

BOARD POLICY

Classified Employees, Grievance Procedures forA. Intent

The intent of this section is to establish an orderly procedure through which employees may receive timely consideration of their complaints. Although specific chronological steps and time limits are set forth in the procedures, it is recognized that the expedient settlement of complaints may dictate alteration of the procedures in certain situations. It is also the intent of this section to emphasize the need for employee complaints to be submitted through established chains of command for resolution of the complaints to be reached at the lowest possible level in that chain. If more than one supervisor or administrator has cognizance of an employee's activities as they concern a complaint, all should participate as necessary at appropriate stages in order to ensure compliance with the intent of this section. The personnel director shall interpret the steps of the procedures as necessary and may make adjustments which are mutually satisfactory to all parties.

B. Purpose

The adjustment procedure is the medium through which permanent classified employees may seek adjustment of grievances arising from an employee belief that established regulations, policies, laws, or procedures have not been followed, or from a concern over working conditions and job relations, including the complaint of one employee against another employee.

C. Consideration of the Grievance

Generally, the subject of any particular complaint will determine whether it will be directed for consideration to the Board of Education or the Personnel Commission. The question as to which official body may consider the matter will be made by the personnel director as early as possible in the proceedings but not later than the stage of Administrative Review.

In the event the Personnel Commission regulates less than the total subject matter of a particular complaint, or, if it is unclear whether the Commission or the Board of Education would be the proper party to consider the complaint, the grievance shall be settled through this procedure; and the final step will be an appeal to the Board of Education.

D. Matters Excluded

Any complaint which relates to a cause for disciplinary action is excluded from the grievance procedures.

Complaints about the subject matter of a regulation, policy, law, or administrative procedure rather than the administration thereof may not be the subject of a complaint. An employee with such a complaint should direct suggestions for change through administrative channels to the authority which established the subject matter.

E. Steps in the Procedure

The sequence of steps to be followed in the adjustment procedure is outlined below. At any state in the procedure, the services of the Office of Personnel Services will be available to all parties to provide requested information and to assist in the resolution of the problems.

At all stages beyond informal review and discussion, the personnel director shall be informed of all proceedings and receive copies of all communications.

1. Informal Discussion

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt a resolution of the problem. The conference shall be confined to the parties immediately concerned. A prompt and courteous examination of the facts to reach a satisfactory adjustment will be attempted within one working day. The supervisor shall promptly communicate his/her decision and supporting reasons to the employee(s).

2. Informal Review

If the problem has not been resolved by the immediate supervisor, the employee may request, either orally or in writing, that an informal review be made by the next higher-level supervisor in whom authority exists to take corrective action.

The supervisor shall hold a conference within five working days after receipt of the employee's request for an informal review.

The employee must be in attendance at the informal review and at any subsequent stage of the adjustment procedure; the employee may present his/her own case or may do so through a representative of personal choosing. The supervisor and any employee charged in the complaint, hereinafter called the respondent, may each have a representative at the informal review and at any subsequent stage of the adjustment procedure. Any employee may serve as a representative without prejudice or loss of salary, provided the immediate supervisor is given advance notice.

The supervisor shall communicate, in writing, a decision and supporting reasons to the employee, the employee's immediate supervisor, and the appropriate administrator within five working days.

3. Administrative Review

If the employee remains dissatisfied following the informal review, a written complaint may be submitted within five working days after the receipt of the decision, requesting a formal administrative review of the matter.

The written request shall include a clear and concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; the course of action that has been followed, including the decision rendered in the informal review; the reasons why the decision is not satisfactory; and the name of the employee's representative, if any.

The employee shall submit the complaint directly to the appropriate administrator and route one copy of the complaint through the employee's administrative chain of command and one copy to the respondent.

The administrator or the designated representative shall hold a conference with all interested parties to the complaint within five working days of receipt, unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved in the matter.

The administrator or the designated representative shall submit written notice to the employee and the employee's supervisors of the decision in the matter within five working days after the conclusion of the conference. One copy shall be forwarded through the administrative chain of command and shall be sent to the employee. The administrator shall implement the decision.

4. Board of Education or Personnel Commission Consideration

The employee or respondent may submit a written appeal of the administrator's decision directly to the Board of Education or the Personnel Commission, according to the decision of the personnel director as to which body may consider the matter, within five working days after receipt of the decision of the administrator. A copy of the appeal shall be submitted to the superintendent.

A copy of the appeal shall be provided the responding employee, who shall be required to submit a written reply within five working days of receipt of the appeal.

The Board of Education or Personnel Commission may, but need not, review the entire written record of the complaint and the conduct, and hold its own hearing or investigation of the matter.

When the Board or the Commission has reached a decision, it shall notify the superintendent or the personnel director and the individuals involved as soon as possible after completion of consideration of the appeal. The superintendent or personnel director shall implement the decision.

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Ref: Government Codes 3543.2, 3548.5-3548.8

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