

**CHAPTER XVIII
GRIEVANCE PROCEDURE**

18.1 LONG BEACH UNIFIED SCHOOL DISTRICT PROCEDURE. (The provisions of this section shall apply only to the employees of the Long Beach Unified School District.)

A. DEFINITION OF TERMS

1. Grievance. A grievance is an allegation by a classified employee that a written District rule, policy, or administrative procedure has been violated.

Matters excluded from the grievance procedure shall be:

- a. 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
 - b. Accusatory charges relating to the moral professional fitness of an employee. Such charges shall be processed pursuant to Section 11.2 of the Rules and Regulations of the Classified Service.
 - c. Complaints about the subject matter of a District rule or policy or administrative procedure, rather than the administration of the District rule or policy or procedure. An employee with such a complaint should direct his suggestions for change through administrative channels to the administrator, commission, or board which established it.
 - d. Matters for which a specific method or review is provided by law, by the rules and regulations of the District, or by administrative procedures of the District.
2. Grievant. A classified employee of the District who files a grievance under this procedure.
 3. Immediate supervisor. The person who normally approves the employee's time record, evaluates his work performance, and plans and assigns his work.
 4. Classified employee. A member of the classified service of the Long Beach Unified School District in either probationary or permanent status.
 5. Day. Any day that is a duty day for both parties to the grievance.
 6. Conferee. A person who has been requested by either party involved to participate in a grievance conference.

B. GRIEVANCE PROCEDURE

1. Step 1

- a. An employee shall make known to the immediate supervisor the existence of a grievance and the facts relating thereto within five working days of the specific or documented incident or after the recognition of a nonspecific occurrence. If more than one employee shares in the allegation, one grievance shall be processed on their behalf.
- b. Informal discussion between the employee and the immediate supervisor shall take place to attempt to resolve the grievance. The conference shall be confined to the parties immediately concerned. An examination of the facts to reach a satisfactory solution shall when possible be attempted within five working days after the grievance has been presented. The immediate supervisor shall communicate his decision to the employee involved within five working days of the informal discussion.
- c. If the grievance has not been resolved through the informal discussion with the immediate supervisor, the employee may within five working days of receipt of the supervisor's decision file on official District forms with the immediate supervisor a written statement of the grievance, containing a clear, concise statement of the grievance; the circumstances involved; citation of the specific policy, rule or regulation alleged to have been violated; the decision rendered at the informal conference; and the specific remedy sought. A copy of the written grievance shall be filed with the Office of Employee Relations. The immediate supervisor shall within five working days after receipt of the written grievance give a written decision. Copies of such written decision shall be given to the parties involved, to the next higher level supervisor, and to the Office of Employee Relations.
- d. In the absence of the immediate supervisor, the next higher supervisor in whom authority exists to take corrective action may, at his discretion, take action on a grievance as provided in Step 1.

2. Step 2

- a. If the grievant is not satisfied with the decision at Step 1, he may within five working days of receipt of the written decision appeal in writing on the appropriate form to the next level of supervisor in whom authority exists to take corrective action. In the case of school-assigned employees, this supervisor would be the site administrator unless the proceedings in Step 1 were between the site administrator and the employee.

- b. The appeal shall include the relevant particulars, reasons for the appeal, and the remedy sought. A copy of the original grievance and of the immediate supervisor's response shall be attached. A copy of the appeal shall be filed with the Office of Employee Relations.
- c. The supervisor shall within five working days of receipt of the appeal, or as soon thereafter as possible, hold a conference to discuss the grievance.
- d. The employee shall be in attendance. He may present his own case or may be represented by a person of his own choosing at this and any subsequent stage of the grievance procedure. The supervisor and the grievant may each have a representative at this and any subsequent stage of the grievance procedure. Any employee of the Long Beach Unified School District may serve as a representative without prejudice or loss of salary, provided that he notified his supervisor in advance. So far as possible, conferences will be scheduled at times that re least disruptive to the District's operation.
- e. After completion of the conference, and such other investigation as may be necessary, the supervisor shall within five working days give his decision in writing to the grievant, the immediate supervisor involved, to the appropriate branch, division, and/or department heads, and to the Office of Employee Relations.

3. Step 3

- a. Either party involved in the grievance procedure not satisfied with the decision rendered in Step 2, may within five working days of receipt of the decision appeal to the appropriate assistant superintendent, in the case of employees assigned to the Education Department, or in the case of employees assigned to the Business Department, to the Deputy Superintendent through the appropriate branch, division, or other intermediate administrators, unless these were the supervisors referred to in Step 2. In such a case, the grievant may proceed as provided in Step 4.
- b. The Step 3 appeal shall be presented in writing on the appropriate form and shall include a clear, concise statement of the grievance; 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 decisions rendered in Steps 1 and 2, the reasons why the decision(s) is/are being appealed, and the name of the party's representative, if any. A copy shall be provided the other party, and a copy shall be filed with the Office of Employee Relations for circulation to appropriate administrators.

- c. The reviewing administrator or his designee shall hold such conferences and make such investigations as may be necessary to reach a decision. In case of conferences, the parties may be represented as provided in Step 2.
 - d. Within ten working days of the conclusion of the aforementioned investigation, the reviewing administrator shall give the parties his decision in writing. A copy of the decision shall be provided the Superintendent of Schools, and a copy shall be filed with the Office of Employee Relations for circulation to appropriate administrators.
- 4. Step 4
 - a. If the grievant is not satisfied with the decision at Step 3, he may within five working days of receipt of the decision appeal the decision to the Superintendent of Schools or his designee. This appeal shall be in writing and shall include a copy of the original grievance, the decisions previously rendered, and the reasons for the appeal.
 - b. The Superintendent or his designee shall give his decision in writing to the grievant within ten working days of receipt of the appeal, or as soon thereafter as possible. A copy of the decision shall be filed with the Office of Employee Relations for circulation to appropriate administrators.
- 5. Step 5
 - a. If the grievant is not satisfied with the decision of the Superintendent, he may within five working days of receipt of the decision appeal the decision in writing to the Board of Education. The appeal shall contain a copy of the original grievance, the decisions previously rendered, and the reasons for the appeal.
 - b. The Board of Education shall within 30 days of receipt of the appeal give their decision in writing to the grievant. A copy shall be filed with the Office of Employee Relations for circulation to appropriate administrators for such follow-up action as may be required.
 - c. The Board of Education review shall be the final step in the grievance procedure and its decision shall be final and binding upon the parties.

C. OPERATING PROCEDURES

- 1. Every effort shall be made to resolve the grievances at the lowest possible level in the administrative hierarchy.
- 2. Any employee of the Long Beach Unified School District required to absent himself from his duties for attendance at meetings or conferences called under the

provisions of the grievance procedure shall do so without prejudice or loss of pay. So far as possible, meetings and conferences will be scheduled at times that are least disruptive to the District's operation. All meetings and conferences the grievant has with conferees, employee organization representatives and/or legal advisors will be held outside of duty time.

3. The grievance procedure shall be administered through the Office of Employee Relations. Forms and documents necessary to the grievance procedure shall be provided by the Office of Employee Relations. The parties involved may obtain assistance from this office throughout the course of the grievance procedure.
4. During the pendency of any proceeding and until a final decision has been made, all proceedings shall be private and any preliminary disposition will not be made public without the agreement of all parties involved.
5. A decision rendered at any step in the procedure shall be final unless appealed within the time limit specified.
6. If a decision is not given within the time limit specified for each step, an appeal may be taken directly to the next step. Time limits specified may be modified by agreement of the parties involved.
7. Fees of conferees or representatives shall be paid by the party employing them.
8. All records of proceedings and findings shall be retained in the Office of Employee Relations separate from personnel files and shall be considered confidential.