

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS

DGBA
(REGULATION)

DEFINITIONS

A "Grievance" under this regulation means a dispute or disagreement relating to the employee's wages, hours, or conditions of work.

If a grievance includes specific allegations of harassment, retaliation, or discrimination in employment based upon sex, race, religion, national origin, age, disabling condition, or veteran status, or is based upon the exercise of Constitutional rights, see DIAA(LOCAL).

"Day" means a College District business day. The calculation of days in processing a grievance excludes Saturdays, Sundays, and College District holidays.

"Advanced Notice" is defined as three or more business days.

"Grievant" means the person filing the Resolution of Employee Complaint (REC) form or appealing the Level One Decision.

"Respondent" means the person who is the subject of a grievance.

GRIEVANCES

In this regulation, the terms "grievance" and "complaint" have the same meaning. This regulation applies to all employee grievances, except as provided below:

EXCEPTIONS

1. Complaints relating to the dismissal or nonrenewal of a contract employee. [See DMAA]
2. Complaints against a police officer. [See CHA(LEGAL)]

INFORMAL
RESOLUTION

The College District expects employees and their supervisors to work cooperatively to resolve workplace disagreements in a manner befitting the collegial environment desired by the College District and in accordance with policy DH(LOCAL). Employees should attempt to resolve a complaint first with their immediate supervisor with the assistance of Human Resources (if necessary). In the event the issue is against the supervisor, the employee can go directly to the supervisor's supervisor. Additionally, the employee may notify the human resources administrator to seek assistance in mediating the complaint. However, employees are not required to resolve any workplace dispute as a condition to filing a formal grievance.

REPRESENTATION

An employee filing a formal grievance, or any employee who is the subject of a grievance, may be represented at his or her own expense by an attorney, fellow employee, other person, or representative organization that does not claim the right to strike. The College District may be assisted in processing grievances as it deems appropriate. Upon filing a grievance, the grievant may designate a

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	<p>representative through written notice to the chief human resources officer. The grievant must provide the chief human resources officer at least three days' advance notice if legal counsel is designated as the representative or will be present at a conference.</p>
CONSOLIDATION	<p>Complaints arising out of an event or a series of related events will be addressed in one grievance. Employees may not bring separate or serial grievances arising from any event or series of events. When two or more grievances are sufficiently similar in nature to permit their resolution through one proceeding, the College District will consolidate and process the grievances under this regulation.</p>
TIME LINES	<p>Any time lines set forth in this regulation may be lengthened upon mutual written agreement of both parties in advance of the deadlines. Absent mutual agreement to lengthen the applicable time lines, an employee's failure to comply with the time lines outlined herein will result in the dismissal of the employee's grievance.</p>
COSTS INCURRED	<p>Each party will pay its own costs incurred in the course of the grievance.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any College District employee will unlawfully retaliate against any employee for bringing a concern or complaint.</p>
LEVEL ONE	<p>The chief human resources officer or designee is designated to hear and consider all Level One grievances for the College District.</p> <p>To initiate a grievance, the employee is required to submit to the chief human resources officer a completed and signed REC form, with supporting evidence attached, within ten days of the time the employee first knew or should have known of the event, issue, or series of events that form the basis of the grievance.</p> <p>If the employee is complaining of a violation of College District policies or any law, the employee must identify such policies and law on the REC form. The employee must also provide a brief explanation of informal resolution efforts made by the employee to resolve any disagreements prior to initiating the grievance and specify any relief sought.</p> <p>Within ten days of receiving the written grievance, the chief human resources officer will arrange for the Level One conference. The Level One conference will be conducted by the chief human resources officer or designee. The chief human resources officer will have ten days following the Level One conference to provide the grievant and respondent a written response.</p>
LEVEL TWO	<p>The College President or designee is designated to hear and consider all Level Two grievances for the College District.</p>

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If the grievant or respondent is dissatisfied with the decision, the grievant or respondent may appeal the Level One decision by filing a written request for a Level Two Conference.

If time for administrative response has expired, and if there is not prior mutual agreement to extend the time, the grievant may appeal the Level One grievance by filing a written request for a Level Two Conference.

The request for a Level Two conference (appeal notice) must be in writing and must specifically state "this is a request for a Level Two conference", the reason(s) for the appeal and the relief desired. The appeal must be filed with the chief human resources officer within ten days after receipt of the Level One decision or, if no Level One response from the chief human resources officer was received, within ten days of the Level One response deadline. The chief human resources officer or designee will forward the appeal notice and the associated record to the College President or designee.

Within 15 days of receiving the appeal notice and record, the College President or designee will review the record and meet with the grievant to discuss the grievance. No new evidence will be considered unless requested by the College President or designee.

The College President or designee will have 15 days following the Level Two conference to provide the grievant a written response. The College President or designee's decision is final and is not subject to appeal. However, upon completion of the Level Two conference, a grievant may address the Board during the public participation portion of a regularly scheduled Board meeting. [See BDB]