

UNION'S OPENING STATEMENT

The grievance that is before you today is a Level two (2) grievance on behalf of Ms. Jones brought by the Caesar Rodney Education Association (CREA). Today's hearing will also serve as Step three (3) of the complaint procedure in the 2002-2003 Instructional Handbook. The Union and Ms Jones are grieving a violation of Article XXIII, (Protection of Employees, Students, and Property) sections A & D of the 2001-2004 collective bargaining agreement between CREA and the Caesar Rodney (CR) School District. A copy of the relevant language is enclosed in your folder.

Ms. Jones, the grievant, has been a teacher in the CR school district going on 10 years. Ms Jones is a Special Education Teacher. During her time in the CR District, she has educated students at Frear Elementary, Caesar Rodney High School, and currently works at Postlethwait Middle School.

As in any school district, the protection and safety of students, teachers, and administrators is very important. Students, teachers, parents, community members, state organizations & agencies, and all other parties of interest expect that a school building will be a safe environment. In short, it is vital that an educator is working in a hazardous free work place. The events that give rise to the grievance before you are those involving protection, safety, process, and working conditions.

On December 11, 2002, Ms. Jones and Viviane Hunt, another Special Education Teacher at Postlethwait Middle School (PMS), got into a verbal altercation with allegations of bodily touching. The altercation involved Viviane's request of the removal of two (2) students from Ms Jones's classroom. When Ms Jones reported

the altercation and allegation of assault to Susan Whitaker (Principal at PMS) and Michael Noel (Assistant Principal at PMS), she did not receive support. Specifically, in response to Ms Jones' allegations, the aforementioned Administrators simply informed Ms Jones that her students would be returned to her classroom and questioned the reason that Viviane would remove students from Ms Jones's classroom.

In addition, it is the Union's contention that the School Board first became aware of the above mentioned altercation and bodily touching allegations when Ms Jones submitted the Step 2 complaint procedure to your office on January 7, 2003. Thus, your notification of the altercation and assault allegation came from Ms Jones and was eleven (11) working days after the incident.

School Board Chairperson, the two (2) issues before you today are:

- 1) Did the District violate Article XXIII, section A of the collective bargaining agreement regarding the protection of Ms Jones from unsafe working conditions ?

If so, what shall be the remedy ?

- 2) Did the District violate Article XXIII, section D of the collective bargaining agreement regarding notification to the Superintendent ?

If so, what shall be the remedy ?

The relevant part of the collective bargaining agreement is Article XXIII, sections A & D.

Article XXIII, Section A states:

“Employees shall not be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety or well-being.”

Article XXIII, Section D states:

“Employees shall immediately report cases of assault suffered by them in connection with their employment to their administrator or other immediate supervisor. Such notification shall be immediately forwarded to the Superintendent who shall assist the employee in any way possible, including acting as a liaison among the employee, police and courts.”

School Bod Chairperson, the following facts are undisputed:

- 1- An altercation between Ms. Jones and Viviane Hunt occurred on December 11, 2002.
- 2- The altercation involved bodily touching.
- 3- Susan Whitaker, Michael Noel, and the District have subsequently engaged in attempts to help resolve the issue between Ms Jones and Viviane. However, when Ms Jones initially informed her Administrators of the altercation and assault allegations, at a time when fear, anxiety, and tension were at their highest, she did not receive support from her Administrators.
- 4- You (Superintendent) received notification of the altercation and assault allegations by Ms Jones on January 7, 2003.

The remedy that we are seeking is for Ms Jones to be voluntarily transferred to another school building, beginning in the 2003-2004 school year, and any other remedy that will make the grievant whole. Ms Jones and the Union are also open to the possible option of a voluntary reassignment to the vacant 7th grade position in PMS.