

Department of Human Resource Management
Office of Employment Dispute Resolution

Annual Report Fiscal Year 2015

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Office of Employment Dispute Resolution

Department of Human Resource Management

Fiscal Year Overview and Performance Measures Summary

The Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management continues to stress customer satisfaction as its priority and in Fiscal Year 2015 EDR was remarkably successful in that regard. EDR maintained a high level of expediency in its core functions, while also continuing the development and roll out of proactive services for resolving workplace conflict more effectively. EDR's mission is to provide state agencies and employees with a breadth of resources to address workplace conflict effectively.

Workplace disputes are unavoidable, but unresolved conflict is costly and destabilizing. Unresolved conflict leads to wasted time, reduced decision quality, increased turnover of skilled employees, absenteeism, and grievances, while important services to the Commonwealth's citizens fail or become inefficient. Studies have shown that managers spend 20-40% of their time dealing with employee conflicts, rather than focusing efforts on increasing productivity. In addition, conflict resolution experts estimate that 65% of work performance problems result from unmanaged employee conflict rather than a lack of skill or motivation. EDR's approach to assist state agencies and employees in ameliorating these effects is through

broad, proactive early intervention methods like those adopted by the Workplace Conflict Consultation Program.

Conflicts are better resolved at the earliest possible level and EDR's goal is to provide state managers and employees with the tools and services to resolve conflict on their own and without having to resort to external complaint mechanisms when possible. The Workplace Conflict Consultation Program is central to EDR's efforts to assist state agencies in resolving workplace conflict proactively.

The Workplace Conflict Consultation Program includes four proactive approaches for resolving workplace disputes, including conflict coaching, conflict management skill building trainings, and one-on-one phone consultations, in addition to further utilizing EDR's existing statewide workplace mediation program. While the results of EDR's first full fiscal year of implementation of this Program are discussed below, here is a sampling of the feedback received:

Coaching and Consultation

"A process is nothing without a great facilitator. [My coach] made it all make sense. She seemed to have mastery of the science and subject matter rather than just dumping information. In that regard, it helped guide me through what was a very emotional and physical year in my life at work. Second, I really did appreciate the "proof" and body of knowledge behind the delivery. Everything was professionally done."

"I found the responses from my colleagues and supervisors to be very interesting as it provided a perspective of me that was similar in some aspects, but different in other[s] compared to how I see myself."

"I feel better on my job now, than I have felt in years."

"I was quite pleased that the original perception dissolved as [my coach] walked me through the course and was able to focus more on the benefit to me rather than the negative, alternative perception."

"I like the opportunity to express my concerns and feel like I was being heard, even if this forum does not have the ability to completely resolve my issue."

"[The coach] has a very calming energy which conveys over the phone. I felt heard and I felt like her advice was sound and could actually solve my issues."

"For the first time in a long time, at least 8 months, I was heard by someone else who could offer suggestions and resolve issues. I did not feel as if sides were taken, but at least I was heard."

"I am extremely thankful for the solid advice, the kindness, and the feeling of satisfaction knowing that I am working toward resolution of my workplace concerns."

"It is helpful to speak with an unbiased party and to hear options. Thank you for offering this service."

Training

"I feel more comfortable with my personality traits and ways to manage them."

"I learned a lot about what I need to do to change my destructive communication to constructive."

"I went into this kicking and screaming, as usual, and came out very glad I was 'forced' to attend."

Mediation

"I feel that this process was beneficial to both [of us]. I feel positive about working with [my supervisor] in the future."

"It gave me a chance for the conflicts to be heard ... and to come up with an end resolution to the conflict."

"I recommend this process to others who want to have a good working relationship between employees."

The positive response to EDR's Workplace Conflict Consultation Program in the past year has been staggering. These comments are representative of the difference these services can make in enhancing the work environment for the subject employees and those around them. EDR will work to expand the exposure of the program to reach more state workplaces and provide assistance whenever possible.



Performance Measures – Summary of Results

Customer Service - Overall

Goal: 90% of respondents rate EDR services received as good or better.

Result: 99% satisfaction rate.

Rulings Performance

Goal: Issue 90% of EDR administrative rulings within 50 calendar days of receipt.

Result: 99% of rulings were issued within the target.

Hearings Performance

Goal: Hearing officers issue 90% of hearing decisions within 20 calendar days of close of the evidentiary record.

Result: 87% of hearing decisions were issued within the 20 calendar-day target.

Budget Analysis

EDR's budget is split between a general fund and special fund account. Core services are accounted for out of the general fund, while the hearings program is funded exclusively by the special fund. As with most central agencies in the Commonwealth, EDR's general fund account has challenges that will require attention in the near future.

General Fund

EDR's general fund appropriation (~\$602,000) is almost entirely reserved for the salaries and benefits of four full-time and two part-time employees. EDR's challenge is to have sufficient funds to retain talented

and experienced staff members into the future. At its current budget levels, EDR will be susceptible to staff losses as it is unable to meet or compete with salaries from the private sector or even other state agencies for comparable positions. Further, the reliance on part-time employees is a significant weakness in the program as EDR attempts to provide additional services and capabilities to state agencies.

As EDR develops and deploys these new and enhanced services for early intervention of workplace conflict, EDR's general fund appropriation restricts opportunities available for creating these additional services. The programs EDR seeks to provide will be limited in impact and breadth due primarily to these budget issues. As new services are initiated and/or proposed, EDR will be required to seek additional funding to adequately provide the level of support needed for a workforce as large as the Commonwealth's.

Special Fund

EDR's hearings program collects special funds by charging agencies a flat-fee per hearing for the services of EDR's full-time hearing officer. With the approval of the Department of Planning and Budget, EDR has raised its flat-rate hearing fee from \$1450 to \$1750 beginning for cases appointed in FY 2015. Although past special funds collections have never fully funded the hearings program, this increase, the first since 2007, has brought expenses closer in line with revenue. EDR is still only able to collect a portion of the \$312,000 special fund appropriation in a given year with only one full-time hearing officer on staff.

Workplace Conflict Consultation Program

DHRM initiated the Workplace Conflict Consultation Program in April 2014 as a step in adopting a statewide approach to integrated conflict management, providing the state workforce with specialized services only available in the private sector at higher costs. The primary purpose of the Program is to provide state agencies and employees with the training and tools to more effectively address workplace conflict on their own without resorting to outside complaint procedures. The Program’s innovative approach of coupling a statewide mediation program with three additional proactive, early intervention services ultimately prevents and alleviates conflict to allow agency managers to focus more time and effort on service delivery for the Commonwealth and its citizens. In fiscal year 2015, over 400 state employees participated in at least one of the four early-intervention Workplace Conflict Consultation Program services.

Conflict Coaching and Consultations

EDR’s conflict coaching and consultations are designed to help managers and employees better understand their typical responses to conflict. When utilized, an individual or a 360 Conflict Dynamics Profile assessment is administered to the employee to identify the most problematic areas. EDR then provides conflict coaching sessions and helps the employee create an action plan to outlines goals, set target dates, and describe methods to hold the employee accountable. Similarly, the one-hour confidential phone consultation service is used for in-

depth, interpersonal, organizational, evaluative, and/or peer relationship conflicts in the workplace.

In FY 2015, EDR conducted 32 coaching sessions and 20 one-hour consultations. Though only active for one year these direct, one-on-one services account for nearly half of service requests under the Workplace Conflict Consultation Program. Further, 100% of clients have rated these services as good or better.

EDR’s coaching and consultation services can have a profound impact on the client and other surrounding employees in the workplace. Indeed, EDR has used the coaching model for teams in conflict, whereby the team’s manager is coached to better address conflict directly, rather than resorting to an outside consultant to audit the workplace. This places the most accountability with the manager to improve the effectiveness and output of a unit. Conflict coaching is the service most ripe for growth under this program.

Comparative Service Utilization



Mediation

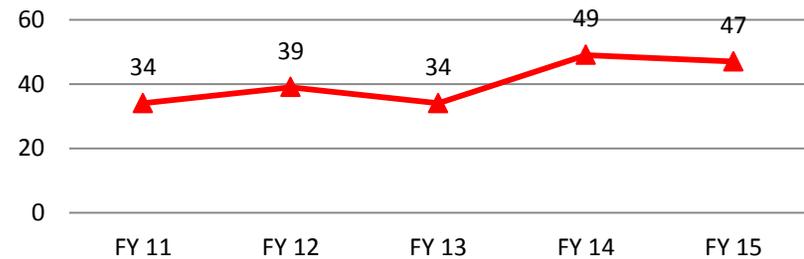
EDR administers the Commonwealth’s statewide workplace mediation program. This program is a voluntary, confidential process through which EDR mediators assist state employees with expressing their thoughts and feelings associated with workplace disputes in a safe, nonjudgmental environment. The program is designed to enable employees to explore their differences and develop their own resolution to the workplace concerns. EDR’s mediation services are available to all state employees free of charge. EDR currently has 47 workplace mediators from the public and private sector who voluntarily commit their time to conduct EDR mediations each year.

EDR’s mediation satisfaction rating, based on mediation participant evaluations, continues to be very high and exceed performance targets. The program achieved 98% approval this fiscal year. Of the 35 mediations that EDR conducted in FY 2015, 77% resulted in either a verbal or written agreement.

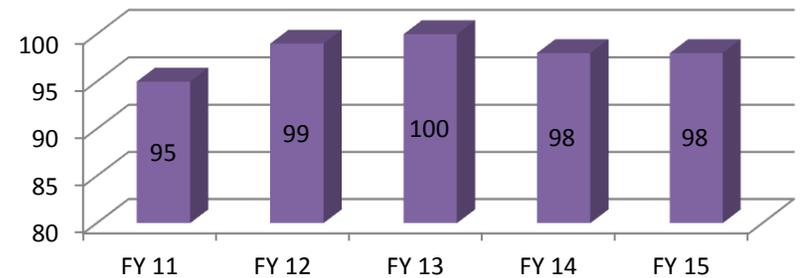
Conflict Management Training

EDR has also developed three conflict management skill building trainings - *Conflict Management 101*, *Constructive Communication Skills*, and *Handling Workplace Conflict Effectively* – in order to provide employees the tools necessary to appropriately respond to workplace conflict. Eleven sessions of these courses were conducted in FY 2015 for 252 participants. Additional discussion of EDR’s training initiatives is detailed below.

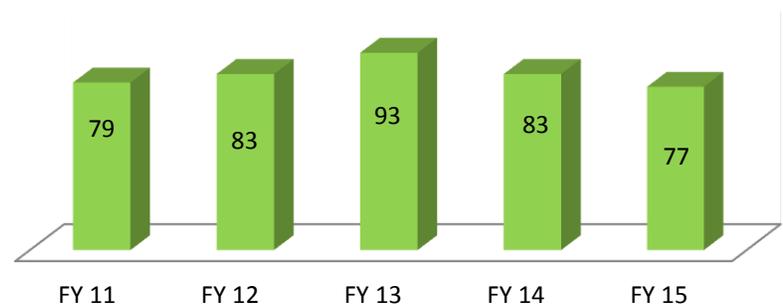
EDR Mediation Requests



Customer Satisfaction (Mediation)



Percentage of Mediations Resolved



Training

EDR provides classroom training courses in the following areas:

- Handling Workplace Conflict Effectively
- Conflict Management 101
- Constructive Communication Skills
- Best Practices in Employee Discipline & Discharge
- Understanding and Using the Grievance Procedure
- Enhancing Management's Response to Employee Grievances
- Basic Grievance Hearing Skills

EDR's newest addition to its roster of classes, the Constructive Communication Skills course, which debuted in FY 2015, is designed to help participants discover essential skills for successful verbal and non-verbal communication and learn how to deliver messages clearly and effectively. Participants learn how to read and interpret non-verbal cues as well as practice PEACE-keeping conflict resolution steps as a method of enhancing their communication skills in the workplace.

EDR also provides three online training courses: 1) an overview of EDR's Services, 2) Workplace Conflict Management Skills, and 3) grievance procedure basics, which are available through the Commonwealth's Knowledge Center.

State agency interest in EDR's in-person, classroom training has remained steady. EDR provided 27 training sessions at agency worksites for a total of 638 attendees, which is on par with past fiscal years. Face-to-face contact with state employees in trainings is a critical part of promoting and educating about all of EDR's services.

EDR has and will continue to work closely with the Virginia Department of Corrections to create an ongoing training partnership, through which EDR assists in providing grievance procedure training for new supervisory employees at DOC's Academy for Staff Development.

EDR's satisfaction ratings this fiscal year, based on participant evaluations, continued at normal high levels, with 99% of attendees rating the trainings as good or better this fiscal year.



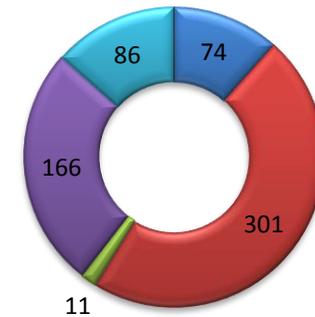
On the whole, FY 2015 was a year of great opportunity for EDR's training program. EDR experienced a sustained demand for classroom

training services, kept pace with the volume of requests for training, and provided these services effectively while maintaining a high level of quality and customer satisfaction.

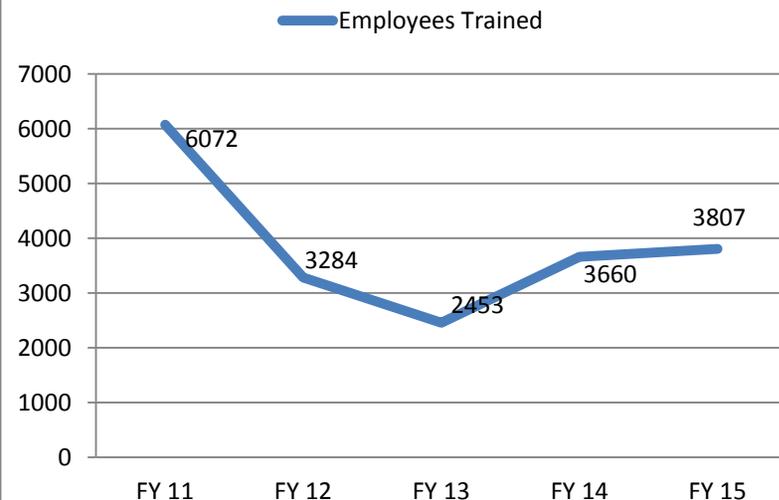
Further growth in EDR’s training program will undoubtedly require additional resources. Demand for EDR’s new conflict management training courses has grown significantly, due, in part, to recent promotional efforts for EDR’s Workplace Conflict Consultation Program. If agency requests continue at their current pace, EDR will soon have insufficient resources to support the demand. EDR will require additional staff or other resources in the near future if it is to continue providing the quality training services for which it is known without running the risk of limiting state employees’ access to these valuable training opportunities.

Classroom Training Attendees

- Grievance Process
- Discipline & Discharge
- Hearing Skills
- Conflict Management 101
- Handling Workplace Conflict Effectively



Employees Trained



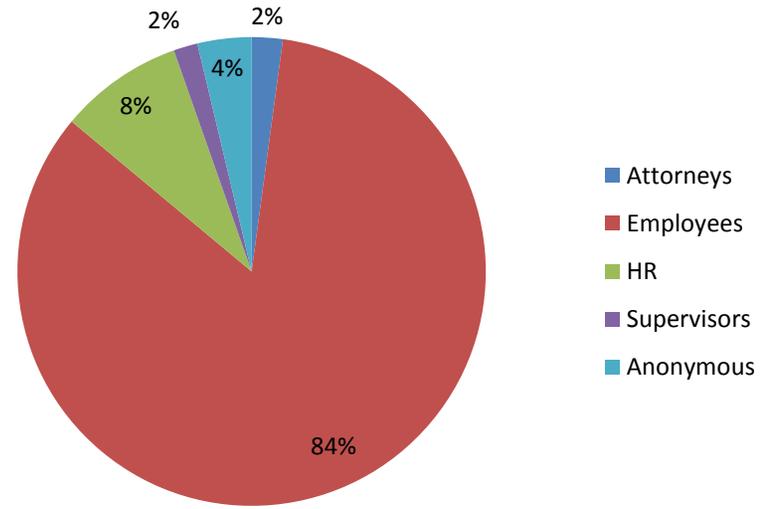
* The number of employees trained in FY 2011 was anomalous due to one large agency’s voluntary initiative to use EDR’s Knowledge Center courses to train its employees.

AdviceLine

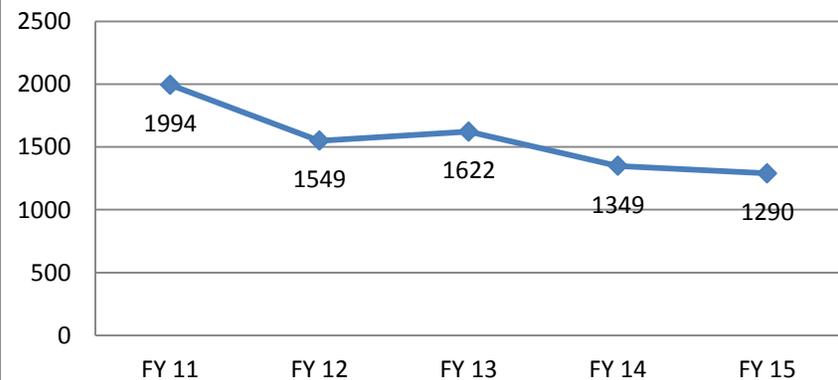
EDR consultants provide consultation on employment-related issues to state employees, human resource professionals, supervisors, managers, or anyone else in state government through the AdviceLine. Calls to the AdviceLine are confidential, toll-free, and callers may remain anonymous if they so choose. Although EDR consultants can provide a wealth of knowledge on many issues arising in state employment, it is not the role of EDR to advise callers on the action they should take or represent them in a dispute. Rather, callers are given information about options or resources available. EDR CANNOT provide legal advice on the AdviceLine.

The vast majority of callers are state employees, but EDR receives many calls from other representatives, including attorneys, members of management and agency human resources staff. The amount of calls received on the AdviceLine has varied in past years. However, the general trend has been a decrease in the number of calls. This decrease continues to highlight the need for EDR to increase communication and outreach efforts to reach more state employees, managers, supervisors, and human resource professionals to educate about all of EDR’s services and the Office’s role in properly addressing conflict in the workplace. EDR’s involvement on AdviceLine can and does help facilitate resolution of employment disputes. Further, the AdviceLine serves as the initial screening and referral for many of EDR’s early intervention services under the Workplace Conflict Consultation Program.

Who calls AdviceLine? - (FY 2015)



Calls Addressed



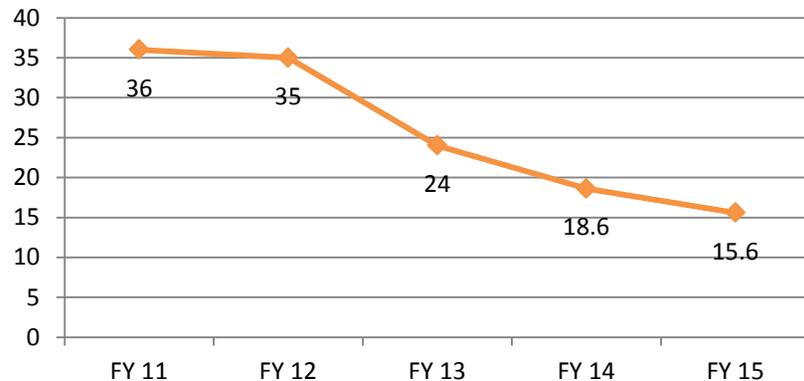
Administrative Rulings

EDR has continued to work to reduce the time taken to complete its administrative rulings in FY 2015. This past year saw last year's previous lowest average turnaround rate record reduced again to 15.6 days. Furthermore, EDR met its ambitious goal of completing 90% of its rulings within 50 days, with 99% of rulings issued within the deadline.

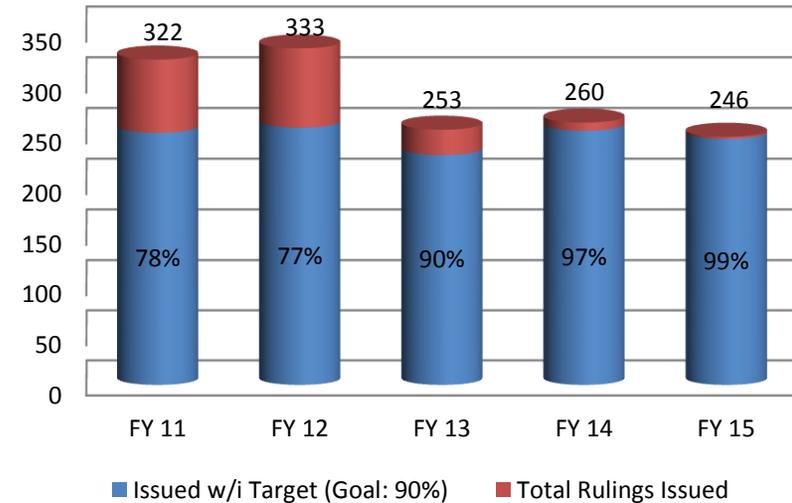
EDR saw a slight decrease in the overall number of ruling requests in FY 2015. The number of ruling types remained generally static, though the trend of a larger than average proportion of compliance rulings continued from FY 2014.

While EDR's performance in this core role of administering the state grievance procedure has been exceptional, the Office's staff remains small. The loss of any employee whose efforts contribute toward rulings would significantly impact the performance of EDR in this regard and likely prevent the Office from reaching its goals for efficient and effective service.

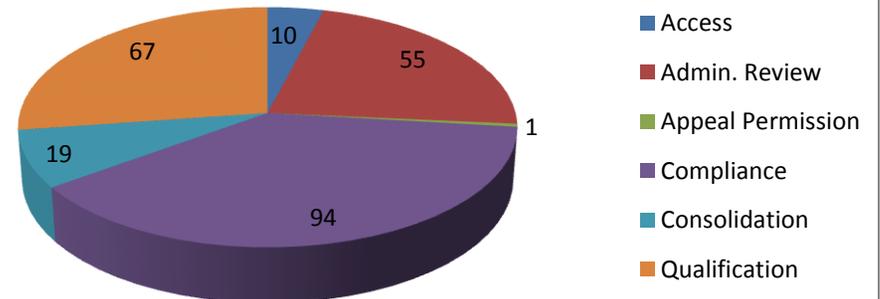
Average Turnaround Time (Days)



Rulings Issued



Rulings By Type - FY 2015



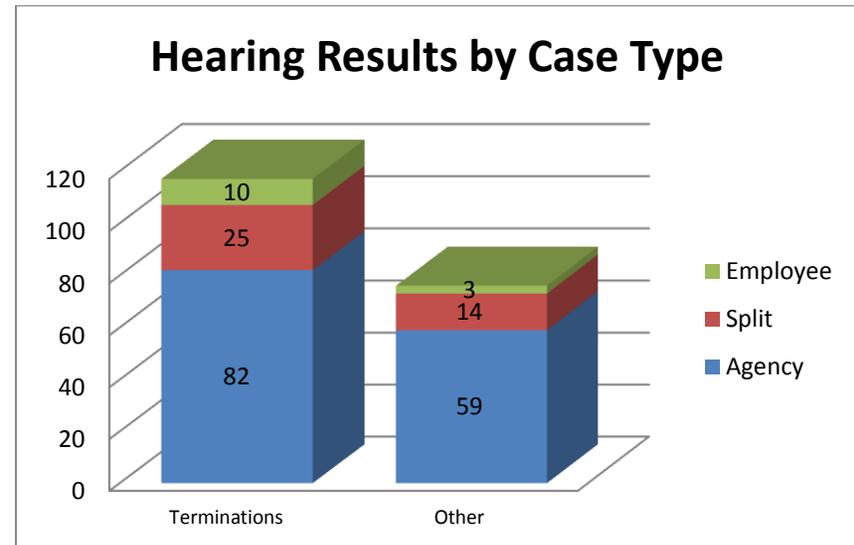
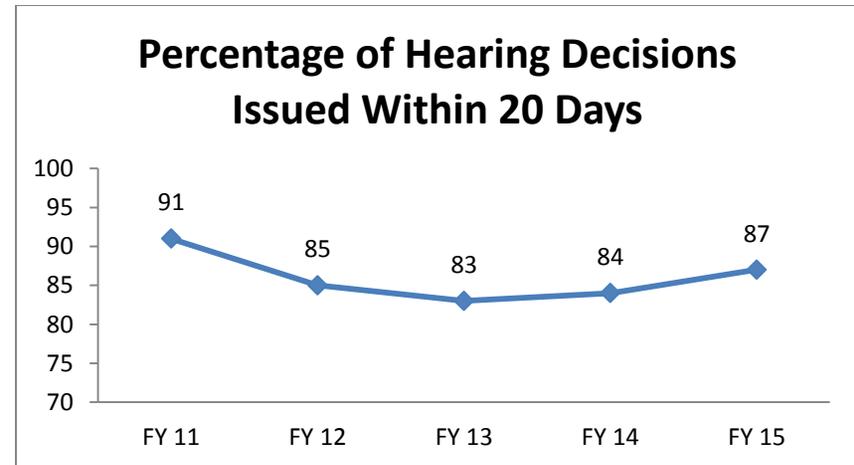
Grievance Hearings

EDR’s central role in managing the hearings program for all employee grievances is providing impartial and knowledgeable hearing officers to decide cases. The grievance procedure and EDR’s Rules require decisions to be based on the facts, policies, and law. Improving the quality of hearing decisions is always a key focus of the hearings program.

The number of hearings statewide has remained relatively static in the past few years. EDR saw only a slight increase (1%) in the total number of hearings in FY 2015, with 193 hearings held with decisions issued. The overwhelming majority of hearings (all but three) concerned discipline or termination. As a portion of the total number of hearings, terminations accounted for 61% of hearings, which is nearly consistent with the previous fiscal year (58%).

EDR has maintained its critical goal of emphasizing the timely issuance of hearing decisions by hearing officers. Hearing officers are directed to issue decisions within 20 days of the close of the evidentiary record (i.e., the date of the hearing in nearly all cases). The turnaround time for all hearing officers improved in FY 2015, with 87% of cases decided within the 20-day target. On average, hearing decisions were issued 15 days from the date of the hearing.

Hearing results were similar to past years, with agencies being upheld in whole or in part 93% of the time (180 cases out of 193), with terminations upheld in 82% of cases (96 cases out of 117). Employees received at least partial relief in about 27% of all grievance hearings.



Contact Information

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