

CHAPTER 18 – GRIEVANCE PROCEDURE

(Formerly Chapter 80 – Miscellaneous Provisions)

18.1 Purpose of Grievance Procedure

The purpose of this chapter is to establish an orderly process through which employees may receive timely consideration of their grievance/complaints. Although specific steps and time limits are set forth in the procedure, it is recognized that the settlement of complaints may require that the procedure be altered in certain situations. 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 from the established Commission Rules and Regulations.

Education Codes: 45260 and 45261

18.2 Matters Excluded from these Procedures

The following subjects and matters are not covered by this grievance/complaint procedure:

- A. An alleged violation of any specific provision of a collective bargaining agreement. Such allegations shall be adjudicated through the provisions contained in the collective bargaining agreement.
- B. An alleged violation of the disciplinary action section 60.800 of these Rules and Regulations. In the event that a formal disciplinary action has been initiated, all matters relative to such action shall be adjudicated through the disciplinary action appeal process. (See 60.800.11.)
- C. Complaints about the subject matter contained in a rule, regulation, policy, law, or administrative procedure. Any employee with such a complaint should direct his/her concerns and suggestions for change through administrative channels to the responsible authority.

18.2.1 Adjudicating Body Determined by Subject Matter

The subject matter of a particular grievance or complaint will determine whether it will be submitted to the Board of Education or the Personnel Commission for a final determination or decision. Generally, grievances or complaints dealing with established Board policies and administrative procedures will be adjudicated by the Board of Education, and those dealing with established Commission Rules and Regulations and/or interpretations of the Education Code will be handled by the Personnel Commission. In the event that there is any question regarding which official body (Board of Education or Personnel Commission) is to hear the grievance or complaint, the Personnel Director for the Personnel Commission will make the decision regarding which official body (Board or Commission) is to review the employee's appeal.

18.2.3 Steps in the Resolvment Procedure

Classified Bargaining Unit employees refer to Classified Bargaining Unit Contract - Article 5. Non Bargaining Unit employees refer to Board Policy 4244.

18.3 General Provisions

The Board of Education, agents, and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of part 25, Chapter 5 of Division 3. (commencing with Section 45220) of the EDUCATION CODE.

18.3.1 Board Rules

The Employer-Employee Relations Rules for classified personnel adopted by the Board, in accordance with law, are made a part of these regulations. They shall apply in the same manner as if adopted by the Commission.

18.4 Definition of Grievant

A grievant is defined as an employee, employees, applicant, or employee organization filing a complaint or grievance involving one of the subjects covered by these Rules.

Education Codes: 45260 and 45261

Government Code: 3540 et seq.

18.4.1 Employee Representation

Any employee may have an employee organization represent his/her interests at any level of this grievance procedure.

Education Codes: 45260 and 45261

Government Code: 3540 et seq.

18.4.2 No Reprisals for Filing of Grievance

No reprisals of any kind shall be taken by the District against the grievant or any representative of the grievant by reason of his/her bringing a grievance or participating in a grievance.

Education Codes: 45260 and 45261

Government Code: 3540 et seq.

18.4.3 Reasonable Release Time

The grievant and /or his/her representative shall be provided reasonable release time, without loss of compensation to attend grievance conferences or hearings.

Education Codes: 45260 and 45261

Government Code: 3540 et seq.

18.4.4 Maintenance of Grievance Files

All records pertaining to grievances filed under this rule shall be maintained by the Director, Human Resources-Classified in the Classified Personnel Commission Office. All grievance records shall be maintained separately from the grievant's and/or his/her representative's personnel files.

Education Codes: 45260 and 45261