

Folsom Cordova Education Association Grievance Workshop



Jennifer Neuenfeld, FCEA VP/Grievance Chair



**FOLSOM CORDOVA
EDUCATION ASSOCIATION**
3083 GOLD CANAL DRIVE, SUITE 200
RANCHO CORDOVA, CA 95670

Definition



- A **Grievance** is a formal written allegation by a grievant that he/she has been adversely affected by the misinterpretation, misapplication, or violation of this Agreement. (Article 6.2.1).
- The Grievance Procedure is established to provide a process through which the exclusive representative or an employee might attempt to resolve a grievance with his/her immediate supervisor and, if necessary, with the District Superintendent (or designee), an advisory arbitrator, and the Board of Education. It is the intent of this policy that grievances be resolved at the lowest possible level. (Article 6.1.1)

Process



Steps in the grievance process begin with the informal level and progress through a formal (written) level. Steps 1 through 4 are spelled out in contract Articles 6.6.1 through Article 6.9.4.

Interview Process



When someone come to you with an issue - fill out the interview papers. This will help you keep the facts clear as you go along the timeline.

All Forms are available at fcea.com

Timelines

Articles 6.3 through 6.9



- **Informal:** Shall be held within 10 days after the grievant had knowledge of the occurrence, act, or omission giving rise to the grievance.
- **Formal:** Formal steps are available should the grievant wish to appeal a grievance decision at the informal level.

Timelines

Articles 6.3 through 6.9



- **Step 1:** Within 10 days after the informal conference, the grievant must present his/her grievance in writing on the appropriate form to his/her immediate supervisor.
- The immediate supervisor shall communicate his/her decision to the employee in writing within 10 days after receiving the formal grievance.
- Within the above time limits either party may request a personal conference.
- **DO NOT GO PAST STEP 1 WITHOUT CONTACTING ME (JENNIFER NEUENFELD)**

Timelines

Articles 6.3 through 6.9



- **Step 2:** If not satisfied with the formal written decision of the immediate supervisor in **Step 1**, the grievant may (within 10 days) appeal the decision to the District Superintendent or designee.
- The Superintendent or designee shall communicate his/her decision (within 10 days) after receiving the appeal.
- If not satisfied with the decision, the grievant may submit a request for advisory arbitration to FCEA's E-Board who will decide upon the merit of the case.

Timelines

Articles 6.3 through 6.9



- **Step 3: Advisory Arbitration**
- If FCEA proceeds to arbitration, it shall notify the District in writing within 10 days of the Step 2 decision.
- **Step 4: Governing Board**
- The Governing Board has the power to render a final and binding determination of the grievance. The recommendation of the arbitrator is only advisory.

Strategies for Handling Grievances



- Understand that processing a grievance may require time for follow-through including investigating the issues and developing a response.
- At the beginning step of the grievance, weigh the longer-term risks and the importance of the issue.
- Think creatively for ways to resolve the grievance without diminishing the ability to implement the contract.

Strategies for Handling Grievances



- Read the contract language carefully regarding the Article being challenged.
- Obtain a history of past practice about how the Article in question has been interpreted and implemented.

Tips



- Focus on the issue (Interview Form)
- Read the Contract together
- Work collaboratively to problem solve
- Follow the timelines

QUESTIONS?



Reminders and Grievances

Updates - 2022



Extra Work Outside of Regular Duties or Work Day

1. Get agreements for extra compensation in writing BEFORE doing the work.
 - a. Don't agree to complete extra work for free.
 - b. If the principal refuses to put agreement in writing—then follow up in writing outlining what the agreement was. DO NOT do the work until principal acknowledges the email/agreement.
 - i. Copy FCEA - Tracy or Jeannette.
2. Contact FCEA immediately if admin is pressuring you to do extra work for free.
3. Contact FCEA immediately if admin reneges on written agreements to compensate you for extra work.

Reminders

1. Read your contract and know what your rights are.
2. Grievances must be filed within TEN days of the last violation.
3. Grievance must violate a contract item. Your issue might be a Uniform Complaint.
 - a. We can help you with the form, but it is the unit member's responsibility to continue with this path.

Reminders

Folsom Cordova

1. If you have a meeting that deals with compensation, send an email to the supervisor with all the points to recap the meeting. You need a paper trail.
 - a. If you are not somewhere you have a computer, make a note and email it to yourself.