MISSION STATEMENT

“The Employee Assistance Program has been established to identify, interpret and address employee concerns regarding personal and/or organizational situations that affect job performance and productivity and to meet the challenges of seeking workable and satisfying solutions for employees, their families, and the organization.

We strive for the highest standards of employee work relations in order for our reservation programs to continue to operate at their fullest potential in a safe and healthy work environment.”

Bobbie Reed, E.A.P Associate

(218)-335-8377 or toll free at 1-800-631-5528

Fax (218) 335-4429
Employee Assistant Program
Policy Statement

The EAP staff is concerned with an employee’s personal problems and how they affect his/her as a person, as well as how the employee’s well-being affects his/her work performance.

This policy applies to all employees of the Leech Lake Band of Ojibwe, which includes all levels of the Leech Lake Band of Ojibwe Organizational structure.

The Employee Assistance Program is available to the Leech Lake Band of Ojibwe employees and their families on a self-referral basis, since problems at home can affect the job. If Leech Lake Band of Ojibwe employees or family members have personal problems that may benefit from assistance, they are encouraged to use the Employee Assistance Program.

Participation in the Employee Assistance Program will not jeopardize an employee’s job security, promotional opportunities or reputation.

All records and discussions of personal problems will be handled in a confidential manner. The records kept by the Leech Lake Band of Ojibwe Employee Assistance Program will NOT become part of the employee’s personnel file.

Leech Lake Band of Ojibwe employees will be encouraged to seek assistance to determine if personal problems are causing unsatisfactory job performance. If performance problems persist, the employee will be subject to the normal disciplinary procedures as outlined in the Leech Lake Band of Ojibwe Personnel Policies and Procedures.

All levels of the Leech Lake Band of Ojibwe management are encouraged to use this program when appropriate, to assist in resolving job performance problems related to personal problems.

_The Employee Assistance Program does not alter or replace existing LLBO Personnel Policies and Procedures, but serves to assist with those policies._

**Please make copies of this manual for all supervisors in your department**

Save a _master copy_ for future use.
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INTRODUCTION

The Leech Lake Band of Ojibwe has implemented an Employee Assistance Program. The EAP provides assessment, short-term counseling, referral and follow-up for employees and their family members who may be experiencing difficulty or are concerned with personal issues, such as (but not limited to):

*Job Related Concerns* *Employee Concerns*
*Conflict Management* *Alcohol/Drug Abuse*
*Employee/Family Issues* *Health Issues*
*Safety Issues* *Emotional Issues*

*(Please keep in mind we are a short-term counseling and referral agency)*

Confidentiality is a high priority and will be maintained. No personal information will be shared unless written authorization by the employee or family member is given.

The Employee Assistance Program serves as an important resource, assisting management in resolving performance and other staff problems, in which, causes are not easily defined. As a manager or supervisor, you are in a unique position of observing human behavior, and you are charged with the responsibility of the performance of employees. Dealing with the human condition is never easy, consistent or simple, especially in these times of great change. We are a resource to help supervisors and managers deal with their greatest job stress – difficult employees.

If you ask most supervisors and managers about their biggest job stress, they will tell you that it is dealing with problem employees. These are the problems they often bring home and the ones that keep them up at night. This manual provides practical help about how to deal with the employee who is not performing on the job, and how to encourage the employee to seek help. We outline a four-step process in problem resolution.

1. Identifying the employee’s problem behavior;
2. Documentation of these behaviors;
3. Intervention;
4. Referral to Employee Assistant Program (EAP)

The Employee Assistant Program is designed to help employees and their families deal with personal problems. Left untreated, personal problems can lead to low productivity, absenteeism, accidents, low morale, violence, and health problems. Most employees struggling with problems will take advantage of the EAP. However, sometimes individuals are unaware that they have a problem, or don’t want to confront it. When employees experience a decline in their ability to perform at work, it can be helpful to encourage them to seek help. In fact, encouragement from a supervisor is among the most effective way to motivate an employee in seeking help.

These situations are simple. They are usually time consuming and stressful for you as the supervisor. The natural tendency is to avoid confronting the problems and the discomfort of suggesting to someone that they may need help. However, problems left unattended often get worse. You have the right and obligation to intervene when a employee’s performance is slipping. *The EAP is a management tool, a resource of the supervisor in dealing with a troubled employee.* *(In no way does the EAP supersede or preclude any of the responsibilities of the supervisor.)*

(1)
Step 1: Identify

The first step is to identify the patterns of job performance deterioration. We often assume that performance pertains only to specific job tasks, rather than more general behaviors that can impact performance of the individual or group. Look for behaviors that are continuing and repeated. This will require documentation. You can use this checklist as a guide when documenting problem situations.

<table>
<thead>
<tr>
<th>1. <strong>PRODUCTIVITY:</strong></th>
<th>5. <strong>RELATIONSHIPS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Clear refusal to do assigned tasks</td>
<td>___ Significant change of relationships with co-workers or others</td>
</tr>
<tr>
<td>___ Missed deadlines/procrastination</td>
<td>___ Frequent or intense arguments or outbursts</td>
</tr>
<tr>
<td>___ Decrease in decision-making ability</td>
<td>___ Verbal abusiveness</td>
</tr>
<tr>
<td>___ Decrease in volume work</td>
<td>___ Physical abusiveness</td>
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<tr>
<th>2. <strong>ATTENDANCE:</strong></th>
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<tbody>
<tr>
<td>___ Excessive unauthorized absences</td>
<td>___ Intentional avoidance of supervisor</td>
</tr>
<tr>
<td>___ Excessive use of sick leave</td>
<td>___ Expression of frustration or discontent</td>
</tr>
<tr>
<td>___ Frequent absences or other patterns</td>
<td>___ Complaints by co-workers or subordinates</td>
</tr>
<tr>
<td>___ Excessive extension of breaks or lunch</td>
<td>___ Unusual sensitivity to advise or critique</td>
</tr>
<tr>
<td>___ Frequently leaves work early</td>
<td>___ Passive-aggressive attitude or behavior</td>
</tr>
<tr>
<td>___ Major change in physical health</td>
<td>___ Makes unfounded accusations towards others</td>
</tr>
<tr>
<td>___ Major change in emotional status</td>
<td>___ Frequently demanding, rigid, or inflexible</td>
</tr>
<tr>
<td></td>
<td>___ Concerns about sexualized behavior at work</td>
</tr>
<tr>
<td></td>
<td>___ Defensiveness, frequent unsupported explanations of poor performance</td>
</tr>
</tbody>
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<tr>
<th>3. <strong>QUALITY OF WORK:</strong></th>
<th>6. <strong>DISRUPTIVE WORK PATTERNS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Inconsistent ‘up and down’ quality of work</td>
<td>___ Behavior that disrupts work flow</td>
</tr>
<tr>
<td>___ Uses poor judgment</td>
<td>___ Requires more than usual supervision</td>
</tr>
<tr>
<td>___ Not performing up to job expectations</td>
<td>___ Is increasingly irritable or tearful</td>
</tr>
<tr>
<td>___ Increase in errors</td>
<td>___ Engages in detailed discussions of death</td>
</tr>
<tr>
<td>___ Repeated errors</td>
<td>___ Unpredictable displays of emotion</td>
</tr>
<tr>
<td>___ Repeated errors despite guidance</td>
<td>___ Displays unusual fear</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>4. <strong>ACCIDENTS:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Involved in job accidents</td>
<td>___ Engages in detailed discussions about obtaining</td>
</tr>
<tr>
<td>___ Safety offenses</td>
<td>or using drugs and/or alcohol</td>
</tr>
<tr>
<td>___ Co-workers expressed concern about safety of an employee</td>
<td>___ Displays memory problems</td>
</tr>
<tr>
<td>___ Accidents off the job, which may affect the job performance or attendance</td>
<td>___ Comes to work smelling of alcohol</td>
</tr>
<tr>
<td></td>
<td>___ Makes unreliable or false statements</td>
</tr>
<tr>
<td></td>
<td>___ Concerns about sexual harassment</td>
</tr>
<tr>
<td></td>
<td>___ Negative impact on morale of whole group</td>
</tr>
</tbody>
</table>
**Step 2: Document**

As a supervisor, when you are faced with a declining or erratic performance, you need to document observable variable facts. Good documentation serves two purposes: 1) It gives you a picture of what the patterns are over time, 2) It prevents a ‘my word vs. your word’ confrontation.

Keep to the specifics; avoid interpretation.

**Examples:**

**OK:** “Miss Barker was late three times this week and she has left work early twice. She also has fallen behind on two projects and the work she presently is doing is very sloppy. Today she asked if she could get her paycheck early in the day.”

**NOT OK:** “Miss Barker asked for an early paycheck. I think she wants to leave early again. I think she is drinking heavily and partying late at night. She will probably come in late again in the morning and her work seems sloppy.”

**Step 3: Intervene**

After an employee’s deteriorating job performance has been identified and documented, schedule a private meeting with this person. More than one meeting may be necessary. The object of each meeting is to:

1. Communicate to the employee the facts about his/her deteriorating job performance.
2. Note the changes from a previously good record.
3. Review the standards of acceptable work performance.
4. Outline your expectations for improved performance.
5. Set a timetable for reviewing performance again.
6. Discuss the steps you will take if the performance does not improve.
7. Inform the employee about the availability of the EAP as a resource to help him/her identify and resolve any personal problems that are affecting their job performance.

The goal of intervening is to help the employee to return to acceptable work performance – disciplinary action and referral to EAP may be part of accomplishing this.
Step 4: Referral to EAP

There are two different ways the employee can be referred to the EAP:

1. Employee Referral:
When you are concerned about an employee’s personal welfare, but job performance is not an issue, you might make an employee referral to the EAP.
It usually is as simple as saying, “Why don’t you call EAP? They are here to help with difficult personal situations.”

2. Supervisory Referral:
Supervisory referrals are used when an employee demonstrates on-going job performance problems. Personal problems often affect job performance. By recommending that an employee meet with EAP, you can continue to focus on job performance issues while encouraging the employee to privately deal with personal problems.

To make a Supervisory Referral:

- Consult with EAP. This consultation will also provide useful information to the EAP so that we can better help the employee, and if appropriate, provide feedback to you about the employee’s follow up with our program (See Feedback Section).
- Explain to the employee that you are referring him/her to EAP. Tell the employee how to contact the EAP.
- Remind the employee that any disciplinary measures previously discussed will take place regardless. EAP participation is no excuse for poor performance but a tool for clarifying, improving and moving forward.
- Make it clear that what the employee discusses at the EAP office is strictly confidential, and that the supervisor has no right to know the employee’s personal business, but that you do expect to hear from the EAP Associate as to whether or not the employee is following through with the EAP visit(s) and their recommendations if any.
- Remember, on some level, people are asking for help. If they could have fixed the problem on their own, they would have done so by now.
- You don’t need to make presumptions about what’s interfering with job performance. It could be as simple as a childcare situation or change in his/her life style.

SEEKING HELP IS A POSITIVE STEP.
It can be uncomfortable to refer someone for help; there is no perfect way to say it. All you can do is to indicate your concerns and provide resources to help them. It’s up to the employee to make use of that resource. Here’s an example of how to talk to the employee about the referral process:

“John, as we discussed before, I have some concerns about your job performance. I’m encouraging you to contact EAP so that they can help you with whatever is getting in the way of doing your job better. The EAP will ask you to sign a form that allows them to let me know whether you are following through with the visit(s) and any recommendations. That’s all they can tell me; they will not say anything about your problems or what you’re doing about them. If you have any questions, feel free to call EAP and ask how the program works. Here’s the number: 335-8377”.

FEEDBACK:

If the employee is formally referred, the EAP Associate will ask if the employee is willing to sign a referral form called: “Consent to Disclose Information to Supervisor”

If signed, this allows the EAP to provide feedback about whether the employee is following through with the EAP and its’ recommendations.

It is the employee’s decision on whether he/she will sign this form. If the employee chooses not to sign, then no written or verbal information is transmitted and there will be no disciplinary action taken toward that employee due to not signing the form. Employees will generally sign, realizing that it is to their advantage to show the supervisor that they are taking action to correct the problem. The EAP will follow up with the employee, and if any, recommended employee treatment.

If it is a supervisory referral and the employee never contacts the EAP Associate, the EAP Associate will inform the supervisor within a designated time.

The four strategies for dealing with the employee job performance or attendance affected by personal problem(s):

1. IDENTIFY
2. DOCUMENT
3. INTERVENE
4. REFERENCE:

*NOTE: (There is no information communicated about any problem(s) or kind of treatment recommended as this is confidential information. However, any required employee treatment that conflicts with individuals working hours must be a collaborative effort with all appropriate personnel and time away from the job must be pre-approved by their program administrative personnel.)
Conflicts Happen

Conflicts are a normal part of life. How we deal with these conflicts can make a big difference. Often when people resolve conflicts, one person ends up a winner, and one loses out. This may solve the problem for a moment, but resentments and bad feelings can cause more problems later.

Everybody Can Win

Another way to look at conflict is to try to find a WIN-WIN solution, in which both sides can benefit. In this way, conflicts are turned into opportunities to grow and make things better than before. The approach is the cornerstone of “conflict resolution” – one of the most important tools for bringing peace into our personal lives, our communities and to our world.

CONFLICT RESOLUTION BASICS

1. Attack the problem not the person
   a. Define the problem
   b. Explore each person’s perception of the problem
   c. Try to understand and respect each point of view without judging
   d. Use good communication skills including, LISTENING, SUMMARIZING AND CLARIFYING.

2. Concentrate on interests, not positions
   a. The position is the outcome you are interested in getting
   b. The interest is why you want that outcome
   c. Interests that are involved in conflicts are usually related to our basic needs. When we focus on interests instead of positions we can start to find solutions.

3. Come up with options in which both sides win (win-win options)

4. Cooperate together to solve the problem fairly
   a. A fair solution respects the interest of both sides
Conflict/Resolution Meeting Process

1. Set a meeting time for everyone involved.

2. Have all parties involved bringing copies of specific issues that need to be addressed.

3. Be clear and precise with list of issues

4. Use “I” statements when talking about issues. Examples: When you do or say this. I feel……and when I feel this way……This is how I react.

5. What is my part in resolving these issues?

6. Listen, be open-minded and be willing to communicate what it is you are willing to do to resolve the issues.

Notes:
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(7)
COMMUNICATION
Conflicts are often caused by problems in communication. One person may have misunderstood what the other person has said. Or the other person may not have said what they meant to say. Sometimes when we’re angry we don’t hear what the other person is saying. Sometimes when there is a conflict, people do not tell each other, which may cause even more conflict. Good communication skills are an important part of resolving conflicts.

LISTENING
It’s important to listen carefully. Your “body talk” sends a message that you are listening. Keeping eye contact, leaning closer, nodding your head when you understand a particular point, and ignoring distractions that are going on around you are some of the ways to send the right body message.

SUMMARIZE
When a person is finished expressing a thought, summarize the facts and emotions behind what they have said so that they know you have understood what they’ve said and how they feel.

CLARIFY
Ask questions to clarify or make clearer different parts of the problem to make sure that you fully understand the other person’s perspective.

GOOD SPEAKING SKILLS
When you speak, try to send a clear message, with a specific purpose, and with respect to the listener. Speak about how you are affected by the problem.

COMMUNICATION SIDE TRACKERS
Don’t interrupt, criticize, or laugh at the person, offer advice or bring up your own experiences, or change the subject.

WIN-WIN OPTIONS
An idea or suggestion in which both sides can benefit is called a Win-Win option. The idea should help both sides.

BRAINSTORMING
The first step in problem solving is to come up with as many ideas as possible. This is called brainstorming. During this process, any idea that comes to mind should be expressed and written down. Don’t judge whether the ideas are good or bad, or even discuss the ideas. Just try to come up with as many solutions as possible.

Continued...
FIND A FAIR SOLUTION  
Then go through the ideas using fair criteria to see which idea might be best. Using fair criteria means to judge each idea with both people’s interests in mind. Try to use reason and not emotion to judge an idea, and with respect to each person’s difference’s in perception.

WAYS TO PRACTICE CONFLICT RESOLUTION

NEGOTIATION  
Negotiation is a communication process in which people try to work their conflicts in a peaceful way using conflict resolution techniques.

MEDIATION  
Sometimes when people want to work out a conflict they just can’t seem to agree on a way to work it out. They may want another person to help them resolve their problem. A mediator is a person who helps two sides to work out their problems peacefully. The mediator helps those in conflict to focus on the problem at hand and not blame the other person, to understand and respect each others views, to communicate their feelings and what each is really saying, and to cooperate together in solving the problem. Mediators are peacemakers.

GROUP PROBLEM SOLVING  
Problems can also be worked out together in a group. Often group problem solvers sit in a circle, so that all members are equal. The same conflict resolution principles are used, they focus on the problem not on assigning blame to any person; they take turns sharing their point of view, and listening (without interrupting) to all of the other points of view; all members must show respect and not criticize other members or their ideas.
EAP
Performance Referral Process

Employee Has Ongoing Job Performance Problems

Identify Specific Job Performance Issues

Document

Intervene

Any Supervisory Action (Disciplinary)

Referral to Employee Assistance Program

Attachment A
Employee Assistance Program

FORMS

1. **Supervisory Referral**

   Supervisory referral to the EAP, pertinent information regarding employee’s reasons for being referred may be conveyed to the EAP Associate for assistance in addressing employee issue(s).

2. **Employee Referral**

   Employee notice to his/her referral to EAP indicates to employee reasons for referral this form is given to the employee by the supervisor before visiting with the EAP Associate.

3. **Follow Up Report (departmental employee personnel file copy)**

   Supervisor’s referral of an employee to EAP services

4. **Statement of Grievance/Complaint**

   EAP does not write grievances for employees, but assists in providing LLBO personnel policy and procedures in all areas; this form is included to assure that employees begin the grievance through the proper chain of command.

5. **Mediation Request form**

   To be completed by division director/supervisor, then faxed to EAP
Employee Assistance Program

SUPervisory Referral

Date: __________________

Employee Referral (name): ______________________ Job Title: ___________________

Departmental/Job Site: _______________________________________________________

Referred by: ___________________________________ Job Title: ___________________

Reason for Referral:

☐ Excessive Absenteeism (attached attendance documentation)

☐ Excessive Tardiness, Leaving Early, Calling In, Late Call-Ins (attached documentation)
   Past 6 months _____   Past year _____   Previous years _____

☐ Unusual Excuses for Absenteeism (specify) _____________________________________

☐ Unacceptable Conduct (list past years’ disciplinary actions) ____________________

☐ Leaves Work Place Frequently

☐ Extends Lunch Periods, Breaks, Vacations

☐ Other: __________________________________________________________________

Job Performance:

☐ Low Quality of Work   ☐ Excessive Errors

☐ Erratic Work Patterns   ☐ Bad Judgment

☐ Lack of Concentration   ☐ Decreased Output

☐ Missed Deadlines   ☐ Other (describe) ________________________________

Supervisors Evaluation:
Summarize and give a date of latest evaluation of employee’s job performance.

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

(1)
**Behavior on the Job:**

- □ Avoids Supervisor/Co-Workers
- □ Usually Critical of Others
- □ Disregards Safety
- □ Moody
- □ Lack Interest/Enthusiasm
- □ Unusually Sensitive to Constructive Criticism
- □ Does not communicate
- □ other (specify) __________________________

Physical Appearance/Grooming *(explain)*

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Comments by referring supervisor: *(you may attach separate sheets)*

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Have the above observation been discussed with the employee  □ YES  □ NO
If yes, when: ________________________________________________

Describe employee’s current status, conditions for continued employment, disciplinary action to be taken etc.

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Supervisors signature

Date
Employee Assistance Program

EMPLOYEE REFERRAL
(Employee’s copy)

Date: __________________

TO: 
Employee Name: ____________________________  Job Title: ____________________

Departmental/Job Site: _____________________________________________________

FROM:  Supervisor’s Name: ___________________________________________________

You are officially referred to the Employee Assistant Program

Reason for Referral:

☐ Excessive Absenteeism (attached attendance documentation)

☐ Excessive Tardiness, Leaving Early, Calling In, Late Call-Ins (attached documentation)
  Past 6 months _____   Past year _____   Previous years _____

☐ Unusual Excuses for Absenteeism (specify) _______________________________________

☐ Unacceptable Conduct (list past years’ disciplinary actions) ______________________

☐ Leaves Work Place Frequently

☐ Extends Lunch Periods, Breaks, Vacations

☐ Other: ___________________________________________________________________

Job Performance:

☐ Low Quality of Work      ☐ Excessive Errors

☐ Erratic Work Patterns    ☐ Bad Judgment

☐ Lack of Concentration    ☐ Decreased Output

☐ Missed Deadlines         ☐ Other (describe) ________________________________

I am requesting you meet with the EAP Associate by 4:30 p.m. on ________________, 2008,
so that issues can be addressed that are negatively affecting your work performance. This program
offers short-term counseling, and resources and referral of program and community services. All
personal issues discussed with the EAP associate are CONFIDENTIAL.

The EAP Associate will contact me to verify my scheduled meeting.
Employee Referral to the Employee Assistance Program

FOLLOW-UP REPORT

(PLACE IN EMPLOYEES DEPARTMENTAL FILE)

DATE: ________________________________

Regarding ___________________ referral to visit EAP on ____________________:

(Employee Name) (Date)

☐ Employee Did show up for his/her appointment on ______________________.

☐ Employee Did Not show up for his/her appointment on ______________________.

☐ The employee is not following through with the recommendations of the EAP Associate.

☐ The employee is currently following through with the EAP Associate's recommendations.

☐ The employee has successfully completed the EAP Associate's recommendations.

Comments:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

(1)
Leech Lake Band of Ojibwe General Administration Personnel policies

300.6 Grievance and/or Complaint Process

a. The LLBO is committed to providing the best possible working conditions for its employees. The purpose of the grievance/complaint process is to provide a uniform and equitable method of resolving grievances in a timely manner at the lowest possible level of supervision not to exceed \textit{five (5) working days}.

b. The grievance process is intended to assure an employee’s grievance/complaint will be heard and that corrective action taken will be without reprisal or discrimination against the employee submitting the grievance.

c. Any employee may file a grievance at the lowest level of supervision, as the first step, following the chain-of-command, regarding any violations of LLBO policies and procedures or regarding unsafe or unhealthy working conditions. \textit{(see 100.10)}

d. The Human Resources Division will review employee’s submitted grievance and determine the validity as the last step of the grievance process.

\textbf{Grievance Procedure:}

a. All employees are encouraged to bring concerns that affect their attitude or ability to perform their jobs to the attention of their supervisor. Open communication between supervisors and their staff should solve most concerns, that arise, in a timely manner.

b. The employee presents written documentation of the grievance to the supervisor. The supervisor must answer within \textit{five (5) working days}. If the employee is dissatisfied with the outcome he/she can take the grievance to the next level. No response from a supervisor will be grounds to take it to the next level. Administrative action will be taken against the supervisor for failure to address the grievance. If the supervisor is involved with the grievance, the supervisor will be given the opportunity to review the grievance and respond to the employee no more than \textit{five (5) working days}. Grievances that do not follow the chain of command will not be considered. Grievances that have been submitted through the chain of command and not resolved will be forwarded to the Employee Relations Manager of Human Resources.

c. Once a grievance is received by the Employee Relations Manager, it will be reviewed and a Human Resources designee may meet with the complainant’s division management staff and discuss any recommended actions that may need to take place. The employee will be notified of the results as soon as a decision has been made, \textit{not to exceed fifteen (15) working days}. \textit{If the process exceeds fifteen (15) working days, the employee will be notified that an extension of time is required which will not exceed fifteen (15) additional working days.}

\textit{COMPLAINT}: A complaint is when an employee’s formal expression of disagreement or dissatisfaction with aspects of employment such as working conditions, hours of work, environment, relationship, with supervisor or other employees, policies, or decisions of the department considered by the employee to be inappropriate, harmful, or unfair.

\textit{GRIEVANCE}: A grievance is an employee’s formal expression of disagreement or dissatisfaction with adverse personnel action involving alleged discrimination under law, a decrease in salary, demotion, or suspension without pay.

\textbf{Make a copy of this for your file and submit to your supervisor.}
Step One
Grievance/Complaint Form
(REMEMBER TO FOLLOW YOUR CHAIN OF COMMAND DURING THIS PROCESS)

_________________________________________________
Name of employee

_________________________________________________
Department/Division

_________________________________________________
Worksite Telephone #

_________________________________________________
Date

A. What happened? (Please describe the problem in detail and address main issues, use additional paper if needed)

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

B. Who was involved? __________________________________________________________________

C. When did this happen? _______________________________________________________________

D. Where did this happen? _______________________________________________________________

E. What action/relief are you seeking? _________________________________________________

___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

Employee Signature                                                                      Date

Continued… (1)
FOR IMMEDIATE SUPERVISORS USE ONLY:

The above descriptions are classified as:  

[ ] Complaint
[ ] Grievance

Action taken by the immediate supervisor:

__________________________________________________________________________
__________________________________________________________________________
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Revised 4/07/09
MEDIATION REQUEST
(To be completed by Division Director/Supervisor, then faxed to EAP)

Please fill in all areas completely. ______________________

(Date)

Division: ____________________________________________________________________________

Program: ______________________ Dept._____________________________________________________

Background of dispute/issues:
____________________________________________________________________________________
____________________________________________________________________________________

I have informed the participants of the roles and responsibilities of participants and mediators by giving them a copy of "Information about the Mediation Process" and "Tips for Successful Mediation Participation" and how to contact EAP for further information. ___yes ___no

MEDIATION REQUEST
(TWO-PARTY DISPUTE)

FIRST PARTICIPANT:

Name: ______________________________________________

Division/Working Title: ______________________________ Work Phone:_____________

WORKING RELATIONSHIP TO THE SECOND PARTICIPANT:

____ Supervises the other party
____ Supervised by the other party
____ Does not supervise the other party directly, but is in the other party’s chain of command
____ Co-worker

SECOND PARTICIPANT:

Name: ______________________________________________

Division/Working Title: ______________________________ Work Phone:____________

WHO REFERRED THE PARTICIPANTS TO MEDIATION?

____ Self
____ Supervisor
____ HR Staff Member
____ other (specify)
The participants are choosing mediation:

- as early intervention (there is no plan at this time to file a grievance)
- in lieu of initiating a grievance at this time and putting the grievance on hold until mediation is concluded
- after the conclusion of a grievance process

Provide at least five dates, mutually agreed upon by the parties, for the mediation session (mediation sessions typically last 3-8 hours): Note: the dates should begin no sooner than 5 workdays from the date request form is sent to EAP.

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<thead>
<tr>
<th>MEDIATION REQUEST</th>
<th>(GROUP DISPUTE)</th>
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<tr>
<td><strong>BACKGROUND:</strong></td>
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<td>Number of employees in work group: ______________</td>
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<td>Type of work performed: __________________________________________</td>
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<td>Length of time issues have existed: ____________________________</td>
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<td>Avenues management has pursued to resolve issues:</td>
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<td><strong>PARTICIPANTS:</strong></td>
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**READINESS FOR MEDIATION:**

Is the department staff committed to provide the time and support needed to complete the process?  
___yes  ___no

Has management informed the participants of the request for group mediation?  ___yes  ___no

If so, what was the response?  ________________________________
I acknowledge the issues and concerns have been addressed by all above parties and agree with the recommendations presented to me.

_____________________________________________   __________________________________________
Employee signature/Date                                                   Supervisors signature/Date

_____________________________________________   __________________________________________
Division Director signature/Date                                         Human Resources representative signature/Date

Attached: Conflict Resolution basic tools

Updated 12/09
CONFLICT RESOLUTION BASICS TOOL-WORKING IT OUT TOGETHER

Conflicts Happen

Conflicts are a normal part of life. How we deal with these conflicts can make a big difference. Often when people resolve conflicts, one person ends up a winner, and one loses out. This may solve the problem for a moment, but resentments and bad feelings can cause more problems later.

Everybody Can Win

Another way to look at conflict is to try to find a WIN-WIN solution, in which both sides can benefit. In this way, conflicts are turned into opportunities to grow and make things better than before. The approach is the cornerstone of “conflict resolution” – one of the most important tools for bringing peace into our personal lives, our communities and to our world.

CONFLICT RESOLUTION BASICS

4. **Attack the problem not the person**
   a. Define the problem
   b. Explore each person’s perception of the problem
   c. Try to understand and respect each point of view without judging
   d. Use good communication skills including, **LISTENING, SUMMARIZING AND CLARIFYING**.

5. **Concentrate on interests, not positions**
   a. The position is the outcome you are interested in getting
   b. The interest is why you want that outcome
   c. Interests that are involved in conflicts are usually related to our basis needs. When we focus on interests instead of positions we can start to find solutions.

6. **Come up with options in which both sides win (win-win options)**

4. **Cooperate together to solve the problem fairly**
   a. A fair solution respects the interest of both sides

Conflict/Resolution Meeting Process

6. Set a meeting time for everyone involved.

7. Have all parties involved bringing copies of specific issues that need to be addressed.

8. Be clear and precise with list of issues

9. Use “I” statements when talking about issues. Examples: When you do or say this. I feel......and when I feel this way......This is how I react.

10. What is my part in resolving these issues?

11. Listen, be open-minded and be willing to communicate what it is you are willing to do to resolve the issue.

12. Notes:___________________________________________________________________________________________________________________________
    ____________________________________________________________________________________________________________________________
    ____________________________________________________________________________________________________________________________
    ____________________________________________________________________________________________________________________________
    ____________________________________________________________________________________________________________________________
    ____________________________________________________________________________________________________________________________

(1)
PROBLEM SOLVING TERMS AND TOOLS

COMMUNICATION
Conflicts are often caused by problems in communication. One person may have misunderstood what the other person has said. Or the other person may not have said what they meant to say. Sometimes when we’re angry we don’t hear what the other person is saying. Sometimes when there is a conflict, people do not tell each other, which cause even more conflict. Good communication skills are in important part of resolving conflicts.

LISTENING
It’s important to listen carefully. Your “body talk” sends a message that you are listening. Keeping eye contact, leaning closer, nodding your head when you understand a particular point, and ignoring distractions that are going on around you are some of the ways to send the right body message.

SUMMARIZE
When a person is finished expressing a thought, summarize the facts and emotions behind what they have said so that they know you have understood what they’ve said and how they feel.

CLARIFY
Ask questions to clarify or make clearer different parts of the problem to make sure that you fully understand the other person’s perspective.

GOOD SPEAKING SKILLS
When you speak, try to send a clear message, with a specific purpose, and with respect to the listener. Speak about how you are affected by the problem.

COMMUNICATION SIDE TRACKERS
Don’t interrupt, criticize, or laugh at the person, offer advice or bring up your own experiences, or change the subject.

WIN-WIN OPTIONS
An idea or suggestion in which both sides can benefit is called a Win-Win option. The idea should help both sides.

BRAINSTORMING
The first step in problem solving is to come up with as many ideas as possible. This is called brainstorming. During this process, any idea that comes to mind should be expressed and written down. Don’t judge whether the ideas are good or bad, or even discuss the ideas. Just try to come up with as many solutions as possible.

FIND A FAIR SOLUTION
Then go through the ideas using fair criteria to see which idea might be best. Using fair criteria means to judge each idea with both people’s interests in mind. Try to use reason and not emotion to judge an idea, and with respect to each person’s difference in perception.

WAYS TO PRACTICE CONFLICT RESOLUTION

NEGOTIATION
Negotiation is a communication process in which people try to work their conflicts in a peaceful way using conflict resolution techniques.

MEDIATION
Sometimes when people want to work out a conflict they just can’t seem to agree on a way to work it out. They may want another person to help them solve their problem. A mediator is a person who helps two sides to work out their problems peacefully. The mediator helps those in conflict to focus on the problem at hand and not blame the other person, to understand and respect each other’s views, to communicate their feelings and what each is really saying, and to cooperate together in solving the problem. Mediators are peacemakers.
GROUP PROBLEM SOLVING
Problems can also be worked out together in a group. Often group problem solvers sit in a circle, so that all members are equal. The same conflict resolution principles are used: they focus on the problem not on assigning blame to any person; they take turns sharing their point of view, and listening (without interrupting) to all of the other points of view; all members must show respect and not criticize other members or their ideas.