

Chapter: Discipline, Grievances, and Mediation
Title: Chief Local Administrator's Appeal of Official Investigations

Effective Date: 12/1/11
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New

ACA Standards: N/A

(a) **Policy.**

Challenges to investigative findings in an official investigation are decided by the executive director or designee. The chief local administrator (CLA) may not ignore or change the investigative findings. Only the executive director or designee may change investigative findings.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the PRS glossary.

(c) **Appealing Investigative Findings.**

(1) The CLA may appeal the investigative findings:

- (A) as initially issued in the investigation report; or
- (B) as modified due to a youth appeal or employee grievance.

(2) If a CLA elects to appeal investigative findings, he/she must:

- (A) within seven calendar days after receipt of the investigation report or modified investigative findings, submit an email to the Office of General Counsel (OGC) advising of the appeal and the reasons for the appeal; and
- (B) send a copy of the email to the supervisor of the Administrative Investigations Division in the Office of Inspector General or the manager of the Employee Relations Section, whichever is applicable.

(3) A decision by the CLA not to seek disciplinary action at the time the investigative findings are received does not prevent the CLA from making a later decision to seek disciplinary action based on the investigative findings.

(4) Appeals filed after the deadline may be considered at the discretion of the executive director or designee.

(d) **Actions of the OGC.**

(1) The OGC will review each appeal and submit a recommendation to the executive director or designee, whose appeal decision will be final.

(2) The OGC may recommend upholding, reversing or modifying the investigative findings.

(3) The OGC may determine that an issue has not been sufficiently developed to render an informed appeal decision. If so, the OGC may, prior to the issuance of an appeal decision:

- (A) conduct further investigation;
- (B) provide specific direction or instruction about information needed concerning the investigation and state a time frame in which to comply with the direction or instruction; or
- (C) direct that the investigation be reopened.

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(e) **End of Administrative Remedies.**

The CLA's administrative remedies are exhausted for the investigative findings and no further appeal is warranted when one of the following occurs:

- (1) the CLA does not submit a timely appeal after written notification of the investigative findings; or
 - (2) the executive director or designee issues an appeal decision.
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