

Grievance and Progressive Corrective Action

KCCD CCA, Fall 2022

Agenda

- Introductions
- Scenarios
- Review of Article 14: Personnel Files & Complaints
- Review of Article 16: Grievance
- Role of Grievance Representatives

Introductions

- Introduce yourself, tell us which department you belong to, and share why you are attending and/or what you hope to learn.

5 Scenarios

Scenario 1:

Mr. Green is given a verbal warning by his dean that he needs to hold his class for the entire period and must cease dismissing class after taking roll.

Is this a contract violation? (discuss with your partner and respond)

Answer: No, this is not a contract violation

- if evidence exists that dismissing class early is occurring, educational administrators are within their rights to informally “counsel the faculty member on expectations related to proper behavior, conduct, and performance” as a form of pre-disciplinary counsel, “ a first, informal step in correcting behavior.”

Article 14.C.4

Progressive Corrective Action, Coaching & Counseling

Scenario 2:

Professor Plum has not been compensated for the hours it took him to develop curriculum for a new course that was approved for his department.

Is this a contract violation? (discuss with your partner and respond)

Answer: Maybe

- Faculty who are assigned to develop curriculum need to first complete the “Curriculum Development Agreement” form.
- Faculty cannot be forced to develop curriculum—it is a voluntary assignment.
- Full-time faculty are given preference for any curriculum writing assignments

Article 8, P

Assigned Curriculum Development

Scenario 3:

During her post evaluation meeting, Miss Scarlett notices that her Mode B evaluation includes official student complaints.

Is this a contract violation? (discuss with your partner and respond)

Answer: Yes, this is a contract violation.

The components of the Faculty Evaluation do not include personnel files, such as student complaints.

- “When complaints against faculty members are made by students, the complaints shall be resolved through the Student Complaint (Section Four) or under the General Personnel Administration (Level Seven) Board Policies and Administrative Procedures.”

Article 14 B.2

Personnel Files and Complaints, Complaints Against Faculty

Scenario 4:

In reviewing her staff assignment sheet for the next semester, Mrs. Peacock sees that she has been assigned 4 preps .

Is this a contract violation? (discuss with your partner and respond)

Answer: Maybe

- “The number of academic preparations should not exceed three per semester except in the following situations:
 - Upon instructor request
 - To provide for a full teaching load after other alternatives have been exhausted”

Article 8.K

Faculty Assignment, Number of Academic Preparations

Scenario 5:

Colonel Mustard is called in by his dean to discuss a student complaint but is denied when he asks to bring in CCA rep to the meeting.

Is this a contract violation? (discuss with your partner and respond)

Answer: Yes, this is a contract violation

- All faculty have the right to CCA representation in meetings with College or District administration when they are disciplinary in nature, or when faculty reasonably believe that such meetings may lead to disciplinary action”

Article 14 C.4

Personnel Files and Complaints, Progressive Corrective Action

What is progressive corrective action?

Progressive Corrective Action

- “Corrective action means actions taken outside an evaluation to improve unsatisfactory employee behavior, conduct, or performance. It may include, but is not limited to, coaching and counseling meetings, oral warnings, written reprimands, and/or a written Notice of Unprofessional Conduct or Unsatisfactory Performance.”
- Note: Action can begin at later steps depending on the seriousness of the behavior, conduct, or performance.

Article 14.C.2

What is the
purpose of a
progressive
corrective
action?

“The intent of progressive corrective action is to help the faculty member improve their performance and ensure their success.”

Article 14.C.2

Weingarten Rights

What are “Weingarten Rights”?

“*Weingarten Rights* is the right of *union-represented employees*, upon request, to have their representative present during an interview that the employee reasonably believes could lead to discipline.”

An employee’s right to request a representative arises during an investigatory interview. Employers are not required to inform union members of their rights under Weingarten.

If you are called into a meeting by your dean and it is or becomes a disciplinary meeting, ask for a union rep. If your request is denied, say this: “Without union representation, I choose not to answer questions.”

What is a grievance?

Who is a grievant?

Who owns the grievance?

Definitions

- A grievance is a claim of a violation, misapplication, misinterpretation of provisions in the Collective Bargaining Agreement (CBA).
- A grievant is an employee or group of employees who claims there have been violations of the Collective Bargaining Agreement (CBA).
- The grievance legally belongs to the Union, not the grievant(s).

Credit for this slide goes to Karmen Lee Ortloff & Robin Devitt ("Taking Action")

What is the purpose of a grievance?

“The purpose of the grievance procedure is to secure, at the lowest possible administrative level, and as rapidly as possible, equitable solutions to problems affecting the compensation or working conditions of unit members and the Association. Both parties agree that these proceedings will be kept informal and confidential as may be appropriate at any level of the procedure.”

Article 16.A.2

WHEN should you request union representation?

1. If you have been called in to a meeting related to discipline.
2. If a contract violation is taking place.
3. If you are in a meeting that turns into discipline.

REMEMBER: faculty have a right to request a union representative if a meeting is disciplinary in nature or when faculty reasonably believe that such meetings may lead to disciplinary action.

WHY should you request a union rep?

1. The union representative can request a break during a meeting if emotions are building.
2. The union representative can be a second witness to the proceedings.
3. The union representative is familiar with contract language.

Article 16—Grievance

More Definitions

“A ‘day’ is any contract day which falls within the academic calendar of the respective college, not including Saturdays and flex days.

An ‘Immediate Educational Administrator’ has immediate jurisdiction over the Grievant and is not within the same bargaining unit as the Grievant.”

Article 16 B. 3 & 4

Questions

- Provided we have time, we will answer questions audience members may have.
- Questions?
- For future questions or concerns, here is our contact information:
- Pam Boyles
395-4489
KCCD CCA Grievance Chair & BC Grievance Rep
pboyles@bakersfieldcollege.edu
- Ann Tatum
KCCD CCA BC Campus Chair & Negotiator
atatum@bakersfieldcollege.edu

Wrapping Up



- Handouts
 - “Duties of Fair Representation”
 - “Responsibilities of the Site Level Grievance Representative”
 - Weingarten Rights Information
- Links
 - KCCD CCA (Union) website
<http://www.kccdcca.com>
 - KCCD CCA Agreement (July 1, 2020-June 30, 2023 contract)
<http://www.kccdcca.com/faculty-contract.html>
- Thank you for attending today’s session!