MIT, the living wage for a single adult without children in Durham is \\$25/hr.](#) In DPS, according to the 2024-2025 pay scale, a bus driver would have to work 23 years until they could reach \$25/hr and a bus monitor, even after 30 years in DPS, would never make \$25/hr. For these reasons, turnover remains high among classified staff, creating a frantic cycle of rehiring and retraining that negatively impacts the school day experience for DPS's students. If we want quality, consistent, and experienced classified staff in our schools, DPS must be part of raising economic standards for them, rather than being part of the economic race to the bottom that has harmed so many families already.

Therefore, we propose:

1. No starting salary less than \$25/hour for any classified worker.
2. A three-year plan, starting with 2025-2026, that implements a 2% minimum local salary differential between each step. All classified workers will move up a step each year.
3. Consistency and clear communication during the hiring process regarding where and how workers are placed on the classified salary schedule. DPS shall give private sector experience credit based on actual years of verified service. One step should be given for every year of comparable work experience for new hires. Placement on the salary schedule must honor longevity, experience, and job duties.
4. To address salary compression, DPS shall not use the state-recommended maximum as an upper ceiling for classified employee salaries; there must be no caps on salary for non-administrative staff.
5. Bi-weekly pay (every two weeks) for all classified staff starting in January 2026.

## February 2026 DAE Updated Proposal

1. For SY 26-27, no starting salary less than \$22/hour for any non-administrative classified worker. A 25% flat raise for all non-administrative classified staff would achieve a \$22/hr minimum at NC01.
2. For SY 26-27, non-administrative classified workers shall receive an extra 0.25% raise per step (i.e. an extra 4% raise for a step 16 employee), in addition to the applicable step increase for the 2026-2027 academic year.
3. For SY 27-28, non-administrative classified workers shall receive a 0.5% raise per step, in

addition to the applicable step increase for the 2027-2028 academic year. This experience-based raise shall bring the entire classified pay scale to a minimum 1.25% step differential across all grades.

4. No local raises for central office administration until a \$25/hour minimum is reached for all non-administrative classified staff.
5. No salary caps for non-administrative classified workers.
6. Optional bi-weekly pay (every two weeks) for all classified staff starting in July 2026.
7. Policy language that ensures new employees are consistently recognized for their relevant and verified experience outside of DPS, whether in the public or private sector or in a different state or country. One step will be given for every year of comparable work experience.

# Proposal 3. Protecting Immigrant Students from ICE and Bullying

Every child in our community deserves and has the legal right to learn and be safe in our public schools. To this end, we ask that DPS leadership does the following:

1. Make Red ("Know Your Rights") cards visible and available in every school bus, front office, and student services office in DPS and share them with all DPS families so they know their rights when it comes to interacting with ICE. Cards shall be available in multiple languages.
2. Pass and enforce the revised and strengthened [Policy 5120](#). This includes in-person annual training for all DPS staff to ensure that we are all following Policy 5120.
3. Provide proof of enrollment letters for all students (with specific language about residing in Durham - "domiciled"). Provide these by the time of enrollment with the goal of preventing expedited removal of students.
4. Standardize and clarify procedures for all principals and front office staff to follow if ICE agents come directly to schools so that all schools respond the same way. These norms should be communicated to all staff (school-based & transportation) and families.
5. Retrain all staff to fully follow [anti-bullying policies](#) with added emphasis on bullying around perceived national origin or immigration status. These trainings should be conducted in person before the start of the school year.
6. Pass and enforce the [Private Zones Administrative Policy and Protocol](#).
7. Ensure clear communication with all DPS parents and staff by the time of enrollment regarding all protocols.

## Proposal 4. Measures to Address the Transportation Crisis

Bus drivers and monitors are the first and last points of contact for many students each day. Their treatment and working conditions directly reflect our district's values and priorities. Bus monitors are needed on every bus route because drivers deal with double loads, student behavior issues, and bullying that cannot be addressed by one adult alone on a bus often filled with 50-60 students. Therefore, bus monitors should be included in the monthly supplement given to bus drivers by DPS.

Additionally, the district previously raised concerns about providing fobs or keys to transportation workers to allow them critical building access to use the restroom when needed. Bus drivers and monitors are trustworthy members of our school community who safely transport students to and from school every day, and should be treated as such. By implementing the following changes proposed by DPS transportation workers, district leadership will affirm a commitment to dignity, respect, and fair compensation for these essential workers.

1. \$200 monthly pay supplement for bus monitors.
2. Fobs or keys for all transportation workers to gain access to schools to use bathrooms at the entrances closest to where the buses park.
3. Reduce the number of double loads and double routes to minimize student travel times. If a driver or monitor is asked to drive a double route or load, extra duty pay will be provided (*also addressed in Proposal 5*).

# Proposal 5. Clear Duties, Contract Hours, Expectations, and Extra Duty Pay For All Staff

## Purpose

Public school workers make it possible for students to learn in classrooms, ride the bus safely to school, and get the support they need to be successful, but staff are overworked, underpaid, and stretched thin. High vacancies and staff turnover mean fewer adults in and out of buildings serving students with fidelity, while low pay and egregious and unrelated asks from supervisors continue to push workers out of DPS. Until DPS values and supports workers fairly, students will continue to lose out on the safe, consistent and well-staffed schools they deserve. That is why we call on DPS leadership to give every DPS employee a printed and digital contract that outlines job duties, expectations for extra-duty pay, and specific salary information each school year within 2 weeks of pay scales being finalized and upon hire.

## Policy

DAE's proposed policy reads as follows: The Board of Education recognizes that public school employees are essential to student achievement. Safe transportation, healthy meals, clean learning environments, and academic and social-emotional supports are critical for student success. Clearly defined duties, equitable compensation, and transparent procedures ensure that employees are able to focus on providing students with consistent, high-quality services.

### 1. Employment Contracts

- The Superintendent shall ensure that all employees receive a printed and digital contract within **two (2) weeks** of salary finalization and upon hire.
- Contracts shall specify the employee's duties, expectations, and compensation.
- Contracts shall specify a 30-minute duty-free protected lunch time for all full-time staff.

### 2. Regular School Day

- Each contract shall define the **regular school day** for the employee's position.
- Any duties performed outside the regular school day shall be considered **extra duty**.

### 3. Compensation for Extra Duty

- Extra duty performed outside the regular school day shall be compensated, **whether performed voluntarily or assigned due to compelling need**.
- Compensation shall be based on the employee's **established hourly rate** or other supplemental rate as specified in Board policy.
- The hourly rate shall be calculated by taking the salaried employee's annual salary divided by [number of duty days in a school year] divided by [number of hours in a school day].

#### **4. Planning Periods**

- Teacher-directed planning time shall be **reserved** for instructional preparation.
- When planning time is reassigned, the employee shall be compensated at a rate of **[insert rate]** **per period lost**, see above.

#### **5. Compensatory Time**

- Compensatory time (“comp time”) may be provided as an alternative to monetary compensation, if requested by the employee. For salaried employees, comp time or an adjusted workday may be arranged only with the **mutual agreement** of the employee and supervisor.
- Comp time shall be granted on a **1:1 basis** and shall not require the employee to perform extra duties. Employees shall not be required to work more time than they receive in return.
- Employees must be allowed to use compensatory time within three working months.
- *Example:* An employee may agree to give up a planning period in order to leave work an hour early for family responsibilities. Such arrangements must be initiated by or agreed to by the employee and may not be imposed unilaterally.

#### **6. Waivers**

- The Superintendent shall provide employees with copies of any waivers currently in force prior to requesting compliance.
- If no waivers are in effect, no waiver-related obligations shall be imposed.

#### **7. Extracurricular Pay Rates**

- The district shall maintain and annually publish a schedule of **extracurricular pay rates** for coaching, advising, and similar assignments ([see Extra Duty List below](#)).
- Employees shall be informed of applicable rates in advance of assignment.
- Any extra duty not listed in the schedule shall be compensated at the employee's **hourly rate**.

#### **8. Extra Duty List**

The following is a *non-exhaustive* list of extra duties for which employees shall receive additional compensation beyond their regular contract hours. This list **includes, but is not limited to**:

- Coaching (all sports)
- Ticketing at athletic events
- Advising student organizations or clubs
- Managing additional caseloads that are 50% above national recommended ratios/standard (e.g., EC, ESL, AIG, Social Workers, Counselors)
- Performing duties for more than one employee (e.g., covering two positions, unfilled positions or positions of staff on short-term leave)
- Planning or providing instruction for other teachers with long-term substitutes
- Covering classes for absent teachers
- Teaching extra students from split classes

- Leading or supporting arts programs after school (e.g., chorus, band, art shows)
- Covering additional bus routes for absent drivers and double loads/routes
- Graduation planning or coordination
- Translation or interpretation services for positions that are NOT explicitly interpreters
- Audio/Visual or sound support for school functions
- Participation in Evening to Shine or other **special\*** district events
- School garden management
- Department or grade-level chair responsibilities
- Coordinator positions/additional roles that are not job-specific (eg., 504 coordinators, MTSS coordinators)
- Required after-work meetings which are not required for all staff (eg., student support meetings, IEP meetings, SIT, MTSS leadership team)

**\*special district events that are REQUIRED by the district (for certified staff) but not including curriculum night, parent conferences, Title I events.**

#### **Compensation for Other Extra Duties:**

Any extra duty not listed above shall be compensated at the employee's **hourly rate**. Employees shall be informed of all applicable rates in advance of assignment.

## **Definitions**

### **Regular School Day**

The period of time defined in an employee's contract as the standard hours of work for that position. All duties considered to be within the employee's regular contract responsibilities will be performed within this period.

### **Extra Duty**

Any work performed outside the regular school day or beyond the scope of the employee's defined contract responsibilities. Extra duties include, but are not limited to, coaching, advising, club supervision, additional caseloads, class coverage, arts programs, and other activities as outlined in the Extra Duty Schedule [List](#).

### **Compensatory Time (Comp Time)**

Time off granted in exchange for work performed outside the regular school day or for extra duties, provided it is agreed upon by the employee and supervisor. Comp time shall be granted on a 1:1 basis and shall not require the employee to perform additional duties.

### **Planning Period**

Designated time reserved for teacher-directed instructional preparation, lesson planning, grading, or other professional responsibilities. Planning periods shall not be reassigned without appropriate compensation if the time is used for other duties.

### **Waiver**

A temporary authorization to deviate from the provisions of this policy due to compelling need, as

approved by the Board, Superintendent, or Principal under the procedures outlined in the Waivers and Compelling Need Exceptions section.

**Hourly Rate**

The employee's regular hourly pay rate, as determined by their contract or salary schedule, used to calculate compensation for extra duties, planning time reassignment, or other compensable work beyond the regular school day.

# February 2026 DAE Updated Proposal

The following are non-exhaustive examples of extra duties that require employee consent and shall be compensated beyond an employee's regular contract hours and/or job description. Acceptance of extra duties is voluntary, and employees may decline any extra duty assignment without penalty or retaliation.

Nothing in this section shall be construed to waive the District's responsibility to ensure student safety. Student safety concerns shall be addressed through appropriate staffing, planning, and administrative action, and shall not require employees to perform uncompensated or involuntary extra duties.

**Pay rate:** Hourly rate for certified, time and a half for classified.

## **Extra Duties as a result of vacancies/absences:**

*Funded by savings from vacant positions, allocated to compensate employees performing the job responsibilities of more than one role.*

- Managing additional caseloads that are 50% above national recommended ratios/standard (e.g., EC, ESL, AIG, Social Workers, Counselors)
- Performing duties for more than one employee (e.g., covering two positions, unfilled positions or positions of staff on short-term leave)
- Planning or providing instruction for other teachers with long-term substitutes
- Covering classes for absent teachers
- Teaching extra students from split classes

## **Extra duties independent of vacancies/absences:**

- Coaching (all sports) and ticketing at athletic events
- Advising student organizations or clubs
- Leading or supporting arts programs after school
- Graduation planning or coordination
- Translation or interpretation services for positions that are NOT explicitly interpreters
- Audio/Visual or sound support for school functions
- Participation in special district events
- School garden management
- Department or grade-level chair responsibilities
- Coordinator positions/additional roles that are not job-specific (eg., 504 coordinators, MTSS coord.)
- Required after-work meetings which are not required for all staff (eg., student support meetings, IEP meetings, SIT, MTSS leadership team)

# **Original Proposal 6. Collective Grievance Policy and Representation During Grievance Procedure**

A collective grievance policy is essential to make every other policy a reality. If there is no way to raise and meaningfully address violations of other Board policies or to address concerns about inadequate or unsafe working and learning conditions, those policies are meaningless. It is critical that the Board knows when the policies it sets are being violated. The revised policy below ensures that such issues are addressed in a clear and orderly manner with a definite outcome.

Further, DPS workers deserve the right to file grievances collectively and to navigate the grievance process with representatives (such as a union representative) accompanying them. The current policy forces workers to bring grievances alone. As a result, grievances are almost never filed, workers frequently report feeling disrespected, intimidated, and unsupported, and district policy, procedure, state statute, and federal laws are routinely not followed by administrators. The policy must be amended as shown below to address this.

Based on Board Policy 1750/7220 adopted March 21, 2019. All changes to that policy have been tracked.

## **A. Informal Resolution**

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

## **B. Definitions**

### **1. Days**

Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

### **2. Final Administrative Decision**

A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

### **3. Grievance**

A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

- a. that there has been a violation, misapplication, or misinterpretation of state or federal law

or regulations, school board policy, or administrative procedure;

- b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or
- c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively. The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act. Claims of discrimination, harassment, or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

#### 4. Grievant

The grievant is the employee(s) making the claim.

#### 5. Official

The official is the person hearing and responding to the grievant.

#### 6. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

### C. Timeliness of Process

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievance to appeal the grievance to the next step unless the official has notified the grievance of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights. Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

### D. General Requirements

1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
3. ~~The superintendent or superintendent's designee shall develop a The grievance form (Appendix C; to be developed) will be made available to all employees~~ and will be used to assist in recording each step

of the grievance process. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.
5. ~~The board and school system will consider requests to hear grievances from a group of grievance, but the board and officials have the discretion to hear and respond to grievance individually. If the same set of facts is involved in more than one (1) grievance involving more than one (1) employee, the group of employees may file a group grievance and follow all subsequent steps of the procedure as a group. The Board and officials will hear and respond to the group of grievants collectively.~~
6. The board and administration will cooperate with the employee and representative in the investigation of any grievance and will furnish the employee or representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.
7. ~~The meeting with the official described in subsection E.2.e, below, should involve the official and the employee only, unless both parties agree to including other participants. Employee(s) may have a representative, including a union representative or an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.~~
8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.
9. If the grievance as filed does not involve the employee's immediate supervisor or someone under their supervision, the employee may file the grievance directly with the Superintendent or designee. Other steps may be waived by mutual agreement.

#### E. Process for Grievance

1. Filing a Grievance - Step I -- Supervisor Conference - An employee wishing to invoke the grievance procedure shall ~~make a written request for a conference with the supervisor~~ complete a grievance form and submit it with their supervisor who will then schedule a conference. If their supervisor is not directly involved in the grievance the employee can file their grievance with the Superintendent or designee. The request shall describe the grievance and name the specific policy, rule or law believed to have been violated. The following additional guidelines shall be observed in Step I:
  - a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication, or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of

the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s), or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision, action, or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

e. ~~The supervisor conference should involve the supervisor and employee only, unless they both agree to include other participants.~~

## 2. Response by Official

- a. A meeting will take place at a mutually agreed-upon time within five days after receipt of the grievance.
- b. The official shall conduct any investigation of the facts necessary before rendering a decision.
- c. The official shall provide the aggrieved employee(s) with a written response to the grievance within five days after the meeting.

## 3. Response by Superintendent

- a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.
- b. The superintendent or designee shall arrange for a meeting with the employee(s) to take place within 10 days of the receipt of the appeal.
- c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the aggrieved employee(s) with a written decision within five days after the meeting.

#### 4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

##### a. Mandatory Appeals

1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within five days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary ~~or the hearing necessitates that more time be taken to respond.~~

##### b. Discretionary Appeals

1) If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within five days of receiving the superintendent's response.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

- 4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.
- 5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

## Finalized / Awaiting action by BOE: Proposal 6. Collective Grievance Policy and Representation During Grievance Procedure

A collective grievance policy is essential to make every other policy a reality. If there is no way to raise and meaningfully address violations of other Board policies or to address concerns about inadequate or unsafe working and learning conditions, those policies are meaningless. It is critical that the Board knows when the policies it sets are being violated. The revised policy below ensures that such issues are addressed in a clear and orderly manner with a definite outcome.

Further, DPS workers deserve the right to file grievances collectively and to navigate the grievance process with representatives (such as a union representative) accompanying them. The current policy forces workers to bring grievances alone. As a result, grievances are almost never filed, workers frequently report feeling disrespected, intimidated, and unsupported, and district policy, procedure, state statute, and federal laws are routinely not followed by administrators. The policy must be amended as shown below to address this.

***Based on Board Policy 1750/7220 adopted March 21, 2019. All changes to that policy have been tracked.***

### **A. Informal Resolution**

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

### **B. Definitions**

#### **1. Days**

Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be

resolved before the close of the school term or as soon thereafter as possible.

## 2. Final Administrative Decision

A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

## 3. Grievance

A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

- a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulations, school board policy, or administrative procedure;
- b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or
- c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively. The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act. Claims of discrimination, harassment, or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

## 4. Grievant

The grievant is the employee(s) making the claim.

## 5. Official

The official is the person hearing and responding to the grievant.

## 6. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

## C. Timeliness of Process

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. **However, if a grievance is not resolved within the specified number of workdays named in policy, it shall be deemed to have been denied at that level and the timeline to appeal to the next level shall commence, unless extended by mutual agreement between the grievant and the district.** If the grievant intends to bring a representative to any meeting, the school district may delay the meeting up to three (3) school

workdays in order to allow the district official to determine if other district staff, including HR, need to be present. If the grievant intends to bring legal counsel, the timeline will reset such that the district will have up to five school workdays in order to properly prepare. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights. Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay. Any timeline in the grievance process may be modified or extended by mutual agreement between the grievant and the district.

#### **D. General Requirements**

1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
3. ~~The superintendent or superintendent's designee shall develop a~~ The grievance form will be made available to all employees and will be used to assist in recording each step of the grievance process. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.
4. All meetings and hearings conducted pursuant to this policy will be private.
5. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievances individually. If the same set of facts or pattern is involved in more than one (1) grievance involving more than one (1) employee, the group of employees may file a group grievance and follow all subsequent steps of the procedure as a group. The Board and officials will hear and respond to the group of grievants collectively.
6. The board and administration will cooperate with the employee and representative in the investigation of any grievance and will furnish the employee or representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.
7. ~~The meeting with the official described in subsection E.2.c, below, should involve the official and the employee only, unless both parties agree to include other participants.~~ Employee(s) may have a representative, including a union representative, or legal counsel, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, the grievant must notify the

appropriate school official in advance so that the school official also will have the opportunity to be represented by legal counsel or bring a representative.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

9. If the grievance as filed does not involve the employee's immediate supervisor or someone under their supervision, the employee may file the grievance directly with the Superintendent or designee. **The Superintendent shall determine the appropriate supervisory department to address and resolve the concern.**

#### **E. Process for Grievance**

1. Filing a Grievance - Step I -- Supervisor Conference - An employee wishing to invoke the grievance procedure shall ~~make a written request for a conference with the supervisor~~ **complete a grievance form and submit it with their supervisor, who will then schedule a conference.** If their supervisor is not directly involved in the grievance the employee can file their grievance with the Superintendent or designee. **The Superintendent shall determine the appropriate supervisory department to address the concern.** The request shall describe the grievance and name the specific policy, rule or law believed to have been violated. The following additional guidelines shall be observed in Step I:

a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication, or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s), or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision, action, or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate, and the

principal or immediate supervisor shall address the concern following that policy.

e. ~~The supervisor conference should involve the supervisor and employee only, unless they both agree to include other participants.~~

**2. Response by Official**

a. A meeting will take place at a mutually agreed-upon time within five days after receipt of the grievance.

b. The official shall conduct any investigation of the facts necessary before rendering a decision.

c. The official shall provide the aggrieved employee(s) with a written response to the grievance within five days after the meeting.

**3. Response by Superintendent**

a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.

b. The superintendent or designee shall arrange for a meeting with the employee(s) to take place within 10 days of the receipt of the appeal.

c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the aggrieved employee(s) with a written decision within five days after the meeting.

**4. Appeal to the Board**

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

**a. Mandatory Appeals**

1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in

writing the decision to the board within five days of receiving the superintendent's response.

- 2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.
- 3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary. ~~or the hearing necessitates that more time be taken to respond.~~

b. Discretionary Appeals

- 1) If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within five days of receiving the superintendent's response.
- 2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- 3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.
- 4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.
- 5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

## **Proposal 7. Paid Bereavement Leave for All Staff**

In almost every other state, and in most jobs in NC, employees are granted paid leave when there is a death in their personal lives, but not in DPS. When tragedy occurs, certified employees are forced to take personal leave. Even worse, classified employees don't have personal leave and are told that they can take "unpaid leave." We take issue with not just the loss of pay for those days, but also with the lack of respect and dignity we are afforded when put in that position. Many DPS workers are not aware that DPS does not provide paid bereavement leave until they are put into this situation.

1. All DPS workers (classified and certified) will receive 5 full days of paid bereavement leave per instance of a loss in the family.
2. All DPS workers (classified and certified) will receive 1 full day of paid bereavement leave in the event of a loss of a friend, colleague, or student.
3. Workers will be automatically granted the leave upon notification given to a supervisor.
4. Bereavement leave may be used in addition to other types of leave and shall not reduce the hours available for other types of leave.
5. A two-day travel extension will be granted on each end of bereavement leave if the location of family and/or memorial services is more than 100 miles from Durham.