

GRIEVANCES/COMPLAINTS

A. Purpose and Scope

To provide guidance and direction for District personnel regarding grievances and/or complaints.

B. General

1. The Superintendent shall establish procedures for dealing promptly and equitably with complaints which may be resolved expeditiously without resolving to more formal grievance procedures.
2. Specific procedures shall be established for individual to appeal their complaints to the Governing Board if redress is not obtained through established channels.
3. A grievance must be based upon an alleged violation of a specific employee organization contract.

C. Forms Used and Additional References

Grievance form

D. Procedure

Grievances

1. Definitions
 - a. A “grievance” is a formal written allegation by a grievant that the grievant has been adversely affected by a violation of the specific provisions of the employee agreement. (See employee agreement for procedures)
 - b. A “grievant” may be any member of the bargaining unit covered by the terms of an agreement between the bargaining unit and the Governing Board of this school district.

GRIEVANCES/COMPLAINTS (continued)

- c. A “day” (for the purposes of this grievance procedure) is any day on which the central administrative office of this school district is open for business.
- d. The “immediate supervisor” is the building principal or administrator having immediate jurisdiction over the grievant and who has been designated to adjust grievances.

Complaints

1. Definition

A “complaint” shall be defined as an alleged misapplication of the policies and/or regulations of the district as set forth in this manual. Procedures for a complaint are established by the administration and provide a route of appeal through channels to the Governing Board, if necessary. Complaints and other matters for which a specific method of review is provided by law, by the policies of the Governing Board, or board adopted regulations, or by the administrative regulations and procedures of this school district are not within the scope of the procedure for grievances as defined above.

2. Procedure for Complaints

The official path of communication in dealing with complaints is as follows:

- a. Employee should confer about information, questions, complaints and problems with their immediate supervisor and/or their building principal.
- b. If the situation is one that can be handled at the immediate supervisor level, the supervisor shall proceed to take whatever action is necessary. At the building level the principal is the immediate supervisor.
- c. The immediate supervisor shall, in turn, inform the superintendent of the situation and the action.

GRIEVANCES/COMPLAINTS (continued)

- d. If, in the immediate supervisor's judgment the situation requires consolation with other administrative officers before taking action, the supervisor shall do so.
- e. If the immediate supervisor desires joint meeting with the personnel concerned and the superintendent, a request for such meetings shall be made by the supervisor.
- f. If, in the immediate supervisor's judgment, the situation should go directly to the superintendent, the supervisor should consult with the superintendent, and turn the situation over to the superintendent. The superintendent shall inform the immediate supervisor concerning the disposal of the situation.
- g. In the event that an individual presents the superintendent with a situation that had not been presented to the immediate supervisor, even though the situation should have been so presented, the superintendent will direct the particular person back to the immediate supervisor and will inform the immediate supervisor concerning the situation.
- h. If an employee presents the superintendent with situations about which the employee has conferred with the immediate supervisor and about which the employee is still discontent, the superintendent or his designee shall hear the employee's discussion and, in turn, shall hear the immediate supervisor's discussion.

The superintendent or his designee shall then require joint conferences of the superintendent, the immediate supervisor and the employee. After due conferences of such nature without a successful solution, the superintendent shall arbitrarily make a decision. In the event of such a necessity, the superintendent will also present a written description of the situation to the governing board including the superintendent's arbitrary decision. Copies of this description shall be given to all affected parties.

- i. If any party involved in (h) above is still dissatisfied with the decision as rendered, he/she may submit in writing to the superintendent a request for a conference with the Governing Board and the superintendent. The superintendent shall submit this request to the Governing Board for its consideration.
- j. If the Governing Board decides to authorize the conference, the superintendent will arrange a time suitable to all parties. After the conference, the Governing Board shall render a decision which shall be final.
- k. In some instances, the aggrieved party has recourse to legal action, in which event, all the preceding activities become a matter of record. The subsequent court decision would then be the final decision. (cf. 4118.111/4218.111 - Grievance Procedure for title IX)

E. Reports Required

None

F. Record Retention

Deposition of grievance on file in Human Resources office

G. Responsible Administrative Unit

Human Resources
Superintendent

H. Approved By

Associate Superintendent for Human Resources
Superintendent

Human Resources - Classified

AR 4244 (d)

GRIEVANCES/COMPLAINTS (continued)

Legal Reference:

GOVERNMENT CODE

3543 (re public school employees' rights)

Regulation Adopted:

HS BD: 11/20/85

EL BD: 7/6/82

Regulation Revised:

TUSD: 11/25/97