

Downey Unified School District

CERTIFICATED PERSONNEL

NON-SCOPE GRIEVANCE PROCEDURE

AR 4133

Purpose

This administrative regulation is intended to provide a procedure to be used by certificated employees to resolve a grievance outside the scope of the Master Agreement.

Guidelines

1. It is assumed that the majority of all problems will be resolved in a spirit of mutual cooperation through a personal one-to-one conference without involving other parties.
2. The application of the grievance procedure shall not constitute a reflection on the aggrieved nor on his/her employment record in the District.
3. All pertinent information relating to a grievance shall be filed separately from the personnel files.
4. The informal problem-solving procedure is required before the informal grievance procedure may be initiated.
5. If the school year ends before the grievance is resolved, processing may continue into the next school year or be delayed until September upon the consent of the parties involved.

Definitions

1. A grievance is a written complaint alleging that there is a violation of Board policies or administrative regulations.
2. Immediate supervisor is the administrator with immediate supervisory responsibility for the position to which the aggrieved is assigned.
3. A representative is a fellow employee, department head, administrator, or professional organizational representative.
4. The formal problem-solving procedure is an attempt to resolve a problem through a conference with the employee's immediate supervisor.

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Definitions - continued

5. The formal grievance procedure is the process by which a grievance is resolved if the required informal problem-solving procedure has not resolved the problem to the satisfaction of the employee.
6. A school day is any day when the administrative offices are open according to the Board of Education's adopted school calendar.

Representation

The right to representation shall be extended to either party to a grievance when the formal grievance procedure is initiated. Notice of intention to be accompanied by a representative shall be given.

When the same grievance, or substantially the same grievance, is made by more than one employee, only one employee on behalf of himself/herself and the other aggrieved employees may process the grievance. The final decision and recommendations shall apply to all aggrieved employees.

Procedures

Informal Problem-Solving Procedure

1. Within 20 school days after the employee knew of the condition upon which the complaint is based, the employee shall arrange a conference with his/her immediate supervisor in an attempt to resolve the problem informally.
2. If a resolution of the problem cannot be reached within five school days or a period of time mutually agreed to, the formal steps of the grievance procedure may be initiated.

Formal Grievance Procedure

Level I

1. The employee shall submit his/her grievance in writing to his/her immediate supervisor and a copy to the Grievance Officer. The grievance statement shall contain the following information:
 - a. The name of the employee submitting the grievance.

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Formal Grievance Procedure - continued

Level I - continued

- b. The name of the employee's representative, if any.
 - c. A description of the general and specific ground of the grievance including:
 - (1) A listing of specific actions alleged to have contributed to the grievance, including names, dates, times, places, and events.
 - (2) A statement of reasons why the specific actions listed are considered grounds for the grievance.
 - d. A statement of the steps initiated by the aggrieved to resolve the difficulty, the date and approximate time of the informal conference, and the decision rendered.
 - e. A listing of the specific actions which the aggrieved employee feels necessary to remedy the grievance.
2. Within five school days the immediate supervisor shall return a written reply to the aggrieved indicating his/her position regarding the grievance at that date, and/or any determination rendered. A copy shall be sent to the employee's representative upon request of the employee.
 3. In an attempt to resolve the grievance a conference between the parties shall be arranged at a mutually convenient time and within five school days after receipt of the written reply of the immediate supervisor.
 4. If a mutually agreeable solution cannot be reached the matter shall be submitted to Level II of this procedure at the option of the aggrieved.

Level II

1. Within five school days after the conference and written reply referred to in Level I, the aggrieved employee shall submit a duplicate of his/her original grievance to the Superintendent or designee.
2. Within 10 days the Superintendent or designee shall render a decision.

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Formal Grievance Procedure - continued

Level II - continued

3. If the grievance is not resolved the matter shall be submitted to Level III of this procedure, at the option of the aggrieved.

Level III

1. If a written request for review is received by the Superintendent within 10 school days after the grievant's receipt of the written decision of the Superintendent or designee, the Board of Education shall review the grievance in a personnel Closed Session.
2. The written request for review should include a duplicate of the original grievance and an appeal setting forth the points of disagreement with the decision of the Superintendent or designee.
3. At the first regular meeting of the Board occurring more than 10 school days after filing the complete written request for review, the Board of Education shall meet in Closed Session to review the case. Prior to this meeting the Board shall be provided with all pertinent data. Upon request the aggrieved employee, the representative, the immediate supervisor, the Superintendent's designee, the Grievance Officer, and the Superintendent shall be permitted to make statements to the Board of Education at the meeting when the grievance is reviewed.
4. The Board of Education shall render a final decision.

Approved: 7/11/77