

CHAPTER 17

COMPLAINT PROCEDURE

17.1 PROCEDURE FOR THE ADJUSTMENT OF COMPLAINTS

17.1.A. PURPOSE OF COMPLAINT PROCEDURE: The purpose of this chapter is to establish an orderly process through which employees may receive timely consideration of their complaints. It is also the intent of this chapter to emphasize the need for employee complaints to be submitted through established channels and for resolution of complaints at the lowest possible level. Employees may utilize this chapter to seek adjustment of complaints arising in the following areas:

1. Established Commission Rules and Regulations.
2. Established Board Policies.
3. Established provisions of the Education Code.
4. Complaints against other employees of the District.

REFERENCE: Education Code Sections 88080 and 88081

17.1.B. CERTAIN MATTERS EXCLUDED FROM PROCEDURE: There are certain subjects and matters that are not covered by this complaint procedure:

1. An alleged violation of any provision of a collective bargaining agreement. Such allegations shall be adjudicated through the provisions contained in the collective bargaining agreement.
2. An alleged disciplinary action. If formal disciplinary action has been initiated, it shall be adjudicated through the disciplinary action appeal process contained in Chapter 12.
3. Complaints about the subject contained in a rule, regulation, policy, law, or administrative procedures. Any employee with such a complaint should direct his/her concerns and suggestions for change through the administrative channels to the responsible authority.
4. Areas for which a specific method or review is provided by law, by the rules and regulations of the District, or administrative procedures, commission, or board which established it.

REFERENCE: 1. Education Code Sections 88080 and 88081
2. Government Code Section 3540 et seq.

17.1.C ADJUDICATING BODY DETERMINED BY SUBJECT MATTER: The subject matter of a particular complaint will determine whether it will be directed for consideration to the Board of Trustees or the Personnel Commission for final determination or decision. Generally, complaints dealing with established Board Policies or Administ

times indicated at each level shall be considered as maximums. Time limits may be extended by mutual agreement.

REFERENCE: Education Code Sections 88080 and 88081

17.1.G

COMPLAINT MUST BE FILED WITHIN 15 WORKING DAYS: A complaint must be filed at level 1 of this procedure within fifteen (15) working days of the occurrence of the violation or infraction, or within fifteen (15) working days of when the complaining party could reasonably have known of the occurrence of the act or omission giving rise to the complaint.

REFERENCE: Education Code Sections 88080 and 88081

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- 17.1.M LEVEL ONE - FORMAL WRITTEN COMPLAINT: If successful resolution was not reached at the discussion level and the employee chooses to pursue a complaint, he/she must submit the complaint in writing to the immediate supervisor. The written complaint shall be a clear, concise statement of the complaint, including the Rule, Regulation, Policy or Procedure allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, and a statement of the specific remedy sought. The immediate supervisor shall hold a conference with all interested parties on the complaint within five (5) working days of receipt. The supervisor shall submit a written response to the complainant within ten (10) working days after the conference.
- 17.1.N LEVEL TWO - DEPARTMENT/SITE ADMINISTRATOR: If the complaint is not satisfactorily adjusted by the immediate supervisor, the complaint may be submitted in writing to the appropriate highest level administrator in the department/site chain of authority within ten (10) working days of receipt of the Level 1 decision, or if the immediate supervisor has failed to respond, within ten (10) working days after the Level 1 response deadline. The written complaint shall be a clear, concise statement of the complaint, including the Rule, Regulation, Policy, or Procedure allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, the reasons why the response from the Level 1 supervisor was unsatisfactory, and a statement of the specific remedy sought. The administrator shall hold a conference with all interested parties regarding the complaint within five (5) working days of receipt of the complaint. The administrator shall submit a written response to the complainant within ten (10) working days following the conference.
- 17.1.O LEVEL THREE - SUPERINTENDENT/DIRECTOR OF HUMAN RESOURCES: In the event that a Board Policy or Administrative Rule is the issue of the complaint, the Superintendent-President or designee shall be the Level 3 administrator. All other complaints shall be submitted to the Secretary to the Personnel Commission. If successful resolution was not reached at Level 2, the complaint may be submitted in writing to the Superintendent or the Secretary to the Personnel Commission as dictated by this Chapter, within ten (10) working days of receipt of the Level 2 decision, or if the department/site administrator has failed to respond, within ten (10) working days after the Level 2 response deadline. The written complaint shall be a clear, concise statement of the complaint, including the Rule, Regulation, Policy, or Procedure allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, the reasons why the response from the Level 2 department/site administrator was unsatisfactory, and a statement of the specific remedy sought. The appropriate administrator shall hold a conference with all interested parties regarding the complaint within ten

