

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

893

LAW AND RULES

April 29, 2020

893 PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES FOR UNREPRESENTED EMPLOYEES

Education Code Sections

88080. (a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

The provisions of this rule apply to management, confidential, and other non-represented employees. Procedures for adjusting grievances of represented classified employees are contained in their respective bargaining agreements.

A. Purpose of the Adjustment Procedure

The adjustment procedure for grievances enables permanent classified employees to seek an adjustment of complaints arising out of alleged violations of established Board rules or policies, administrative procedures, working conditions, or working relationships, including the complaint of one employee against another employee. Because complaints should be adjusted as promptly as possible, time limits have been established to minimize delays in the various steps of the process. There is an obligation on the part of an aggrieved employee to bring forth any complaint and its pertinent facts within 30 working days of any specific or documented incident or at the earliest possible date after the recognition of a nonspecific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

893

LAW AND RULES

April 29, 2020

Matters excluded from the adjustment procedure shall be:

1. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be filed with the Chancellor.
2. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission.
3. Complaints about the subject matter of a Board rule or policy or administrative procedure, rather than the administration of the Board rule or policy or procedure. An employee with such a complaint should direct their suggestions for change through administrative channels to the Board or to the appropriate administrator who established it.
4. Performance evaluations in which the employee has been rated as “meets or exceeds work performance standards” on every item. The employee may use the procedure only if one or more factors are rated as “below work performance standards.”

A grievant may obtain assistance from the Office of Employee and Labor Relations throughout the course of the adjustment procedure described below.

B. Steps in the Adjustment Procedure

1. Informal Discussion with immediate Supervisor

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place in an effort to resolve the complaint. An attempt to conduct the conference shall be made within one working day.

The immediate supervisor’s decision and supporting reasons shall be communicated to the employee(s) within five working days following the conference.

2. Informal Review with next level Supervisor

a. If the complaint has not been resolved by the immediate supervisor, the employee may submit a written request for an informal review to the next level supervisor who has the authority to adjust the complaint or the remedy sought. The request shall be submitted within five working days after receipt of the immediate supervisor’s decision.

b. The next level supervisor shall attempt to hold a conference within one working day after receipt of the employee's request for an informal review.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

893

LAW AND RULES

April 29, 2020

c. The employee must be in attendance; the employee may present their own case or may present the complaint through a representative of their own choosing at the informal review and at any subsequent stage of the adjustment procedure. A classified employee of the Los Angeles Community College District may serve as a representative without prejudice or loss of salary, provided that the representative's supervisor is notified in advance.

d. The next level supervisor shall communicate in writing the decision and supporting reasons to the employee, the immediate supervisor, and the applicable division head or college president within five working days following the conference.

3. Formal Administrative Review

a. If the grievant remains dissatisfied with the response to the informal review, they shall submit a formal written complaint within five working days after receipt of the decision to the applicable division head or college president requesting a formal administrative review. The grievant shall send a copy of the formal written complaint to the immediate supervisor and the next level supervisor of the informal review.

b. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the informal review, the reasons why the decision is being appealed, and the name of the grievant's representative, if any.

c. The division head or college president shall hold a conference with all involved parties on 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.

d. The division head or college president shall submit a written response of the decision to the grievant, the grievant's immediate supervisor, and the next level supervisor within five working days following the conference. The division head or college president shall implement the decision.

4. Formal Hearing

a. If the grievant is dissatisfied with the decision of the administrative review, they may file a written request for a hearing before a hearing officer to the Personnel Commission Office within five working days after receipt of the decision. A copy of the request shall be sent to the applicable division head or college president.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

893

LAW AND RULES

April 29, 2020

b. The Personnel Commission Office shall make arrangements for the selection of a hearing officer. The hearing officer may be selected jointly by the grievant or the grievant's representative and the applicable division head or college president. The hearing officer may or may not be a District employee. If a hearing officer is not selected jointly within five working days after the request for a hearing officer was filed, the Personnel Commission shall select the hearing officer.

c. All fees for the services of an outside hearing officer shall be paid from the appropriate funds of the District.

d. The hearing officer shall convene a hearing at the earliest practicable date after selection. The hearing officer shall set the proceedings, review the written statements submitted by the parties to the grievance, and determine who may attend the hearing. The grievant and the applicable division or college president may request the presence of witnesses. The hearing officer shall be empowered to direct the attendance of any District employee at the hearing without loss of salary to the employee.

e. The hearing shall be conducted in an informal manner and attendance shall be limited to the parties of the grievance and their representatives, if any, and testifying witnesses. The grievant and the applicable division head or college president shall each be limited to two days to present their respective positions. Additional time may be taken for further testimony as deemed necessary. The hearing shall be conducted in accordance with fundamental rules of fairness and due process.

f. The hearing officer shall render written findings, conclusions, and the recommendations within 10 working days of the termination of the hearing. The findings, conclusions, and recommendations shall be sent to the parties concerned and to the Chancellor or their designee for implementation.

5. Board of Trustees Review

a. If the grievant or the applicable division head or college president is not satisfied with the recommendations submitted by the hearing officer, a written appeal may be made to the Board of Trustees within five working days after receipt of the finding, conclusions, and recommendations. The written appeal shall:

(1) Be based upon a statement of objections to the findings, conclusions, or recommendation of the hearing officer.

(2) Provide a detailed statement establishing the factual or other basis for such objections.

(3) Describe the remedy requested.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

893

LAW AND RULES

April 29, 2020

A copy of the appeal shall be submitted to the Chancellor or their designee.

b. A copy of the appeal shall be provided to the other involved party who shall be required to submit a written reply to the points made in the appeal within five working days of receipt thereof.

c. The Board of Trustees may review the records of the hearing, including the findings, conclusions, and recommendations, or conduct its own hearing or investigation of the appeal.

d. When the Board of Trustees has reached a decision, the Chancellor or their designee and individuals involved shall be notified as soon as possible. The Chancellor or their designee shall implement the decision.

e. The decision of the Board of Trustees on an appeal shall constitute the final administrative remedy available to the grievant.