

FORT BEND COUNTY FY 2009
AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: January 20, 2010
Court Agenda Date: January 26, 2010

Submitted By: Kent Edwards
Department: Human Resources
Phone Number: 281-341-8631

SUMMARY OF ITEM: Take all appropriate action on changes to the Employee Information Manual as follows:

Section 601: Dispute Resolution

RENEWAL AGREEMENT/APPOINTMENT YES NO
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

List Supporting Documents Attached: *Memo to court*

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit: _____ Account Number: _____
Activity (If Applicable): _____

DESCRIPTION OF LAWSOM ACCOUNT: _____

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office x (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

x	Auditor	(281-341-3774)	x	Comm. Pct. 1	(281-342-0587)
x	Budget Officer	(281-344-3954)	x	Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/>	Facilities/Planning	(281-633-7022)	x	Comm. Pct. 3	(281-242-9060)
<input type="checkbox"/>	Purchasing Agent	(281-341-8642)	x	Comm. Pct. 4	(281-980-9077)
<input type="checkbox"/>	Information Technology	(281-341-4526)	x	County Clerk	(281-341-8697)
x	Other: Drainage		x	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):



HUMAN RESOURCES DEPARTMENT
FORT BEND COUNTY, TEXAS

Kent M. Edwards, PHR
Director of Human Resources

To: Judge Robert Hebert
Commissioner Richard Morrison
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner James Patterson

From: Kent Edwards

Date: January 20, 2010

Subject: Revisions to Employee Information Manual Section 601: Dispute Resolution

Human Resources is submitting revisions to the Employee Information Manual, Section 601: Dispute Resolution, for your consideration. The policy is currently titled: "Conflict Management - Be It Resolved..." We are proposing renaming the policy to "Dispute Resolution", and have divided the policy into four main topics:

1. The County's philosophy on resolution of disputes
2. Disputes between co-workers
3. Disputes between employees and supervisors
4. Mediation

The revisions do not change the process the County currently uses for dispute resolution. Employees are encouraged to resolve disputes at the lowest possible organizational level, and then work their way up the chain of command if they are not happy with the results. At any point in the process, the employee may contact Human Resources and get us involved.

The policy notes that employees may contact a Commissioner or the County Judge for assistance in resolving a dispute, but this should be done only as a last resort. Mediation will be available where appropriate, but the results are non-binding.

A copy of the red-lined policy is attached. We are also including a copy of the current and revised policies for your reference. If you have any questions, please contact Kathy Novosad at 281-341-8624, or Kent Edwards at 281-341-8631.

601 - CONFLICT MANAGEMENT - BE IT RESOLVED...

Section 601.01 Conflict Management Philosophy

Fort Bend County recognizes that in the course of employment relationships, there may be disagreements, conflicts and disputes between employees; or between employees and management, or between elected officials¹, employees, and/or department managers. Fort Bend County intends to resolve all such conflicts as constructively and fairly as possible. In pursuing this goal, Fort Bend County further seeks:

- To reduce the costs of conflict, both in time and money for the County and its' employees;
- To resolve conflicts in a manner satisfactory to all parties, whenever possible;
- To resolve conflicts as expeditiously as possible;
- To protect positive long-term relationships with its' employees and management, including elected officials and department managers;
- To provide a positive working environment for Fort Bend County employees; and
- To improve Fort Bend County's productivity.

Section 601.02 Approach To Conflict

In order to achieve these goals, Fort Bend County's approach to conflict will be as follows:

- If a conflict arises between employees or between employees and management, including elected officials and department managers, it is the County's policy to assist in resolving the problem through direct discussions with all parties to the dispute;
- If the conflict cannot be resolved through direct negotiations, it is the policy of Fort Bend County to attempt to resolve the conflict through mediation, a form of voluntary dispute resolution, using neutral third parties, to assist the disputants;
- Only after these efforts at conflict resolution have failed, will the policy of Fort Bend County be to refer the conflict to Commissioners Court for resolution. To the extent permitted by law, Commissioners Court may advise or take action, as it deems appropriate.

Section 601.03 Sexual Harassment

Most employment-related issues should be resolved through the process described above. However, given the nature of sexual harassment complaints, these complaints should be addressed through the process outlined in Fort Bend County's sexual harassment policy.

¹ Statutes and Attorney General opinions may not authorize a grievance or mediation process in certain applications of the Government Code under Chapter 554. *Protection for Reporting Violations of Law*, of elected officials' employees as outlined.

**Section 601.04
Terminations**

Complaints related to terminations will not be mediated.

**Section 601.05
Criminal Complaints**

Criminal complaints will not be mediated, but will be referred to the proper authorities for investigation.

**Section 601.06
Human Resources
Department Role**

The Human Resources Department serves as facilitator of the conflict management program. The role of the Department is to provide information to any party to a conflict regarding resources available for dispute resolution and procedures in the dispute resolution process. Available resources will be dependent on the nature of the dispute.

**Section 601.07
Dispute Resolution
Resources**

For disputes between employees, available resources include, but are not limited to:

- Assistance in the conduct of direct negotiations between the parties to the dispute;
- Referral of the parties to the County's employee assistance program (EAP);
- Referral of the parties to a mediation process, facilitated by County employees who are trained mediators, and/or trained mediators from the Fort Bend Dispute Resolution Center.

For disputes between employees and managers, available resources include, but are not limited to:

- Assistance in the conduct of direct negotiations between the parties to the dispute;
- Referral of the parties to the County's employee assistance program (EAP);
- Referral of the parties to a mediation process, facilitated by County employees who are trained mediators, and/or trained mediators from the Fort Bend Dispute Resolution Center.

In all phases of the conflict management program, the County encourages the resolution of disputes at the earliest possible timeframe in the life of the dispute. In pursuit of the goal of reaching a mutually satisfactory voluntary agreement, the program is designed to encourage disputants to use the program and to be comfortable using the program. Disputants are encouraged to clearly articulate their needs in the process, to ensure that the most effective method of conflict management is applied to the dispute.

**Section 601.08
Co-Mediators**

Fort Bend County will use co-mediators during the mediation process. The co-mediators will be selected using a striking process, whereby both parties will be provided a list of Fort Bend County employees who are trained mediators as well as trained mediators from the Fort Bend Dispute Resolution Center. The disputing parties will strike out the names of all mediators they do not want in the facilitating process. Co-mediators will then be selected from the names that remain on both parties' lists. A trained mediator is defined as one who has completed the 40-hour basic mediation training course from an institution accredited by the American Bar Association. Both parties involved in the dispute must agree to the co-mediators.

**Section 601.09
Agreement**

If an agreement is reached through mediation, the disputants sign a confidential mediation agreement that resolves the issue(s). Agreements are binding only upon the participating parties acting with proper authorization and not upon successors or replacements. Mediated agreements do not constitute an employment contract and cannot violate Fort Bend County employment policies or any Local, State or Federal laws. The co-mediators will notify the disputant's department head or elected official in writing whether an agreement has been reached or not, but not the contents of the agreement.

**Section 601.10
Confidentiality**

The mediation proceedings are subject to strict confidentiality as described by the Texas Civil Practice and Remedies Code, Section 154.053(C). Unless the parties agree otherwise, all matters, including the conduct and demeanor of the parties during the settlement process, are confidential and may never be disclosed to anyone. Any breach of confidentiality will be cause for disciplinary action up to, and including, termination.

PLEASE NOTE: Confidentiality cannot be maintained on information pertaining to threat of bodily harm. This information is subject to the full Reporting Laws of Texas. Mediators are obligated by law to report this information to the proper authorities for investigation.

**Section 601.11
Alternative To
Process**

If disputants choose not to use the above described conflict management resources to resolve a conflict, the issue(s) are referred to the disputants' department head or elected official for final determination.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
August 26, 1997
Revised: September 30, 2003

601 – DISPUTE RESOLUTION

Section 601.01 Dispute Resolution Philosophy

Fort Bend County employees are expected to act appropriately and professionally in the workplace and contribute to a harmonious work environment. Disputes between employees must not disrupt a positive work environment nor hinder productivity. However, Fort Bend County recognizes that in the course of employment relationships, there may be disagreements or conflicts between co-workers or between employees and management. The purpose of this policy is to establish a method for employees to resolve work place disputes and discuss management actions and decisions through a dispute resolution process.

The dispute resolution process discussed in this section should be used to settle work-related disputes that may include but are not limited to:

1. Conduct which disrupts a harmonious work environment such as gossip, exclusion, coercion, reprisal, harassment, or intimidation.
2. A belief that policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee or group of employees.
3. Alleged discrimination based on race, color, sex, age, religion, national origin, disability, or any other category protected by law.
4. Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacation, promotions, retirement, holidays, or performance review.
5. Unfair or inappropriate application of a disciplinary action.

Conduct that could be considered sexual harassment or workplace violence or harassment is strictly prohibited and should be immediately reported to a supervisor, manager, Human Resources, or any other official the complainant is most comfortable discussing the situation with. Further information on sexual harassment and workplace violence or harassment is available in Sections 204 and 206 of this manual.

This policy in no way limits any employee's rights under state or federal law with regard to employment actions, nor does it alter the employment-at-will status of all employees.

Section 601.02 Approach To Dispute Resolution Between Co-Workers

In general, disputes should be settled as expeditiously as possible and involve only those persons directly involved or impacted by the dispute. Employees are advised to proceed as detailed below; however, we recognize that in some situations it may be necessary to skip a step in the process if the employee does not feel they can discuss the situation with someone in their chain of command or organization.

Dispute Resolution Process:

1. An attempt should be made to resolve a dispute with a co-worker by openly discussing the situation with the other involved party
2. If no resolution is reached in step one, complaints should be brought to the attention of an employee's immediate supervisor. If

the dispute involves the supervisor, or if, for whatever reason, the employee is uncomfortable discussing the matter with the supervisor, the employee may bring the complaint to the next level of management. The notified supervisor or manager should attempt to investigate and resolve the dispute or bring it to the attention of the appropriate person with the ability to resolve the dispute.

3. If an employee is not satisfied with the resolution offered by the supervisor, they may then bring their complaint to the next level of management.
4. If the dispute can not be resolved within the employee's department or chain of command, the employee may bring the complaint to the Human Resources department. Human Resources will investigate if appropriate and assist the employee and department with resolution.
5. Employees may finally bring their complaints to the office of any County Commissioner or the County Judge, who may determine that the matter should be considered by Commissioners Court.

There is no defined time period for any step in the dispute resolution process. However, all steps should be taken in a timely manner, usually within one week, if there are no extenuating circumstances.

At any point in the dispute resolution process, parties to the dispute or their management may request mediation. Human Resources shall be responsible to determine if mediation is appropriate for the situation and proceed as explained in Section 601.04.

**Section 601.03
Approach To
Dispute Resolution
Between Employees
and Supervisors or
Mangers-**

Each County department or office has the discretion to define their own operating policies and procedures and disciplinary actions within the constraints of Fort Bend County policy and applicable laws. These policies should be clearly communicated to employees, and employees are responsible to ensure they are in compliance with policies and procedures.

If an employee feels that he or she has been unfairly treated in matters of discipline, work assignment, performance appraisal, termination, or other condition of employment, they are encouraged to openly discuss their concerns with their supervisor or manager. If an employee still has concerns after discussing the situation with the supervisor, they may discuss their concern with the chain of command in their organization or with Human Resources if the dispute is not resolved internally.

In general, Human Resources is the last level of appeal for an employee's complaint. However, an employee may report their complaint to the office of the County Judge or a County Commissioner who may determine that the matter should be considered by Commissioners Court.

Disputes between an employee and supervisor or manager will usually not be mediated; however, Human Resources or Commissioners Court may determine that mediation is the appropriate course of action. See Section 601.04 below for further information.

Complaints related to termination will not be mediated.

**Section 601.04
Mediation**

If deemed appropriate, parties to a dispute or conflict may be referred to a mediation process.

1. Mediations will be facilitated by Fort Bend County employees who are trained mediators or mediators from the Fort Bend Dispute Resolution Center. A trained mediator is defined as one who has completed the 40-hour basic mediation training course from an institution accredited by the American Bar Association. Both parties involved in the dispute must agree to the choice of mediator.
2. If an agreement is reached through mediation, the disputants sign a confidential mediation agreement that resolves the issue(s). Agreements are binding only upon the participating parties acting with proper authorization and not upon successors or replacements. Mediated agreements do not constitute an employment contract and cannot violate Fort Bend County employment policies or any local, state or federal laws. The mediator will notify Human Resources and the disputants' department head or elected official in writing whether an agreement has been reached or not, but not the contents of the agreement.
3. The mediation proceedings are subject to strict confidentiality as described by the Texas Civil Practice and Remedies Code, Section 154.053(C). Unless the parties agree otherwise, all matters, including the conduct and demeanor of the parties during the settlement process, are confidential and may never be disclosed to anyone. Any employee who breaches the confidentiality requirement of mediation will be subject to disciplinary action up to and including termination of employment.

PLEASE NOTE: Confidentiality cannot be maintained on information pertaining to threat of bodily harm. This information is subject to the full Reporting Laws of Texas. Mediators are obligated by law to report this information to the proper authorities for investigation.

**Section 601.05
Alternative To
Process**

If disputants choose not to use the above described dispute resolution resources to resolve a conflict, the issue(s) are referred to the disputants' department head or elected official for final determination.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
August 26, 1997
Revised: September 30, 2003
Revised: January 26, 2009