

ARTICLE 14 – GRIEVANCE PROCEDURE

14.1 Definitions

- 14.1.1 A grievance is a claim by one or more specifically named employees alleging that there has been a violation of the specific terms of this Agreement. In no case shall this definition include the terms of any statute, law, regulation, handbook, procedure, policy or other document. Terms that are allegedly violated in the filing of a grievance shall relate only to the precise language of this Agreement, and shall not include any other language construed to be part of this contract, either by inference or reference, or discipline of an employee.
- 14.1.2 A grievant is an employee alleging a grievance.
- 14.1.3 A manager, for purposes of this Article, refers to the individual who customarily assigns and reviews the activities of the grieving employee.
- 14.1.4 A representative is an individual designated by the CSMA.
- 14.1.5 Day or days shall mean any weekday on which the administrative offices of the District are open for business to the general public.
- 14.1.6 Reference to any management representative shall include any designee.

14.2 Conditions

- 14.2.1 If the employee files any grievance other than under this procedure, then the District shall not be required to process the same claim or set of facts under this procedure.
- 14.2.2 The failure of the employee to act on any grievance within the prescribed time limits will act as a bar to any further appeal. The District's failure to give a decision within the time limits shall permit the grievant to proceed to the next step. The time limits, however, may be extended by mutual agreement in writing.
- 14.2.3 The grievant shall have the right to be accompanied by a CSMA representative at each Step in the grievance procedure commencing at Step Two.
- 14.2.4 All materials concerning the employee's grievance shall be kept in a file separate from the employee's personnel file.

14.3 Procedures

Board Approval: 12/11/17
CSMA Ratification: 12/07/17

14.3.1 Step One – Informal Resolution

14.3.1.1 Employees and their immediate supervisor should attempt to resolve a potential grievance as soon as practical.

14.3.1.2 No later than 10 days after an alleged grievance occurs, the employee shall inform the immediate supervisor of the alleged grievance.

14.3.1.3 The immediate supervisor shall make his/her decision known to the grievant in writing within 10 workdays of learning of the potential grievance.

14.3.2 Step Two – Immediate Supervisor.

If the grievance cannot be resolved at Step One, the grievant shall reduce the allegation and remedy sought to writing on the District Grievance Form. Within 10 days of the immediate supervisor's written decision, the grievant must file a completed copy of the Grievance Form with the immediate supervisor. The immediate supervisor shall provide a written decision to the grievant within 10 days of receipt of the grievance.

14.3.3 Step Three – Chief Personnel Officer or Designee

Within 10 days of the written decision in Step Two above, the grievant must file a completed copy of the Grievance Form to the Chief Personnel Officer. The Chief Personnel Officer or designee will provide a written decision to the grievant within 10 days of receipt of the grievance.

14.3.4 Step Four – Superintendent or Designee

Within 10 days of the written decision in Step Three above, the grievant must file a completed copy of the Grievance Form in the Office of the Superintendent. The Superintendent or designee will provide a written decision to the grievant within 10 days of receipt of the grievance.

14.3.5 Mediation

The District and the CSMA retain the right, after Step Four and before Step Five, or at any time prior to the appeal before the Board of Education or the Board's appointed hearing officer, to mutually agree upon mediation, such as through the California Mediation and Conciliation Service. The use of a mediator requires mutual agreement of the District and the CSMA. Should the matter not be resolved as a result of mediation, then the CSMA will have up to 10 days after the mediation session to file a written request for a hearing before the Board of Education.

14.3.6 Step Five - Hearing

In the event the grievance is not concluded at Step Four and the CSMA desires to appeal the grievance further, the CSMA shall notify the Superintendent in writing within 10 days of receipt of the Step Four decision that the CSMA requests an appeal before the Board of Education. The Board of Education retains the right to hire a hearing officer to conduct an appeal regarding the grievance. The decision by the Board of Education shall be final and binding.