

**CAL POLY POMONA FOUNDATION, INC.**

**POLICIES AND PROCEDURES**

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<b>Subject:</b>	<b>Employee Conflict Resolution Policy</b>	<b>Policy No.</b>	<b>206</b>
<b>Reference:</b>	<b>129-II-B, 298-II-D, 345-III-C</b>	<b>Old No.:</b>	<b>1979-1</b>
		<b>Date:</b>	<b>04/02/79</b>
		<b>Revision:</b>	<b>06/13/00, 01/01/11</b>

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**PURPOSE**

The purpose of this employee conflict resolution policy is to provide employees of the Cal Poly Pomona Foundation, Inc. with a formal procedure for the resolution of problems arising in the course of their employment in a fair and orderly fashion if such problems cannot be resolved informally.

**APPLICATION**

This policy shall apply to all current staff employees of the Cal Poly Pomona Foundation, Inc.,

**TIME LIMITS**

Each step of this policy carries a specified time limit. When a stated time period expires on a day which is not a regular workday (Monday through Friday), the time period shall be extended through the close of business on the next regular (Monday through Friday) workday. Saturday and Sunday workdays are excluded from consideration.

All time periods specified herein may be extended by mutual written consent of the employee and the designated representative of the Cal Poly Pomona Foundation, Inc.

**SCOPE**

This policy may be used whenever an employee believes he/she has been personally adversely affected by an action taken by another employee of the Cal Poly Pomona Foundation, Inc. limited to the following matters:

- A. Violation of Cal Poly Foundation policies governing working conditions
- B. Promotion (not classification or reclassification)
- C. Retention
- D. Layoff
- E. Performance evaluation
- F. Merit salary increase

- G. Disciplinary action for cause
- H. Transfer
- I. Demotion

The employee must demonstrate by clear preponderance of the evidence that he/she was directly negatively impacted by the action(s) which gave rise to the conflict.

This policy shall not be used to appeal a procedural or final decision in the following areas:

- A. Any policy or procedure developed by Foundation and approved by the Cal Poly Pomona Foundation, Inc. Board of Directors
- B. Decisions in classification or reclassification matters
- C. A procedural or final decision in a resolved conflict
- D. Non-retention of a part time or temporary employee
- E. Termination because of job abandonment

During the course of these resolution proceedings, if it is determined the matter being grieved is outside the scope of these proceedings, the conflict shall be returned to the employee with an explanation and the conflict shall be considered closed. If it is unclear whether a matter is within the scope of the above procedures, the Employment Services Director will review the matter to make this determination.

## **RESOLUTION REVIEW PROCESS**

The resolution review process shall consist of three levels of review except as otherwise provided by this policy.

### **A. LEVEL I:**

An employee shall first discuss the matter with his/her immediate supervisor (unit manager). If, after discussions with the immediate supervisor the employee believes the conflict has not been properly resolved, the matter may be presented in writing to the immediate supervisor within ten (10) working days after receiving the informal decision of his/her immediate supervisor. The immediate supervisor has ten (10) working days to respond in writing to the employee's written statements.

Failure of an employee to file his/her conflict in writing within ten (10) working days after receiving the informal decision of his/her immediate supervisor shall constitute closure of the resolution proceedings. Failure of the immediate supervisor to respond to the employee's written statements within the prescribed period permits employee to elevate their issue to Level II below without further requirements.

**B. LEVEL II:**

If the employee does not agree with the decision reached at Level 1, the employee has ten (10) working days to present his/her written conflict to the department head. The department head must render a written decision to the employee within ten (10) working days. Failure of the department head to respond to the employee's written statements within the prescribed period permits employee to elevate their issue to Level III below without further requirements.

**C. LEVEL III:**

If the employee does not agree with the decision reached at Level II, the conflict and all associated documentation shall be presented to the Executive Director of the Foundation, within ten (10) working days of the employee's receipt of decision from the department head. An informational copy will be filed with Foundation Employment Services.

The Executive Director may select a panel or hearing officer to review the conflict.

After a thorough review and analysis, which may involve discussions with all parties involved and/or review of applicable documentation and communications as further outlined below, the panel or hearing officer shall submit their findings of fact and recommendations to the Executive Director of the Foundation. Any relevant evidence may be permitted providing it is the kind of evidence on which responsible persons can reply in order to arrive at fair and objective decisions.

The panel and/or hearing officer is empowered to complete the following functions to help assure a fair and reasonable outcome is achieved:

- A. Establish additional rules that are determined necessary to conduct the meetings.
- B. Exclude any evidence or witnesses determined to be merely repetitious or cumulative.
- C. Interview the employee to obtain clear explanation of the filed conflict.
- D. Request testimony from witnesses other than those called by the employee if additional testimony is necessary to arrive at reasonable and objective findings in order to submit their recommendations.

**FINDINGS OF FACT AND RECOMMENDATIONS**

After the conclusion of all hearings, the panel or hearing officer will determine findings of fact and make recommendations to the Executive Director of the Foundation within 30 days from the date of the last hearing. The decision of the Executive Director of the Foundation is final. The employee will be notified of the decision of the Executive Director of the Foundation within ten (10) working days from the date on which the Executive Director receives the finding report.

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## **REPRISAL**

Employees are assured of freedom from reprisal for using this employee conflict resolution policy. Retaliation directed toward any employee using this policy is strictly prohibited, and if it occurs will be dealt with according to the Foundation's normal retaliation prevention procedures.

In the unlikely a case where the Executive Director of the Foundation is involved directly in a conflict, the recommendation of the panel or hearing officer will be forwarded to the Chairperson of the Board of Directors of the Cal Poly Pomona Foundation, Inc.