

CLASSIFICATION: All Personnel

ADOPTED: 5/23/01

REVISED:

**SUBJECT: Employee Problem or Complaint
Resolution Procedure**

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The following procedure shall be followed when an employee has a problem or complaint about administration of a regulation, rule or procedure, or job relations that is not covered by a provision of negotiated agreements of an exclusive representative, Rules and Regulations of the Personnel Commission, or another specific complaint procedure. Complaints regarding the content of performance evaluations and accusatory charges relating to the moral or professional fitness of an employee are excluded from this procedure.

GENERAL PROVISIONS

1. All parties to the problem or complaint shall have the right, at each step of the procedure beyond Step 1, to be accompanied by a person or persons of their own choosing.
2. All proceedings shall be private and confidential except by mutual consent of the participating parties.
3. A decision rendered at any step of the procedure becomes final unless appealed to the next step within the prescribed time frame.
4. If a decision is not submitted within the established time limit, the complainant may appeal directly to the next step.
5. Time limits may be extended by agreement of the parties involved.
6. Any employee may participate in the process without loss of salary provided that the employee notifies his/her immediate supervisor in advance. All documents, communications and records used in processing a problem or complaint under this administrative regulation shall be filed separately from the personnel files of the participants in the Human Resources Office.
7. No reprisal, discrimination, or reduction in status shall be invoked against any employee for having instituted this process or for having participated as a representative, conferee, or witness.

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PROCEDURES

Step 1 - Informal Review

Within twenty (20) working days from the occurrence giving rise to the problem or complaint or within twenty (20) working days of the complainant's knowledge thereof, the complainant shall provide notification of the problem or complaint orally or in writing to his/her immediate supervisor. A form is available from the Human Resources Services Division (Exhibit 1).

The immediate supervisor shall arrange a meeting with the complainant to discuss the problem or complaint within ten (10) working days of receipt of the complaint.

If the complainant fails to notify the immediate supervisor of the problem or complaint within the allotted time, the right to pursue resolution procedures shall have been waived. Within five (5) working days of the information meeting, the immediate supervisor shall communicate his/her verbal or written decision to the complainant.

Step 2 - Appeal

The complainant may, within five (5) working days following the receipt of the immediate supervisor's decision, appeal it to his/her division administrator. The appeal shall be submitted in writing and be accompanied by a summary of the course of action to date, including the immediate supervisor's Step 1 decision.

The division administrator or the complainant may request a personal meeting to discuss the appeal.

Within ten (10) working days after receiving the written request for an appeal, the division administrator shall issue a written decision on the complaint.

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Step 3 - Review of Appeal

The complainant may, within five (5) working days following receipt of the division administrator's decision, request the County Superintendent of Schools to review the appeal. The request shall be submitted in writing.

The County Superintendent of Schools shall review the proceedings conducted by the division administrator and shall meet with the complainant.

Nothing in this procedure shall be interpreted as abridging the County Superintendent of Schools' right to conduct an investigation.

Within ten (10) working days following receipt of the request for a review, the County Superintendent of Schools shall render a written decision to the complainant which shall be final.

Board Policy No.: 4003

Management Resources: Merit System Rules and Regulations for the Classified Service, Personnel Commission of the San Diego County Office of Education, 1994

Negotiated Agreement Between San Diego County Office of Education and California School Employees Association (Chapter 568), 2000-2003

Negotiated Agreement Between San Diego County Office of Education and Association of Educators, 2000-2003

San Diego County Office of Education Management Handbook, 1991

San Diego County Office of Education

COMPLAINT FORM
(Problem Resolution Procedure)

Complainant _____ Date Filed _____
(Please print full name)

Work Location: _____ Date of Occurrence: _____

Description of Problem/Complaint:

Description of Desired Remedy:

Signature of Complainant

**PROBLEM RESOLUTION
COMPLAINT PROCEDURE**

1. The problem resolution procedure is the medium through which staff may seek adjustment of complaints arising out of alleged violations of established rules, policies, administrative procedures, or job relations. Its purpose is to provide, at the administrative level closest to the employee, an opportunity for review of employment related problems or complaints.

2. EXCLUSIONS:

a. An alleged violation, misapplication or misinterpretation of a provision of a negotiated agreement between the County Office of Education and an exclusive employee representative.

b. Complaints about the subject matter of a County Office rule or policy, or administrative procedure, rather than the administration of the rule or policy, or procedure. Such suggestions for change should be directed through administrative channels to the County Superintendent of Schools, Personnel Commission, division administrator or section head.

c. Matters within the jurisdiction of the Personnel Commission and included in Personnel Commission Rules in effect at the time the events leading to the complaint occurred.

d. Complaints regarding the content of performance evaluations.

e. Accusatory charges relating to the moral or professional fitness of an employee.

3. GENERAL PROVISIONS

a. All parties to the problem or complaint shall have the right, at each step of the procedure beyond Step 1, to be accompanied by person or persons of their own choosing.

b. All proceedings shall be private and confidential except by mutual consent of the participating parties.

c. A decision rendered at any step of the procedure becomes final unless appealed to the next step within the prescribed time frame.

d. If a decision is not submitted within the established time limit for a given step, an appeal may be taken directly to the next level.

e. Time limits stipulated at each step may be modified by agreement of the parties involved.

f. Any employee may participate in the process without loss of salary provided that the employee notifies his/her immediate supervisor in advance. All documents, communications, and records used in processing a complaint shall be filed separately from personnel files of the participants.

g. No reprisal, discrimination, or reduction in status shall be invoked against any employee for having instituted the process or for having participated as a representative, conferee, or witness.

4. PROCEDURE

a. STEP 1 (INFORMAL REVIEW): Within twenty (20) working days from the occurrence giving rise to the problem or complaint or within twenty (20) working days of the employee's knowledge thereof, the complainant shall provide notification of the problem orally or in writing to his/her supervisor. The supervisor shall arrange a meeting with the employee to discuss the complaint within ten (10) working day of receipt of the complaint. If the complainant fails to notify the immediate supervisor of the matter within the allotted time, the right to pursue resolution procedures shall have been waived. Within five (5) working days of the information conference with the complainant, the immediate supervisor shall communicate his/her verbal or written decision to the employee.

b. STEP 2: If the complainant is dissatisfied with the results of Step 1, the employee may within five (5) working days following receipt of the decision appeal in writing to the division administrator. The appeal shall be accompanied by a summary of the course of action to date, including the decision of the supervisor responding at Step 1. Either the division administrator or the complainant may request a personal conference to discuss the dispute. Within ten (10) working days after receiving the written request for an appeal, the division administrator shall issue a written decision on the matter.

c. STEP 3: If the complainant is dissatisfied with the decision of the division administrator, he/she may within five (5) working days following receipt of the decision, appeal to the County Superintendent of Schools. Review of the appeal shall consist of a review of proceedings conducted by the division administrator and a personal conference with the complainant. Nothing in this procedure shall be interpreted as abridging the County Superintendent's right to conduct an independent investigation. Within ten (10) working days following receipt of the request for a review, the County Superintendent of Schools shall render a written decision, which shall be final.