What to Do if Your Rights Are Violated

Now that the happy chaos that comes from having stu-
dents in your building is in full swing, the SAANYS Legal Department would like to take this moment to remind everyone that issues affecting your terms and conditions of employment deserve immediate attention. Oftentimes, SAANYS members call the Legal Department because they know that the terms and conditions of their employment are being impacted, if not outright violated, but they are not sure what to do to protect themselves. All too often these calls are not made for several months after the violation occurred and legal action is limited due to strict statutes of limitations governing various types of action.

The first step when you are concerned that your rights are being violated is to look at your Collective Bargaining Agreement (CBA) to see whether it is a topic that has been negotiated. If there is a provision in the contract that has been violated, then the remedy is to go through the negoti-
ated grievance procedure. Oftentimes there is a very short period of time in which a grievance can be started, or else it is waived, so it is very important to look at the contract and the grievance procedure as soon as a violation is sus-
ppected. How grievances are processed vary from bargain-
ing unit to bargaining unit, so it is important not to assume
that grievances are processed in a certain way for teachers that the process will be the same for the adminis-
trators in the same district. Additionally, it is important to look at the actual grievance procedure to see what can be
grieved. Some clauses are very narrow, whereas others are
so broad that topics not within the CBA could potentially be
ignored.

If the perceived violation is not something that is covered
within the CBA, then it must be determined whether the
issue is something that could be brought for review before
the Public Employees’ Relations Board (PERB). The most
typical types of cases that are brought before PERB are:

(1) Transfers of Bargaining Unit Work: This typically
occurs when a district either creates a new position or
distributes the duties of an abolished position. In such
events, it is important to look at the duties to see if they

Summer Legislative Activity

A Report from Cindy Gallagher, SAANYS Director of
Government Relations

This summer was packed full of events and meetings here
at SAANYS. I am sure the same goes for all of you. Your
Government Relations office was engaged throughout
these summer months in many task force meetings,
rounds of presentations to various units, and planning
for the fall. The following will provide you with a brief
summary of some of those events.

New Laws and/or Regulations

After the legislative session concluded, the governor
signed several bills related to education during the
summer months.

A.8262/S.6581 – requires the commissioner of education
to provide guidance on the educational needs of students
with dyslexia, dyscalculia, and dysgraphia. The guidance
required of NYSED would provide information to
districts on evaluations, eligibility determinations, and
development of IEPs.

A.5151/S.2724 – this bill expands the types of services
that may be provided by school health services to include
diabetes risk analysis. Additionally, this bill permits
school district nutrition advisory committees to make
recommendations on the nutritional policies of the
school district regarding healthy weight.

A.6918-b/S.3251-b – allows BOCES to purchase food
directly from NYS farm businesses and exceed monetary
restrictions (same as schools may do currently).

Congressman Tonko Meets with School Administrators at SAANYS

SAANYS thanks Congressman Paul Tonko for coming
to the SAANYS office on August 3 to talk candidly with
school administrators about the real issues affecting our
students and schools. Much time was particularly spent
discussing special education, graduation pathways,
student mental health, and negativity toward public
education. (See page 3 for details.)

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SAANYS Enforces Collective Bargaining Agreement

Long Island Administrator Awarded Terminal Leave Pay

The SAANYS Legal Department successfully argued a
case before the Suffolk County Supreme Court, with
judgment on April 24, 2017 in favor of a Suffolk County
administrator.

In December 2015, a grievance was filed by the
unit, which was ultimately denied by the board of ed-
cuation, and the demand for terminal leave pay was
rejected by the district. Subsequently, in January
2016, the unit served a Notice of Claim upon the
district signifying an action claim on behalf of the
administrator would be commenced.

The petitioner, a long service member of the
district for 17 years, informed the district in July
2015 that she would be resigning from her
position to accept employ-
ment with a different school
district. At the time of her
resignation, she submitted
the standard request to
receive all accrued term-
inal leave and unused
vacation pay in accor-
dance with the wording of
the Collective Bargaining
Agreement (CBA). The dis-

SAANYS Welcome New Units:

– REGION 8 –
Oriskany Administrators Association
– REGION 8 –
Westmoreland CSD Supervisory Unit

SAANYS – Your voice, your source, your association

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SAANYS All IN ANNUAL CONFERENCE
August 27-29 and the OFFICIAL CONVENTION

Preserve Public Education

See Executive Viewpoint on page 2 for important details including information on upcoming statewide forums for the
constitutional convention.