

CHAPTER 180

COMPLAINT PROCEDURE

180.1 PROCEDURE FOR THE ADJUSTMENT OF COMPLAINTS

180.1.1 PURPOSE OF COMPLAINT PROCEDURE: The purpose of this rule is to establish an orderly process through which classified employees may receive timely consideration of their complaint. It is also the intent of this chapter to emphasize the need for employee complaints to be submitted through established channels and for resolution of complaints at the lowest possible level. Employees may utilize this chapter of the Rules to seek adjustment of complaints arising in the following areas:

180.1.1.1 Established Commission Rules and Regulations.

180.1.1.2 Administrative Procedures.

180.1.1.3 Established provisions of the Education Code on matters within the scope of the Personnel Commission's authority.

180.1.1.4 Complaints Against Other Employees on matters within the scope of the Personnel Commission's authority.

180.1.2 CERTAIN MATTERS EXCLUDED FROM PROCEDURE: There are certain subjects and matters that are not covered by this complaint procedure:

180.1.2.1 An alleged violation of any collective bargaining agreement shall be adjudicated using that agreement's complaint procedure.

180.1.2.2 An alleged violation of the disciplinary action section of these rules and regulations if formal disciplinary action has been initiated shall be adjudicated through the disciplinary action appeal process contained in Rule 190.

180.1.2.3 Complaints about the subject matter of a rule, regulation, policy, law, or administrative procedure. Any employee with such a complaint should direct his suggestions for change through administrative channels to the responsible authority.

180.1.3 **COMMISSION STAFF WILL LEND ASSISTANCE:** At any stage in the procedure, the services of the Personnel Commission's staff will be available to all parties to provide requested information and to assist in the settlement of the problems.

180.1.4 **APPROVAL OF DIRECTOR OF CLASSIFIED PERSONNEL SERVICES:** If any settlement of a complaint covered by these procedures is reached without the involvement of the Commission or Director of Classified Personnel Services, the Director of Classified Personnel Services shall be informed of all proceedings, receive copies of all communications submitted in the case, and be notified of the proposed settlement and have an opportunity to comment on it prior to finalization. The resolution of any complaint covered by these procedures must be approved by the Director of Classified Personnel Services under the following circumstances:

180.1.4.1 When the complaint involves the application of any Personnel Commission rule or regulation.

180.1.4.2 When the complaint involves the application any Personnel Commission administrative procedures.

180.1.4.3 When the complaint involves any Personnel Commission employee.

180.1.4.4 When the complaint involves any alleged violation of the Education Code.

180.1.4.5 When the complaint involves any matter touching upon the authority of the Personnel Commission or the merit system.

180.1.5 **COMPLAINT TIME LIMITS SHALL BE CONSIDERED MAXIMUMS:** It is important that complaints be resolved as quickly as possible, therefore the times indicated at each step shall be considered as maximums. Time limits may be extended by mutual agreement of both parties.

180.1.6 **COMPLAINT MUST BE FILED WITHIN THIRTY (30) DAYS:** A complaint must be filed at Step One of this procedure within thirty (30) days of the occurrence of the violation or infraction, or within thirty (30) days of when the grieving party could reasonably have known of the occurrence of the act or omission giving rise to the complaint.

- 180.1.7** **DEFINITION OF COMPLAINANT:** A complainant is defined as an employee or employees, filing a complaint or complaints involving one of the subjects covered by Rule 180.1.1.
- 180.1.8** **EMPLOYEE REPRESENTATION:** Any employee may have an independent representative or an employee organization represent his interests at any step of this complaint procedure.
- 180.1.9** **NO REPRISALS FOR FILING OF COMPLAINT:** No reprisals of any kind shall be taken by the District against the complainant or any representative of the complainant by reason of his bringing a complaint or participating in a complaint.
- 180.1.10** **REASONABLE RELEASE TIME:** The complainant and/or his representative shall be provided reasonable release time, without loss of compensation, to attend complaint conferences or hearings but not for preparation of the presentation.
- 180.1.11** **MAINTENANCE OF FILES:** All records pertaining to complaint filed under this rule shall be maintained by the Director of Classified Personnel Services in the Personnel Commission Office. All complaint records shall be maintained separately from the complainant's and/or his representative's personnel files.
- 180.1.12** **STEP ONE –RESOLUTION PROCEDURE:** The complainant shall meet with the immediate supervisor to discuss the potential complaint in an attempt to resolve it informally. The immediate supervisor shall attempt to hold a conference within two (2) working days of the request by the employee for a conference. The immediate supervisor shall consider the facts and provide a decision with supporting reasons within five (5) working days after the informal conference.
- 180.1.13** **STEP TWO - RESOLUTION PROCEDURE:** If successful resolution was not reached at Step One and the employee chooses to pursue his complaint he must submit his complaint in writing to the immediate supervisor within ten (10) working days of the conclusion of Step One.

The written complaint shall be a clear, concise statement of the complaint, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation including Step One complaint correspondence, and a statement of the specific remedy sought. The immediate supervisor shall hold a conference with all interested parties on the complaint within five (5) working days of receipt. The supervisor shall submit a written response to the complainant within ten (10) working days after the conference.

180.1.14 **STEP 3 THREE - RESOLUTION PROCEDURE:** If the complaint is not satisfactorily adjusted by the immediate supervisor or the immediate supervisor fails to respond during the time limit, the complaint may be submitted in writing to the Director of Classified Personnel Services within ten (10) working days of receipt of the Step Two decision, or if the immediate supervisor has failed to respond, within ten (10) working days after the Step Two response deadline.

The written complaint shall be a clear, concise statement of the complaint, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation including previous complaint correspondence, the reasons why the response from the Step Two supervisor was unsatisfactory, and a statement of the specific remedy sought. The Director of Classified Personnel Services shall hold a conference with all interested parties regarding the complaint within five (5) working days of receipt of the complaint. The Director of Classified Personnel Services shall submit a written response to the complainant within ten (10) working days following the conference.

180.1.15 **STEP 4 FOUR - RESOLUTION PROCEDURE:** If successful resolution was not reached at Step Three, the complaint may be submitted in writing to the Personnel Commission as dictated by this rule, within ten (10) working days of receipt of the Step Three decision, or if the appropriate Step Three administrator has failed to respond, within ten (10) working days after the Step Three response deadline.

The written complaint shall be a clear, concise statement of the complaint including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation including previous complaint correspondence, the reasons why the response from the Step Three administrator was unsatisfactory, and a statement of the specific remedy sought.

The Personnel Commission shall schedule an open session, unless provisions of the Brown Act permit and /or require a closed session, for all written and oral evidence to be presented. Within thirty (30) days after the hearing, the official body hearing the case shall render a decision on the matter. The decision of the Personnel Commission shall be final and binding on all parties.