

# DAE Meet & Confer Articles Spring 2025

Version 2 — April 13th, 2025

## Overview:

These Meet & Confer Articles were developed democratically by DAE member-leaders after hosting 40 platform development sessions at worksites across DPS that were open to all staff. Those meetings were synthesized into [this Meet & Confer Platform](#) of the highest priority changes that workers believe will make DPS a better place for students and staff over the next two years. From there, member-leaders voted to prioritize the 9 issues below as the most urgent to address this spring / for next school year's budget. Member-leaders held meetings to further develop these specific proposals around our top priorities for Spring 2025.

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## Article 1. Budget Transparency

1. Quarterly budget-versus-actuals reports for the district, departments, and worksites that are available to all staff.
2. Make internal audit information available to all staff including up-to-date information on the Fund Balance and all other sources of district funds.
3. Transparency around all salaries, incentives, and bonuses offered to district employees and administrators for any reason.

## Article 2. Measures to Address the Transportation Crisis

1. A step plan that rewards years of service and meaningfully addresses pay compression. (See Article 4).
2. A \$300/month supplement for bus drivers and bus monitors.
  - a. \$25/hour for substitute and part time drivers who are left out of the supplement  
Dr. Lewis proposed
3. At least two personal days annually for all classified workers
4. Three paid inclement weather days (annually) for all classified workers.
5. Paid monthly (as needed) meetings with a team of union veteran drivers and TIMs supervisors to help fix the routes.
6. Fobs/keys for all transportation workers to gain access to schools to use bathrooms at the entrances closest to where the buses park.

## Article 3. No Collaboration with ICE

1. Make Red ("Know your Rights") cards visible and available in every 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.
2. Enforce [Policy 4321](#). Training for staff to ensure that all are following 4321.
3. Provide proof of enrollment letters for all students (with specific language about residing in Durham - "domiciled"). Provide these annually 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 principals 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.

## Article 4. Addressing Classified Pay Compression

1. A minimum 2% step increase for all classified pay scales.
2. No freezing veteran pay that is above "maximums" set by the state.
3. Retention bonuses offered for positions offering new signing bonuses.

## **Article 5. Full Restoration of Master's Pay**

1. Keep the promise made by the BOE in spring 2024 to fully restore Master's Pay by including all staff who were previously eligible for Master's Pay under state law prior to the 2013 ruling by the NC General Assembly - including but not limited to social workers, instructional coaches, MTSS coordinators, and interventionists.

## **Article 6. Clear Duties, Contract Hours, Expectations, and Extra Duty Pay For All Staff**

1. All returning employees shall receive printed contracts annually (in May) that contain a) a clear job description including defined work hours and duties and b) commitments from the employer around lunch breaks, protected planning time, and compensation.
  - a. Duty Day for Certified Employees: Certified employees should not be regularly required to remain at work more than 1 hour per day outside of the hours of students' schedule.
  - b. Extracurricular and Non-instructional Duties: staff cannot be expected to do an unlimited amount of extracurricular or non-instructional duties. These duties should not exceed 2 hours per week. If necessary for a safe environment in the school, school administration should either arrange for non-employee / non-staff volunteers to cover additional duty time or pay staff extra duty pay (see Article 6 Section 2d).
2. Extra Duty Pay
  - a. Extra Duty Pay For Covering Classes: ensure that all staff members who are asked to work additional hours or take on additional students to cover for a vacancy or the absence of a coworker or substitute are compensated the prorated sub pay for proportion of the class they are covering. Ensure that Instructional Assistants are compensated appropriately when they are asked to cover a class.
  - b. Extra Duty Pay for Covering Additional Casework: ensure that all staff members (particularly in EC and ESL) who are asked to take on additional caseloads to cover for a vacancy or the absence of a coworker or substitute are compensated for this additional work.
  - c. Extra Duty Pay for Covering Additional Workload (Classified): ensure that all classified staff members who are asked to do additional duties to cover for a vacancy or the absence of a coworker or substitute should be compensated accordingly (ie when a cafeteria or custodial team is allotted 4 workers, but 2 workers must do all the work, those 2 should receive additional compensation).
  - d. Extra Duty Pay for Extracurricular and Non-Instructional Duties: All employees who are required to work extracurricular and/or non-instructional duties

exceeding 2 hours in a given workweek should be paid \$20/hour for this additional work.

## **Article 7. Collective Grievance Policy and Representation During Grievance Procedure**

1. DPS workers deserve to file grievances collectively and to navigate the grievance process with representatives accompanying them. The current policy forces workers to bring grievances alone and must be amended (see below). 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.

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. 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 A; 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 grievants, but the board and officials have the discretion to hear and respond to grievants individually.~~ If the same set of facts is involved in more than one (1) grievance involving more than (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 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~~ complete a grievance form and submit it ~~req~~ 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.

~~c. 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.

## **Article 8. No Cuts to Frontline Positions to Pay for Budget Mismanagement**

1. Frontline staff have the largest impact on student learning; therefore, maintaining all positions for staff who work directly with students every day should always be the district's top priority in the event of budget cuts or budget mismanagement.

## **Article 9. A Multi-year Plan for Certified Supplement Increases and Classified Pay Increases**

1. In order to retain qualified staff in a city where cost of living continues to rise, district leadership must prioritize multi-year staff salary increases in budget plans and provide staff with information about what they can expect to earn in coming years.