

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Assoc. Superintendent, PSS

Issue No: 4

Date: 3/4/94

Page: 1 of 3

Reference:

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES

4.1 GENERAL PERSONNEL PRACTICES

4.105 EMPLOYEE DISPUTE SETTLEMENT

SECTION 4.105.1 Employee Grievance Procedure

Purpose

The purpose of this procedure is to facilitate efficient operation of the District by providing an orderly, agreed upon process for resolving serious disputes which arise out of interpretations of Board Policy, Administrative Procedure, or Contractual Agreement. The format for grievance shall be dictated by the written agreement between the parties. In the case of unrepresented employees, following an informal discussion with the immediate supervisor, if the problem is not resolved the appeal is to be presented in writing to the associate superintendent, Personnel Support Services. The Superintendent's decision is final.

Level I - Informal Resolution

Informal discussion with immediate supervisor, principal, and/or department head.

Level II - Formal Written Procedure

An employee may initiate a formal grievance by filing a completed grievance form with his/her supervisor. Grievance forms shall be provided by the District. Relevant information obtained during Level I may be inserted.

Information copies shall be sent to the associate superintendent, Personnel Support Services.

Information shall include:

- a. A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance.
- b. A listing of the provisions which are alleged to have been violated or misapplied.
- c. A listing of specific actions requested of the District which will remedy the grievance.
- d. A request for a conference with the supervisor or designated representative, if desired.

If the supervisor desires, he/she may request a conference with the grievant. If either the grievant or the supervisor requests a conference at Level II, the request must be granted. The grievant, the party in interest, if any, and the supervisor may request the presence of a representative at any conference contemplated by this subsection.

The supervisor will hold a conference with the grievant within five (5) working days after receipt of the written grievance. The grievant and the supervisor may request the presence of a representative at any conference.

The supervisor shall render a written decision to the employee within five (5) working days after the conference with the grievant. Information copies of the decision shall be sent by the supervisor to the associate superintendent, Personnel Support Services.

SECTION 4.105.1 Employee Grievance Procedure

Level III - Appeal to the Associate Superintendent/Personnel Support Services

Should the proposed resolution at Level II be unsatisfactory, the grievant may, within five (5) working days after receiving the written response from the immediate supervisor, appeal the decision to the associate superintendent, Personnel Support Services. The grievant must state the grievance in writing describing:

- a. The violation or misapplication of policy, procedures, and/or rules.
- b. The adverse effects upon the grievant.
- c. The specific remedy sought.
- d. The specific reasons why the resolution proposed by the supervisor is unsatisfactory.

The associate superintendent, Personnel Support Services, upon receiving a properly prepared and filed grievance, will investigate the situation and prepare a proposed resolution within ten (10) working days. This proposed resolution will be in writing and a copy will be sent to the grievant and to the supervisor involved.

Level IV - Appeal to the Board of Education - California School Employees Association and Service Employees International Unit

Should the grievant believe that the resolution prepared by the associate superintendent, Personnel Support Services, fails to alleviate the alleged violation or misapplication, the grievant may appeal to the Board of Education within five (5) working days after receiving the associate superintendent's decision. This appeal must be filed with the Secretary of the Board of Education at least five (5) working days prior to the next regularly scheduled Board meeting. The grievant must state the grievance in writing describing:

- a. The violation or misapplication of the policy, procedure, and/or rules.
- b. The adverse effect upon the grievant.
- c. The specific remedy sought.
- d. The specific reasons why the resolution proposed by the associate superintendent, Personnel Support Services, is unsatisfactory.

The Board of Education will review the case at the first regular Board meeting after the item has been placed on the agenda, and give a final decision no later than the next regular meeting after the item first appeared on the agenda. The Board's decision is final.

Level IV - Mediation - Poway Federation Of Teachers

Either party may request the services of a mediator from the State Mediation/Conciliation Service to attempt to resolve the grievance prior to submission to Level V of the Grievance Procedure. Such request must be made in writing within ten (10) working days following the date of the proposed resolution in Level III.

SECTION 4.105.1 Employee Grievance Procedure

Level V - Binding Arbitration - Poway Federation Of Teachers

Initiation of Binding Arbitration

If the grievant is not satisfied with the disposition of the grievance at Level IV, or if the parties do not use mediation as a means of resolving the grievance, the grievant, with the written consent of the Federation, shall forward a written request for arbitration to the State Mediation/Conciliation Service (San Diego Office), with copy to the Associate Superintendent, Personnel Support Services, within ten (10) working days following the conclusion of Level IV mediation sessions or the issuance of a proposed resolution by the Associate Superintendent of Personnel Support Services, if Level IV procedures were not utilized.

Representation

At any step in this procedure the grievant may be heard either personally or may be represented by a party of his/her own choice.

The person against whom the grievance is filed, and the grievant, may be represented by no more than two (2) persons of their choice at any one session.

Designation of the grievant's representative shall be in writing. The designation shall be filed on the grievance form at Level II.

General Provisions

An employee who wishes to have a grievance heard under this procedure must initiate action within thirty (30) working days of the time he/she had knowledge of the act or omission.

Time allowances set forth in this grievance may be extended by mutual consent of the grievant and the District.

Any grievance not appealed to the next step of the procedure within the prescribed time limits shall be considered settled on the basis of the answer given in the preceding step.

All grievances must begin at Level I, and may be terminated at that level by the complainant's written or oral statements.

A grievance may terminate at any level (II-IV) upon the written request of the grievant.

The failure of the grievant to respond to reasonable conference opportunities within the time line specified herein shall terminate the grievance.

By mutual consent of both parties, steps in this procedure may be omitted.

"Time limits" in this procedure may be waived by mutual agreement. If the time limits imposed are prejudicial to the processing of the grievance, they are automatically waived. Time limits would not be utilized during nonworking days unless agreed to by both parties.