

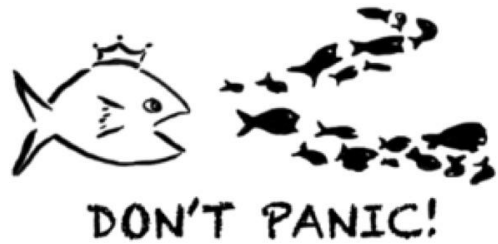


CCE

PALOMAR COLLEGE

**COUNCIL OF CLASSIFIED EMPLOYEES
AFT LOCAL #4522**





KYC Fridays Agenda

- CBA
 - Definitions
 - Article 19
 - Process
 - Scenarios
 - Questions???
-

Acknowledgement and Description of CCE/AFT

Article 1.1

The Palomar Community College District, hereinafter referred to as District, has recognized the Palomar Community College Council of Classified Employees, AFT Local #4522, hereinafter CCE/AFT, as **the exclusive representative for a bargaining unit of classified employees** described in PERB Certificate of Representative dated March 23, 1987.

Complete Agreement

Article 4.2

The District and the CCE/AFT mutually agree that the terms and conditions set forth in the Articles and provisions of this Agreement represent the full and complete understanding and commitment between the parties on those matters that were the subject of negotiations leading to this Agreement. This **Agreement may not be altered, changed, added to, deleted from or modified on those matters that were the subject of negotiations leading to this Agreement** unless by any of the following:

- Mutual consent of both parties in writing
- Procedure expressly allowing the same stated in this Agreement
- Matters required by the EERA or change in state law which falls under subjects within the scope of bargaining

Both parties acknowledge that all contract language shall be enforced until a change is negotiated through a procedure provided in this contract or by law.

It is understood and agreed that the specific provisions contained in this Agreement shall prevail over District practices and procedures and over state laws to the extent permitted by state law.

What is a Grievance?

- A grievance is a violation of our CBA.
 - Grievances are defined in Article 19 and in general it is a denial of a specific section of the contract.
 - For example, we would file a grievance if our employer refuses to pay time and half for overtime.
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What is a Complaint?

- A complaint is not a violation of the contract.
 - Although an employee may believe that they are being treated unfairly, if there is no contractual violation, there is no grievance.
 - A good example is two co-workers not getting along or having an argument. There is no contractual violation so a grievance cannot be filed. Something like this is the responsibility of the supervisor and their supervisor to handle.
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What is a Gripe?

- A gripe is not a contractual violation and may not be a complaint.
 - A gripe maybe something that you believe is unfair or unjust but it is not unlawful.
 - Two coworkers not getting along is a good example. There is nothing legal or contractual that mandates employees to like each other.
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Article 19.1

- 19.1 - General Provisions
 - Definition
 - Only Procedures described in Articles below are grievable in
 - Articles 1 - Recognition
 - Article 10- Classification and Reclassification
 - Article 17- Discipline
 - Article 18- Evaluation
 - Exclusions
 - Article 7 - District Rights
 - Article 2 -Non- Discrimination
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Article 19.1

- 19.1.1 Forms
 - Found on CCE & HR websites
 - 19.1.2 Use of Grievance Procedure
 - Grievance vs Complaint
 - 19.1.3 Representation in Grievance Procedure
 - Your right to CCE rep at any time during the process
 - Employees may file grievance on their own
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Article 19.2

- 19.2.1 Informal Procedure
 - Attempt to resolve with an informal conference
 - 19.2.2 Formal Procedure
 - Step One
 - Timeline starts - Grievance must be filed within 30 days of occurrence
 - Written complaint with form submitted to supervisor
 - Supervisor has 10 days to reply
 - Step Two
 - Appeal decision of Step 1 within 10 days to VP of HR
 - Written complaint, form at step 2
 - VP of HR has 15 days to reply
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Article 19.2

19.2.2 Formal Procedure

- Step Three
 - Appeal decision of Step 2 to President/Superintendent within 10 days
 - Written complaint with form at Step 3
 - President has 15 days to reply
 - Step Four
 - Appeal decision of Step 3 within 10 days through mediation through the California State Mediation and Conciliation Service
 - Written complaint, all evidence is reviewed by mediator who meets with both parties separately
 - Mediator has 15 days to resolve the Grievance
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Article 19.2

19.2.2 Formal Procedure

- Step Five
 - Within 20 days of mediator response we move to Binding Arbitration - Public Employees Relation Board
 - Timeline for choosing arbitrators - 5 days
 - Process for choosing arbitrators-List of 7
 - Costs- by both parties
 - Decision within 30 days from arbitrator
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Grievance Essentials

- Documentation
 - Your account of events
 - Timeline
 - Evidence
 - Resolution
 - Form
 - Grievance Officers
 - Fact finding: WHEN, WHAT, WHERE
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Grievance-vs- Complaint -vs- Gripe

Hi, thank you for meeting with me. I am really nervous to have to reach out to the union. My supervisor called a meeting about one of our processes and the meeting took a weird turn. My supervisor asked me to work late past my regular schedule. In the past I have felt that I could not say no but this is a constant ask. This time, I could not rearrange my schedule and I said I could not do it and in the future I would like more advance notice and overtime pay. My supervisor found someone else, but shortly after that meeting my supervisor seems to be treating me differently.

Grievance-vs- Complaint -vs- Gripe

I want to file a grievance for hostile work environment. My supervisor has preferential treatment for other people. She doesn't bother to greet me and all she does is micromanage every project. First, every day I come in to work my supervisor looks at clock and has a weird look on her face. She never says please or thank you to me when giving assignments. On the other hand she brings coffee for my other coworker and has inside jokes with them. I also think that they get the best projects and I get stuck doing boring work.

Grievance-vs- Complaint -vs- Gripe

I was recently evaluated after three years of nothing. I am concerned that my supervisor mentioned events that happened two years ago. Although, I was rated satisfactory and above satisfactory in some areas, do I have any recourse so that information does not go into my permanent employee file?

Grievance-vs- Complaint -vs- Gripe

I am so tired of this place! My coworker keeps making mistakes and I have to fix them. I feel very stressed out. Last time this happened, I tried to talk to him about the mistake but we just ended up in a heated argument. I am afraid that I might get written up because I might have shown him the bird, everything happened so fast!



Questions??