

CITY OF PLANO POLICIES AND PROCEDURES

217.000

Department Name: Human Resources Manual

Procedure: Conflict Management System

(Previously Dispute Resolution)

Effective Date: 11/01/96

Revision Date(s): 08/1/02, 10/01/03, 07/01/06, 01/01/07, 04/01/07

Review: Annual: 08/01/2006

I. Purpose

The Conflict Management System “CMS” is provided to offer options for employees to resolve work-related conflicts with the assistance of a qualified, neutral third party(ies). For purposes of this procedure, the following definitions are provided:

Facilitator: A City employee who has met all qualifications as stated within the “Conflict Management System Standard Operating Procedures” and has agreed to assist complainants with resolution of conflicts. Facilitators shall not be employed in the same department as the complainant with whom he/she is assigned to work, and the Facilitator must confirm that no conflicts of interest or other biases exists that are pertinent to his/her working with a complainant to resolve a dispute.

Gatekeeper: A City employee who has met all qualifications as stated within the “Conflict Management System Standard Operating Procedures” and has been approved by the City Manager to receive “Formal Dispute Resolution Forms;” determine eligibility for issues to be addressed through the CMS; assign eligible issues to the appropriate process (see process in Section IV.B. herein) for resolution; and ensure all compliance is achieved with all procedural guidelines.

II. Policies and Procedures

If employees attempt to appropriately resolve issues on their own and this informal process is unsuccessful, they may choose to utilize the formal dispute resolution process, with disputes being heard and a decision rendered by either a facilitator, peer panel, or the City Manager. An employee who works in a department in which the department director reports directly to the City Council (i.e., City Attorney or Municipal Court Judge) may utilize processes available herein or have his/her department director make the final decision. If said employee chooses to have the department director hear his/her dispute, the process shall be the same as for disputes being heard by the City Manager. When informal resolution is used, it may be documented using the “Summary of Informal Problem Solving Session” (Appendix A).

As with all City policies and procedures, any discrepancy between these procedures and the fire fighters’ and police officers’ civil service law will be governed by civil service rules. General and final authority for human resources management rests with the City Manager who may delegate it as necessary and proper, except for matters reserved for the City Council.

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III. Informal Dispute Resolution Process

All employees are encouraged to informally discuss and resolve conflicts directly with the employee(s) with whom they have a disagreement. If the conflict is not resolved, the employee should follow the chain of command within his/her department to possibly resolve the conflict. If the problem is with someone in the supervisory chain, the employee may go to the next level in the chain. The informal process may be documented upon request of any party involved or if specific action items/agreements are reached (see Appendix A).

The goals of all informal problem-solving initiatives are to:

- Improve communications;
- Understand various perspectives;
- Build and maintain relationship(s); and
- Resolve issue(s).

If informal resolution is not successful, the formal dispute resolution process may be utilized.

IV. Formal Dispute Resolution Process

Employees who wish to use the CMS must file a written request with Human Resources using the form shown in Appendix B (Formal Dispute Resolution Form). Requests for assistance through the Conflict Management System must be submitted to the Gatekeeper through HR no later than thirty (30) calendar days from the occurrence, or employee's knowledge of the occurrence, incident, or problem giving rise to the issue to be resolved. The date the Gatekeeper receives the "Formal Dispute Resolution Form" will constitute the "date filed." When requesting assistance through the CMS, the complainant must meet with the Gatekeeper, complete all necessary paperwork, and specifically describe the issue(s) to be resolved (using the form referenced above). It is important that the complainant also explain the outcome he/she would like to result from this process.

Employee conflicts/disputes that are not excluded under C below or which cannot be resolved directly between the employee, his/her supervisor, or co-worker shall be addressed using the system described within this section.

A. Gatekeeper

1. The Gatekeeper will review the "Formal Dispute Resolution Form" and interview complainant to make a reasonable inquiry and ascertain issue(s) to be resolved. Upon making a determination of the issue(s) to

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be addressed and finding the issue to be appropriate for the CMS, the Gatekeeper will refer complainant to one of the systems set out in B below. It is the sole discretion of the Gatekeeper as to which system is the most appropriate initial step in this process. The Gatekeeper shall make all needed contacts to initiate the chosen process and provide a summary of the issue(s) in dispute.

2. If the Gatekeeper determines an issue is ineligible for review, a written response detailing reasons for the opinion shall be given to the employee. The Gatekeeper's decision may be appealed (by complainant) to the City Manager in the form of a review of all existing, documented information regarding the conflict and recommendations for resolution. Additional information will only be provided if the City Manager requests additional information and/or clarification of documentation.

B. Available Processes

1. Individual Facilitation (One-to-One Intervention): In this process, the Facilitator works directly with the employee to address and resolve issues by meeting with the complainant, as needed. The Facilitator will make periodic reports to the Gatekeeper of the progress and expected time to resolve the issue.

Participation of the employee, persons involved in the conflict, and the Facilitator are needed for the resolution. The Facilitator will make periodic reports to the Gatekeeper of the progress made and any resolution. Generally, the employee and co-worker will meet with the Facilitator.

2. Peer Panel: The Peer Panel system is composed of three (3) Facilitators appointed by the Gatekeeper to address issues to resolve an error in a decision or unfair treatment that does not involve a claim of discrimination, whistleblower, or other matter excluded under C herein. As a prerequisite to using the Peer Panel, the complaining employee must reasonably demonstrate to the Gatekeeper that all credible efforts have already been taken to resolve the dispute with the most immediate supervisor who could address the issue. The Peer Panel will hear and receive information from the parties and, as it deems appropriate, gather documents and other information that will enable it to make a recommendation involving the dispute. The Peer Panel serves in an advisory capacity, and its decisions shall be written with adequate explanation for the expected outcome, assuming recommendations are

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followed. Final documentation will be shared with the Department Director for his/her use in implementing and monitoring resolution strategies.

3. Single Management Decision: This system is used when there is no resolution of the issues through individual Facilitation, upon Peer Panel recommendation or if, in the opinion of the Gatekeeper, the matter should be sent directly to the Manager of the Department. In this instance, the Manager who is within the Department of the affected employee and not directly involved in the dispute or conflict, will render a decision on what further actions or behaviors are expected. Otherwise, the decision shall be made by the Manager's supervisor as long as the above criteria are met. The Department Manager may meet jointly or individually with the affected employee(s).

C. Ineligible Matters for CMS:

The following is a list of issues that are ineligible for resolution through the CMS. Additional issues may be determined as ineligible by the Gatekeeper with adequate explanation, and with approval of the City Manager. Ineligible issues include, but are not limited to:

1. Discipline, Demotion, or Termination (Use existing appeal process in Human Resources Policies and Procedures Manual Section 216)
2. Layoffs, job assignments/duties, or promotions
3. Issues directly resulting from a justifiable, appropriately documented management decision
4. Issues for which the employee has not made a reasonable attempt to resolve (except in cases of harassment governed by Procedure 219)
5. Issues re-directed by the Gatekeeper to be resolved without entering the CMS
6. Legally recognized discrimination and other employment claims (Use Investigation process through Human Resources as provided in Human Resources Policies and Procedures Section 219)
7. Placement in the compensation/classification plan
8. Content/wording/rating of performance evaluations

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9. Issues previously and substantially addressed

D. Procedural Rules:

1. The Gatekeeper shall not make any determination of the merits or manner of the resolution other than to determine eligibility of the matter for CMS; if eligible, the process to be used; and, whether the matter should be referred to another process (i.e. investigation of discrimination claims).
2. Time frame for disputes. An employee whose primary dispute involves an error in a decision (i.e., inclusion of inaccurate information or failure to consider pertinent information) or unfair treatment, must file a complaint with Human Resources as soon as practical, but not later than thirty (30) calendar days from the occurrence, incident, or problem giving rise to the issue to be resolved.
3. The Gatekeeper shall have ten (10) business days from the date of receipt of the written complaint to determine its eligibility for CMS and to assign same to the proper system. The Gatekeeper may also meet with complainant during this period.
4. Records developed in this process may be subject to the Public Information Act for disclosure and copying. No commitments may be made to keep any information or discussion confidential.
5. The originating employee and affected co-worker(s) are required to participate in the CMS process to the extent deemed necessary by the manager, facilitator, or peer panel. Failure of the complainant to abide by this rule will result in administrative withdrawal of the complaint, and it may not be resubmitted for reconsideration; however, the complainant may voluntarily withdraw from this process at any time. With this voluntary withdrawal comes personal responsibility for the complainant to ensure he/she manages the alleged conflict and does not allow it to negatively impact his/her work performance in the future.
6. If any City department has its own internal dispute resolution or grievance process, an employee's election to use that system for the same or substantially the same complaint shall act as a bar to use of the City's CMS. The Gatekeeper shall make this inquiry in each case submitted for review.

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7. Any local rules or statutes in place regarding these matters as they pertain to civil service employees shall control over this policy. Civil service employees shall use the civil service system for resolution of issues covered by those statutes and rules.
8. Due to the advisory nature of this process, hearings/meetings conducted under the CMS are not open to the public.
9. Neither the facilitation process nor the participants are subject to the rules governing alternative dispute resolution under Chapter 154 of the Texas Civil Practice and Remedies Code.

E. Selection of Gatekeepers and Facilitators:

Selection of Gatekeepers and Facilitators is at the sole discretion of the City Manager. Prior to selection, employees serving in these roles must have met all criteria established for these duties and maintain qualifications that may be imposed. These qualifications are detailed within the "Standard Operating Procedures" for the CMS. The City Manager may remove or suspend these responsibilities from any designated personnel at any time.

F. Freedom from Retaliation/Reprisal

No employees shall take or threaten to take any act of reprisal against another employee because of exercising or expressing an intention to exercise the right to pursue formal dispute resolution or to participate in the process. Disciplinary action shall not be taken against an employee for utilizing the dispute resolution process in good faith. If an employee believes he/she is the recipient of retaliatory actions based upon his/her seeking resolution through this process, he/she should immediately report this to the Human Resources Department.

G. Recordkeeping

All official dispute resolution files will be maintained in Human Resources separately from employee personnel files.

H. Benefits of the CMS to employees and the organization:

1. Improved communication leading to increased efficiency
2. Decreased escalation of conflict which will result in a more harmonious work environment and enhanced productivity

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3. Fewer requests for external intervention to resolve issues
4. Improved workplace relationships and respect for organizational requirements
5. Healthier employees and work environment.

V. Appendices

- A. Summary of Informal Problem Solving Session
- B. Formal Dispute Resolution Form

CITY OF PLANO
Formal Dispute Resolution Form

1. Please, describe the conflict you are requesting assistance with.

2. Has this conflict resulted in a damaged relationship between you and another employee (at any level within the organization) which negatively impacts work productivity or the work environment?

Yes ___ No ___ (If yes, please explain.)

3. On what date(s) did the problem(s) or incident(s) occur, or date you became aware of it?

4. Where did the problem or incident occur?

5. Were there any witnesses? Yes _____ No _____ (If "yes", who?)

6. Please, explain, specifically, why you believe this conflict exists?

7. Have there been any attempts (by any of the parties involved) to resolve the conflict?

Yes ___ If yes, please detail attempts and explain why attempts have failed.

No ___ If no, please explain why you have not previously addressed the conflict.

8. Are you able to discuss your concerns with the person(s) that you view as being directly involved with this conflict? Yes ___ No ___

9. Do you see any benefit to your having a meeting with the other person(s) involved in this conflict if you are assisted by a facilitator? Yes ___ No ___

10. Do you believe this conflict can only be resolved by a neutral third party(ies) hearing the facts and making a decision on your behalf? Yes ___ No ___

CITY OF PLANO
Formal Dispute Resolution Form

11. If you were asked to recommend a solution to this conflict, what would it be?

Thank you for taking the time to answer these questions and for allowing the City of Plano the opportunity to work with you in resolving this issue. Our goal is to:

- **Help** you identify the real issues.
- **Engage** the best process for resolving the conflict.
- **Listen** to and adequately address the core issues in an effort to prevent further conflict.
- **Participate** in a plan to restore your trust, respect, and belief in the City of Plano's commitment to providing an excellent and harmonious work environment for all employees.

Within ten (10) business days, you will be contacted by the Gatekeeper to assist you in moving through this process. The Gatekeeper will determine the most appropriate option for resolving this conflict, based upon information you have provided. You will be notified of the plan for reaching resolution before any work begins.

I, _____, am requesting to participate in the City of Plano's Dispute Resolution Process to resolve the issues noted herein. As indicated by my signature below, I agree to cooperate with the parties involved and commit to compliance with any agreements that are reached. I have received a copy of Procedure 217 of the Human Resources Policies & Procedures and will abide by the guidelines set forth therein.

The above information is true and complete to the best of my knowledge. I understand the Gatekeeper will determine the most appropriate option for resolving this conflict, based upon information I have provided. I further understand that, if I should withdraw from this process at any time, I will not have the opportunity to resubmit this issue for reconsideration, and it will be my responsibility to ensure the alleged conflict does not negatively impact my work performance in the future.

Employee Printed Name

Daytime Phone #

E-mail address

Employee Signature

Date

=====

Received in Human Resources by:

Printed Name

HR Representative Signature

Date