

CAL POLY POMONA FOUNDATION, INC.

POLICIES AND PROCEDURES

Subject: Employee Conflict Resolution Policy

Policy No. 206

Reference: 129-II-B, 298-II-D

Old No.: 1979-1

Date: 04/02/79

Revision: 06/13/00

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 written agreement 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. Discrimination prohibited by law
- H. Disciplinary action for cause
- I. Transfer
- J. Demotion

The employee must demonstrate by clear preponderance of the evidence that he/she was directly wrongfully affected by the taking of the final 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 staff 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. Termination of a probationary employee
- E. Non-retention of a temporary employee
- F. Termination because of absence without leave

If at any time during the course of these resolution proceedings, it is determined that 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 Foundation management team 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 who believes he/she has cause for a conflict shall discuss the matter informally 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 conflict.

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.

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.

C. LEVEL III:

If the employee does not agree with the decision reached at Level II, the conflict shall be presented by the department head. The conflict, together with any decisions made at Levels I and II, 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 Human Resources.

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

The panel or hearing officer shall submit their findings of fact and recommendations to the Executive Director of the Foundation. In the event that the conflict involves the Executive Director, other steps will be followed to assure a fair decision is reached. 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 or hearing officer is empowered to:

- A. Establish any 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.

REPRISAL

Employees are assured of freedom from reprisal for using this employee conflict resolution policy.

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