

CHAPTER 18

GRIEVANCE PROCEDURE

18.1 GRIEVANCE PROCEDURE

The purpose of a grievance procedure outlined in these rules is to provide an opportunity for an employee to address alleged violations of the Rules. It is not designed as a method for addressing concerns about any Collective Bargaining Agreement or District Policies and Procedures established by the Board of Education.

18.1.1 PURPOSE OF GRIEVANCE PROCEDURE:

The purpose of this chapter is to establish an orderly process through which employees may receive timely consideration of their 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 Personnel Commission Rules and Regulations.

Reference: EC§ 45260 and 45261

18.1.2 CERTAIN MATTERS EXCLUDED FROM PROCEDURE:

There are certain subjects and matters that are not covered by this grievance procedure:

18.1.2.1 An alleged violation of any specific provision of a collective bargaining agreement shall be adjudicated using that agreement's grievance procedure.

18.1.2.2 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 Merit System Rule 19.

18.1.2.3 An alleged violation of District Policies.

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

Reference: EC§ 45260 and 45261
GC§ 3540 et seq.

18.1.3 ADJUDICATING BODY DETERMINED BY SUBJECT MATTER:

Merit System Rules
CHAPTER 18

The subject matter of a particular complaint or grievance under these rules will be directed for consideration to the Personnel Commission. When there is a question as to which official body may consider the complaint, the Director Human Resources-Classified will decide the official body to review the appeal. Complaints and grievances dealing with established Board policies will be adjudicated by the Board of Education.

Reference: EC§ 45260 and 45261
GC§ 3540 et seq.

18.1.4 **COMMISSION STAFF WILL LEND ASSISTANCE:**

At any stage in the procedure, the service 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.

Reference: EC§ 45260 and 45261

18.1.5 **APPROVAL OF DIRECTOR OF CLASSIFIED HUMAN RESOURCES:**

If any settlement of any grievance covered by these procedures is reached without the involvement of the Commission or Director Human Resources-Classified, the Director Human Resources-Classified 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. All settlements of any grievance covered by these procedures must be approved by the Director Human Resources-Classified under the following circumstances:

- 18.1.5.1 When the grievance involves any Personnel Commission rule or regulation.
- 18.1.5.2 When the grievance involves any Personnel Commission administrative procedures.
- 18.1.5.3 When the grievance involves any Personnel Commission employee.
- 18.1.5.4 When the grievance involves any alleged violation of the Education Code.
- 18.1.5.5 When the grievance involves any matter touching upon the authority of the Personnel Commission or the merit system.

Reference: EC§ 45260 and 45261

18.1.6 **GRIEVANCE TIME LIMITS SHALL BE CONSIDERED MAXIMUMS:**

It is important that grievances be resolved as quickly as possible, therefore the times indicated at each level shall be considered as maximums. Time limits may be extended by mutual agreement of both parties.

Reference: EC§ 45260 and 45261

18.1.7 **GRIEVANCE MUST BE FILED WITHIN THIRTY (30) WORKING DAYS:**

A grievance must be filed at Level One of this procedure within thirty (30) working days of the occurrence of the violation or infraction, or within thirty (30) working days of when the grieving party could reasonably have known of the occurrence of the act or omission giving rise to the grievance.

Reference: EC§ 45260 and 45261

18.1.8 **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.

Reference: EC§ 45260 and 45261
GC§ 3540 et seq.

18.1.9 **EMPLOYEE REPRESENTATION:**

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

Reference: EC§ 45260 and 45261
GC§ 3540 et seq.

18.1.10 **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.

Reference: EC§ 45260 and 45261
GC§ 3540 et seq.

18.1.11 **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.

Reference: EC§ 45260 and 45261
GC§ 3540 et seq.

18.1.12 **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.

Reference: EC§ 45260 and 45261

18.1.13 **LEVEL ONE – INFORMAL:**

The grievant shall meet with the immediate supervisor or the moving party of the action being grieved to discuss the potential grievance in an attempt to resolve it informally. The immediate supervisor or moving party shall attempt to hold a conference within two (2) working days of the request by the employee for a conference. The immediate supervisor or moving party shall consider the facts and provide a decision with supporting reasons within five (5) working days after the informal conference.

18.1.14 **LEVEL TWO – FORMAL WRITTEN GRIEVANCE:**

If successful resolution was not reached at the discussion level and the employee chooses to pursue a grievance he/she must submit the grievance in writing to the immediate supervisor or moving party within ten (10) working days of the conclusion of the informal step and Level 1. The written grievance shall be a clear, concise statement of the grievance, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level grievance correspondence), and a statement of the specific remedy sought. The immediate supervisor or moving party shall hold a conference with all interested parties on the complaint within five (5) working days of receipt. The supervisor or moving party shall submit a written response to the grievant within ten (10) working days after the conference.

18.1.15 **LEVEL THREE – DEPARTMENT/SITE ADMINISTRATOR:**

If the grievance is not satisfactorily adjusted by the immediate supervisor or moving party or the immediate supervisor or moving party fails to respond during the time limit, the grievance may be submitted in writing to the appropriate highest level administrator in the department/site chain of authority within ten (10) working days of receipt of the Level 2 decision, or if the immediate supervisor or moving party has failed to respond within ten (10) working days after the Level 2 response deadline. The written grievance shall be a clear, concise statement of the grievance, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level grievance correspondence), the reasons why the response from the Level 2 supervisor was unsatisfactory, and a statement of the specific remedy sought. The administrator shall hold a conference with all interested parties regarding the complaint within five (5) working days of receipt of the grievance. The administrator shall submit a written response to the grievant within ten (10) working days following the conference.

18.1.16 **LEVEL FOUR – DIRECTOR HUMAN RESOURCES-CLASSIFIED:**

If successful resolution was not reached at Level 3, the grievance may be submitted in writing to the Director Human Resources-Classified as dictated by this rule, within ten (10) working days of receipt of the Level 3 decision, or of the department/site administrator has failed to respond, within ten (10) working days after the Level 3 response deadline. The written grievance shall be a clear, concise statement of the grievance, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level grievance correspondence), the reasons why the response from the Level 3 department/site administrator was unsatisfactory, and a statement of the specific remedy sought. The appropriate administrator shall hold a conference with all interested parties regarding the complaint within ten (10) working days of receipt of the grievance. The

Merit System Rules
CHAPTER 18

appropriate administrator shall submit a written response to the grievant within ten (10) working days following the conference.

18.1.17 **LEVEL FIVE – BOARD/PERSONNEL COMMISSION:**

If successful resolution was not reached at Level 4, the grievance may be submitted in writing to the Personnel Commission as dictated by this rule, within ten (10) working days of receipt of the Level 4 decision, or if the Level 4 administrator has failed to respond, within ten (10) working days after the Level 4 response deadline. The written grievance shall be a clear, concise statement of the grievance, including this rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level grievance correspondence), the reasons why the response from the Level 4 administrator was unsatisfactory, and a statement of the specific remedy sought. If a timely grievance appeal is filed, the appropriate official body shall hold a grievance hearing to hear witnesses, take evidence, and permit the submission of oral and written arguments in the case. This hearing shall be held in open session unless provisions of the Brown Act permit and/or require a closed session of either the Board of Education or the Personnel Commission. The deliberations of the Board or Commission that are necessary to make the final decision and ruling shall be held in closed session. Within thirty (30) working days after receiving the record, the official body hearing the case shall render a decision on the matter. The decision of the official body shall be final and binding on all parties.

Reference: EC§ 45260 and 45261