

## Montgomery County Government and UFCW Local 1994 MCGEO

### Conflict Facilitation Process (CFP)

#### Operating Procedures and Guidelines

Article 52 of the Montgomery County Government and UFCW Local 1994 MCGEO Collective Bargaining Agreement (CBA) establishes the Joint Conflict Facilitation Process (CFP) and provides for the development of operating procedures governing the operations of the CFP.

1. The parties agree to each designate 12 Facilitators so that the Facilitator cadre is composed of a total of 24 Facilitators.
2. The parties agree to each identify one CFP Coordinator to administer and oversee the CFP in a collaborative fashion.
3. The parties agree to promote the CFP as a productive and legitimate vehicle for addressing conflict in the workplace. Further, the CFP is to be used by all parties in good faith. No employee shall be subject to retaliation for participating in the CFP and the CFP shall not be used to harass or intimidate managers for managing responsibly. Although appointed by each party, Facilitators serve as neutrals, not as advocates.
4. The process:
  - a. An employee who believes that he/she has been treated unfairly or inappropriately by his/her supervisor may request facilitation under this process. A manager or non-bargaining unit supervisor who is experiencing conflict with a bargaining unit employee may also request facilitation under the process.
  - b. An employee or manager/supervisor who seeks facilitation must make a written request using the *CFP Request Form*. The request may be directed to either UFCW Local 1994 or the Director of the Office of Human Resources, or his/her designee. Upon receipt by either party of a request, that party shall promptly notify the designated CFP Coordinators.
  - c. Upon receipt of the request, the CFP Coordinators shall promptly, but no later than fourteen (14) days following the request, consult to identify the Co-Facilitators (one each from the County's and the Union's representatives) assigned to the matter. The CFP Coordinators have the discretion to assign the same Co-Facilitation Team to multiple conflicts, or change the composition of the Co-Facilitation Teams, as they see appropriate. Normally, the CFP

Coordinators will not assign a Co-Facilitator who works in the Department in which the conflict is located. The OHR CFP Coordinator will notify the relevant Department Director of the request. In accordance with Article 52.3(a), the CFP Coordinators may agree to use an outside facilitator in matters where the use of the CFP Facilitators is not appropriate or will likely not be successful.

- d. Upon notice of the assignment, the Co-Facilitators will promptly meet to review and discuss the request. The review is intended to ensure that the matter is properly in the process (see lists of appropriate and inappropriate issues in Section 5 and 6, below) and to ensure that the Co-Facilitators agree on the process to be used in that particular facilitation, and/or to identify any particular issues that need to be addressed prior to the actual facilitation.
- e. The Co-Facilitators will jointly notify the parties whether the matter is appropriate for the CFP and, if so, schedule to meet with the parties within five (5) days after reviewing the request. The Co-Facilitators will also identify the location of the facilitation. (Co-Facilitators who use personal vehicles to drive to a facilitation location are eligible for mileage reimbursement.) If the Co-Facilitators determine that the matter is not appropriate for the CFP, they will jointly explain the reasons to the parties. (In contacting the parties at any time during the process, the Co-Facilitators must ensure that they are not perceived as representing or advocating for either party.)
- f. The Co-Facilitators will normally schedule a block of three-hours for the initial facilitation session. If the matter is not resolved within the initial three-hour session, and the Co-Facilitators agree that additional sessions may be productive, the Co-Facilitators may schedule one additional three-hour session. Additional sessions may only be scheduled with the approval of both CFP Coordinators.
- g. Participation in the process is mandatory. However, should a party refuse to participate, the Co-Facilitators will promptly notify the CFP Coordinators, who will consult on what actions to take.
- h. At the first Facilitation session, the Co-Facilitators will ensure that the parties understand the nature and goals of the process, the possible outcomes (see CBA Article 52.3(e)), and the neutral role of the Co-Facilitators. They will also distribute the *CFP Facilitation Agreement* document to the parties.
- i. The Co-Facilitators will caucus, as they deem necessary, during the facilitation to strategize about the process and to discuss the status of the facilitation. At any time, the Co-Facilitators may mutually agree that the facilitation will not likely succeed and may inform the parties that that is their determination and the facilitation is terminated.
- j. Upon reaching resolution/agreement, the agreement shall be reduced to writing using the *CFP Resolution/Agreement Form*. If

resolution/agreement has not been reached, the Co-Facilitators shall de-brief the facilitation and indicate on the form that the facilitation was not successful and, if possible, provide reasons. The Co-Facilitators will agree as to who will forward the completed form to the CFP Coordinators, which shall be done promptly.

- k. At any time during the process, the Co-Facilitators may contact both CFP Coordinators for assistance.

#### 5. Appropriate Issues for the CFP

Issues that are normally appropriate for the CFP include:

- a. Communication issues, including poor communication, frequent misunderstandings, perceived disrespectful communication styles, or lack of communication.
- b. Use of inappropriate or perceived abusive language.
- c. Inappropriate behaviors.
- d. Appearance or allegation of unfair or inappropriate treatment.

#### 6. Inappropriate Issues for the CFP

Issues that are normally not appropriate for the CFP include:

- a. Issues that have EEO implications (should be referred to EEO Office).
- b. Issues that were subject of the Article 52 process.
- c. Issues that were or are the subject of the negotiated grievance procedure or any other pending administrative or judicial procedure.
- d. Issues that were previously subject of and unsuccessfully addressed through the CFP.

If the Co-Facilitators agree that an issue that is normally not subject to the CFP might possibly be successfully addressed through the CFP, they may contact the CFP Coordinators for consideration of a waiver.