

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

September 11, 1986

893 PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES OF CLASSIFIED PERSONNEL

The provisions of this rule apply only to those non-represented employees who are not covered by Board Rule 1090, GRIEVANCE PROCEDURE FOR MANAGEMENT EMPLOYEES. Procedures for adjusting grievances of classified employees represented by an employee organization are included in the applicable labor agreements.

A. **Purpose of the Adjustment Procedure**

The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies or administrative procedures, working conditions, or job relations, including the complaint of one employee against another employee. Because complaints should be adjusted as promptly as possible, various time limits have been established to minimize delays in the various steps that have been provided. There is an obligation on the part of an aggrieved employee to make known the existence of a complaint and the facts pertaining to the complaint 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.

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 processed pursuant to Board Rule 2500.13.
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 his/her suggestions for change through administrative channels to the Board or to the appropriate administrator who established it.

CHANGES:

Clarifies applicability of rule provisions to non-represented classified employees, and amends paragraph 4. to restate when the procedure can be used. Updates Board Rule references.

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4. Performance evaluations in which the employee is checked "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.

B. Steps in the Adjustment Procedure

1. Informal Discussion

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt to resolve 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 shall be attempted within one working day. The decision and supporting reasons shall be promptly communicated to the employee(s).

2. Informal Review

- a. 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 with whom authority exists to take corrective action.
- b. The supervisor shall attempt to hold a conference within one working day after receipt of the employee's request for an informal review.
- c. The employee must be in attendance; the employee may present his/her own case or may present the problem through a representative of his/her 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.

CHANGES:

Modifies text in B.1. and 2.c. to improve readability.

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- d. If oral presentation of the complaint to the supervisor has not resolved the complaint to the satisfaction of all concerned, the employee or employee's representative shall prepare and present the complaint in writing to the supervisor and respondent, if other than the supervisor, within five working days. The respondent, if other than the supervisor, shall prepare a similar statement of the respondent's position and submit it to the supervisor, with a copy to the employee.
- e. The reviewing supervisor shall communicate in writing the decision and supporting reasons to the employee, the respondent, the supervisor, and the concerned division head or college president within five working days.

3. **Administrative Review**

- a. If the appellant remains dissatisfied following the informal review, a written complaint may be submitted within five working days after receipt of the decision, requesting a formal administrative 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 appellant's representative, if any. The appellant may obtain assistance from the Division of Human Relations Employer-Employee Relations Branch throughout the course of the adjustment procedure.
- c. The appellant shall submit the complaint directly to his/here division head or college president and route one copy of the complaint through the administrative channel of communications as shown on the approved organization chart and one to the respondent.
- d. The division head or college president or his/her designated representative shall hold a conference with all interested 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.

CHANGES:

Amends organizational titles and generic references in text.

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- e. The division head or college president or his/her designated representative shall submit written notice to the appellant and the appellant'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 channel of communications and one to the respondent, if other than the supervisor. The division head or college president shall implement the decision.

4. **Formal Hearing**

- a. If the appellant is dissatisfied with the decision of the administrative review, the appellant may send to the Chancellor, within five working days after receipt of the decision, a written request for a hearing before a hearing officer. A copy shall be sent to the respondent.
- b. The Chancellor or his designated representative shall make arrangements for the selection of a hearing officer. The hearing officer may be selected jointly by the appellant or the appellant's representative and the respondent. 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 with the Chancellor the services of a hearing officer shall be requested by the Chancellor or his designated representative, from the American Arbitration Association, the State of California's Office of Administration Hearings, or other agency approved by the Board of Trustees.
- c. All fees for the services of an outside hearing officer shall be paid from the appropriate funds of the District.
- d. The District shall provide the hearing officer with all necessary technical and clerical staff assistance in preparing for and conducting the hearing and in preparing the findings.

CHANGES:

Amends titles within text and modifies text in paragraph b. to improve readability.

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- e. The hearing officer shall convene a hearing at the earliest practicable date after selection. The hearing officer shall establish procedures and shall review the written statements submitted by the parties to the grievance. The appellant and the respondent 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.
- f. The hearing shall be conducted in an informal manner and shall be attended by only those having legitimate interest in the hearing. The hearing officer shall determine who may attend. The appellant and the respondent shall each be limited to two days to present their respective positions. The hearing officer may admit that evidence and testimony regarding incidents and occurrences that antedate the event giving rise to the grievance if it is concluded that they have sufficient relevance as background information. 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.
- g. 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 for implementation.

5. **Board of Trustees Review**

- a. If the appellant, the respondent, or the concerned 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 statement setting forth with particularity the factual or other basis for such objections.

CHANGES:

Amends titles within text.

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(3) Describe the relief requested.

A copy of the appeal shall be submitted to the Chancellor.

- b. A copy of the appeal shall be provided to the responding party; the responding party 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 and individuals involved shall be notified as soon as possible. The Chancellor shall implement the decision.
- e. The decision of the Board of Trustees on an appeal shall be conclusive and it shall constitute the final administrative remedy available to the appellant.

CHANGES:

Amends titles within text.

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