

If the grievant is not satisfied with the decision at Level 2 of the grievance procedure, he/she may within five (5) working days submit a request for advisory arbitration. Such request shall be submitted in writing to the superintendent who shall initiate the appropriate procedures for proceeding to advisory arbitration unless mutually agreed otherwise. The grievant and the District shall first attempt to agree upon an advisory arbitrator, if no such agreement is forthcoming, they shall jointly request a panel of names of experienced arbitrators from the American Arbitration Association or the California State Conciliation Service. Each party shall strike a name until only one name remains, which person shall be the advisory arbitrator unless mutually agreed otherwise by the parties. The order of striking of names shall be determined by lot.

- (a) The fees and expenses of the selection process, arbitrator and hearing, if any, shall be borne equally by the parties. All other expenses shall be borne by the party incurring them.
- (b) Neither the Board nor the grievant shall be permitted to assert any grounds or evidence before the arbitrator which was not previously disclosed to the other party.
- (c) The arbitrator shall, as soon as possible, hear evidence and render a decision on the issue or issues submitted to him. If the parties cannot agree upon a submission agreement, the arbitrator shall determine the issues by referring to the written grievance and the answers thereto at each step.
- (d) The arbitrator will not have power to add to, subtract from, or modify the terms of this Agreement or the written policies, rules, regulations, and procedures of the District.
- (e) After a hearing and after both parties have had an opportunity to make written arguments, the arbitrator shall submit in writing to all parties his findings and recommendations which shall be advisory.
- (f) Only bona fide grievances which have been processed in full accordance with the grievance procedure set forth in Article XXIII are subject to this procedure.
- (g) During arbitration proceedings, each party may be represented by a representative of their choice.

The arbitrator's findings and recommendation shall be submitted to the Board of Education for acceptance, modification or rejection. The decision of the Board of Education shall be final. The Board must take official action on the report no later than twenty (20) working days after it has been received by the Board or by the next

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regular Board meeting whichever is later. If the Board takes no action within the time limits specified above, the arbitrator's decision shall be implemented as if it were the official action of the Board.

Notification of the Board's final decision shall be made in writing to the grievant within seven (7) working days of such determination. Any necessary action as a result of such decision shall be taken promptly.