

## **Policy \_\_\_\_ Workplace Issue Resolution Program**

The Workplace Issue Resolution Program provides an opportunity to resolve work-related issues with your supervisors and/or colleagues. It helps PCS employees to work through problems at an early stage and address misunderstandings that can cause a communication breakdown. Immediate supervisors may choose to use the Workplace Issue Resolution Program or the Grievance Policy, which does not offer mediation. Immediate supervisors shall have the flexibility to decide what grievable issues shall be mediated under this policy. The Workplace Issue Resolution Program is consistent with the Navajo philosophy of K'e, promoting the respectful resolution of work-related issues.

The goals of this program are to ensure an open line of communication and to promote talking things out to reach flexible, creative solutions that are agreeable to everyone involved in a disagreement. The Workplace Issue Resolution Program may be utilized for the following workplace issues:

- Discuss concerns about difficulties with a supervisor or colleagues.
- Resolve matters defined as grievances pursuant to Policy Section \_\_\_\_.

### **Open Communication Philosophy**

Open dialogue between the employee and the management of the School is essential. Open communication is the quickest way for employees to raise issues by going directly to their immediate supervisor. Immediate supervisors may be closest to the situation and in a position that could be helpful in working toward a solution. The employee is encouraged to first attempt to resolve a workplace issue by talking things out informally with their immediate supervisor.

### **Mediation**

Mediation is a private and confidential process for resolving conflict. With the help of a trained, neutral third party, those in conflict learn to recognize and better understand each other's perspectives, as well as develop communication skills to facilitate future discussions. Mediation is also self-directed so that the parties themselves are responsible for working with the mediator to find a solution that works for them. Finally, mediation is future oriented – focused on establishing a written agreement that will address how parties will conduct themselves after the mediation is over.

Mediation follows unsuccessful attempts by employees to informally resolve workplace issues with their immediate supervisor. An employee who has a grievance must comply with Step 1 of the grievance policy (Section 8.03). The employee's immediate supervisor has the discretion to choose to use the Workplace Issue Resolution Program or the Grievance Policy to process the grievance. While mediation is primarily intended to act as an alternative to the grievance process,

mediation can also be initiated by a written request or recommendation from anyone involved in a workplace issue. Such requests shall be filed with the HR Technician who, in consultation with the Principal (or Principal's designee), has the discretion to determine whether a workplace issue should be subject to mediation.

Mediation is voluntary. The parties must agree to participate in mediation and can leave at any point that they feel the process is not working for them. To promote frank and productive discussion, the parties agree that the mediation process shall be confidential. All oral and written communications provided during the mediation process are confidential and shall not be used for purposes outside of the mediation, except as required by law. PCS may need to disclose or refer to information generated during mediation where required by applicable law or policy. A written agreement resulting from this mediation is not confidential and may be disclosed by either party (unless the parties agree otherwise in writing) and will become a part of the parties' personnel files.

The HR Technician, in consultation with the Principal (or Principal's designee), has the discretion to select a mediator. As a neutral, third party facilitator, a trained mediator will not render a final or binding decision. Instead, the employee and the other concerned parties work towards a mutually acceptable agreement.

The HR Technician will provide the mediator with the basic information needed to conduct the mediation. The mediator shall have the discretion to hold a pre-mediation conference or otherwise contact the parties prior to the mediation to prepare.

Throughout the process, the mediator guides the conversation and helps explore resolution options. The mediator ensures that each concerned party understands and is comfortable with proposed solutions.

If the parties reach a mutually acceptable agreement on any or all of the issues, the mediator will assist in developing a written agreement which will be signed by all participants in the process. The involved parties and their supervisors will each receive a copy of the mediated agreement. The written agreement will become part of the employee's personnel file.

When mediation does not result in agreement, the employee may proceed to Step 3 in the Grievance process following written notice to the employee that mediation did not result in resolution of the grievance. Should the parties not proceed with the Grievance process, the grievance shall be considered abandoned. An employee who has an unexcused failure to attend mediation as scheduled may not proceed with the grievance process.

## **Retaliation**

You may not be retaliated against for utilizing the Workplace Issue Resolution Program or electing not to participate in mediation.

### **Breach of a Mediation Agreement**

Employees who breach a mediation agreement may be subject to disciplinary action up to and including termination of employment.

### **Allegations of Illegal Discrimination**

Allegations of illegal discrimination or sexual harassment should be addressed by Policy Section 2.08. If a discrimination or sexual harassment complaint results in no finding of illegal discrimination, the parties may then agree to use mediation to address any underlying issues.

### **Non-Disciplinary Action**

Mediation and requests to participate in mediation are not and should not be considered adverse or disciplinary action.