

The purpose of this policy is to provide a process for equitable solution, at the lowest possible administrative level of grievances of employees. As used in this policy “grievance” includes the terms “complaint” or “dispute”. This policy shall not be construed to create new or additional rights beyond those granted in other Board policies or law.

**I. Promulgation of Procedures.** The Superintendent shall

A. Promulgate a tiered procedure for the prompt and equitable resolution of resolution of employee grievances relating to:

1. An employee’s wages, hours, conditions of work or employment status;
2. Specific allegations of unlawful discrimination in employment as defined in state or federal law;
3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee’s exercise of constitutional rights;
4. Whistleblower complaints as defined in the New Mexico Whistleblower Protection Act, NMSA 1978 §§ 10-16C-1, et seq.
5. Specific allegations that a policy of the board has been violated or misinterpreted with respect to the employee and that such employee has suffered an actual harm as a result of such violation; and

B. Include in the procedure a description of those categories of employee disputes which are not grievable, disciplinary actions, including, but not limited to: suspension, termination, discharge, assignment to administrative leave with pay during an investigation, failure to hire and approval or disapproval of discretionary leave;

C. Describe the procedural steps and timeline for resolution of grievable complaints, including but not limited to, provisions for confidentiality and non-retaliation; and

D. Establish an appeal process to the Board for those complaints that allege a violation or misinterpretation of Board policy, employee contract or administrative regulation.

**II. Appeal to Board.**

The Board shall review the appeal at its next regular meeting or, if deemed appropriate, at a special meeting called for the purpose of entertaining the appeal. The Board shall review all written statements, written testimony, documents and other tangible evidence, which has been accumulated in the matter. If deemed necessary by the Board, a hearing shall be called for the purpose of resolution of the grievance. No official record will be made of the hearing. Based on the evidence presented in the appeal, the Board shall uphold, reverse or modify the decision of the Superintendent at the previous level. The employee and the Superintendent shall be advised

in writing of the Board's decision within five (5) work days of the meeting. The decision of the Board is final.

**Reference: NMSA 1978 § § 22-5-4. 22-5-14**