

**North Orange County Regional Occupational Program  
EMPLOYEE GRIEVANCE RESOLUTION  
ROP AR 4142  
AR 4242  
AR 4342**

**AR 4142 (a)  
AR 4242 (a)  
AR 4342 (a)**

## **Administrative Regulation**

### **All Personnel**

#### **Definitions**

1. A “grievance” is defined as a claim by an employee that there has been a violation, misinterpretation, misapplication or unequal application of a specific board policy or administrative regulation.
2. A “grievant” is an employee.
3. A “day” is a day in which the administrative office of the Program is open.

#### **INFORMAL LEVEL**

1. Before filing a formal written grievance, the grievant shall attempt to resolve it by informal conference with the immediate supervisor.
2. Both parties should keep a record of the circumstances and results of the meeting.

#### **FORMAL LEVEL**

##### **Step 1**

1. When ten days after the occurrence of the act or omission, or within ten days after the grievant knew or reasonably should have known of the act or omission giving rise to the grievance, the grievant must present such grievance in writing on the appropriate “Grievance Form” to the immediate supervisor and to the Deputy Superintendent, Administrative Services. If the grievant can demonstrate in writing to the Deputy or Assistant Superintendent in charge of his or her division that it would be inappropriate for the grievant’s immediate supervisor to respond to the grievance, the Deputy or Assistant Superintendent may permit the grievant to bypass Step 1 and go directly to Step 2.
2. This statement shall be a clear, concise statement of the grievance, the circumstances involved, the decision rendered at the informal conference, under B-1 above, and the specific remedy sought. A written grievance not including each of these components will automatically be denied at Step 1.

**North Orange County Regional Occupational Program  
EMPLOYEE GRIEVANCE RESOLUTION  
ROP AR 4142  
AR 4242  
AR 4342**

**AR 4142 (b)  
AR 4242 (b)  
AR 4342 (b)**

3. The immediate supervisor receiving the written statement of the grievance shall have twenty days in which to investigate the matter and render a written decision. The immediate supervisor may hold a conference with the employee to obtain further information or to share the outcome of the investigation. The supervisor may meet with other pertinent witnesses as appropriate.

The Supervisor shall provide a proposed written decision to the Deputy Superintendent, Administrative Services for review within 15 days of receiving the written grievance. The Supervisor's final written decision shall be provided to the employee within 20 days of receiving the written grievance, unless the employee is informed that additional time is needed.

**Step 2**

1. The employee may appeal the grievance resolution decision made by the immediate supervisor in Step 1 in writing to the Deputy Superintendent, Administrative Services or the Assistant Superintendent, Educational Services, whichever is appropriate in the determination of the Superintendent, within five days.

The appeal shall include all written material that has been submitted in Step 1, a copy of the decision rendered in Step 1, and the reason(s) why the decision is being appealed.

2. The Deputy Superintendent, Administrative Services or the Assistant Superintendent, Educational Services shall review the appeal and may schedule one or more interviews with the grievant or others, as the administrator deems appropriate.
3. The reviewing administrator will communicate his/her decision in writing, together with any supporting information, to the grievant and the Superintendent or designee within fifteen days of receiving the Step 2 appeal.
4. If the grievance is resolved to the satisfaction of the grievant, the matter is closed. If not, the grievant may, within five days, submit a request in writing to the Superintendent or designee to proceed with Step 3.

**North Orange County Regional Occupational Program  
EMPLOYEE GRIEVANCE RESOLUTION  
ROP AR 4142  
AR 4242  
AR 4342**

**AR 4142 (c)  
AR 4242 (c)  
AR 4342 (c)**

**Step 3**

1. The grievant may appeal the Step 2 decision in writing to the Superintendent or designee within five days.
2. The Superintendent or designee will review the decision(s) at Step 1 and/or Step 2, as appropriate. The Superintendent or designee may request further information from the grievant or others, or may make a final determination based solely on the written record.
3. The grievant shall be advised in writing of the decision of the Superintendent or designee within fifteen days of submitting the Step 3 appeal. The Superintendent or designee has the discretion to summarily adopt the determination of the Deputy/Assistant Superintendent and/or immediate supervisor. The decision of the Superintendent or designee is final and terminates the grievance resolution process.

**Stipulations**

1. Time limits, for any step in this process, may be extended by mutual consent of the parties concerned or by authorization of the Superintendent or designee.
2. A problem may be withdrawn by the grievant at any level, and once withdrawn, that particular problem cannot be presented again.
3. Failure of the grievant to appeal the grievance at any level within the specified time limits will be deemed acceptance of the decision rendered at that level.
4. If an immediate supervisor does not render a decision within the time limits set above, the grievant has not agreed to extend the time limit, the grievant may appeal to the next step.
5. No grievance shall be recognized unless it has been properly presented to the appropriate channel within twenty (20) days after the grievant knew, or should have been aware of the circumstances upon which the grievance is based.
6. Any settlement of a grievance will be applicable only to that particular grievance and may not be binding authority for the disposition of any other grievance.

**North Orange County Regional Occupational Program  
EMPLOYEE GRIEVANCE RESOLUTION  
ROP AR 4142  
AR 4242  
AR 4342**

**AR 4142 (d)  
AR 4242 (d)  
AR 4342 (d)**

7. If the grievant introduces new evidence at any step in the grievance process, the Superintendent or designee may require that the grievance be returned to the prior step.
8. Lack of strict adherence by the ROP to the timelines stated in this regulation does not constitute an admission of the merits of the grievance, or a waiver of any defense to the grievance.
9. Failure or refusal by the grievant to cooperate in any step in this process shall result in denial of the grievance and waiver of the opportunity to pursue the grievance to any further level.
10. The ROP may advance the process to the next step at any time at the discretion of the Superintendent or designee.