

EMPLOYEE GRIEVANCES
(Discipline, Termination and Workplace Safety)

Pursuant to state law, the Board shall provide a grievance procedure for the orderly resolution of employee grievances related to employee discipline, employee terminations and workplace safety. Certified staff terminations are defined in the Certified Staff Handbook. Any employee of the District has the right to access the grievance procedure provided the grievance is filed in writing within the applicable timelines, and provided that the issue presented by the grievant properly concerns a grievable complaint. However, nothing within this policy or within the written rules and procedures implementing this policy shall be construed:

1. To prevent an employee and the District from voluntarily resolving, or attempting to resolve, an employee's grievance, complaint, concern or other dispute using informal methods separate from the formal grievance process, such as a mediated resolution or other similar outcome;
2. To interfere or conflict with the District's obligations, or an employee's or labor organization's rights, under any collective bargaining agreement. To the extent any collective bargaining agreement includes a contractual grievance procedure for the resolution of any grievance that is also within the jurisdiction of the District's statutorily-required grievance procedure, the District shall fully honor the contractual grievance procedure, including binding arbitration to the extent applicable.
3. To grant or confer to any employee any substantive rights or employment protections that would not exist in the absence of this policy and its implementing rules, except for those primarily procedural rights inherent and minimally necessary to an employee's ability to access and use the grievance procedure in the manner defined by state law and by the Board.

No employee is required to pursue a formal grievance using the procedures established pursuant to this policy, and supervisors and administrators are expected to fulfill their supervisory role(s) with respect to managing employee complaints and concerns even where an employee is unable or elects not to pursue a grievance under formal procedures established by the Board.

The grievance procedure shall provide for grievances to be handled in a timely manner. The procedure shall also include an opportunity for a grievant to present his/her grievance before an impartial hearing officer, as well as an appeals process in which the highest level of appeal is the Board.

No employee or District official shall, or attempt to, restrain, interfere with, coerce, discriminate against and/or retaliate against any employee who files or processes a grievance in good faith. The same protections apply to any person who otherwise participates in the presentation, processing or resolution of a grievance (e.g., a witness), regardless of whether the allegations presented by the grievance are ultimately sustained. Actions taken in bad faith, such as engaging in abuse of the process, providing false information, or engaging in libel or slander in connection with a grievance, are not protected. Violations of this paragraph may lead to disciplinary action, up to and including termination.

In the event a grievance proceeds to a hearing before an impartial hearing officer, the District Administrator or designee shall identify an impartial hearing officer consistent with minimum requirements set forth by the Board. The role of the hearing officer shall include adherence to the following:

- A hearing officer must agree to comply with all relevant laws and with all applicable Board policies and District procedures to the extent not inconsistent with the law, including laws and policies covering public records, personnel records, and student records.
- An impartial hearing officer shall neither add to, delete from, nor modify any Board policies or administrative rules or regulations, although it shall be within the purview of a hearing officer to reach a conclusion that a given policy, rule or regulation violates applicable law (subject to an appeal of such a conclusion to the Board).
- In reaching conclusions based upon his/her factual findings, an impartial hearing officer is not to substitute his/her independent judgment for the judgment of the District provided that the hearing officer determines that the District's conclusions and any action taken by the District were lawful and reasonable under all of the facts, circumstances, and applicable standards. However, a hearing officer may state in his/her decision that he/she believes an alternative conclusion would have been more reasonable and explain the basis for making such a determination. An employee may appeal such a decision to the Board and request that the Board consider adopting the hearing officer's alternate conclusion(s) or resolution.

ADOPTED: September 19, 2011

REVISED: July 21, 2014