

ALTERNATIVE DISPUTE RESOLUTION

I. Purpose

This document establishes the County of Greene's (the "County") policy on the use of Alternative Dispute Resolution (ADR) techniques designed to work towards preventing and resolving workplace disputes.

II. Introduction

It is the policy of the County to prevent conflicts whenever possible and, when conflicts do occur, to make every effort to reach the earliest possible, consensual resolution of conflicts and issues, using ADR as an essential tool toward achieving that goal. The goal of ADR processes is to achieve effective and mutually satisfactory conflict resolutions to foster a culture of respect and trust among the County, its supervisors and employees. The benefits of using ADR can include decreasing time, cost, and other resources expended in resolving conflicts and increasing customer satisfaction, and employee morale.

The County 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 if they confront issues jointly and explore alternative resolutions. Therefore, to the extent possible, efforts should be made first to settle any complaints through informal discussions at the lowest administrative level. Disputed matters should be processed in a more formal manner only when one party or the other feels that a fair and equitable resolution has not been reached in the informal discussions. For those instances where complaints cannot be settled through informal discussions, the County has established this ADR procedure for management employees in the following Departments: Human Services—Mental Health, Intellectual and Developmental Disabilities, Children & Youth, Drug & Alcohol—and Emergency Management Services, 911. This ADR procedure does not apply to bargaining unit employees, as an available grievance procedure is clearly outlined in the applicable Collective Bargaining Agreement.

Regardless of any informal attempt to resolve areas of conflict, employees (other than bargaining unit employees) have the explicit right to pursue the ADR procedure outlined below with respect to any of the following employment actions: demotion, suspension, reduction in pay, and non-selection and discharge believed to be arbitrary or discriminatory. Discriminatory action is defined as any action 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).

III. Special Provisions

A. Applicants

An applicant is defined for the purposes of this policy as an individual who has applied for a position in one of the above-listed departments, but who was not selected. Because the

County is committed to maintaining the integrity of the application process and ensuring the equal treatment and consideration of all applicants, an applicant for a position in any one of the departments listed above who is not selected and who believes the non-selection decision was unreasonably arbitrary or discriminatory, as defined above, may avail themselves of this ADR procedure.

Written notice of an applicant's intent to pursue the ADR procedure must be provided to the Human Resources Department within ten (10) business days of the date the applicant knows, or should have known, of an action or issue that can be raised through this ADR procedure. Unless otherwise specified, applicant complaints will begin at the Chief Clerk/County Administrator stage of the Complaint Procedure.

B. Direct Appeal

All employees and applicants have the option to waive the steps outlined in the Complaint Procedure and appeal directly to the Administrative Review Panel described in Section V.B., below. In order to proceed directly to the Administrative Review Panel, the employee or applicant must submit written notice to the Human Resources Department of the intent to waive the Complaint Procedure within ten (10) business days of the date the employee or applicant knows, or should know, of an action or issue that can be raised through the ADR procedure.

IV. Complaint Procedure and Timeliness

Employees are expected and encouraged to utilize the Complaint Procedure outlined in Chapter 15 of the Greene County Employee Handbook to resolve disputes. In the event the dispute is not resolved through the Complaint Procedure, employees may exercise the option to appeal any decision rendered through the Complaint Procedure to the Administrative Review Panel (the "Panel") described in this ADR policy. In addition, as outlined in Section III.B., above, employees and applicants have the option to waive the Complaint Procedure and proceed directly to Panel review. The decision to waive the Complaint Procedure must be provided in writing to the Human Resources Department within ten (10) business days of the date the employee knows, or should have known, of an action or issue that can be raised through the ADR procedure.

Any appeal to the Panel must be made in writing within ten (10) days of the later of (1) the date the employee or applicant knows, or should have known, of an action or issue that can be raised through the ADR procedure; or (2) the final decision rendered through the Complaint Procedure.

V. ADR Procedure

A. Initiating an ADR Appeal

An employee may initiate an ADR Appeal by providing a written letter, signed by the employee, to the Director of Human Resources within time period outlined in Section III above. This appeal must include a copy of any decisions or responses issued in accordance with the Complaint Procedure, and describe (1) the issue in dispute, (2) facts that support the employee's position, the (3) reason the employee is dissatisfied with the result of the Complaint Procedure, and (4) the remedy requested. It is the responsibility of the employee to have the issue/dispute/appeal delivered to the proper person or office within the time periods specified.

B. Panel Review

The Board of Commissioners shall appoint an Administrative Review Panel of not more than five (5) members to review any dispute appealed from a final decision in accordance with the Complaint Procedure. A minimum of three (3) members of the Panel must be available to convene a hearing to address a dispute.

The Panel shall consist of Human Resources Directors unaffiliated with the County, who work within a reasonable commuting distance of the County and who are willing to participate without compensation. 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 a clear conflict of interest exists. In the event of a conflict of interest, the Panel member with the conflict will be replaced with a similarly qualified individual for the purposes of that appeal only. In addition, the Panel shall have the sole discretion to hear any case, whether or not the dispute was addressed through the Complaint Procedure.

The Panel shall conduct a hearing on the complaint and will provide the opportunity for all parties involved to provide relevant testimony. Transcription of these proceedings will be made available at a cost to be evenly divided between the employee and the County. The Panel shall render a binding decision in writing, specifying the reasons for the decision, to the County Commissioners within twenty (20) business days of the hearing.

C. Further Appeal

In the event the employee finds the Panel's decision unsatisfactory, the employee has the right to appeal the decision to the Commonwealth Court of Pennsylvania, in accordance with the Pennsylvania Constitution.