

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, genetic information, 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 203 and 205 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
Managers-**

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.

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