



Damage Control: What To Do AFTER You Are Sent Home Without Pay

**This packet contains the list of grievances that you need to file.
Please note the TIMES for each grievance.**

THESE ARE TIME SENSITIVE!

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Where to File Your Grievance

Below are the places that you need to file your grievance.

UNION GRIEVANCE

*Must be done within **FIVE** days of receiving your notice of suspension

You can find the form specific to your Union on their website under the MOU's tab, or in the Grievance Procedures section A.

The Grievance Form for local 18 can be found here:

<https://insidedwp.ladwp.com/webcenter/portal/lr/home/ladwpmou/Grievance-Procedure>

The general grievance form for the City of Los Angeles can be found here:

https://www.afscme3090.org/files/griev_initiation.pdf

Please remember to be as specific as you can, as to the exact charges you're bringing against your supervision. Please detail exact interactions that took place. The following are example charges:

- 1) Violation of: Weingarten Rights, NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689; POLICIES OF THE PERSONNEL DEPARTMENT CITY OF LOS ANGELES, section 33, subsection A, Item 2; City of LA Admin. Code Section 4.860 and 4.865
 - a. Supervisor X called me into the office for a meeting. I asked if the meeting was concerning discipline. Supervisor X said, "No, I just need to talk to you for a minute." Once we entered the office, Supervisor X said, "I need you to read and sign this."
- 2) Violation of: Skelly Rights, U.S. Supreme Court in Skelly v. State Personnel Board, 15 Cal. 3d 194; POLICIES OF THE PERSONNEL DEPARTMENT CITY OF LOS ANGELES, section 33, subsection A, Item 2
 - a. I asked, "Isn't this a discipline notice? I thought you said the meeting wasn't concerning discipline?" Supervisor X said, "It's not. I just need you to sign this. I'm just following orders."
 - b. I asked, "Don't I have a right to representation for disciplinary meetings? Why was I not informed?" Supervisor X said, "Just sign the paper, or don't."

CIVIL SERVICE

*Must be done within **FIVE** days of receiving your notice of suspension

You can begin your Civil Service Grievance Procedure at the following website, and/or use the template letter, including the filled-out form from link 2, to process your grievance:

- 1) <https://myvoicela.org/start-your-report>
- 2) <https://myvoicela.org/sites/g/files/wph1696/files/2021-02/MVLA%20Complaint%20form.pdf>
- 3) **Email:** per.eeo.ciu@lacity.org

CAL-OSHA SAFETY COMPLAINT

*Should be filed within **TEN** days of receiving your notice of suspension

<https://www.dir.ca.gov/dosh/Complaint.htm>

Your safety complaint is regarding the requirement for the employee to pay for the testing and testing time. CAL-OSHA has stated that the EMPLOYER pays for time and testing.

Sample Letter Information

The following letters are a suggestion. Please be sure to add in your own information. Read each letter and be sure you are only including the information that pertains to your situation. Please remember to be as specific as you can, as to the exact charges you're bringing against your supervision. Please detail exact interactions that took place.

The following are example charges:

- Violation of: Weingarten Rights, NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689; POLICIES OF THE PERSONNEL DEPARTMENT CITY OF LOS ANGELES, section 33, subsection A, Item 2; City of LA Admin. Code Section 4.860 and 4.865
Supervisor X called me into the office for a meeting. I asked if the meeting was concerning discipline. Supervisor X said, "No, I just need to talk to you for a minute." Once we entered the office, Supervisor X said, "I need you to read and sign this."
- Violation of: Skelly Rights, U.S. Supreme Court in Skelly v. State Personnel Board, 15 Cal. 3d 194; POLICIES OF THE PERSONNEL DEPARTMENT CITY OF LOS ANGELES, section 33, subsection A, Item 2
I asked, "Isn't this a discipline notice? I thought you said the meeting wasn't concerning discipline?" Supervisor X said, "It's not. I just need you to sign this. I'm just following orders." I asked, "Don't I have a right to representation for disciplinary meetings? Why was I not informed?" Supervisor X said, "Just sign the paper, or don't."

Suggested Letter for Filing a Los Angeles CITY Civil Service Appeal

[Date]

Address your appeal to:

Personnel Department
Equal Employment Opportunity Division
700 E. Temple Street, Room 380
Los Angeles, California 90012

[Full Name

Street Address or P.O. Box

City, State, Zip Code]

[Daytime Telephone Number]

[Department for which you work]

I am appealing the decision made by my First Level Supervisor, *[insert their name here]* to put me on unpaid leave.

According to Section 33 of the Policies of the Personnel Department:

- 1) I should have been given an Oral Warning first. I was not.
- 2) I should have been advised on my right to representation. I was not.
- 3) I should have then been given a written notice to “correct my deficiencies” using Form General 78. I was not.
- 4) I should have then been given written notice of the proposed action via Form General 77. I was not.
- 5) I should have been provided copies of documents or materials upon which the disciplinary action is based. I was not.

According to Civil Service Rule 12.11d they should have presented evidence that I, the employee am not fit to perform the duties of my position as *[insert position title here]*. There was no evidence submitted that would show that I am unfit for my duties.

Not only does this suspension violate my rights according to the Policies of the Personnel Department, but according to Civil Service Rule 25 it is also a violation of the anti-discrimination policy.

According to Civil Service Rule 25: “No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against in employment or opportunity for employment because of race, color, religion, sex, physical handicap, medical condition, marital status, age, national origin or citizenship, ancestry, political opinions or affiliations, organizational membership or affiliation, or other non-merit factors, any of which are not substantially related to successful performance of the duties of the position.”

My suspension is due to my “medical condition” of not releasing my vaccination status. My vaccination status does NOT affect the successful performance of the duties of my position.

Thank you for your consideration.

Sincerely,

[Sign your appeal here]

[add your email here]

NOTE: TO EXPEDITE YOUR APPEAL, INCLUDE A COPY OF THE NOTICE OF ACTION OR NOTICE OF DENIAL OR RULING THAT YOU ARE APPEALING. ALSO, TO HELP US SERVE YOU BETTER, PLEASE PROVIDE YOUR E-MAIL ADDRESS.

Suggested Letter for Filing a L. A. COUNTY Civil Service Appeal

[Date]

Address your appeal to:

Los Angeles County Civil Service Commission
Room 522 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

[Full Name
Street Address or P.O. Box
City, State, Zip Code]

[Daytime Telephone Number]

[Department for which you work]

I am appealing the decision made by my First Level Supervisor, *[insert their name here]* to put me on unpaid leave.

According to Section 33 of the Policies of the Personnel Department I should have been given an Oral Warning first. I was not.

I should have been advised on my right to representation. I was not.

I should have then been given a written notice to “correct my deficiencies” using Form General 78. I was not.

I should have then been given written notice of the proposed action via Form General 77. I was not.

I should have been provided copies of documents or materials upon which the disciplinary action is based. I was not.

According to Civil Service Rule 12.11d they should have presented evidence that I, the employee am not fit to perform the duties of my position as *[insert position title here]*. There was no evidence submitted that would show that I am unfit for my duties.

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related to successful performance of the duties of the position.”

My suspension is due to my “medical condition” of not releasing my vaccination status. My vaccination status does NOT affect the successful performance of the duties of my position.

Thank you for your consideration.

Sincerely,

[Sign your appeal here]

[add your email address here]

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GRIEVANCE FAQ

Q: DO I REALLY NEED TO FILE A GRIEVANCE?

A: YES!! If this is your **FIRST** meeting (Oral Warning) **WITH YOUR FIRST LEVEL SUPERVISOR**, and you are being suspended pending Skelly termination, **then YOU have a GREAT NEED to file these grievances**. Their disciplinary procedures were not followed and that must be legally documented.

Q: WHY AM I FILING A GRIEVANCE AND WHO IS IT AGAINST?

A: You are filing a grievance against your supervision/management for violating the progressive discipline process. **If, during your meeting, your First Level Supervisor stated that the meeting was for only an Oral Warning and that you had the right to representation, and the entire Skelly/Weingarten process was followed, then there is NO NEED to file this grievance.**

Q: HOW DO I KNOW IF THEY GRANTING ME A HEARING?

A: Each place is different with how they will notify you. IBEW Local 18 Grievance Procedure can be found here: https://insidedwp.ladwp.com/cs/WebFiles/LR_MOU/Grievance_procedure_summary.pdf For a Civil Service Grievance a case number will be assigned and you will receive a notice informing you of the date that your case will be on the Commission's weekly meeting agenda. You and/or your representative are entitled to be present at the meeting. Your department's personnel office will also be notified of the appeal, and is entitled to attend the Commission meeting.

Q: WHAT HAPPENS AT THE WEEKLY CIVIL SERVICE COMMISSION MEETING?

A: The Civil Service Commission meets each Wednesday promptly at 10:00 A.M. in Room 522 of the Hall of Administration. There are typically 20-25 cases on the agenda. As Commission staff calls out each petitioner's name, each side (typically you or your representative and the department representative) stand up at the podiums and present their respective sides of the issues. The Commissioners may ask questions of either side and then will vote on whether or not to grant you a hearing. The Commissioners may grant your request for a hearing, deny you a hearing or hold your matter over for further information.

Q; WHAT HAPPENS AFTER MY HEARING IS GRANTED?

A: If you are granted a hearing, a hearing officer will be assigned to hear your case. The Commission staff will also schedule the date and time of your hearing and notify you, your representative, and the department in writing.

Q: AM I REQUIRED TO ATTEND MY HEARING?

A: YES! You are required to attend your hearing even if you are represented, except:

- Where the Commission has determined, pursuant to Rule 4.03, that a decision on your petition will be made after a review of written materials submitted by all parties concerned; or
- Where the Commission or hearing board has consented to your absence upon a showing of good cause.

Any unexcused absence by you at such a hearing shall be deemed a withdrawal of your petition and consent to the action or ruling being appealed.

Q: AM I REQUIRED TO TESTIFY?

A: NO, In hearings on discharges, reductions or suspensions in excess of five days, you are not required to testify.

Q: WHEN WILL THE RESULTS OF MY HEARING BE AVAILABLE?

A: Within 30 calendar days from the conclusion of the hearing, the Hearing Officer must submit a report and recommendations to the Commission. The case is then scheduled for the Commission's regular Wednesday agenda. You and the department are notified of the date to appear, and the hearing officer's report is made available to both parties.

After reading the Hearing Officer's report and recommendations, the Commission reaches a proposed decision on the case. After all parties have had the opportunity to file objections, the Commission issues a final decision and order.

Q: CAN I APPEAL THE COMMISSION'S FINAL DECISION?

A: YES! Any party has the right to appeal a final decision by the Commission to Superior Court within 90 days. Failure to file for court review ends the matter.

Have more questions?
Download the Telegram App and ask them on the
Freedom To Choose USA chat.