

Staff Analysis and Report to the Board

Date: September 27, 2018

To: The Board of Education

From: Liz Large

Subject:

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

September 27, 2018
Date

Public Information Program Policy:

https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/7.30.010_P.pdf

7.30.010-P Public Information Program

The operation of a public school system is of public interest and concern. The Board believes that the greatest benefit to the students and to the total community can be achieved by supporting the public's right to be informed as fully and accurately as possible through the dissemination of information regarding the school system.

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BOARD OPTIONS WITH ANALYSIS

See above.

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

5.20.060-P Teacher Transfers

Any member of the district staff may request transfer for himself/herself or for any teacher for whom he/she has administrative responsibility. Requests shall be made to the office of the superintendent in writing, with an explanation of the reasons for such transfer.

History: Adpt. 6/71

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TIMELINE FOR IMPLEMENTATION/EVALUATION

Nothing to implement if rescinded.

BOARD OPTIONS WITH ANALYSIS

If the policy is left in place, some concerns or allegations by certain employees can have additional formal process with multiple rights of appeal in addition to other means provided by collective bargaining agreement, BOLI, and/or PPS procedures.

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.

Guadalupe Guerrero
Superintendent
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Date

5.40.020-P Non-contractual Grievance Procedure

The purpose of this procedure is to provide an orderly resolution of an alleged grievance of an employee or group of employees. However, informal adjustment of such grievance is encouraged.

(1) Coverage of This Grievance Procedure; Amendment

- (a) Except as herein provided, this procedure shall be used for and only for those grievances, which are not covered or, if covered, not prosecuted under the grievance procedure of an applicable collective bargaining agreement. Specifically:

- (A) It covers all administrators' grievances;
- (B) It shall be the procedure followed with respect to claimed violations of state or federal civil rights laws.

in conjunction with other procedures.

Accordingly, this procedure does not apply to any of the following:

- (i) To contest dismissal, non-renewal, or termination of, or failure to reemploy, the employee; or, if proceedings therefore have been instituted, to contest any action, evaluation, or recommendation affecting such proceedings;
- (ii) To any event, factual circumstance or objection which is subject of a grievance prosecuted above the first level of a grievance procedure established by a collective bargaining agreement;
- (iii) Except with respect to claimed violations of civil rights laws, to attempts to change existing policies or regulations.
- (b) This procedure may be amended or rescinded by the Board at any time in its sole discretion.

(2) Definitions

- (a) An "aggrieved" is an employee or group of employees who initiate a complaint, provided that the employee or group must be directly affected by the conduct complained of in the grievance. Grievances must be filed on appropriate forms within 30 days of the first knowledge of the injured party.

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- (b) A "grievance" shall mean any contention by an aggrieved that there has been any violation, misinterpretation, or erroneous application of school district policies or regulations, other than a complaint that the district has violated provisions of the Collective Bargaining Agreement.
 - (c) "Policies" and "Regulations" shall include only written policies and bylaws (adopted by the Board) and Regulations (issued by the Superintendent). Thus, they correspond to the policies, bylaws and regulations as defined in the volume entitled "Policies and Regulations, Portland Public Schools, Portland, Oregon."
 - (d) A complaint that the employee has otherwise been improperly injured by an administrative decision (i.e., by other than a violation of a policy or regulation) may also be made and processed under this procedure. However, in such cases the standard for decision at each Level will be that which is believed to be best for that particular case and shall not be construed as establishing any precedent or as creating any rights of making the same or similar decision in any other case.
 - (e) "Day" is defined as a working school day. During the summer recesses, a "day" is defined as any calendar day except Saturdays, Sundays, and legal holidays.
 - (f) Grievances that are reasonably related shall be joined and processed together.
- (3) Levels and Steps.
- (a) Level I - Immediate Supervisor.
 - (A) Step 1. The aggrieved employee shall first discuss the grievance with the supervisor or administrator who is most directly concerned with the violation set forth in the grievance.
 - (B) Step 2. In the event no settlement occurs at Step 1, either the employee or the employee's representative may file with the employee's supervisor a formal written appeal. The supervisor shall file a written response with the employee, which shall set forth the reasons for the decision.
 - (C) Step 3. In the event no settlement occurs at Step 2, either the employee or the employee's representative may file with the area superintendent or administrator next in line a written appeal which shall specify the portions of the response which are in disagreement and the manner in which each portion is in

5.40.020-P Non-contractual Grievance Procedure

error. Alleged violations not raised in the written appeal are waived and shall not thereafter be raised or considered.

- (b) Level II - Area Superintendent. A group grievance effecting employees at more than one building within an area shall be initiated in an informal writing at this Level.

(A) Step 1. A hearing involving the participants shall be held at a

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Steps and, if present at any Step, may require the presence of the

5.40.020-P Non-contractual Grievance Procedure

reasonable, and readily available information as is requested for the processing of any grievance. (The superintendent, as the Board's representative, shall define what is readily available.)

- (g) Minutes. Appropriate minutes shall be kept at district expense of proceedings at all Levels beyond Level 1, excluding hearings before the Board, which may or may not be kept at the discretion of the Board. Additional records or transcription of the proceedings may be made by the aggrieved or the district, the cost of which shall be paid equally by the aggrieved and the district if both request this service. If only the district requests such additional service, it shall bear the cost. If only the aggrieved requests such service, he/she shall pay the cost.
- (h) Files. All documents, communications, and records dealing with the processing of a grievance shall be filed in a separate grievance file which shall constitute a personnel file within the meaning of the confidentiality provisions of ORS 342.850 and shall not be opened for inspection by other than the staff of the Office of Personnel Services in the absence of the specific approval of the employee, the superintendent, the Board chairman, or the Board.
- (i) Privacy. Except as otherwise provided by law, meetings and hearings under this procedure shall not be conducted in public but may include the aggrieved, the involved administrators, the representatives of the aggrieved and such administrators, the witnesses while testifying, and any advisor to the presiding officer.
- (j) No employee or group of employees shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.
- (k) Individual Adjustment. Any "aggrieved" may have the grievance adjusted (including the dismissal thereof) without the intervention of a collective bargaining representative if:
 - (A) The adjustment is not inconsistent with the terms of the collective bargaining agreement; and
 - (B) The collective bargaining representative, if any, has been given an opportunity to be present at the adjustment.
- (l) The decisions made under this grievance procedure shall be final and binding on all parties, except in those instances where not permitted by law.

5.40.020-P Non-contractual Grievance Procedure

(m) Unless otherwise provided by law, employees shall utilize the grievance procedures herein described prior to seeking redress through channels provided by law.

* Except for those grievances concerning events prior to the approval of this document, in which case the 30 days shall begin the day following approval of this document. In any case, this document shall not be used for grievance concerning events prior to July 1, 1979.

See also: Additional provisions in the Professional Agreement.

Legal References: ORS 332.107; ORS 342.850; ORS 652.750

History: Adpt. 12/10/97

Staff Analysis and Report to the Board

Date: September 27, 2018

To: The Board of Education

From: Liz Large

Subject: Administrative Recommendations on Employment of Relatives Policy 5.60.015-
P: <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.60.015-P.pdf>

BACKGROUND

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

In addition, in 2018, the Board adopted the Conflict of Interest ² Nepotism Policy, 5.10.065-P.

RELATED POLICIES/BEST PRACTICES

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

ANALYSIS OF SITUATION

The Administrative Recommendations on (P S O R \ P H Q W R I 5 H O D W L Y H V 3 R O L F \ L V V X S H U V new policy, Conflict of Interest ² Nepotism Policy. Maintaining the earlier policy potentially leads to confusion by those attempting to comply with District policy.

FISCAL IMPACT

None.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

5.60.015-P Administrative Recommendations On Employment Of Relatives

- (1) The Board has determined that it is in the best interest of the district in its relations with staff and the public that there should be no colorable basis for any claim that when selecting, assigning or promoting employees there is preference given to relatives of administrators of the district.
- (2) Hence, formal or informal requests or recommendations for employment or promotion of a relative by supervisory personnel of the district shall not be made to the Personnel Office, administrator or the Board of Education.
- (3) In assigning employees, the superintendent shall not place relatives or supervisory employees in the same responsibility center if it would result in a relative exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises or if it would conflict with a bona fide occupational requirement reasonably necessary to the normal operation of the responsibility center.

Legal Reference: ORS 659.340

History: Adpt. 11/8/76; Amd. 4/11/85

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