



Classification: Human Resources	YALE NEW HAVEN HEALTH SYSTEM POLICIES & PROCEDURES		
Title: Dispute Resolution			
Date Approved: 06/07/2018		Approved by: System Operating Committee	
Date Effective: 08/01/2018			Date Reviewed/Revised: NEW
Distribution: HR policy standardization update to YNHHS managers. Additional communication by respective HR team to managers. MCN Policy Manager			Policy Type (I or II): Type I
Supersedes: Grievance Policy (Bridgeport Hospital B;14); Grievance Process (Greenwich Hospital B11); Grievance Procedures (HSC II.A.15); Grievance (NEMG B:4); Grievance Procedure (Grimes Center B:2); Grievance Procedure (YNHH B:2)			

PURPOSE

YNHHS is committed to giving employees fair and consistent treatment and providing a process for prompt consideration of their disputes. No employee shall be treated in a retaliatory or discriminatory manner as a result of the utilization of the Dispute Resolution process.

APPLICABILITY

This policy shall apply to the Yale New Haven Health System (YNHHS), its parent and subsidiary corporations, its Delivery Network hospitals (Bridgeport Hospital, Greenwich Hospital, Yale New Haven Hospital), Northeast Medical Group, and Yale New Haven Care Continuum (d/b/a Grimes Center), Corporate Professional Business Services (CPBS), each of their respective parent and subsidiary corporations, and each affiliated entity owned by or under common ownership and control with any of the foregoing, with the exception of Lawrence + Memorial Hospital, Westerly Hospital, and VNA of Southeastern Connecticut.

This policy is applicable except where it is expressly superseded by collective bargaining agreements.

Eligibility

Dispute Resolution

This policy applies to all regular full time and part-time YNHHS employees. Casual and/or per diem status, temporary, and newly-hired probationary employees are ineligible to use the Dispute Resolution process. Employees who are covered by a collective bargaining agreement must use the process defined in their contract. This policy does not apply to issues that are subject to medical staff credentialing policies and procedures.

Management staff are encouraged to use their chain of command and Human Resources to resolve disputes. An administrative review process is available to provide an opportunity for management staff to have any dissatisfaction relating to their duties, responsibilities, or any other factor related to their employment, reviewed at a higher level in the organization, up to and including their senior vice president or in the case of sexual harassment matters, in accordance with the YNHHS Sexual Harassment Policy.

POLICY

It is the policy of YNHHS to identify and address causes of employee dissatisfaction and to ensure that all employees receive fair and equitable treatment. In accordance with this policy, a dispute is defined as a disagreement concerning one or more of the following:

1. Unfair or inequitable pay practices or hours of work;
2. Improper interpretation or administration of Human Resources Policies and Procedures;
3. Unfair or inequitable discipline (at the written warning level and above);
4. Discrimination based on race, sex (including sexual harassment,) sexual orientation, creed, age, national origin, religion, physical disability, handicap, veteran's status, or other protected class under applicable law; and
5. Unfavorable conditions of employment in the working environment.

Note: Disputes concerning allegations of sexual harassment will be processed under the Sexual Harassment Policy

PROCEDURE

A. Administrative guidelines

1. To achieve a prompt resolution of employee disputes, the action at each step of the Dispute Resolution process should be taken as rapidly as possible, but not later than the prescribed time limits as detailed in the Administrative Procedure section below. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at that step.
2. "Days" are defined as calendar days excluding weekends and designated YNHHS holidays.

Dispute Resolution

3. Dispute Resolution meetings will be scheduled at mutually satisfactory times. Dispute Resolution meetings scheduled during the employee's normally scheduled work hours will be considered "time worked" for the duration of the meeting.
4. An employee may enlist the assistance of another YNHHS employee (excluding those covered by a collective bargaining agreement) of his/her choice and/or a member of the Human Resources Department staff in preparing for a Dispute Resolution at any step. Because this is an internal organizational policy which stresses the importance of the aggrieved employee functioning as the primary advocate in presenting his/her own dispute, attorneys or parties other than those stated in the policy are not permitted to participate directly in the Dispute Resolution process. Employees may choose to seek the advice of an attorney external to the process and for guidance in between steps of the process.
5. Answers to disputes must be consistent with applicable Human Resources Policies and Procedures and should take into consideration the resolution of previous matters of a similar nature for consistency and equity.
6. Within five (5) days after issuing a decision at the first step of the Dispute Resolution process, a written summary of the dispute and the response to the employee must be prepared by the responsible department head and forwarded to the director of Human Resources or designee and the responsible administrative officer.
7. Information or statements related to a dispute must be treated in a most discreet and confidential manner by all persons involved.
8. All written responses to the employee must either be hand-delivered to the employee at work or sent to the employee's residence via certified mail.

B. Administrative procedure

Every reasonable effort should be made by supervisors, employees and others directly involved to resolve any questions, problems and misunderstandings related to the dispute. Accordingly, employees should first discuss any disputes or questions they may have with their immediate supervisors, preferably at the time the question, problem or misunderstanding arises. In matters involving allegations of sexual harassment, a separate process is defined under the YNHHS Sexual Harassment Policy.

Supervisors in turn should take positive and prompt action to answer employee questions and resolve disputes presented to them. Employees may also meet with a Human Resources representative prior to initiating a dispute to obtain guidance and assistance.

1. Step 1 - Department Head

If an employee's problem has not been resolved after presenting it to his/her immediate supervisor, a dispute may be initiated in writing, specifying the problem and expected resolution with the department head at Step 1. This dispute must be initiated within five

Dispute Resolution

(5) days, exclusive of YNHHS holidays and weekends, from the date the employee first learned of the incident which caused the concern.

The issue must be covered by this policy and the aggrieved employee should state the specific remedy requested. Where there is no department head, the Step 1 dispute will go to the next level administrative officer. After receiving a dispute, the department head arranges a meeting with the employee to discuss the dispute within five (5) days, researches all the available facts and information relative to the dispute, and issues a written decision within five (5) days from the date of the Step 1 meeting.

2. Step 2 - Administrative Officer

If a satisfactory resolution of the dispute is not reached at Step 1, the employee may request an appeal to Step 2 to be heard by the responsible administrative officer (either the sr. vice president, vice president, assistant vice president, executive director, or administrative director, depending on the structure in each division).

The employee must present the appeal request in writing to the administrative officer within five (5) days after receiving the Step 1 decision; otherwise the dispute is considered resolved based on the Step 1 decision.

The administrative officer reviews the summary prepared by the department head and meets with the employee within five (5) days after receiving notice of the appeal.

The administrative officer will conduct further investigation of the dispute, as necessary, and issue a written decision to the employee within five (5) days following the meeting.

3. Step 3 – President (or Designee) or Dispute Resolution Panel

If a satisfactory resolution of the dispute is not reached at Step 2, the employee may request that the dispute be processed to Step 3. The request must be in writing and presented to the director of Human Resources or designee within five (5) days after receiving the Step 2 decision; otherwise the dispute is considered resolved based on the Step 2 decision. At the employee's option, the dispute is reviewed and the final decision is made:

- by the president (or designee); or
- by an appointed three-member Dispute Resolution Panel.

In cases where the employee elects to have the dispute heard by the president (or designee), the director of Human Resources or designee will arrange for a dispute hearing to be conducted within ten (10) days after receiving the Step 3 appeal. The president (or designee) will review all the available facts and information, and issue a written decision within ten (10) days following the hearing.

Alternatively, in cases where the employee elects to have the dispute considered by the Dispute Resolution Panel, the following conditions will apply:

- the employee appoints one panel member;

Dispute Resolution

- the department head involved appoints one panel member;
- the two appointed panel members select the third panel member who also serves as chairperson;
- the panel must be convened within ten (10) days from the date the employee chooses the first panel member.

The director of Human Resources or designee assists in coordinating the appointment of the panel, and selects the third panel member in cases where the initial two appointed members are unable to reach agreement on the third panel member.

The panel conducts a thorough and objective investigation of the dispute and meets with the employee, the manager, others involved in separate meetings as appropriate. The panel will review the administrative officer's written summary at Step 2, and issue a decision by majority vote in writing within ten (10) days following its appointment. See also Supplement "A" - Rules Governing Dispute Resolution Panel Process.

A decision issued by the president (or designee) or Dispute Resolution Panel is final. The panel's chairperson will submit a copy of the decision to the employee, the director of Human Resources or designee, and the administrative officer.

All time limits may be extended by mutual agreement of the parties and for good cause.

C. Exceptions to Dispute Resolution Process

1. In cases where an employee believes that the overall performance score or a particular score received in a performance review is unfair, the employee may discuss his/her concerns with the supervisor in an attempt to reach a satisfactory resolution and enter any remarks deemed appropriate in the section provided on the performance review form.

Only in cases where the overall performance review score is "Needs Improvement," and/or where the employee has been suspended, placed on probation, or involuntarily demoted, transferred or terminated can the employee pursue the Dispute Resolution process.

Note: A dispute initiated by an employee reporting directly to a department head may be appealed to Step 2 for review by the responsible administrative officer.

2. In cases where an employee believes that the Job Posting/Promotion and Transfers Policy was not properly administered, the employee may initiate a Step 1 dispute with the department head where the opening occurred or with Talent Acquisition depending on where the decision was made. The procedure regarding award of an aggrieved position will be in accordance with the Job Posting/Promotion and Transfers Policy.
3. In the event that there are extenuating circumstances, such as an employee becoming incapacitated or on a leave of absence for a period of time while a matter is active in the Dispute Resolution process, or other circumstances that might constitute an exception or

Dispute Resolution

interpretation of the Dispute Resolution process described herein, a decision will be made based on review by the respective administrative officer and the vice president of Human Resources or designee.

4. Recommendations for other exceptions to the Dispute Resolution process described herein must have the approval of the responsible administrative officer and the vice president of Human Resources or designee.

REFERENCES

N/A

RELATED POLICIES

Employee Conduct and Corrective Action
Equal Employment Opportunity
Sexual Harassment Policy
Job Posting/Promotion and Transfers Policy

Dispute Resolution

**SUPPLEMENT "A": RULES GOVERNING DISPUTE RESOLUTION PANEL
PROCEDURE**

1. Panel members shall have had no prior involvement in the dispute, and may not be from the same department as the employee appealing the dispute. Once chosen, the panel members function as a complete unit, regardless of whether the department or employee chose them. The panel members will vote on any dispute presented to them by the director of Human Resources or designee and a simple majority will prevail.
2. Panel members shall not discuss the dispute with others prior to the hearing, and shall disqualify themselves in cases of conflict of interest or pre-hearing prejudice.
3. If it is necessary for a panel member to be absent from a case hearing, or to disqualify himself/ herself, an alternate will be selected by the person who chose the original panel member.
4. In the event a panel is unable to issue a decision within ten (10) working days following its appointment and there has been no agreement for an extension, the case will be reviewed by the president (or designee) who will make a final decision.
5. The director of Human Resources serves as a resource person to the Dispute Resolution panel, and assists in coordinating hearings and meetings, providing information and advice regarding YNHHS policies and procedures prior to the decision, and reviewing Step 3 decisions to ensure consistency with established Human Resources Policy. Any relevant information, request for evidence or testimony by either the employee or the department will be coordinated and/or communicated to the Dispute Resolution panel through the director of Human Resources or designee.
6. The panel's chairperson, through Human Resources, will submit a copy of the panel's findings to the employee, the employee's department head, and to the director of Human Resources or designee.