

CHAPTER XVI

GRIEVANCE PROCEDURE

Rule 16.1 **GRIEVANCE PROCEDURE**

16.1.1 PURPOSE (EDUCATION CODE 45260)

- A. The grievance procedure is the medium through which classified employees may seek the adjustment of complaints arising from an employee's belief that established laws, Board Policies, Commission Rules or administrative procedures have been violated.
- B. It is the intent of this Rule to establish an orderly procedure through which a classified employee may receive timely consideration of his/her grievance. Although specific steps and time limits are set forth in this procedure, it is recognized that the fair and reasonable settlement of grievances may require some alteration of this procedure for individual situations.

16.1.2 MATTERS EXCLUDED

- A. The following matters are excluded from this grievance procedure:
 - 1. any complaint which relates to a cause for disciplinary action;
 - 2. complaints about the subject matter of a Board Policy, Commission Rule or administrative procedure, rather than the administration or implementation of the Policy, Rule or procedure;
 - 3. matters which are contained in a negotiated labor contract. (such matters are subject to the negotiated grievance procedure) and
 - 4. complaints of one employee against another (such complaints shall be submitted to the Superintendent for resolution by the Board).

16.1.3 GENERAL PROCEDURES

- A. The grievant and employer shall have the right to be represented by a person or persons of their own choosing at any time during the grievance procedure.
- B. The Assistant Superintendent-Human Resources shall be responsible for maintaining grievance records except that when the grievance pertains to Commission Rules, the Director of Classified Personnel shall maintain the grievance records. Grievance records shall be maintained separately from the grievant's personnel file.
- C. In order to encourage a professional and harmonious disposition of a grievance, neither the grievant his/her representative or the District shall make public either the grievance or any evidence regarding it until the grievance is settled
- D. If a grievance is not processed by the grievant or his/her representative in accordance with the time limits set forth, the grievance shall be considered settled on the basis of the decision last made by the District.
- E. Time limits set forth herein may be lengthened or shortened in any particular case only by mutual written agreement. The parties shall attempt, in good faith, to adjust time limit problems which occur.
- F. 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.
- G. The grievant and/or his/her representative shall be provided reasonable release time, without loss of compensation, to attend grievance conferences or hearings. The District will attempt to schedule grievance meetings so as not to conflict with normal work duties.

16.1.4 LEVELS IN THE GRIEVANCE PROCEDURE

- A. Informal Level

1. Before filing a formal written grievance, the employee shall make a reasonable attempt to resolve the grievance by means of an informal conference with his/her immediate supervisor.
2. The informal grievance shall be submitted to the employee's immediate supervisor within ten (10) working days after the grievant knew or reasonably should have known of the event giving rise to the grievance.
3. The immediate supervisor shall answer the grievance within ten (10) working days of submission of the informal grievance.

B. LEVEL I

1. If the grievance is not settled at the Informal Level, the grievant must present the grievance in writing to his/her immediate supervisor within ten (10) working days of the answer at the Informal Level.
2. The written grievance shall be a clear concise statement of the act or omission causing the grievance, including specific Rules, Policies, Laws or procedures alleged to have been violated, the circumstances involved, the decision rendered at the informal level and the remedy sought by the grievant.
3. In addition to the written statement, either party may request a personal conference to discuss the pending grievance.
4. The immediate supervisor shall provide a written answer to the grievant within five (5) working days after receipt of the grievance and such answer will complete Level I.

C. LEVEL II

1. In the event the grievant is not satisfied with the decision at level I, the grievant may appeal the decision in writing to the Superintendent or

his/her designee within ten (10) working days after completion of Level I.

2. The written appeal shall include a copy of the original grievance, the decision rendered at Level I and a clear, concise statement of the reasons for the appeal.
3. Within five (5) working days, the Superintendent or his/her designee shall schedule a meeting with the grievant to review and discuss the grievance.
4. A decision shall be rendered by the Superintendent or his/her designee within five (5) working days from the date of the above meeting and such decision will complete Level II.

D. LEVEL III

1. If the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision to the Board of Education within five (5) working days.
2. This appeal shall include a copy of the original grievance, the decisions rendered at Levels I and II, and a clear, concise statement of the reasons for the appeal.
3. The Board shall consider the grievance on the written record at its next regularly scheduled meeting. The Board may, if it desires, hear witnesses or request additional documents as it believes necessary to reach a decision.
4. Within ten (10) working days after the meeting at which the Board makes its final decision, the Board shall cause to be delivered to the grievant and his/her representative, its written response to the grievance.
5. The decision by the Board shall be final.

- A. In the event that the subject matter of the grievance is violation of Commission Rules or procedures, the grievant's appeal at Level II shall be considered by the Director of Classified Personnel and an appeal at Level III shall be considered by the Commission.