

## 142 – CONFLICT RESOLUTION

A. Open lines of communication are critical to the success of the Court System. Differences and disagreements will be handled in a prompt, fair, impartial, and consistent manner.

1. The conflict resolution process is intended to ensure consideration for issues including, but not limited to:
  - a. Interpretation or administration of established policy;
  - b. Differences regarding the application of corrective action measures;
  - c. Disagreements with other employees or supervisory employees;
  - d. Feelings regarding unfair treatment; or
  - e. Any other issue that has not been resolved to the satisfaction of the employee.
2. The conflict resolution options are guidelines - they are not intended to change non-classified employees at will employment status.
3. The conflict resolution options may be utilized for resolution without fear of retaliation when dealing with a conflict at the Court System.

B. Human Resource Consultation

Employees and supervisors may consult with the Human Resource Director at any time for counsel, coaching, or clarification of this or any policies and procedures.

C. Direct Communication

1. The interests of both employees and the Court System are best served when problems relating to the workplace are resolved at an early stage. Many problems can be resolved by communicating directly with the individual(s) with whom the problem exists, whether it is with a fellow employee, subordinate, or supervisor.
2. If the situation is inappropriate or the conflict was unable to be resolved by talking to the individual source(s), the involvement of a neutral, third party (such as a mediator) is available. Another option is filing a grievance.

D. Mediation – Alternative Dispute Resolution (ADR)

1. Anytime during the conflict resolution process, the Employee Assistance Program offers mediation as an optional method of resolving workplace conflicts. Employees or supervisors can contact Human Resource Director to inquire or initiate this service.
2. Mediation is a fair and efficient process that is also voluntary, discreet, and requires commitment of the parties to attempt to settle a dispute with the assistance of an external, skilled, impartial third party - the mediator. The process involves assisting

parties collectively and privately to identify the issues in dispute and develop proposals to resolve conflict in a way that serves the best interest of both parties and encourages a harmonious working relationship.

3. Mediation is a completely voluntary alternative. It can be used only when both parties and management agree this process is appropriate for potential resolution of an issue.
4. During the time when mediation is being utilized, the time limits of the Court System grievance procedure must be suspended. If the participants at the conclusion of the resolution process do not achieve resolution, then the time limits of the grievance procedure must be activated. The mediator will determine the date of conclusion of the alternative dispute resolution process and notify the parties.

#### E. Grievance Procedure

1. The Court System has developed the following grievance procedure in order to formally consider employee problems or complaints. It is the intent of the Court System to try to resolve any grievance at the lowest possible level.
2. Only regular employees who have successfully completed their introductory period may use the grievance procedure.
3. There are three steps to the grievance process. Grievances are to proceed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. If a grievance is not answered by the Court System within the required time limits, the employee may go immediately to the next step.

##### a. Step One

- (1) The employee within three months of the alleged incident must first notify, in writing, the employee's supervisor about the grievance, describing the conduct being aggrieved and the relief sought.
- (2) The supervisor, within ten days of receipt of the written grievance from the employee, will investigate and respond to the grievance in writing detailing the proposed resolution of the matter and the reasons for the proposed action.
- (3) If the grievance is against the State Court Administrator or Supreme Court department head, Step Two will be bypassed.

##### b. Step Two

- (1) If dissatisfied with the response or action taken by the supervisor, the employee may continue the grievance by sending it to the State Court Administrator or Supreme Court department head within ten days from receipt of the supervisor's response.
- (2) The State Court Administrator or Supreme Court department head will investigate the grievance, confer with the employee and the

supervisor and, within twenty days, will either affirm in writing the appealed decision or issue an alternative resolution of the matter, stating the reviewer's reasons.

- (3) If the grievance is against the State Court Administrator or Supreme Court department head, step two will be bypassed.

c. Step Three

- (1) If dissatisfied with the response or action taken by the State Court Administrator or Supreme Court department head, the employee may continue the grievance by sending it to the Personnel Policy Board within ten days of receiving the decision made under Step Two.
- (2) The Personnel Policy Board will promptly investigate the grievance or complete a review of the record, and give the employee a written decision resolving the matter. The decision of the Personnel Policy Board is final.

4. Assistance

- a. At any time during the grievance process, the Human Resource Director may be asked to assist in investigating, mediating, or resolving the grievance.
- b. With the approval of the State Court Administrator, an out-of-house expert in the subject area being aggrieved may be secured to investigate, mediate, or provide recommendations concerning the grievance.

5. Confidentiality

- a. Records relating to an internal investigation of a grievance or appeal are exempt from disclosure in response to public records requests until the investigation of the grievance or appeal is complete, but no longer than seventy-five calendar days from the date of the receipt of the grievance or appeal, whichever date is later.
- b. Except as provided in subdivision a., persons processing a grievance must discuss it only with those individuals who have the need to know about it.

F. Dismissal or Reduction In Force Appeal

In the event of a dismissal or reduction in force, a former classified employee who has successfully completed the employee's introductory period may use the dismissal or reduction in force appeal procedure below.

1. A former employee will have ten working days from the date of dismissal to appeal the decision.

2. After receiving a timely request for review in writing, the Personnel Policy Board will notify the dismissed employee and the dismissed employee's supervisor and appointing authority of the time and place where the employee and the supervisor will have an opportunity to appear before the Personnel Policy Board to present evidence and argument in support of their respective positions. The meeting must be held within 30 days of receipt of the request for review.
3. The Personnel Policy Board may not reverse the dismissal imposed by the supervisor unless five board members vote to do so. The decision of the Personnel Policy Board is final.
4. The Chair of the Personnel Policy Board may ask the Chief Justice to appoint a substitute for any current member who is unable to participate in the meeting due to a conflict of interest or an inability to attend the meeting because of scheduling conflicts.

G. Personnel Policy Board Review Standard

In reviewing a grievance or dismissal or reduction in force appeal, the Personnel Policy Board will determine if:

- a. Applicable policies, laws, or rules were interpreted and applied correctly, consistently, and fairly and
- b. The action taken by the appointing authority was without bias or discrimination.

The Board may not substitute its judgment for the judgment of the appointing authority.

Approved by the Supreme Court 4/1/12; amended 1/8/14 effective 2/1/14; amended 12/18/19 effective 1/1/20; amended 5/6/20 effective 6/1/20