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Employee Conflict Resolution Procedures	ACA Standards: 2-CO-1C-02, 5-ACI-1C-01, 4-ACRS-7E-01, 4-APPFS-3E-15		
Scott Crow, Director Oklahoma Department of Corrections		Signature on File	

Employee Conflict Resolution Procedures

I. Purpose

This conflict resolution procedure establishes guidelines for the prompt and equitable resolution of issues, which are of concern to agency employees and subject to the control of the appointing authority. All employees have access to the conflict resolution process with the following exception: (2-CO-1C-02, 5-ACI-1C-01, 4-ACRS-7E-01, 4-APPFS-3E-15)

- A. Employees may file complaints arising from termination, suspension without pay, involuntary demotion, or punitive transfer with OMES Civil Services Division. Issues other than those to be addressed through the Civil Services Division which are violations of state statute, administrative rule, agency policy or procedures will be reviewed utilizing the Employee Conflict Resolution procedures.

No employee will be disciplined or otherwise prejudiced in their employment for participation in this procedure. A copy of these procedures will be provided to each agency employee. (5-ACI-1C-01 b#9, 4-ACRS-7E-01, 4-APPFS-3E-15)

For this procedure, the term “facility” will apply to institutions, community corrections centers, and probation and parole offices. The term “facility head” will apply to wardens, community corrections centers administrators, and assistant regional supervisors. The term “unit head” will apply to unit administrators, administrators of Community Corrections, and administrators of Probation and Parole Services.

II. Conflict Resolution Manager Designation

The agency director has designated a conflict resolution manager and assistant conflict resolution manager for the Oklahoma Department of Corrections (ODOC). The “Employee Conflict Resolution Procedures” poster ([Attachment F](#), attached) provides contact information.

III. Definition and Scope (5-ACI-1C-01)

“Conflict” means a request for relief in an employment matter made by an employee or a group of employees, which affects them and is subject to the control of the appointing authority.

Employees whose employment has been directly affected by unfair treatment, unsafe working conditions, or erroneous interpretation or application of law, rule, policy or procedure, can file a conflict resolution request.

Conflict Resolution request may include, but are not limited to, work assignments, withholding of work, reclassification, promotion, leave, performance appraisal, length of service, overtime, compensatory time, transfers, sexual harassment, discrimination, or any alleged violation of Statute or administrative rules.

Conflict Resolution request relating to open investigations of any kind, internal or

external, will be rejected. The Office of Management and Enterprise Services (OMES) Civil Service Division (CSD) will handle all complaints involving disciplinary actions with complaint rights.

The filing of a conflict resolution with the agency or a complaint with OMES is a separate action with each being the employee's responsibility. (5-ACI-1C-01 b#9)

A. Promotion

Any employee who feels that they have not been treated fairly regarding a promotional action can file a conflict resolution request.

B. Employee Engagement (5-ACI-1C-01, 4-APPFS-3E-15)

Any employee who believes that Employee Engagement imposed was not uniform, appropriate, or in compliance with the agency progressive discipline procedure can file a complaint except for disciplinary actions with compliant rights to the CSD.

C. Leave

Any employee who feels that they have not been treated fairly regarding annual, sick, or other leave accruals, accumulation, use, or eligibility (including leave without pay and leave sharing) can file a conflict resolution request.

D. Employee Performance Appraisal

Any employee who disagrees with their service rating has the right to file a conflict resolution request.

E. Discrimination

Allegations of discrimination, including sexual harassment, are subject to this procedure. However, discrimination allegations can be made directly to the Employee Rights and Relations unit (ERRU) without filing a conflict resolution request.

IV. Mediation

Mediation services are available to resolve disputes outside of the conflict resolution process. All requests for mediation services will be referred to a certified mediator under the auspices of the Supreme Court of Oklahoma. The program is available at no cost, and the parties' discussions during the mediation session are confidential.

A. Request for Voluntary Mediation Services

At any time, an employee may file a request for mediation; parties to an

issue may decide to use the services of a certified mediator to attempt resolution of their conflict. All requests for mediation services as an alternative to the conflict resolution process will be referred to the agency conflict resolution manager.

1. The employee requesting mediation will complete a “Request for Voluntary Mediation Services” form ([Attachment C](#), attached). The conflict resolution manager will forward the request for mediation to the agency’s mediation coordinator.
2. The mediation coordinator will contact the participating parties for agreement to mediate and facilitate the mediation session’s processing.
3. Upon completing the mediation process, the ODOC mediation coordinator will contact the conflict resolution manager and advise them of the disposition.
4. The ODOC mediation coordinator will maintain all documents used in the mediation process if mediated through ODOC’s program.
5. The agency’s mediation coordinator will provide all agreements signed to the conflict resolution manager.

B. Tolling the Time Limits

During either step one/mediation or step two/ conflict resolution review, all applicable time limits will be tolled when both parties sign an “Agreement to Mediate Workplace Conflict” form. (12 O.S. § 1806) “Toll” means to temporarily stop or suspend applicable time limits.

1. The suspension of applicable time limits will end upon the conclusion of the voluntary mediation session or at such time that any participant withdraws from the voluntary mediation session.
2. If the employee wishes to pursue the dispute following completion of the mediation process, at either step, the complaint will resume as though it were the day following the date the agreement to mediate was signed and continue within the time remaining.

C. Step One — Informal Discussion or Mediation

Whether it resolves any or all of the issues, participation in mediation will serve as the completion of step one of the conflict resolution process. If the parties reach a signed agreement because of the mediation session, the employee may elect to withdraw the conflict resolution request.

D. Step Two — Conflict Resolution Review

1. All mediated agreements that comply with law, rule, and procedure will also be issued as the step two decision. The step two decision may address issues not resolved by the mediated agreement as long as nothing in the decision conflicts with any provision of the signed agreement.
2. The conflict resolution investigator will resume jurisdiction and, within the time remaining, render a decision as though mediation had never occurred if the parties are unable to reach a signed agreement.

V. Conflict Resolution Guidelines

A. Records

1. Conflict Resolution records will be maintained separate and apart from employee personnel files.
2. Access to the conflict resolution file will be in accordance with the Oklahoma Open Records Act (51 O.S. § 24A.1) and [OP-110105](#) entitled "Employee Personnel Records."

B. Confidentiality

Employees who know of filed conflict resolution request will refrain from disclosing information unnecessarily and treat complaint matters with discretion and professionalism.

C. Employee Representation

1. An employee may request representation by a person of their choosing at the Conflict Resolution Review level of the conflict resolution procedure.
2. The representative must be willing and available to serve and have authority to negotiate a settlement.
3. The employee is responsible for all costs and expenses of their representation.
4. A state employee representative will be on approved leave or leave without pay while working on the complaint during regularly scheduled work hours. During work hours, any representative working on a conflict resolution review will inform the immediate supervisor, and request leave appropriately. Such requests should be made in advance and may be approved if the absence will not cause undue hardship or upset the workplace operation.

VI. Time Limits

A. Time Calculation

For this procedure, time will be counted in terms of calendar days unless otherwise indicated. The period will continue to the next business day if the last day is a Saturday, Sunday, or legal holiday proclaimed by the Governor.

B. Filing a Conflict Resolution Request

1. The employee must file a conflict resolution request within 20 calendar days of the act or incident or within 20 calendar days of the date, the employee becomes aware of or should have become aware of an issue.
2. The conflict resolution manager may extend the time limit for filing a conflict resolution request if the employee shows that they could not have otherwise timely filed or if the employee provides evidence that they were making a good faith effort to resolve the dispute informally.

C. Resolution Time

1. A conflict resolution review must be resolved within 60 calendar days after the filing date.
2. The conflict resolution manager may extend the resolution time up to an additional 20 days for a good cause. If granted, the conflict resolution manager will provide the employee with written notification of the extension before the expiration of the 60-day time limit.
3. The conflict resolution manager may agree to extend the investigation time limit up to an additional 30 calendar days for a good cause. If granted, the conflict resolution manager will provide the employee with written notification of the extension before the expiration of the 80-day time limit.

VII. Conflict Management Responsibilities

All employees involved in the conflict resolution process will make every effort to work towards a prompt resolution of disputes, adhere to the rules and time frames outlined in this procedure and seek to resolve conflicts at the lowest level within the appropriate chain of command. Employees may use the mediation services available, using the "Request for Voluntary Mediation Services" form ([Attachment C](#), attached) when appropriate.

A. Supervisor Responsibilities

Supervisors are responsible for the following:

1. Informing their employees of the conflict resolution request procedure and the name of the agency conflict resolution manager;

2. Ensuring that supervisory responsibility within the conflict resolution procedure meet the time limits; and
3. Informally discussing, addressing, and resolving disputes brought to their attention and referring matters to the appropriate authority when issues are outside their jurisdiction to resolve.

B. Employee Responsibility (5-ACI-1C-01 b#9)

1. Any employee who has reason to believe their employment has been directly affected by unfair treatment, unsafe working conditions, or erroneous interpretation or application of law, rule agency policy or procedure, , has a duty and responsibility to attempt to resolve the dispute informally. Subsequently, the employee has a right to file a conflict resolution request. The employee must file the request with the conflict resolution manager within the 20-day time limit.
2. Any employee filing a conflict resolution request has the duty and responsibility to provide accurate, timely information to support and document the issue and to make a reasonable faith effort to resolve the dispute. The conflict resolution request must fully describe the nature of the request and the issues involved. Mere allegations without a complete description of the heart of the conflict will not be sufficient.
3. Employees are responsible for completing the “Conflict Resolution Request Form” ([Attachment A](#), attached), including any required attachments in accordance with this procedure, and filing the completed form directly with the conflict resolution manager. The employee must also include any dispositions or attempts at an mediation on this form in the designated area. The agency conflict resolution manager will accept only the “Conflict Resolution Request Form” ([Attachment A](#), attached) for complaint processing.
4. Employees who have filed a conflict resolution request will promptly notify the conflict resolution manager of any change in their mailing address.

C. Conflict Resolution Manager Responsibility

The agency conflict resolution manager is responsible for the following:

1. Providing advice, assistance, and technical direction to the agency director, general counsel, supervisors, and employees on the conflict resolution procedure;
2. Reviewing conflict resolution request and accepting or rejecting them;
3. Ensuring that processing and resolution of request meet applicable time limits;

4. Facilitating the prompt, equitable, and timely resolution of request at the lowest possible level;
5. Ensuring the request is reviewed and addressed by assigning a conflict resolution investigator;
6. If the conflict resolution investigator involves a change or modification of employment status or responsibilities, the conflict resolution investigator and the conflict resolution manager will consult with an attorney in the General Counsel's office regarding the legal authority for the proposed response before issuance. The attorney will not modify the response, but will notify the conflict resolution investigator regarding any concerns; and
7. Maintaining conflict resolution records and statistics.

D. All Parties Responsibilities

The conflict resolution investigator may request responses or information from the agency or any person. Responses and information may be required and obtained through written questions, interviews, or other appropriate methods.

1. Failure of the agency representative or named person to appear, respond, or provide requested information may be grounds to believe the alleged violation(s) may have occurred without further review.
2. Failure of the employee or their designated representative to appear, respond, or provide requested information will be grounds to dismiss the conflict resolution request without further review.

VIII. Special Conflict Resolution Request

A. Group Conflicts

1. Employees may file a conflict resolution request as a group when the issues and remedies sought are the same or similar for each member of the group. The group will select a member to serve as a spokesperson who will speak and act on behalf of all group members. The group is also entitled to a representative. The spokesperson is responsible for completing and filing the "Conflict Resolution Request Form" ([Attachment A](#), attached) and "Group Conflict" form ([Attachment B](#), attached).
2. The conflict resolution manager may consolidate formal request containing the same or similar issues filed by two or more employees if it will not adversely affect the interest of the employees filing the request to effect a more efficient, economical, or more timely processing and resolution of the conflict.

3. The conflict resolution manager may join two or more request filed by an employee to effect more efficient or timely processing and resolution of the request so long as it will not adversely affect the employee's interest.
4. The conflict resolution manager may separate a group request when the issues and personal relief sought are not the same or similar for each employee.

B. Classification Disputes

1. Any employee may file a conflict resolution request if they believe they are not classified in accordance with the work assigned on a regular and consistent basis as an integral part of their everyday work assignment and job family descriptor. (74 O.S. § 840-4.3(B))
2. Any employee who believes they are entitled to compensation for having performed duties on a regular and consistent basis, which do not conform to the job family descriptor for the position they occupy or have occupied, has the right to file a conflict resolution request.

IX. Employee Rights and Relations Unit

A. Allegation of Discrimination

1. The conflict resolution manager will assign allegation of discrimination to the Employee Rights and Relations unit (ERRU) for investigation and decision-making. Upon a determination by ERRU that a conflict resolution request alleging discrimination does not establish a prima facie case for discrimination and retaliation, ERRU may return the request to the conflict resolution manager for reassignment. ERRU must return the conflict resolution request within five calendar days of receipt or continue the investigative process.
2. A allegation of discrimination must describe an adverse employment condition or action which the employee believes occurred or was directed at them due to the employee's protected status. Protected status can include religious beliefs or affiliations, race, creed, gender, age, national origin, or disability. (74 O.S § 840-2.9 et seq. and 74 O.S. § 954)
3. Conflict resolution request that allege retaliation for any previous discrimination complaint will also be processed as an allegation of discrimination.
4. Time frames for resolving allegations of discrimination through the agency's conflict resolution process will adhere to those time frames

set by this procedure. The conflict resolution manager will forward allegations of discrimination rejected as filed untimely to the ERRU or an outside (external to ERRU) certified discrimination complaint investigator for review.

5. Conflict Resolution Request regarding discrimination may be filed directly with the ERRU without using the conflict resolution process.

B. Hostile Environment or Workplace Violence

1. Request alleging hostile work environment will be assigned to ERRU for investigation.
2. Request alleging workplace violence will be assigned to ERRU for investigation.

C. Conduct of an Employee

Conflict Resolution Request involving the conduct of employees, bullying, or harassment will be assigned to ERRU for investigation.

X. Conflict Resolution Process (4-APPFS-3E-15)

A. The conflict resolution process will consist of two steps:

1. Mediation between the employee and the immediate supervisor (or lowest level supervisor with authority to resolve the dispute); and
2. The conflict resolution request review.

B. Step One/Informal Discussion or Mediation

1. The informal discussion will provide the employee and their supervisor an opportunity to address and resolve concerns and complaints at the lowest level possible. The effort to resolve disputes at this level includes the use of mediation.
2. An employee who has an issue will promptly bring the dispute to the attention of their supervisor. Both the employee and the supervisor will work towards informally resolving the problem during the initial 20-day time frame. The complaint will end if the employee fails to attempt resolution at the lowest level.
3. If the supervisor cannot resolve the dispute because it is not within their control or authority, the supervisor will refer the complaint to the person within the facility/unit with the power to resolve the dispute informally or advise the employee to proceed to step two.

C. Step Two/Conflict Resolution Request Review (4-APPFS-3E-15)

1. The employee may file a conflict resolution request with the conflict resolution manager if the dispute is not resolved through mediation within the time frame as specified in this procedure using the "Oklahoma Department of Corrections Conflict Resolution Request Form" ([Attachment A](#), attached).
2. Within five business days, the conflict resolution manager will determine whether the conflict resolution request is:
 - a. Timely filed;
 - b. Presents an issue within the control of the agency; and
 - c. Whether step one/mediation has been completed.
3. The conflict resolution manager may accept, accept in part, reject, or reject in part request that have been filed. The conflict resolution manager may refer rejected request for mediation services or to the appropriate authority for review outside the conflict resolution process when applicable and notify the employee in writing of the reason(s) for rejection.

The conflict resolution manager will refer accepted conflicts to a conflict resolution investigator with an established due date and notify the employee and conflict resolution investigator in writing of the assignment.

4. Conflict resolution investigators will be assigned as follows and in accordance with the "Conflict Resolution Investigator Flow Chart" ([Attachment D](#), attached):
 - a. The conflict resolution manager will assign an investigator outside of the employee's chain of command.
 - b. Where possible, multiple issues that arise from the same or similar circumstances, but are ineligible for consolidation, will be assigned to the same investigator.
5. The investigator will have 60 days in which to resolve the dispute, which is extendable in accordance with this procedure. The investigator should make every effort to resolve the dispute within 55 days, so that the conflict resolution manager will have the opportunity to ensure compliance with this procedure.
6. A telephone conversation is required between the employee and the conflict resolution investigator.
7. The conflict resolution investigator will provide the conflict resolution manager with a copy of the decision for review to ensure compliance with this procedure. The copy provided to the conflict resolution

manager will be forwarded no less than five business days prior to the deadline, or any applicable extension of time that has been granted. The conflict resolution manager will review the response within a timely manner that will allow for possible revision, if necessary. Upon conclusion of the review, the conflict resolution manager will notify the conflict resolution investigator to provide a copy of the decision rendered.

D. Resolution Decision

Resolution decisions must:

1. Address the issues raised in the request;
2. Be made in writing to the employee filing the request or to the spokesperson of a group participants;
3. Be delivered by e-mail or by certified mail with return receipt to the conflict resolution manager; and
4. Once the conflict resolution investigator has rendered a decision, the internal conflict resolution process is completed.

XI. Distribution (4-ACRS-7E-01)

All employees will receive a copy of this procedure in accordance with [OP-110110](#) entitled "Enrollment Procedures for New Employees." An "Acknowledgement of Receipt" ([Attachment E](#), attached) will be used to acknowledge employee receipt and will be filed as documentation in the field personnel file. (4-ACRS-7E-01)

XII. References

Policy Statement P-110100 entitled "Uniform Personnel Standards"

OP-110110 entitled "Enrollment Procedures for New Employees"

OP-110260 entitled "Job Classification Procedures"

12 O.S. § 1806

51 O.S. § 24(A)(1) et seq. the same as (Oklahoma Open Records Act)

74 O.S. § 840-1.9, 74 O.S. § 840-2.9, 74 O.S. 840-4.3(B), 74 O.S. § 840-4.15, § 840-6.2(B), 74 O.S. § 840-6.2(C), 74 O.S. § 840-6.2(D), 74 O.S. § 840-6.2(E)(3), 74 O.S. § 840-6.2(I), 74 O.S. § 954

XIII. Action

The chief administrators are responsible for compliance with this procedure.

The chief administrator of Human Resources is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-110205 entitled "Employee Grievance Resolution Procedures" dated June 24, 2021

Distribution: Policy and Operations Manual
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Conflict Resolution Request Form”	Attached
Attachment B	“Group Conflict”	Attached
Attachment C	“Request for Voluntary Mediation Services”	Attached
Attachment D	“Conflict Resolution Investigator Flow Chart”	Attached
Attachment E	“Acknowledgment of Receipt”	Attached
Attachment F	“Employee Conflict Resolution Procedures” Poster	Attached

