

ALTERNATIVE DISPUTE RESOLUTION

The Carbon-Monroe-Pike MH/DS (CMP) has established and implemented policies and procedures which clearly govern all personnel transactions. Further, CMP is dedicated to adhering to its policies and procedures when executing personnel actions.

CMP encourages open and honest communication between employees and their supervisors. Most conflicts and differences of opinion can be resolved by the employee and supervisor directly confronting issues and jointly exploring alternatives. In cases where conflicts cannot be mutually resolved, CMP has established an alternative dispute resolution (ADR) procedure for all CMP employees.

NOTE: An employee may process his/her grievance through the contract grievance procedure or the Alternative Dispute Resolution (ADR) procedure. If a grievance is processed under the contract grievance procedure, the employee shall not be entitled to institute proceeding under the ADR procedure. If an appeal is filed under the ADR procedure, the employee shall not be entitled to institute proceedings under the contract grievance procedure.

CMP recognizes the importance of providing a prompt and efficient procedure for fair and equitable resolutions of areas of conflict without fear of prejudice or reprisal for initiating a complaint or participating in its settlement. To the extent possible, all complaints should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed in a more formal matter only when either party feels that a fair and equitable solution has not been reached in the informal discussions.

Regardless of any informal attempt to resolve areas of conflict, employees have the explicit right to pursue the five-step ADR procedure which covers the following employment actions: demotion, suspension, reduction in pay, non-selection and discharge which they believe to be arbitrary or discriminatory. Discriminatory action is defined as any based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the person's ability to perform the duties of the position (i.e. any non-merit factor).

I. TIMELINESS

All disputes must begin at the first step within fifteen (15) business days of the time the employee knows, or should have known, of an action or issue that can be raised through the ADR procedure. The timelines outlined in the following steps should be considered the maximum, as every effort should be made to ensure prompt and efficient consideration at each and every stage.

II. SPECIAL PROVISIONS

A. Applicants

CMP is committed to maintaining the integrity of the application process and ensuring the equal treatment and consideration of all applicants, e.g. individuals who have applied for a job but were not selected. Therefore, an applicant for a position in the Mental Health/Developmental Disabilities Department who is subject to non-selection which they believe to be unreasonably arbitrary or discriminatory as defined above may avail themselves of the ADR procedure. Notice of an applicant's intent to pursue the ADR procedure must be provided, in writing and utilizing the attached form, to the Human Resources Department within fifteen (15) business days of the time the applicant knows, or should have known, of an action or issue that can be raised through the ADR procedure. Unless otherwise specified, applicant grievances will begin at the third step as defined below in Section III-D.

B. Direct Appeal

CMP remains committed to the transparency and integrity of the entire ADR process as written, and has intentionally crafted a series of steps that escalate both in authority and accountability. As such, CMP would strongly encourage employees and applicants to avail themselves of the entire procedure; however, employees and applicants do have the option to appeal directly to the panel described in the fifth step (Sec. III- F) and waive the first four steps in the process. The decision to waive steps one through four must be provided in writing to the Human Resources Department within fifteen (15) business days of the time the employee knows, or should have known, of an action or issue that can be raised through the ADR procedure.

III. STEPS OF THE ADR PROCEDURE

A. Initiating an ADR request:

An employee or applicant may utilize the attached form to initiate an ADR request at the first step. The attached form must be utilized for an appeal of the first step response. The form must state the claim, the facts in support of the claim and the relief requested.

NOTE: The employee or applicant is responsible for having the issue/dispute/appeal delivered to the proper person or office within the time periods, as specified.

B. First Step: Immediate Supervisor

Within fifteen (15) business days of the time that the employee knows, or should have known, of an action or issue in dispute, the employee must advise his or her immediate

supervisor that he or she is initiating an ADR request. The employee must notify the supervisor in writing, and must advise the supervisor of the specific issue in dispute, the facts in support of the employee's position, and the remedy requested. The supervisor is responsible for scheduling a meeting with the employee within ten (10) business days of the receipt of the complaint to facilitate discussion of the employee's request. Within ten (10) business days of the discussion, the supervisor is responsible for responding to the employee's request. The supervisor shall include notice to the employee of his or her right to appeal the dispute to the second step. Should the issue or dispute involve alleged discrimination by the immediate supervisor and/or the department head, the ADR request may be submitted directly at the second or third step respectively.

C. Second Step: Department Head

If the employee finds the first step response unsatisfactory, the employee may appeal the dispute in writing to the department head within five (5) business days of receipt of the first step response. The second step appeal must state the specific issue in dispute, facts in support of the employee's position, the reasons the first step response is unsatisfactory, and the remedy requested. Copies of the first step correspondence must be included.

The department head shall, with due consideration of the facts and circumstances of the dispute, meet with the employee in an effort to resolve the dispute at this level. Within five (5) business days following the discussion, the department head shall, in writing, grant, deny, or propose a modification to the requested remedy. This response shall include notice of the employee's right to appeal the dispute to the third step.

D. Third Step: Human Resources Investigation and Review

If the employee finds the second step response unsatisfactory, the employee may appeal the dispute in writing to the Human Resources or designee within five (5) business days of receipt of the second step response. The third step appeal must state the specific issue in dispute, the facts in support of the employee's position, the reasons why the second step response is unsatisfactory, and the specific remedy requested. Copies of the second step correspondence must be included.

Human Resources, in addition to considering the facts and circumstances of the dispute, shall conduct a thorough and complete investigation, including the solicitation of oral and/or written statements from persons of interest in the dispute. Within ten (10) business days of the conclusion of the review and investigation, Human Resources shall, in writing, grant, deny, or propose a modification to the requested remedy. This response shall include notice of the employee's right to appeal the dispute to the fourth step.

E. Fourth Step: Executive Director/Administrator and Joinder Board of Commissioners

If the employee finds the third step response unsatisfactory, the employee may appeal the dispute in writing to the fourth step. This appeal must be submitted in writing to CMP's Executive Director/Administrator (EDA) within fifteen (15) business days of receipt of the third step response. This appeal must state the issue in dispute, the facts in support of the employee's position, the reasons why the third step response is unsatisfactory, and the remedy requested. Copies of the third step correspondence must be included.

Within ten (10) business days after receipt of Fourth Step appeal, CMP's EDA or his or her designee will review the appeal to determine whether time limits and procedural steps were followed. Having determined that the ADR procedure has been followed, CMP's EDA will forward the complaint to the Joinder Board of Commissioners for review. The Joinder Board of Commissioners shall, in writing, grant, deny, or propose a modification of the requested remedy at the next scheduled meeting. This response shall include notice of the employee's right to appeal the dispute to the fifth step of the process. Should CMP's EDA determine that the employee did not follow the time limits and/or procedural steps of the ADR procedure, CMP's EDA will notify the employee, in writing, of the administrative faults. Any administrative faults caused by the employee shall render the appeal null and void.

F. Fifth Step: Panel review

If the employee finds the fourth step response unsatisfactory, the employee may appeal the dispute to the fifth and final step. This appeal must be submitted in writing to the Director of Human Resources within fifteen (15) business days of receipt of the fourth step response. This appeal must state the issue in dispute, the facts in support of the employee's position, the reasons why the fourth step response is unsatisfactory, and the remedy requested. Copies of the fourth step correspondence must be included.

NOTE: As articulated in Sec. II-B, an employee or applicant has the ability to appeal directly to the fifth and final step of the ADR procedure, provided that a timely written waiver of steps one through four is provided to the Human Resources Department replete with a fully executed ADR request form describing the claim, the facts in support of the claim and the relief requested.

Upon receiving the appeal and determining that the appeal was made timely, the Joinder Board of Commissioners shall appoint a panel of three (3) members - one (1) Human Resources professional from the private sector, one (1) Human Resources professional from the public sector who is not in any way affiliated or under the employ of Carbon-Monroe-Pike MH/MR, and one (1) Human Resources professional from an educational institution. The panel shall be appointed for a fixed term of three (3) years,

and will remain in place for any and all appeals that may arise during that term unless in the event of a clear and articulable conflict of interest in a given appeal, at which time the panel member would be replaced with a similarly qualified individual for the purposes of that appeal. Additionally, to ensure the autonomy of the panel, it will also have the authority to hear any case at its sole discretion, whether or not it has gone through steps one through four.

The administrative review panel shall conduct a hearing on the complaint and will provide the opportunity for all parties involved to provide testimony relevant to the matter in dispute. Transcription of these proceedings can be made available at a cost to be evenly divided between the grievant and CMP. The panel shall render a binding decision in writing to the Joinder Board of Commissioners within twenty (20) business days of the hearing.