

## Monterey County Conflict Resolution Program Guidelines

### I. Purpose

The Civil Rights Office manages the County of Monterey's Conflict Resolution Program, a vehicle for employees to address and resolve complaints and concerns that are not related to discrimination. The main purpose is to resolve conflict at the most appropriate level. In addition, it provides the opportunity to resolve the conflict as quickly and as efficiently as possible. The program is not intended to replace any of the existing procedures that are currently in place for reporting issues of employee misconduct, discrimination or harassment complaints, union disputes, or any other conflict for which a procedure for its resolution already exists.

### II. Definitions

- a. *Mediation*: Mediation is the process where parties involved in a dispute use the assistance of a neutral third party to address the conflict through communication and work to resolve their dispute in a mutually acceptable manner.
- b. *Mediator*: A trained, neutral third party that guides the mediation process and facilitates communication, creating open dialogue between parties in order to assist the parties in the generation and evaluation of potential outcomes. A mediator does not act as a judge or investigator, but instead helps parties explore potential options and reach their own resolutions for resolving the conflict.

### III. Employee Responsibility

Employees who have a complaint or concern are strongly encouraged to attempt to resolve it directly with their supervisor. If the issue is not satisfactorily resolved, they should contact their department manager and/or department head. If the issue is still not resolved, they may proceed to the County's Conflict Resolution Program.

Employees have the responsibility to engage in mediation with a good faith effort to listen, be respectful, and collaborate to identify a resolution.

### IV. Department Responsibility

Supervisors, managers, and department heads are in the best position to address their employees' concerns and to strengthen and promote ethical practices and ethical treatment of employees. Likewise, they are best equipped to ensure compliance with County policies, procedures, and state and federal laws.

Supervisors, managers, and departments are expected to commit to the Monterey County Values statement, which states: *"We are committed to treating our fellow employees, customers and residents with respect and courtesy at all times."*

## **Conflict Resolution Process**

### **V. Requests for Mediation**

Any employee can initiate mediation by contacting the Civil Rights Office by telephone, in writing, email, or in person. Employees may also initiate a request for mediation through their supervisor, manager, or Human Resources analyst. On occasion, conciliation efforts will not be appropriate either because of the special circumstances of a complaint, or because it is not legally permissible.

### **VI. Conflict Resolution Committee Responsibility**

After it receives a request for mediation, the Civil Rights Office may convene the Conflict Resolution Committee to discuss the employee's complaints and to determine the best method to resolve conflict. The Civil Rights Office may invite appropriate and necessary parties to discuss the matter. Every attempt will be made to address complaints as thoroughly and efficiently as possible.

### **VII. Intake Interview**

If the matter is deemed that it may be appropriate to proceed to mediation, the Civil Rights Office, supervisor, manager, or Human Resources analyst will strive to schedule an intake interview within 10 business days of a request for mediation. At the intake interview, they shall meet with the employee requesting the mediation to gather information and understand the nature of the conflict. The assigned mediator will interview appropriate parties to identify mediation participants, discuss the mediation process, obtain agreement for participation, assess the suitability of mediation, and determine the goals of mediation.

### **VIII. Mediation Sessions**

Mediation sessions will be facilitated by a professional trained in conflict resolution. Sessions will be held in a private, neutral location located near the work location.

Outcomes will be documented and signed by the parties. If no agreement is reached, the mediator shall refer the issue to the appropriate authority, such as the Civil Rights Office, Human Resources Department, or the employees' supervisor, manager, and/or department head, for proper handling.

Mediators shall strive to complete any conciliation process within 30 business days of an intake interview, but the timeframe may be extended depending upon the particular situation.

**IX. Administration**

The Conflict Resolution Program operates under the general direction of the Civil Rights Office. The Conflict Resolution Program receives input and advice from the Board of Supervisors, County Administrative Office, County Counsel's Office, Human Resources Department, and department heads.

**X. Confidentiality**

The Civil Rights Office treats all information received as highly sensitive. It is expected and anticipated that all parties involved in the conciliation or mediation process will observe the same standard of sensitivity.

Confidentiality is in the best interest of all parties. However, absolute confidentiality cannot be guaranteed because the County might be required to release information, as required by law or court order.

**XI. Retaliation**

Participation in the mediation process shall be considered protected activity as defined by the civil rights ordinances and policies. Monterey County prohibits retaliation against any employee who requests mediation or participates in a mediation process in any way.