

ARTICLE 10
COLLABORATIVE CONFLICT RESOLUTION (CCR)

Section 10.01 - Purpose. The Department and the Union recognize the beneficial effects to be achieved by embracing non-adversarial procedures that may facilitate resolution of workplace disputes and other matters between employees and Management. The Collaborative Conflict Resolution (CCR) process demonstrates a commitment to a positive approach and joint ownership of concerns and solutions. The CCR processes described in this Article may be used for any informal dispute resolution step described in this Agreement and may be utilized at any time in any formal adversarial process. It is intended to resolve disputes more quickly, effectively, informally, and comprehensively than traditional processes. CCR includes mediation, but is not limited to mediation. Parties may suggest different modes of CCR, including neutral evaluation, shared neutrals programs, interest-based problem solving, peer review, conciliation, facilitation, and neutral fact-finding. The intent is to keep the process as informal as possible.

Section 10.02 - Promotion and Training. The Department and the Union will promote and encourage the use of CCR. The Department shall provide an initial training program for employees and supervisors on CCR, and shall provide annual online training for Department and Union representatives in the use of CCR principles and methods. The Department will provide opportunities for periodic Union input and suggestions on training programs, curriculum, and pilot tests in the Labor Management Forums. The Labor Management Forums may evaluate CCR programs and activities, identify subjects and situations appropriate for CCR, and advise the Department on CCR programs, training, and other resources.

Section 10.03 - Definitions.

- (a) **The Parties** are usually those affected employee(s) and affected management who will be significantly involved in the CCR process and who participate in a proceeding. In these proceedings, the Parties may be represented (usually by the Union and the Employee/Labor Relations Specialist).
- (b) **Shared Neutrals Programs** consist of disinterested third parties that are not involved in the conflict and the neutrals are shared between organizations.
- (c) **Mediation** is a process where a mediator helps the parties who are in conflict attempt to reach a resolution that is acceptable to them.
- (d) **Settlement** is a mutually agreed upon resolution between disputing parties.
- (e) **Settlement Agreement** is a written document signed by the employee and/or employee's representative and management representative that identifies the dispute and specifies the terms of the Settlement.

Section 10.04 - Mediation. Generally, CCR will take the form of mediation.

- (l) Normally mediation sessions will be short in duration, typically not to exceed 1 day.

- (2) All notes will be destroyed at the close of the process.
- (3) The management representative must have authority to sign the Settlement Agreement and bind the Department in the Settlement, subject to a legal sufficiency review.
- (4) The Settlement Agreement may be used as evidence in any subsequent third party proceeding.
- (5) If the mediation fails to result in a Settlement, the employee or Union shall have the right to move the matter to the grievance or arbitration process or other statutory proceeding before a third party in accordance with this Agreement.
- (6) It is understood and agreed that mediators will not be called as witnesses in any subsequent proceedings.
- (7) If the parties agree to mediation, the Employee/Labor relations (ELR) Specialist shall promptly contact the Federal Mediation and Conciliation Service (FMCS) or other appropriate source(s). The ELR Specialist shall provide the FMCS or other provider with the name, organization, and phone number of the employee and the Union representative representing the employee, if any, and the management official(s) who will represent the Department in the mediation. If the employee is self-represented, the ELR Specialist will notify the appropriate Union official of the meeting in accordance with this Agreement. The ELR Specialist shall provide the mediator a copy of this article. The parties to the mediation may mutually agree to use a mediator who is an employee of the Department.

Section 10.05 - Informal Resolution of Grievances. The CCR process can be used to prevent or accelerate the process of resolving an employee grievance. The scope of CCR may extend beyond the range of grievable subjects as defined in this Agreement.

- (1) The initiation of the CCR process suspends any deadlines or other timeframes in the grievance process until completion. The CCR can be initiated either before a grievance is filed or at any step during the grievance process. However, the time that has elapsed before initiating the CCR shall count against the grievance time limits should CCR be unsuccessful.
- (2) The Union may initiate the CCR process in any party grievance.

Section 10.06 - CCR in the Discipline process. The CCR can be initiated before a disciplinary action is completed. The initiation of the CCR process suspends any deadlines or other timeframes in the discipline process until completion.

Section 10.07 - CCR in Conflicts between Employees. The parties may utilize the CCR process for employees to resolve workplace conflicts with other employees.

Section 10.08 - CCR in Unfair Labor Practices. The parties may utilize the CCR process for resolving allegations of Unfair Labor Practices.

Section 10.09 - Reporting. Management shall furnish any statistical reports developed regarding CCR to the Council.