

**CHAPTER 7**  
**GUIDELINES FOR GRIEVANCE/COMPLAINT HANDLING**  
**TABLE OF CONTENTS**

|  |      |
|--|------|
| <u>PURPOSE</u> .....   | 7-3  |
| <u>GRIEVANCE/COMPLAINT PROCEDURE</u> .....                                 | 7-3  |
| Description.....   | 7-3  |
| Grievance Procedure – Represented Employees.....                           | 7-3  |
| Complaint Procedure – Represented Employees.....                           | 7-3  |
| Grievance Procedure – Excluded Employees.....                              | 7-3  |
| <u>GRIEVANCE/COMPLAINT PROCESS</u> .....                                   | 7-4  |
| Initiation of Grievance/Complaint Procedure.....                           | 7-4  |
| Resolution at Lowest Level .....   | 7-4  |
| Confidentiality .....  | 7-4  |
| Documentation.....   | 7-5  |
| Investigating Grievances/Complaints.....                                   | 7-5  |
| <u>STEPS OF THE GRIEVANCE/COMPLAINT PROCEDURES</u> .....                   | 7-5  |
| Informal Discussion.....   | 7-5  |
| Formal Grievance/Complaint .....   | 7-7  |
| <u>COMMON ERRORS MADE BY GRIEVANTS/COMPLAINANTS</u> .....                  | 7-8  |
| Filing a Grievance/Complaint on the Incorrect Form.....                    | 7-8  |
| Submission Prior to the Alleged Violation .....                            | 7-8  |
| Untimely Grievances/Complaints .....                                       | 7-8  |
| Grievances/Complaints Which Do Not Meet the Definition .....               | 7-9  |
| Grievances/Complaints with no Specified Contract or Policy Violation ..... | 7-9  |
| Grievances/Complaints with no Specified Remedy.....                        | 7-9  |
| <u>GRIEVANCE/COMPLAINT FORMS</u> .....                                     | 7-9  |
| Forms.....   | 7-9  |
| Supply of Forms.....   | 7-9  |
| <u>PROCESSING THE APPEAL AND RESPONSE</u> .....                            | 7-10 |
| Employee Responsibility for Moving Grievance/Complaint.....                | 7-10 |
| Departmental Distribution of Grievance/Complaint Response .....            | 7-10 |
| Processing a Grievance/Complaint.....                                      | 7-10 |
| <u>EXTENSIONS</u> .....  | 7-11 |
| <u>NON-MERIT STATUTORY APPEALS</u> .....                                   | 7-11 |
| Administration .....   | 7-11 |
| Disputes.....  | 7-11 |
| Hearing .....  | 7-11 |
| Rehearing .....  | 7-11 |
| Final Decision .....   | 7-11 |
| <u>GRIEVANCE/COMPLAINT RECORDS MANAGEMENT</u> .....                        | 7-12 |

|  |      |
|--|------|
| Purpose .....  | 7-12 |
| Filing Grievances/Complaints .....                                     | 7-12 |
| Grievance/Complaint Investigation/Documentation .....                  | 7-12 |
| Active/Inactive Files .....  | 7-12 |
| Retention .....  | 7-12 |
| Destruction of Records .....   | 7-13 |
| Employee Transfer During Grievance/Complaint Process .....             | 7-13 |
| Responsibility for Confidentiality of Grievance/Complaint Records..... | 7-13 |

## ANNEXES

|  |      |
|--|------|
| <u>A</u> - SAMPLE GRIEVANCE LEVEL I .....  | 7-15 |
| <u>B</u> - SAMPLE LEVEL I GRIEVANCE RESPONSE .....                                       | 7-17 |
| <u>C</u> - SAMPLE GRIEVANCE APPEAL TO LEVEL II (PAGE 2).....                             | 7-19 |
| <u>D</u> - SAMPLE GRIEVANCE APPEAL TO LEVEL II .....                                     | 7-21 |
| <u>E</u> - SAMPLE GRIEVANCE LEVEL II (PAGE 2).....                                       | 7-23 |
| <u>F</u> - SAMPLE GRIEVANCE LEVEL II RESPONSE .....                                      | 7-25 |
| <u>G</u> - SAMPLE GRIEVANCE APPEAL TO LEVEL III (PAGE 2) .....                           | 7-27 |
| <u>H</u> - SAMPLE GRIEVANCE APPEAL TO LEVEL III .....                                    | 7-29 |
| <u>I</u> - SAMPLE GRIEVANCE LEVEL III (PAGE 2) .....                                     | 7-31 |
| <u>J</u> - SAMPLE GRIEVANCE LEVEL III RESPONSE.....                                      | 7-33 |
| <u>K</u> - SAMPLE GRIEVANCE APPEAL TO LEVEL IV (PAGE 2) .....                            | 7-35 |
| <u>L</u> - SAMPLE GRIEVANCE LEVEL IV APPEAL/RESPONSE .....                               | 7-37 |
| <u>M</u> - SAMPLE GRIEVANCE LEVEL IV (PAGE 2).....                                       | 7-39 |
| <u>N</u> - SAMPLE GRIEVANCE LEVEL IV RESPONSE .....                                      | 7-41 |
| <u>O</u> - SAMPLE ARBITRATION REQUEST .....  | 7-43 |
| <u>P</u> - SAMPLE GRIEVANCE APPEAL TO ARBITRATION .....                                  | 7-45 |
| <u>Q</u> - ARBITRATION CHECKLIST .....   | 7-47 |
| <u>R</u> - GRIEVANCE CHECKLIST .....   | 7-49 |
| <u>S</u> - GRIEVANCE/COMPLAINT RECORD – INFORMAL LEVEL.....                              | 7-51 |
| <u>T</u> - CHECKLIST FOR HANDLING GRIEVANCE – INFORMAL LEVEL .....                       | 7-53 |
| <u>U</u> - SAMPLE GRIEVANCE RESPONSE .....   | 7-55 |
| <u>V</u> - EMPLOYEE GRIEVANCE/COMPLAINT FORM.....  | 7-57 |
| <u>W</u> - SAMPLE EXTENSION LETTER.....  | 7-59 |
| <u>X</u> - GOVERNMENT CODE SECTIONS DEALING WITH NON-MERIT<br>STATUTORY APPEALS.....     | 7-61 |
| <u>Y</u> - FLOWCHART GRIEVANCE PROCEDURE BARGAINING UNIT 5 .....                         | 7-65 |
| <u>Z</u> - FLOWCHART GRIEVANCE PROCEDURE BARGAINING UNIT 7.....                          | 7-67 |
| <u>AA</u> - FLOWCHART GRIEVANCE PROCEDURE SERVICE EMPLOYEES<br>INTERNATIONAL UNION ..... | 7-69 |
| <u>BB</u> - FLOWCHART GRIEVANCE PROCEDURE ALL OTHER BARGAINING<br>UNITS.....             | 7-71 |
| <u>CC</u> - FLOWCHART GRIEVANCE PROCEDURE FOR EXCLUDED EMPLOYEES ..                      | 7-73 |

## CHAPTER 7

### GUIDELINES FOR GRIEVANCE/COMPLAINT HANDLING

1. PURPOSE. This chapter establishes general guidelines for processing grievances and complaints. Handling grievances/complaints for represented and excluded employees involves following the same basic guidelines. The allegation(s) must be thoroughly investigated to determine whether or not there is merit to the dispute. These guidelines provide a systematic method for accomplishing this task.

2. GRIEVANCE/COMPLAINT PROCEDURE.

a. Description. The grievance/complaint procedure is the problem-solving mechanism between the state and its employees. It is the orderly method by which an employee and/or employee organization confidentially raise and process a claim alleging a violation of the contract or policy.

b. Grievance Procedure - Represented Employees. A represented employee grievance alleges a violation of the contract. Refer to the appropriate contract for the exact definition of a grievance. Examples of represented employee grievances are:

- (1) Denial of representation during the grievance procedure.
- (2) Denial of overtime compensation provided by the contract.
- (3) Annual Performance Evaluations.

c. Complaint Procedure - Represented Employees. The complaint procedure for represented employees settles disputes over policy or procedures. Refer to the appropriate contract for the exact definition of a complaint. Examples of represented employee complaints are:

- (1) Allegation that an officer must work a graveyard shift alone.
- (2) Denial of hardship transfer.

d. Grievance Procedure - Excluded Employees. The grievance procedure for excluded employees involves disputes over statutes, regulations, policies or practices as outlined in Chapter 8, Excluded Employee Grievance and Appeal Procedures, of this manual. Examples of excluded employee grievances are:

- (1) Denial of overtime.
- (2) Denial of transfer.
- (3) Request to remove censurable incident report.

### 3. GRIEVANCE/COMPLAINT PROCESS.

a. Initiation of Grievance/Complaint Procedure. When an employee believes a contract provision or departmental policy has been misapplied or misinterpreted, they may begin pursuing a grievance/complaint based upon the definition in their contract for represented employees or the definition in Chapter 8 of this manual for excluded employees. The levels for the grievance/complaint process may be different depending on the relevant bargaining unit contract. Normally, a grievance/complaint progresses through the following levels:

- (1) Informal Level. This level requires an informal discussion between the immediate supervisor and grievant/complainant and/or their representative.
- (2) Level 1. Area/section commander. In those cases where the employee's immediate supervisor is also the Area or section commander, the formal grievance/complaint shall initially be filed at Level 2.
- (3) Level 2. Division commander. In those cases where the employee's immediate supervisor is also the Division commander, the formal grievance/complaint shall initially be filed at Level 3.
- (4) Level 3. Office of the Commissioner. This is the last level of appeal for represented employee complaints.
- (5) Level 4. Director of the California Department of Human Resources. This is the last level of appeal for excluded employee grievances.

b. Resolution at Lowest Level. Most employee grievances/complaints relate to a supervisor's action or decision. The supervisor is, therefore, in the best position to resolve the issue since they are the most familiar with the employee and the background of the issue. A grievance/complaint which may otherwise require extensive research may potentially be resolved by explaining the legitimate business reasons for the challenged action/decision or by reversing an improper or incorrect decision.

c. Confidentiality. All employees have the right to confidentiality during the grievance/complaint process. Managers and supervisors should remember this when investigating and processing grievances/complaints.

d. Documentation. The importance of documentation during the grievance/complaint procedure cannot be overemphasized. If the responses from the first four levels are unsatisfactory to the grievant and/or the grievant's exclusive representative, most grievances for represented employees may be elevated to arbitration. Since considerable time may lapse between the initial incident causing the grievance and the arbitration hearing, managers and supervisors are encouraged to document pertinent information on each grievance. This information is extremely valuable when preparing an arbitration case for hearing. Annex A contains a sample grievance from the informal discussion through the request for arbitration.

e. Investigating Grievances/Complaints. Annex B contains a checklist of the guidelines managers and supervisors should follow when investigating grievances/complaints.

#### 4. STEPS OF THE GRIEVANCE/COMPLAINT PROCEDURES.

a. Informal Discussion. The first step to initiate the grievance/complaint procedure is an informal discussion between the employee and the employee's immediate supervisor. Managers and supervisors should confirm whether an informal process is required as some bargaining unit contracts do not mandate this step. The purpose of this discussion is for the employee to explain the problem to their supervisor. It is imperative a supervisor understands when a meeting constitutes an informal discussion. If unclear whether the meeting constitutes an informal discussion, the supervisor should ask the employee or the representative, if present, to clarify the purpose. The supervisor has an obligation to consider the information presented and render a decision within the time frames outlined in the applicable contract. The employee's statement and the supervisor's response at the informal level should normally be verbal. It may prove beneficial for the supervisor to document the discussion and response, as well as any action taken at this level for later reference if the issue is appealed.

(1) Guidelines for the Informal Discussion. The following guidelines may aid a supervisor in conducting an informal discussion.

(a) When an employee or representative requests an informal grievance/complaint discussion, the supervisor should arrange to discuss the problem as soon as possible.

(b) The meeting should be scheduled for a time which will allow a full discussion of the problem.

(c) If the employee is at work and can be present, their presence is advantageous. The employee's presence aids in defining the specific grievance/complaint and surrounding circumstances without unnecessary delay or follow-up. Also, in many cases, open communication between a supervisor and employee can resolve an otherwise major issue. However, in exceptional cases where strong emotions exist between the employee and the supervisor; the representative, if requested by the employee, may act as a spokesperson for the grievant/complainant during the discussion. This will allow discussion of the issue without the employee getting into an argument with the supervisor. If this is not feasible, it may be necessary for the representative to handle the issue alone.

(d) The employee should be given a full and complete hearing on the issue whether or not the grievance/complaint appears to have merit on the surface.

(e) Discussion of suggested solutions should be encouraged. By analyzing them, downfalls may be pointed out which would prohibit implementing them.

(f) A time should be set to respond verbally to the grievant/complainant.

(2) Investigating the Grievance/Complaint at the Informal Level. It is extremely important to thoroughly investigate all grievances/complaints at the informal level. All facts and circumstances must be verified before issuing a verbal response. Once a written grievance/complaint is filed, it is much more difficult to resolve. Extensive written documentation is not required at the informal level, although keeping a written record for future reference may be to the supervisor's advantage (Annex C). The checklist in Annex D may be used as a guideline when investigating a grievance/complaint at the informal level.

(3) Issuing the Informal Response. Before issuing a decision, the supervisor may want to discuss it with other members of the management team. The informal verbal response should be issued as quickly as the investigation can be completed.

(4) Adjusting a Grievance/Complaint. If the informal discussion reveals a contract provision or policy violation, the error must be admitted and a remedy provided to correct the situation. If a grievance/complaint is denied, the reasons for the denial should be explained to the employee. If the decision calls for changes to be made, action should be taken as promptly as possible. Delaying the implementation of a remedy may cause a new grievance/complaint. When granting or adjusting a grievance/complaint which requires a personnel action, management at that level must initiate a request through channels for the appropriate action to implement the decision. If the

settlement is consistent with the contract and/or policy, management may adjust grievances/complaints directly with the employee and/or representative.

(5) Submission of Written Grievance/Complaint without Informal Discussion.

If a formal written grievance/complaint is submitted when an informal discussion has not occurred, the commander should return the grievance/complaint to the employee or the representative who has filed it prior to conducting an investigation or issuing a response. The employee/representative should be advised of the requirement for an informal discussion. Accepting a written grievance/complaint without this informal level circumvents the process and eliminates the opportunity to respond informally to the concerns of the employee. If an employee/representative insists on submitting the grievance/complaint, it should be accepted. The grievance/complaint should be denied based upon the technical error that no informal discussion was held. However, to preserve the Department's defense in the event the technical argument is dismissed during arbitration, the issue should also be addressed in the response.

b. Formal Grievance/Complaint. If the employee does not accept the informal decision, a formal grievance/complaint may be filed by the employee.

(1) Elements of a Formal Grievance/Complaint. The following information must be included on a formal grievance/complaint.

- (a) Alleged violation - specific provision or policy violated.
- (b) Statement of the problem.
- (c) Proposed remedy.

(2) Response. An investigation should be conducted at each level of the process regardless of the thoroughness of the investigation done at the previous level. The response to a formal grievance/complaint should be concise and include the following elements (Annex E):

- (a) Introduction. An introductory statement referencing the grievance/complaint and the issue in dispute.
- (b) Management's Position. The facts, history, applicable contract provisions, policies and/or past practices should be explained along with justification for the decision.
- (c) Decision. If there has been a violation and management can grant the proposed remedy, the grievance/complaint should be granted. When a personnel action is required, a request must be initiated through

channels for the appropriate action to implement the decision. If there has been no violation or the remedy cannot be granted, the grievance/complaint should be denied.

(d) Important Considerations.

1 Avoid Redundancy. There is no need to unnecessarily expand the response for the sake of reiterating management's position. Grievance/complaint responses should be as concise as possible while addressing the issues fully.

2 Identify the Violation. It is not management's responsibility to determine the alleged violation. The grievant/complainant must make that determination and document it by utilizing the proper classification (i.e., grievance or complaint). Management should respond only to the violation specified in the grievance/complaint without expansion or modification.

3 Conduct a Comprehensive Investigation. A full investigation should always be made to determine the validity of the facts and the allegations. Responding without conducting an investigation could potentially result in an erroneous conclusion.

4 Do Not Respond to Expanded Allegations. Sometimes the allegations are modified as a grievance/complaint progresses through the various levels of appeal. If these amended allegations are addressed, previous levels of review are precluded from investigating, and addressing the issues. Management should not address allegations which have not been previously presented at the preceding levels.

5. COMMON ERRORS MADE BY GRIEVANTS/COMPLAINANTS.

a. Filing a Grievance/Complaint on the Incorrect Form. Management should accept a grievance/complaint which has been submitted improperly if the grievant/complainant insists on its submission after being advised of the error.

b. Submission Prior to the Alleged Violation. Management must take some action before a grievant/complainant can allege a violation of the contract or departmental policy. An employee cannot file a grievance/complaint on the basis of suspicion. Grievances/complaints filed prior to the alleged violation should be denied as no violation has occurred.

c. Untimely Grievances/Complaints. The contracts and the excluded employee grievance procedure contain specified time limits within which to file and appeal grievance/complaints. Even if a grievance/complaint is not filed within these time limits, it should still be accepted by the appropriate level, but denied because of its untimeliness. The issue of dispute should still be addressed in the grievance/complaint response, since the reason for the procedure is to resolve problems. Further, should a grievance be appealed to arbitration, the untimeliness issue may be dismissed by the arbitrator who will want to rule on the issue in dispute.

d. Grievances/Complaints Which Do Not Meet the Definition. Grievances/complaints which do not allege a violation of the contracts or departmental policy (for represented employees) or of regulations, rules, policies or practices (for excluded employees) should also be accepted. Although a grievance/complaint investigation is not necessary, a formal response should be issued denying the grievance/complaint since it does not meet the definition. Dependent upon the seriousness of the allegation(s), the commander should examine the matter and take appropriate action, if warranted. However, management should also respond to the issue of a represented employee grievance if it meets the definition of a complaint. If an employee merely does not like a rule or policy, the grievance/complaint should be denied.

e. Grievances/Complaints with no Specified Contract or Policy Violation. When the grievant/complainant does not specify a contract or policy violation, the grievance/complaint should be denied. It is the grievant's/complainant's responsibility to identify any alleged violation. Failing to do so does not permit management to fully consider the issue.

f. Grievances/Complaints with no Specified Remedy. When no remedy is specified, the resolution lies with the designated respondent. Any remedy which resolves the issue in dispute and is consistent with departmental policy and the contracts may be granted.

## 6. GRIEVANCE/COMPLAINT FORMS.

a. Forms. A grievance or complaint should be filed on either a CHP 94, Employee Grievance/Complaint; (Annex A); a STD 630, Employee Contract Grievance; or union equivalent.

b. Supply of Forms. The CHP 94 is available on I: Forms. The STD 630 can be found on the California Department of Human Resources (CalHR) website.

## 7. PROCESSING THE APPEAL AND RESPONSE.

### a. Employee Responsibility for Moving Grievance/Complaint.

(1) The grievant, complainant, or recognized employee organization is responsible for formulating and moving an appeal through the designated appeal levels. Commanders are cautioned not to advise, counsel, or advance an issue to the next level of appeal on behalf of the individual.

(2) A grievant or complainant is not permitted to utilize departmental clerical assistance or state equipment in formalizing their appeal at any step in the grievance/complaint or appeal processes.

### b. Departmental Distribution of Grievance/Complaint Response.

(1) Grievant/Complainant. The original grievance/complaint response should be returned to the grievant/complainant if it was filed/appealed by the employee. To ensure an employee's right to confidentiality, the original response to a grievance/complaint shall be placed in an envelope addressed with the employee's name, identification number, and command, and labeled "Personal and Confidential." The response shall only be opened by the addressee.

(2) Employee Organization. If the employee organization filed/appealed the issue on behalf of the grievant/complainant, the original grievance/complaint should be returned to the organization, with a copy forwarded to the grievant/complainant labeled "Personal and Confidential."

### c. Processing a Grievance/Complaint.

(1) Step 1. A copy of the formal grievance/complaint, the first level response, and all pertinent documentation necessary to investigate the issue in dispute shall be forwarded to the respective Division and the Office of Employee Relations (OER) within five working days after issuance of the response.

(2) Step 2. A copy of the grievance/complaint, the second level response and all pertinent documentation necessary to investigate the issue in dispute shall be forwarded to the affected command and OER within five working days after issuance of the response.

(3) Step 3. Upon appeal to the third level, OER will forward a copy of the third level appeal to the affected commands within three working days after receipt. A copy of the departmental response will be forwarded to the affected commands within three working days after issuance.

(4) Step 4. California Department of Human Resources (CalHR) sends the Department a copy of the response to a Level 4 appeal. The OER, in turn, will provide copies of the Level 4 response to the affected commands within three working days after receipt.

8. EXTENSIONS. As provided for in the grievance/complaint and appeal procedures for excluded and represented employees, time limitations may be extended to a specific date by mutual agreement of both parties. Once granted, extensions shall be reaffirmed in writing and attached to the grievance/complaint, with a copy to all affected parties (refer to Annex G).

9. NON-MERIT STATUTORY APPEALS.

a. Administration. California Department of Human Resources (CalHR) is authorized to administer the non-merit aspects of the state personnel system.

b. Disputes. Disputes regarding appeals of layoff, appeals of transfer, petitions to set aside resignation, and appeals for reinstatement after automatic resignation shall be filed in writing directly with the Director of CalHR, with a copy to the Commissioner. Such appeals shall be filed in accordance with specific time limits prescribed by applicable statute.

c. Hearing. Appeals may be assigned to an Administrative Law Judge for hearing or investigation. The hearing officer is the authorized representative of the Director of CalHR and is fully authorized and empowered to grant or refuse extensions of time, to set such proceeding for hearing, to conduct a hearing or investigation in every such proceeding, and to perform any and all other acts in connection with such a proceeding authorized by law or by this section.

d. Rehearing. Within thirty days after service of a copy of a decision, any party may file a written petition for a rehearing with the Director of CalHR. Within thirty days after such filing, the Director of CalHR shall serve a copy of the petition to the other parties to the proceeding. Within sixty days after service of the petition for rehearing, the Director of CalHR shall either grant or deny the petition in whole or in part. Failure to act upon a petition for rehearing within the 90-day period is a denial of the petition. If a rehearing is granted, the Director of CalHR may rehear the case themselves on all the pertinent parts of the record of the prior hearing and such additional evidence and argument as may be permitted.

e. Final Decision. Unless a proper application for rehearing is made, every decision shall become final 30 days after service of such decision upon the parties by CalHR.

10. GRIEVANCE/COMPLAINT RECORDS MANAGEMENT.

a. Purpose. To ensure efficient and confidential management of grievance/complaint records for all employees, procedures for the maintenance and retention of grievance/complaint records preserved in departmental files from the initial stage through final disposition have been developed.

b. Filing Grievances/Complaints. Grievance/complaint records are to be physically located apart from field folders and field subject folders. Grievance/complaint files shall be placed in a separate confidential classification entitled "Grievances/Complaints," and labeled "Active" or "Inactive."

c. Grievance/Complaint Investigation/Documentation.

(1) Grievance/Complaint records and related documentation that pertain to an issue in dispute shall be filed with the grievance/complaint. The records are identified as confidential and shall be retained in a manner that will prevent their disclosure to unauthorized personnel.

(2) Under no circumstances is an inactive grievance/complaint record to be sent to an uninvolved command.

d. Active/Inactive Files.

(1) Active grievances/complaints are those files still pending a response in the grievance/arbitration process.

(2) Inactive grievance/complaint files are those that require no further response.

(3) When a grievance/complaint is terminated (withdrawn or not appealed within the specified time limits), regardless of appeal level, the file shall be transferred to the "Inactive" grievance/complaint file.

e. Retention.

(1) Grievance records shall be retained at the affected command for a period of three years following the date of the final action.

(2) Complaint records shall be retained in the affected command for a period of one year following the date of the final action.

(3) Headquarters Central Files shall retain grievance records for a period of five years following the date of the final action, and complaint records for a period of three years following the date of the final action.

(4) Records retention schedules for grievance/complaint files are also reflected online under Administrative Services Division.

f. Destruction of Records. Destruction of grievance/complaint records shall be in compliance with confidential record procedures and shall occur at the expiration of the retention period of the documents (unless arbitration is pending).

g. Employee Transfer During Grievance/Complaint Process.

(1) There are occasions when an employee transfers or promotes to another command and has an active grievance/complaint in process. In such circumstances, copies of the grievance/complaint documents shall be sent to the new command, apart from the field folders, and shall be handled according to the procedures set forth herein.

(2) Inactive grievance/complaint records shall not be forwarded to the new command.

h. Responsibility for Confidentiality of Grievance/Complaint Records. To achieve organization-wide control and confidentiality of grievance/complaint records, commanders have custodial responsibility for implementing and adhering to the foregoing procedures.

THIS PAGE INTENTIONALLY LEFT BLANK



## ANNEX A

### SAMPLE GRIEVANCE LEVEL 1 (continued)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |  |  |   |
|--|--|--|---|
| DATE RECEIVED<br><b>12/27/2012</b>   | DATE OF RESPONSE<br><b>01/05/2013</b>                | <input type="checkbox"/> Decision below  | <input checked="" type="checkbox"/> Decision attached |
| <hr/> <hr/> <hr/>  |  |  |   |
| SIGNATURE OF LEVEL ONE REVIEWER  | PRINTED NAME AND TITLE<br><b>C. E. COOK, Captain</b> | TELEPHONE NUMBER<br><b>(916) 932-8716</b>  |   |
| <input type="checkbox"/> I concur and do not appeal to the second review level |  | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level (state reason below) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |  |  | DATE  |
| REASON FOR APPEAL  |  |  |   |
| <hr/> <hr/> <hr/>  |  |  |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |  |  |   |
| DATE RECEIVED  | DATE OF RESPONSE                                     | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF LEVEL TWO REVIEWER  | PRINTED NAME AND TITLE                               |  |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |  | <input type="checkbox"/> I do not concur and appeal to the third review level (state reason below)             |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |  |  | DATE  |
| REASON FOR APPEAL  |  |  |   |
| <hr/> <hr/> <hr/>  |  |  |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |  |  |   |
| DATE RECEIVED  | DATE OF RESPONSE                                     | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  | PRINTED NAME AND TITLE                               |  |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |  | <input type="checkbox"/> I do not concur and appeal to the fourth review level (state reason below)            |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |  |  | DATE  |
| REASON FOR APPEAL  |  |  |   |
| <hr/> <hr/> <hr/>  |  |  |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |  |  |   |
| DATE RECEIVED  | DATE OF RESPONSE                                     | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  | PRINTED NAME AND TITLE                               |  |   |

**ANNEX B**

**SAMPLE LEVEL I GRIEVANCE RESPONSE**

State of California

Transportation Agency

**M e m o r a n d u m**

Date: January 5, 2013

To: Officer M. Morgan, I.D. 45327

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Pacific Area

File No.: 250.16002.A10923.7-A-3

Subject: LEVEL I GRIEVANCE RESPONSE

I have reviewed your grievance filed December 27, 2012, regarding denial of release time.

On December 16, 2012, you requested time off to assist Officer Morris, Foothill Area, in the preparation and presentation of a grievance. Sergeant Hexcel granted the time off after assessing the Area's operational needs.

On December 17, 2012 you submitted a CHP 415 (Daily Field Record) and CHP 610 (Representation Reporting) claiming four hours of state release time for grievance representation. The release time was denied by Sergeant Hexcel since the representation did not occur within your area primary responsibility. This decision was consistent with Article II, Section 3, of the Unit 5 Contract. Accordingly, your grievance is denied.

C. E. COOK, Captain  
Commander

cc: Western Division - Chief S. W. Barton  
Office of Employee Relations - Assistant Chief C. C. Main



*Safety, Service, and Security*  
CHP 51 (Rev. 06/2013) OPI 076

*An Internationally Accredited Agency*

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX C

SAMPLE GRIEVANCE APPEAL TO LEVEL II (PAGE 2)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |                                |  |   |
|--|--------------------------------|--|---|
| DATE RECEIVED<br>12/27/2012  | DATE OF RESPONSE<br>01/05/2013 | <input type="checkbox"/> Decision below  | <input checked="" type="checkbox"/> Decision attached |
| SIGNATURE OF LEVEL ONE REVIEWER  |                                | PRINTED NAME AND TITLE<br>C. E. COOK, Captain  | TELEPHONE NUMBER<br>(916) 932-8716                    |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level (state reason below) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                | DATE<br>01/08/2013   |   |
| REASON FOR APPEAL<br>I disagree with the Level I response                      |                                |  |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |                                |  |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF LEVEL TWO REVIEWER  |                                | PRINTED NAME AND TITLE   |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                                | <input type="checkbox"/> I do not concur and appeal to the third review level (state reason below)             |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                | DATE   |   |
| REASON FOR APPEAL  |                                |  |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |                                |  |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE   |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                                | <input type="checkbox"/> I do not concur and appeal to the fourth review level (state reason below)            |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                | DATE   |   |
| REASON FOR APPEAL  |                                |  |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                                |  |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE   |   |

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX D**

**SAMPLE GRIEVANCE APPEAL TO LEVEL II**

State of California

Transportation Agency

**M e m o r a n d u m**

Date: January 10, 2013

To: Pacific Area  
Attention: Captain C. E. Cook

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Western Division

File No.: 901.16923.A10265.7-A-5

Subject: EMPLOYEE GRIEVANCE APPEAL TO LEVEL II

On January 8, 2013, the grievance of Officer M. Morgan, I.D.45327, regarding state release time was appealed to the Western Division.

S. W. BARTON  
Chief

cc: Office of Employee Relations - Assistant Chief C. C. Main

*Safety, Service, and Security*  
CHP 51 (Rev. 06/2013) OPI 076



*An Internationally Accredited Agency*

THIS PAGE INTENTIONALLY LEFT BLANK

# ANNEX E

## SAMPLE GRIEVANCE LEVEL II (PAGE 2)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |                                |   |   |
|--|--------------------------------|---|---|
| DATE RECEIVED<br>12/27/2012  | DATE OF RESPONSE<br>01/05/2013 | <input type="checkbox"/> Decision below   | <input checked="" type="checkbox"/> Decision attached |
|  |                                |   |   |
|  |                                |   |   |
|  |                                |   |   |
| SIGNATURE OF LEVEL ONE REVIEWER  |                                | PRINTED NAME AND TITLE<br>C. E. COOK   Captain  | TELEPHONE NUMBER<br>(916) 932-8716                    |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level ( <i>state reason below</i> ) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/08/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level I response                      |                                |   |   |
|  |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |                                |   |   |
| DATE RECEIVED<br>01/09/2013  | DATE OF RESPONSE<br>01/20/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF LEVEL TWO REVIEWER  |                                | PRINTED NAME AND TITLE<br>S. W. BARTON, Chief   |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                                | <input type="checkbox"/> I do not concur and appeal to the third review level ( <i>state reason below</i> )             |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE  |
| REASON FOR APPEAL  |                                |   |   |
|  |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |                                |   |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached  |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE  |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                                | <input type="checkbox"/> I do not concur and appeal to the fourth review level ( <i>state reason below</i> )            |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE  |
| REASON FOR APPEAL  |                                |   |   |
|  |                                |   |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                                |   |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached  |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE  |   |

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX F**

**SAMPLE GRIEVANCE LEVEL II RESPONSE**

State of California Transportation Agency

**M e m o r a n d u m**

Date: January 20, 2013  
To: Officer M. Morgan, I.D. 45327  
From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Western Division  
File No.: 901.15321.A10725.7-A-7  
Subject: LEVEL II GRIEVANCE RESPONSE

I have reviewed your grievance, Area's response and your appeal to this level of review.

I concur with the commander's denial of state release time in this instance. Article II, Section 3, of the Bargaining Unit 5 Memorandum of Understanding, gives Law Enforcement Association representatives up to four hours of state release time to assist in the preparation of a grievance in their area of primary responsibility. Your area of primary responsibility is Pacific Area. Therefore, you are not entitled to utilize state release time when representing an employee in Foothill Area.

I find no violation of the unit 5 Memorandum of Understanding. Accordingly, your grievance is denied.

S. W. BARTON  
Chief

cc: Pacific Area - Captain C. E. Cook  
Office of Employee Relations - Assistant Chief C. C. Main



*Safety, Service, and Security*  
CHP 51 (Rev. 06/2013) OPI 076

*An Internationally Accredited Agency*

THIS PAGE INTENTIONALLY LEFT BLANK

## ANNEX G

### SAMPLE GRIEVANCE APPEAL TO LEVEL III (PAGE 2)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |                                |   |   |
|--|--------------------------------|---|---|
| DATE RECEIVED<br>12/27/2012  | DATE OF RESPONSE<br>01/05/2013 | <input type="checkbox"/> Decision below   | <input checked="" type="checkbox"/> Decision attached |
|  |                                |   |   |
|  |                                |   |   |
|  |                                |   |   |
| SIGNATURE OF LEVEL ONE REVIEWER  |                                | PRINTED NAME AND TITLE<br>C. E. COOK, Captain   | TELEPHONE NUMBER<br>(916) 932-8716                    |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level <i>(state reason below)</i> |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/08/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level I response.                     |                                |   |   |
|  |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |                                |   |   |
| DATE RECEIVED<br>01/09/2013  | DATE OF RESPONSE<br>01/20/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF LEVEL TWO REVIEWER  |                                | PRINTED NAME AND TITLE<br>S. W. BARTON, Chief   |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the third review level <i>(state reason below)</i>  |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/24/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level II response.                    |                                |   |   |
|  |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |                                |   |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached  |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE  |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                                | <input type="checkbox"/> I do not concur and appeal to the fourth review level <i>(state reason below)</i>            |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE  |
| REASON FOR APPEAL  |                                |   |   |
|  |                                |   |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                                |   |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached  |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE  |   |

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX H**

**SAMPLE GRIEVANCE APPEAL TO LEVEL III**

State of California

Transportation Agency

**M e m o r a n d u m**

Date: January 25, 2013

To: Western Division  
Attention: Chief S. B. Barton

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Office of Employee Relations

File No.: 007.13070.13134.7-A-7

Subject: GRIEVANCE APPEAL

On January 24, 2013, the grievance of Officer M. Morgan, I.D. 45327, (Subject: Release Time) was appealed to the Office of the Commissioner (Level III).

C. C. MAIN  
Assistant Chief

cc: Pacific Area - Captain C. E. Cook

*Safety, Service, and Security*  
CHP 51 (Rev. 06/2013) OPI 076



*An Internationally Accredited Agency*

THIS PAGE INTENTIONALLY LEFT BLANK

# ANNEX I



## SAMPLE GRIEVANCE LEVEL III (PAGE 2)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |                                |   |   |
|--|--------------------------------|---|---|
| DATE RECEIVED<br>12/27/2012  | DATE OF RESPONSE<br>01/05/2013 | <input type="checkbox"/> Decision below   | <input checked="" type="checkbox"/> Decision attached |
|  |                                |   |   |
|  |                                |   |   |
|  |                                |   |   |
| SIGNATURE OF LEVEL ONE REVIEWER  |                                | PRINTED NAME AND TITLE<br>C. E. COOK, Captain   | TELEPHONE NUMBER<br>(916) 932-8716                    |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level <i>(state reason below)</i> |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/08/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level I response.                     |                                |   |   |
|  |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |                                |   |   |
| DATE RECEIVED<br>01/09/2013  | DATE OF RESPONSE<br>01/20/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF LEVEL TWO REVIEWER  |                                | PRINTED NAME AND TITLE<br>S. W. BARTON, Chief   |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the third review level <i>(state reason below)</i>  |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/24/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level II response.                    |                                |   |   |
|  |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |                                |   |   |
| DATE RECEIVED<br>01/25/2013  | DATE OF RESPONSE<br>02/06/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE<br>J. A. FARROW, Commissioner  |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                                | <input type="checkbox"/> I do not concur and appeal to the fourth review level <i>(state reason below)</i>            |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE  |
| REASON FOR APPEAL  |                                |   |   |
|  |                                |   |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                                |   |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached  |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE  |   |

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX J

SAMPLE GRIEVANCE LEVEL III RESPONSE

|   |   |
|---|---|
| State of California—Transportation Agency   | EDMUND G. BROWN Jr., Governor   |
| <b>DEPARTMENT OF CALIFORNIA HIGHWAY PATROL</b>  |   |
| 601 North 7th Street<br>Sacramento, CA 95811<br>916-843-3001<br>(800) 735-2929 (TT/TDD)<br>(800) 735-2922 (Voice)   |          |
| February 6, 2013  |   |
| File No.: 007.13070.A12064.13-0jd   |   |
| <b>CONFIDENTIAL</b>   |   |
| Mr. William Simpson<br>Law Enforcement Association<br>1234 North Avenue<br>Anytown, CA 92476  |   |
| Filed on Behalf of:   | Officer Mike Morgan<br>Pacific Area/Western Division<br>Departmental Grievance No.: G13-000 |
| Dear Mr. Simpson:   |   |
| <b><u>LEVEL III DECISION</u></b>  |   |
| I have completed my review of the grievance filed on behalf of Officer Mike Morgan, I.D. 45327, regarding the denial of state release time.   |   |
| I concur with the Level I and Level II responses that Officer Morgan was not entitled to state release time outside his area of primary responsibility. Therefore, the requirement to use credits to cover the time was appropriate and consistent with the Bargaining Unit 5 Contract. The grievance is denied and the requested remedies will not be implemented. |   |
| J. A. FARROW<br>Commissioner  |   |
| Enclosure   |   |
| cc: Western Division – Chief S. W. Barton<br>Pacific Area – Captain C. E. Cook  |   |
| <i>Safety, Service, and Security</i>  |          |
| <i>An Internationally Accredited Agency</i>   |   |

THIS PAGE INTENTIONALLY LEFT BLANK

## ANNEX K

### SAMPLE GRIEVANCE APPEAL TO LEVEL IV (PAGE 2)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |                                |  |   |
|--|--------------------------------|--|---|
| DATE RECEIVED<br>12/27/2012  | DATE OF RESPONSE<br>01/05/2013 | <input type="checkbox"/> Decision below  | <input checked="" type="checkbox"/> Decision attached |
|  |                                |  |   |
|  |                                |  |   |
|  |                                |  |   |
| SIGNATURE OF LEVEL ONE REVIEWER  |                                | PRINTED NAME AND TITLE<br>C. E. COOK, Captain  | TELEPHONE NUMBER<br>(916) 932-8716                    |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level( <i>state reason below</i> ) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |  | DATE<br>01/08/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level I response.                     |                                |  |   |
|  |                                |  |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |                                |  |   |
| DATE RECEIVED<br>01/09/2013  | DATE OF RESPONSE<br>01/20/2013 | <input checked="" type="checkbox"/> Decision attached  |   |
| SIGNATURE OF LEVEL TWO REVIEWER  |                                | PRINTED NAME AND TITLE<br>S. W. BARTON, Chief  |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the third review level( <i>state reason below</i> )  |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |  | DATE<br>01/24/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level II response.                    |                                |  |   |
|  |                                |  |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |                                |  |   |
| DATE RECEIVED<br>01/25/2013  | DATE OF RESPONSE<br>02/06/2013 | <input checked="" type="checkbox"/> Decision attached  |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE<br>J. A. FARROW, Commissioner   |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the fourth review level( <i>state reason below</i> ) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |  | DATE<br>02/10/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level III response.                   |                                |  |   |
|  |                                |  |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                                |  |   |
| DATE RECEIVED  | DATE OF RESPONSE               | <input type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE   |   |

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX L**

**SAMPLE GRIEVANCE LEVEL IV APPEAL/RESPONSE**

State of California

Transportation Agency

**M e m o r a n d u m**

Date: February 15, 2013

To: Western Division  
Attention: Chief S. W. Barton

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Office of Employee Relations

File No.: 007.13070.13134.13-A-13

Subject: GRIEVANCE APPEAL/FOURTH LEVEL RESPONSE

On February 12, 2013, the grievance of Officer M. Morgan, I.D. 45327,  
(Subject: Release Time) was appealed to the Fourth Level, California Department  
of Human Resources (CalHR). Attached is a copy of CalHR's response.

C. C. MAIN  
Assistant Chief

Attachment

cc: Pacific Area - Captain C. E. Cook



*Safety, Service, and Security*  
CHP 51 (Rev. 06/2013) OP1 076

*An Internationally Accredited Agency*

THIS PAGE INTENTIONALLY LEFT BLANK

# ANNEX M


## SAMPLE GRIEVANCE LEVEL IV (PAGE 2)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE   |                                |   |   |
|--|--------------------------------|---|---|
| DATE RECEIVED<br>12/27/2012  | DATE OF RESPONSE<br>01/05/2013 | <input type="checkbox"/> Decision below   | <input checked="" type="checkbox"/> Decision attached |
| SIGNATURE OF LEVEL ONE REVIEWER  |                                | PRINTED NAME AND TITLE<br>C. E. COOK, Captain   | TELEPHONE NUMBER<br>(916) 932-8716                    |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the second review level ( <i>state reason below</i> ) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/08/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level I response.                     |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO   |                                |   |   |
| DATE RECEIVED<br>01/09/2013  | DATE OF RESPONSE<br>01/20/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF LEVEL TWO REVIEWER  |                                | PRINTED NAME AND TITLE<br>S. W. BARTON, Chief   |   |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the third review level ( <i>state reason below</i> )  |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>01/24/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level II response.                    |                                |   |   |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE   |                                |   |   |
| DATE RECEIVED<br>01/25/2013  | DATE OF RESPONSE<br>02/06/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE<br>J. A. FARROW, Commissioner  |   |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                                | <input checked="" type="checkbox"/> I do not concur and appeal to the fourth review level ( <i>state reason below</i> ) |   |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE   |                                |   | DATE<br>02/10/2013                                    |
| REASON FOR APPEAL<br>I disagree with the Level III response.                   |                                |   |   |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                                |   |   |
| DATE RECEIVED<br>02/12/2013  | DATE OF RESPONSE<br>02/15/2013 | <input checked="" type="checkbox"/> Decision attached   |   |
| SIGNATURE OF DIRECTOR OR DESIGNEE  |                                | PRINTED NAME AND TITLE<br>FRANK, C. LABORER, Labor Relations Officer  |   |

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX N**


**SAMPLE GRIEVANCE LEVEL IV RESPONSE**

|  |   |
|--|---|
| STATE OF CALIFORNIA  | JERRY BROWN, <i>Governor</i>  |
| <b>CALIFORNIA DEPARTMENT OF HUMAN RESOURCES</b><br>LABOR RELATIONS DIVISION<br>1515 "S" STREET, NORTH BUILDING, SUITE 400<br>SACRAMENTO, CA 95814-7243   |  |
| February 15, 2013  |   |
| Mr. William Simpson<br>Law Enforcement Association<br>1234 North Avenue<br>Anytown, CA 94276   |   |
| RE: Grievance #05-04-0012 - Mike Morgan  |   |
| Dear Mr. Simpson:  |   |
| This is the fourth level response to the grievance filed on behalf of Officer Mike Morgan, I.D. 45327. The grievant alleges a violation of Article II, Section 3, of the Unit 5 Memorandum of Understanding (MOU) by denying the use of state release time for representation. |   |
| After reviewing the grievance, attached documentation and the department's responses, I find no evidence that the department's actions violated the Unit 5 MOU.  |   |
| Therefore, I sustain the department's third level response and deny the grievance.   |   |
| Sincerely,   |   |
| FRANK C. LABORER<br>Labor Relations Officer  |   |
| cc: C. C. MAIN, LRO, California Highway Patrol   |   |

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX O

SAMPLE ARBITRATION REQUEST

|  |   |                                 |      |
|--|---|---------------------------------|------|
| CALIFORNIA DEPARTMENT OF HUMAN RESOURCES   |   | Jerry Brown, Governor           |      |
| <b>MEMORANDUM</b>  |   |                                 |      |
|   |   |                                 |      |
| <b>DATE:</b>   | February 20, 2013   |                                 |      |
| <b>TO:</b>   | Assistant Chief C. C. Main<br>Labor Relations Officer<br>California Highway Patrol<br>2555 First Avenue, Rm 220<br>Sacramento, CA 95818<br>G-20 |                                 |      |
| <b>FROM:</b>   | Frank C. Laborer<br>Chief of Labor Relations<br>California Department of Human Resources  |                                 |      |
| <b>SUBJECT:</b>  | <b>Arbitration Request</b><br>CALHR No. 05-04-0012<br>CHP No. G06-002   |                                 |      |
| This is to inform you that the following grievance has been elevated to arbitration: |   |                                 |      |
|  | CALHR Arbitration No.   | 05-02-23456                     |      |
|  | Grievant's Name:  | Officer Mike Morgan, I.D. 45327 |      |
|  | Department:   | California Highway Patrol       |      |
|  | Issue:  | State Release Time              |      |
|  |   | Article/Section:                | V/21 |
| I will contact you during the investigation if additional information is required.   |   |                                 |      |
| FRANK C. LABORER<br>Labor Relations Officer  |   |                                 |      |

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX P**

**SAMPLE GRIEVANCE APPEAL TO ARBITRATION**

State of California

Transportation Agency

**M e m o r a n d u m**

**C O N F I D E N T I A L**

Date: February 25, 2013

To: Western Division  
Attention: Chief S. W. Barton

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Office of Employee Relations

File No.: 007.13070.A12378.7-A-17

Subject: LAW ENFORCEMENT ASSOCIATION (MORGAN) v. CALIFORNIA HIGHWAY PATROL

On February 25, 2013, the grievance filed on behalf of Pacific Area Officer Mike Morgan, I. D. 45327 was appealed to Arbitration (Level V).

Please provide the facts in this case in chronological order and also list any potential witnesses, position and general nature of their testimony. Attach any applicable documents needed to prove the state's case.

If you have any questions or require additional information, please contact the Office of Employee Relations at (916) 843-3100.

C. C. MAIN  
Assistant Chief

Attachment

cc: Pacific Area – Captain C. E. Cook



***Safety, Service, and Security***  
CHP 51 (Rev. 06/2013) OPI 076

***An Internationally Accredited Agency***

THIS PAGE INTENTIONALLY LEFT BLANK

## ANNEX Q

### ARBITRATION CHECKLIST

#### STATE OF CALIFORNIA ARBITRATION CHECKLIST

**CALHR GRIEVANCE NUMBER:** 05-002-23456  
**DEPARTMENT REFERENCE NUMBER:** G06-002  
**UNION REFERENCE NUMBER:** None

**I. GENERAL INFORMATION**

List the name, work address, and current work status of the grievant.

List the department, departmental contact, address, and telephone number. List the grievance investigator (if different).

List the union, union attorney, address, and telephone.

**II. ISSUE**

State the issue as it is understood by the department.

**III. FACTS**

Details the facts in chronological order.

**IV. STATE'S CASE**

Briefly note the department's position, and the strengths and weaknesses of the case. Include any procedural defenses including timeliness issues.

List the potential witnesses, position, and general nature of their testimony, as well as availability to testify.

**V. UNION'S CASE**

Briefly note the union's assertions. Note what the grievant really wants, and any hidden agenda.

List the potential witnesses, position, and general nature of their testimony.

**VI. EXHIBITS**

Attach applicable contract language and documents needed to prove the state's case.

**VII. MISCELLANEOUS**

Note any settlement offers made or pending.

Note any departmental past practice or similar cases which may impact the issues.

Note any Unfair Practice Charge (UPC) cases pending or on the same or similar issues.

Note any adverse actions or worker compensation claims made involving the grievant.

**GENERAL COMMENTS**

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX R**  
**GRIEVANCE CHECKLIST**

1. Gather all relevant documents. Identify all witnesses.
2. Approach the issue objectively with an open mind.
3. Research appropriate laws, rules, regulations, and policies.
4. Check employee records for any background information which may be pertinent.
5. Interview witnesses, if necessary.
6. Assemble and analyze the facts. Investigate the issue thoroughly.
7. Clarify doubtful or ambiguous points. Distinguish between facts, opinions, allegations, and assumptions. Determine if the voiced complaint is the real problem or merely a symptom of a larger one.
8. Check the time limits.
9. Check the grievability, reasonableness, and merits of the issue.
10. Determine if there are any relevant past practices.
11. Check the experience of others in similar cases and previous settlements for guidance.
12. Seek advice on any matters where you are in doubt.
13. Develop possible solutions. Determine your authority to implement the solutions.
14. Reach a preliminary decision and check its validity.

THIS PAGE INTENTIONALLY LEFT BLANK

## ANNEX S

### GRIEVANCE/COMPLAINT RECORD – INFORMAL LEVEL

|                                       |   |
|---------------------------------------|---|
| Date and Time of Informal Discussion: | January 4, 2013 - 0700  |
| Employee(s) Involved:                 | Edward Phillips   |
| Representative/ Affiliation:          | Michael Smith (CAC Representative)  |
| Issue:                                | Phillips claims he has been unfairly denied the opportunity to sign up for overtime.  |
| Remedy:                               | Phillips asked to be allowed to sign up for overtime.   |
| Contract/Policy Violation:            | Article XX, Section 24 (Overtime), of Unit D Contract.  |
| Time Limits Met:                      | Yes.  |
| Facts Investigated:                   | I checked the overtime sign-up sheet and found Phillips' name had not been added when he transferred into the Section. I reviewed his file and found he had not passed his last proficiency test.   |
| Answer Given:                         | I met with Phillips and Smith on January 5, 2013, at 0930. I relayed the information revealed in my investigation. Article XXI, Section 2, of the contract indicates employees who fail the proficiency test are not eligible for overtime. I told them the grievance was denied. |
| Action Taken:                         | None.   |
| Additional:                           | None.   |

THIS PAGE INTENTIONALLY LEFT BLANK

## ANNEX T

### CHECKLIST FOR HANDLING GRIEVANCE – INFORMAL LEVEL

#### I. CONDUCT THE INFORMAL DISCUSSION

- Let the grievant tell their story (listen).
- Avoid personalizing the issues.
- Obtain names, times, section of the contract violated and the requested remedy.
- Ask the grievant to repeat their story (look for the hidden complaint).
- Repeat the essentials of the grievance to the employee in your own words to make sure you understand the issues.
- Document the informal discussion for future reference.

#### II. RESEARCH

- Determine if the issue is grievable.
- Determine the time limits for handling the grievance.
- Check the contract, policies and regulations.
- Check practices relating to the issue.
- If necessary, research relevant records.
- Check past practices, if any.
- Check the experience of others in similar cases.
- Seek advice, if necessary.
- Determine possible solutions.
- Record the results of your investigation.

#### III. ANSWER THE GRIEVANCE

- Reach a preliminary decision and check it with your superior or the Office of Employee Relations.
- Settle the grievance at the earliest time a proper settlement can be reached.
- Develop your answer to the grievance.
- Relay your verbal response to the grievant. Explain the reasons for your decision along with any new information you have uncovered.

#### IV. FOLLOW-UP

- Make sure any action you promised is carried out.
- Once the decision is made, stick to it (unless later investigation reveals conflicting information).

THIS PAGE INTENTIONALLY LEFT BLANK

**ANNEX U**

**SAMPLE GRIEVANCE RESPONSE**

**DENIAL**

This is in response to (the) your grievance (filed on your behalf by \_\_\_\_\_). In the grievance, you allege (Article and Section) of the Unit \_\_\_\_\_ contract was violated when \_\_\_\_\_.

An investigation into the allegations has been made and based upon the findings, I concur with the Level \_\_\_\_ response.

(Further discussion if needed to clarify decision)

As there has been no violation of the contract, the grievance is denied.

~~~~~

**GRANTING**

This is in response to (the) your grievance (filed on your behalf by \_\_\_\_\_). The grievance alleges Article \_\_\_\_\_, Section \_\_\_\_\_, of the Unit \_\_\_\_\_ contract was violated when (\_\_\_\_\_  
\_\_\_\_\_).

An investigation into the allegations has been made and the findings are as follows:

(Statement of Facts)

As a result, I am granting your remedy of \_\_\_\_\_

\_\_\_\_\_  
(or your remedy cannot be granted; however, in the interest of good employee relations, I am taking the following action).

THIS PAGE INTENTIONALLY LEFT BLANK





## ANNEX V

### EMPLOYEE GRIEVANCE/COMPLAINT FORM (*continued*)

| GRIEVANCE/COMPLAINT REVIEW—LEVEL ONE                                           |                  |                                                                                                              |                                            |
|--------------------------------------------------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| DATE RECEIVED                                                                  | DATE OF RESPONSE | <input type="checkbox"/> Decision below                                                                      | <input type="checkbox"/> Decision attached |
|                                                                                |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
| SIGNATURE OF LEVEL ONE REVIEWER                                                |                  | PRINTED NAME AND TITLE                                                                                       | TELEPHONE NUMBER                           |
| <input type="checkbox"/> I concur and do not appeal to the second review level |                  | <input type="checkbox"/> I do not concur and appeal to the second review level ( <i>state reason below</i> ) |                                            |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE                                             |                  |                                                                                                              | DATE                                       |
| REASON FOR APPEAL                                                              |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL TWO                                           |                  |                                                                                                              |                                            |
| DATE RECEIVED                                                                  | DATE OF RESPONSE | <input type="checkbox"/> Decision attached                                                                   |                                            |
| SIGNATURE OF LEVEL TWO REVIEWER                                                |                  | PRINTED NAME AND TITLE                                                                                       |                                            |
| <input type="checkbox"/> I concur and do not appeal to the third review level  |                  | <input type="checkbox"/> I do not concur and appeal to the third review level ( <i>state reason below</i> )  |                                            |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE                                             |                  |                                                                                                              | DATE                                       |
| REASON FOR APPEAL                                                              |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
| GRIEVANCE/COMPLAINT REVIEW—LEVEL THREE                                         |                  |                                                                                                              |                                            |
| DATE RECEIVED                                                                  | DATE OF RESPONSE | <input type="checkbox"/> Decision attached                                                                   |                                            |
| SIGNATURE OF DIRECTOR OR DESIGNEE                                              |                  | PRINTED NAME AND TITLE                                                                                       |                                            |
| <input type="checkbox"/> I concur and do not appeal to the fourth review level |                  | <input type="checkbox"/> I do not concur and appeal to the fourth review level ( <i>state reason below</i> ) |                                            |
| GRIEVANT'S/COMPLAINANT'S SIGNATURE                                             |                  |                                                                                                              | DATE                                       |
| REASON FOR APPEAL                                                              |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
|                                                                                |                  |                                                                                                              |                                            |
| GRIEVANCE REVIEW—LEVEL FOUR—DEPARTMENT OF PERSONNEL ADMINISTRATION             |                  |                                                                                                              |                                            |
| DATE RECEIVED                                                                  | DATE OF RESPONSE | <input type="checkbox"/> Decision attached                                                                   |                                            |
| SIGNATURE OF DIRECTOR OR DESIGNEE                                              |                  | PRINTED NAME AND TITLE                                                                                       |                                            |

**ANNEX W**  
**SAMPLE EXTENSION LETTER**

|                                                                                                                                                                                                                                |                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| State of California—Transportation Agency                                                                                                                                                                                      | EDMUND G. BROWN Jr., Governor                                                       |
| <b>DEPARTMENT OF CALIFORNIA HIGHWAY PATROL</b>                                                                                                                                                                                 |                                                                                     |
| 601 North 7th Street<br>Sacramento, CA 95811<br>(916) 843-3100<br>(800) 735-2929 (TT/TDD)<br>(800) 735-2922 (Voice)                                                                                                            |  |
| March 24, 2013                                                                                                                                                                                                                 |                                                                                     |
| File No.: 007.13070.A12064.7-G-1                                                                                                                                                                                               |                                                                                     |
| <b>CONFIDENTIAL</b>                                                                                                                                                                                                            |                                                                                     |
| Mr. Hewlett Packard<br>California Association of Copiers<br>P.O. Box 12345                                                                                                                                                     |                                                                                     |
| Dear Mr. Packard:                                                                                                                                                                                                              |                                                                                     |
| Per your discussion with Kim Baker of this office, the deadline for response to the grievance filed by your organization on behalf of Officer Smith, I.D. 29456, regarding Call Back Time, has been extended to April 5, 2013. |                                                                                     |
| Thank you for your consideration in agreeing to this extension.                                                                                                                                                                |                                                                                     |
| C. C. MAIN<br>Assistant Chief<br>Office of Employee Relations                                                                                                                                                                  |                                                                                     |
| cc: Southern Division<br>Copyville Area                                                                                                                                                                                        |                                                                                     |
|                                                                                                                                             |                                                                                     |
| <i>Safety, Service, and Security</i><br><small>CHP 51 (Rev. 06/2013) OPI 076</small>                                                                                                                                           | <i>An Internationally Accredited Agency</i>                                         |

THIS PAGE INTENTIONALLY LEFT BLANK

## ANNEX X

### GOVERNMENT CODE SECTIONS DEALING WITH NON-MERIT STATUTORY APPEALS

## GOVERNMENT CODE SECTION 19994.2, 19994.3, 19994.4, 19996.1, 19996.2, 19997.14

19994.2. (a) When there are two or more employees in a class and an involuntary transfer is required to a position in the same class, or an appropriate class as designated by the State Personnel Board, in a location that reasonably requires an employee to change his or her place of residence, the department may determine the methods by which employees in the class or classes involved are to be selected for transfer. These methods may include seniority and other considerations.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

19994.3. (a) If a transfer is protested to the department by an employee as made for the purpose of harassing or disciplining the employee, the appointing power may require the employee to transfer pending approval or disapproval of the transfer by the department. If the department disapproves the transfer, the employee shall be returned to his or her former position, shall be paid the regular travel allowance for the period of time he or she was away from his or her original headquarters, and his or her moving costs both from and back to the original headquarters shall be paid in accordance with the department rules.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

19994.4. (a) At the time it is filed with the department a copy of the protest shall be filed with the appointing power. Such a protest shall be made within 30 days of the time the employee is notified of the transfer.

(b) If the provisions of this section are in conflict with the

## ANNEX X

### GOVERNMENT CODE SECTIONS DEALING WITH NON-MERIT STATUTORY APPEALS (*continued*)

provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

19996.1. (a) Resignations from the state civil service are subject to department rules. A resignation, except as provided in this section, does not jeopardize any rights and privileges of the employee except those pertaining to the position from which he or she resigns. A written resignation may expressly waive all or any rights or privileges provided for by this chapter, including but not limited to, accumulated vacation, and in such event the records of the department shall be made to conform therewith. No resignation shall be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence or that for any other reason it was not the free, voluntary and binding act of the person resigning, unless a petition to set it aside is filed with the department within 30 days after the last date upon which services to the state are rendered or the date the resignation is tendered to the appointing power, whichever is later. In the event a resignation is set aside pursuant to this section, the person resigning shall be reinstated to his or her former position and paid his or her salary for the period he or she was removed from state service as the result of such resignation. From any such salary due there shall be deducted compensation that the employee earned, or might reasonably have earned, during any period commencing more than six months after the initial date of resignation.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

19996.2. (a) Absence without leave, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from state service, as of the last date on which the employee worked.

A permanent or probationary employee may within 90 days of the effective date of such separation, file a written request with the department for reinstatement; provided, that if the appointing power

## ANNEX X

### GOVERNMENT CODE SECTIONS DEALING WITH NON-MERIT STATUTORY APPEALS (*continued*)

has notified the employee of his or her automatic resignation, any request for reinstatement must be made in writing and filed within 15 days of the service of notice of separation. Service of notice shall be made as provided in Section 18575 and is complete on mailing. Reinstatement may be granted only if the employee makes a satisfactory explanation to the department as to the cause of his or her absence and his or her failure to obtain leave therefor, and the department finds that he or she is ready, able, and willing to resume the discharge of the duties of his or her position or, if not, that he or she has obtained the consent of his or her appointing power to a leave of absence to commence upon reinstatement.

An employee so reinstated shall not be paid salary for the period of his or her absence or separation or for any portion thereof.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

19997.14. (a) An employee may appeal to the department within 30 days after receiving notice of layoff on the ground that the required procedure has not been complied with or that the layoff has not been made in good faith or was otherwise improper. Within 30 days after such an appeal, the department shall hold such hearing or investigation as it deems necessary.

On its own motion the department may also conduct such a hearing or investigation within 30 days after receiving a notice of layoff.

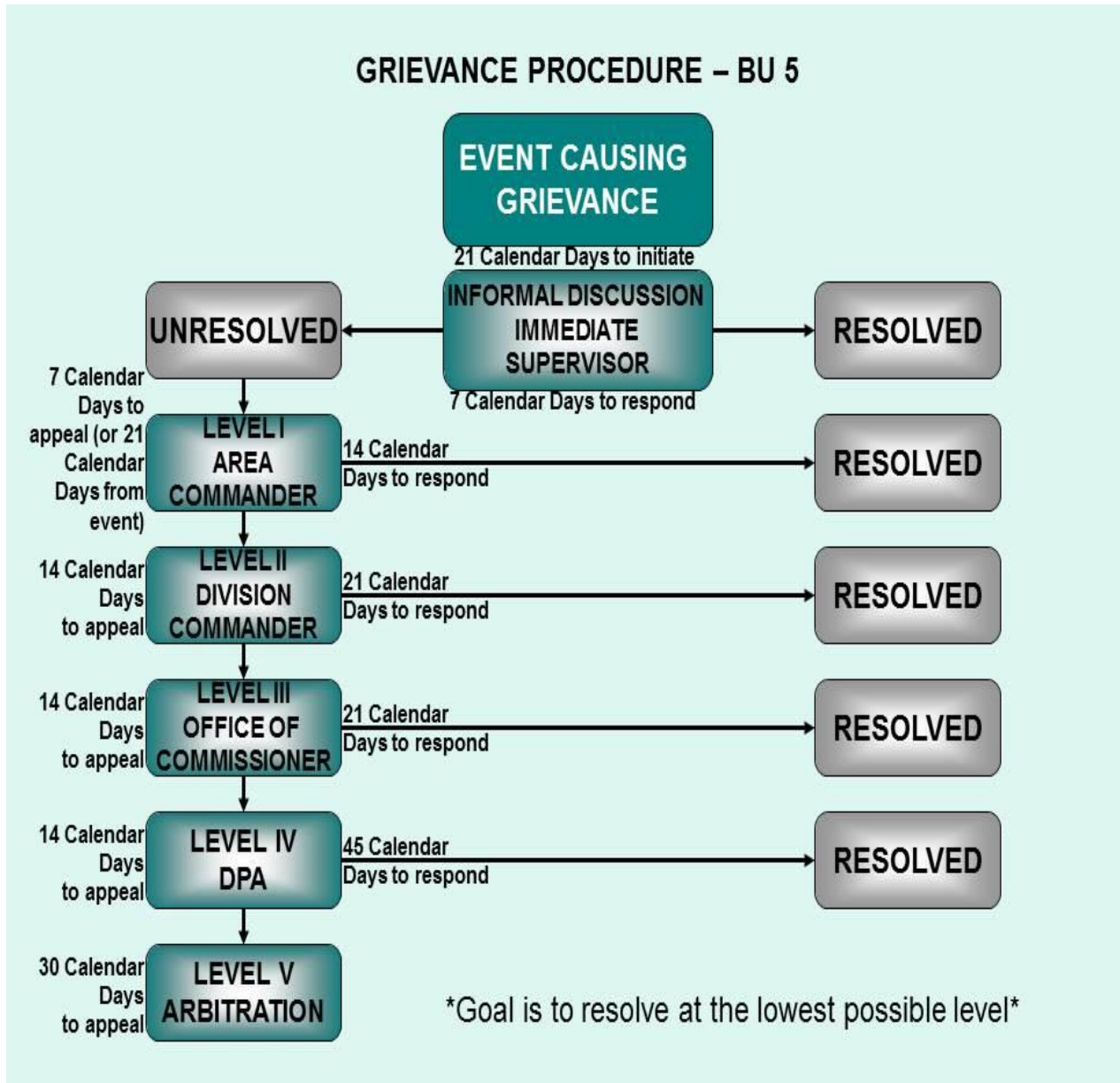
In rendering a decision on a layoff, the department may order the reinstatement of the employee with or without pay if it appears that the required procedure was not followed or that the layoff was not made in good faith or was otherwise improper.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX Y

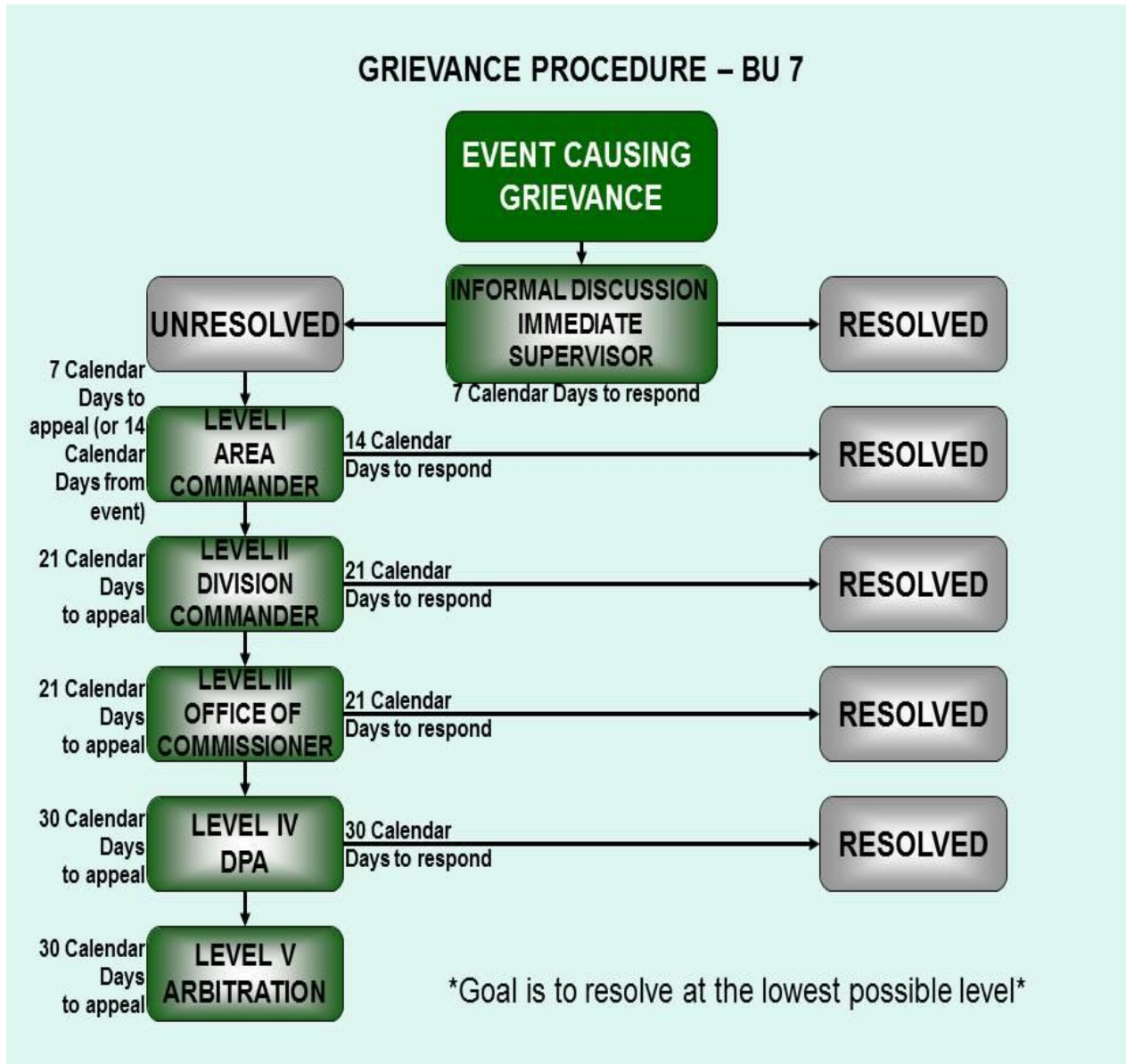
FLOWCHART GRIEVANCE PROCEDURE BARGAINING UNIT 5



THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX Z

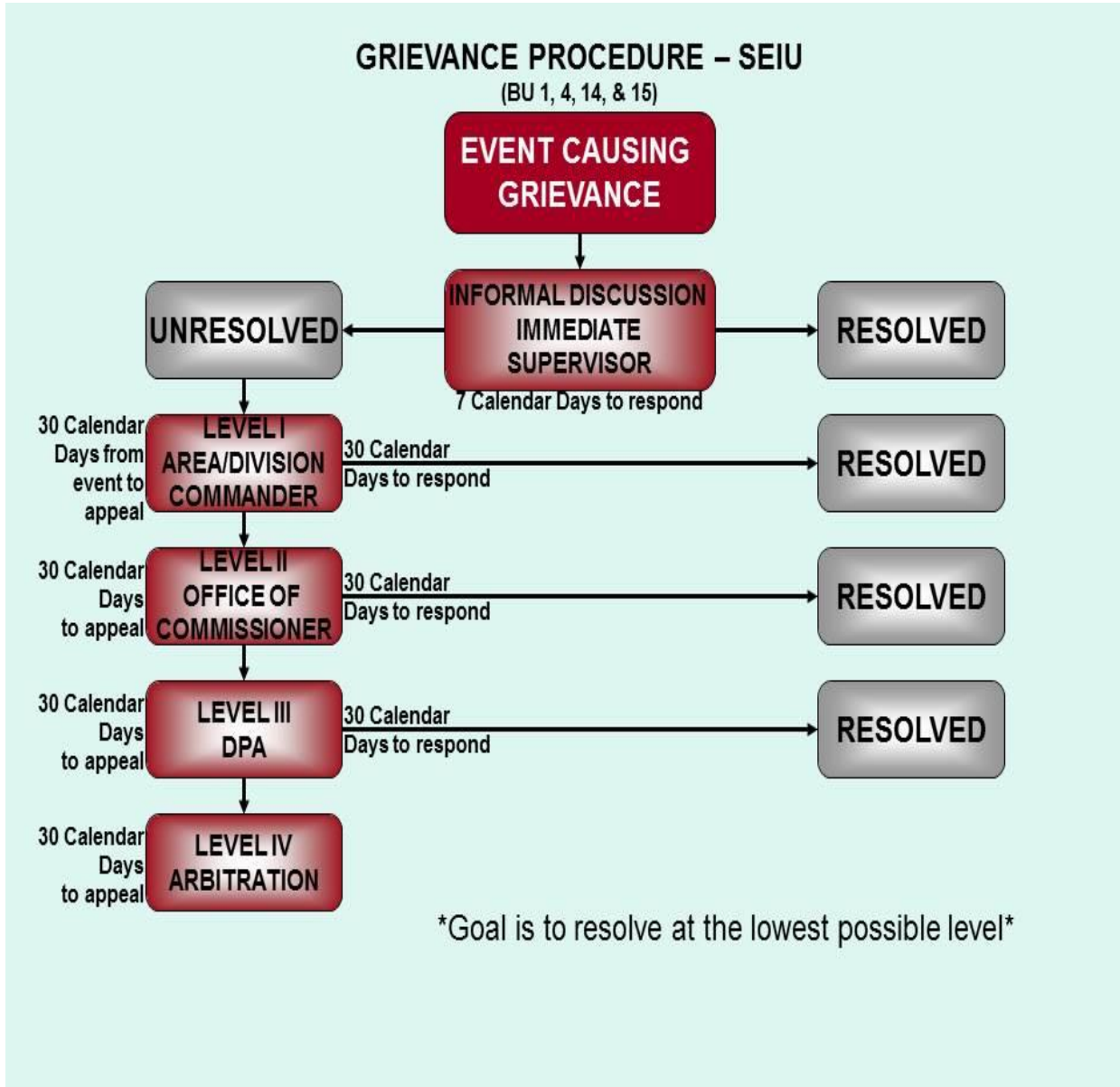
FLOWCHART GRIEVANCE PROCEDURE BARGAINING UNIT 7



THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX AA

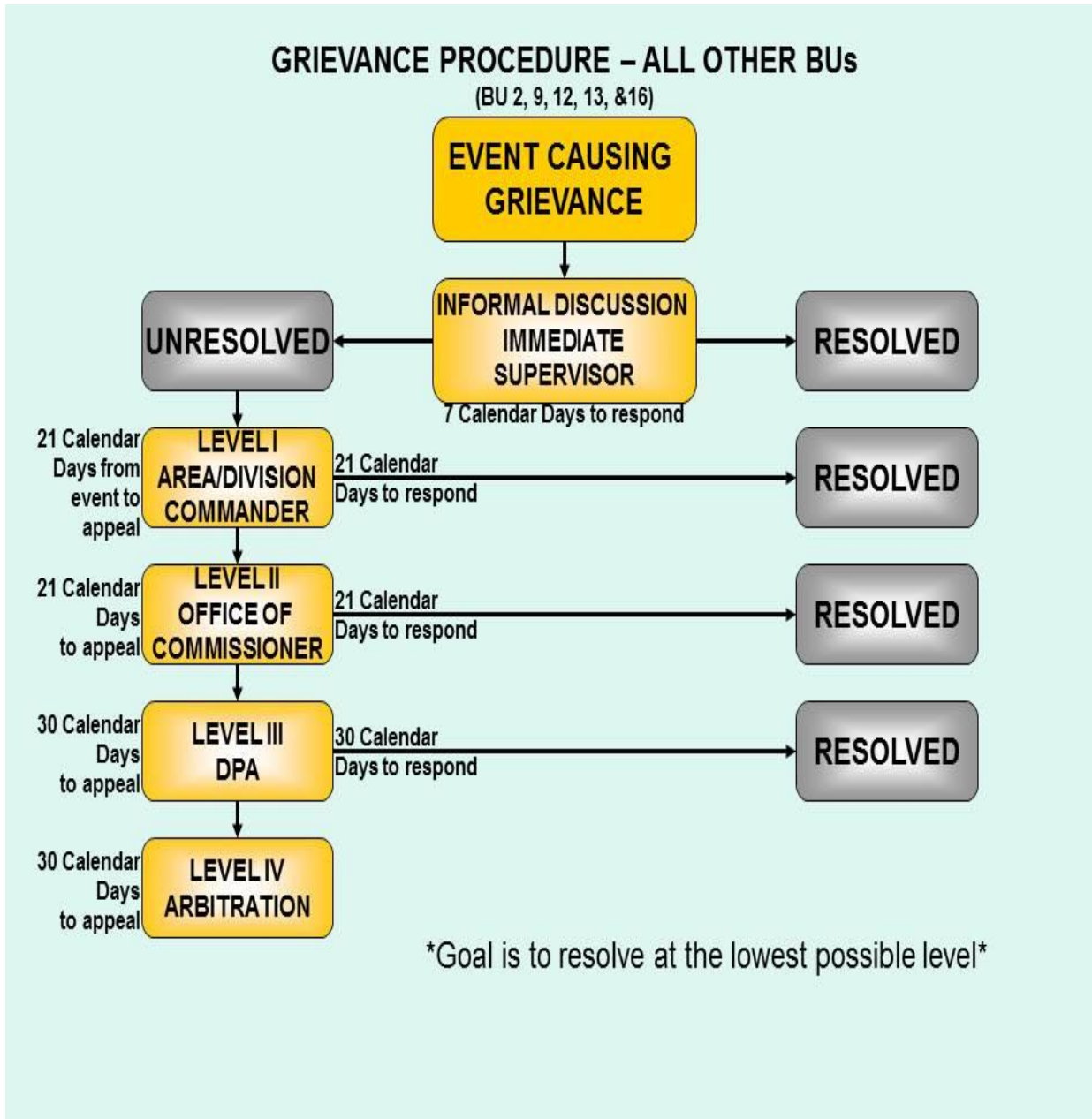
FLOWCHART GRIEVANCE PROCEDURE SERVICE EMPLOYEES INTERNATIONAL UNION



THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX BB

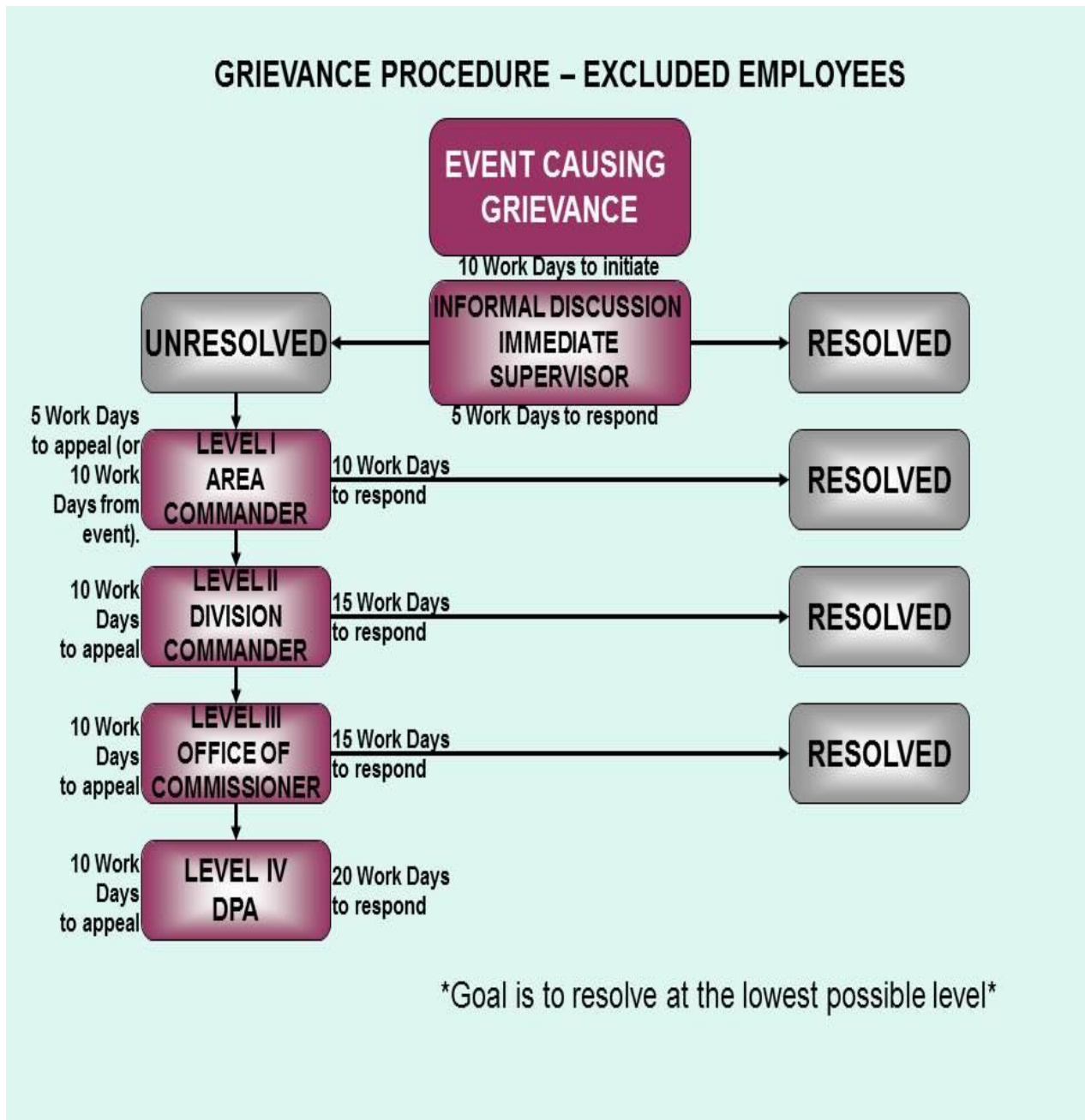
FLOWCHART GRIEVANCE PROCEDURE ALL OTHER BARGAINING UNITS



THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX CC

FLOW CHART GRIEVANCE PROCEDURE FOR EXCLUDED EMPLOYEES



THIS PAGE INTENTIONALLY LEFT BLANK