

DEPARTMENT OF CORRECTION  	<b>POLICY MANUAL</b>	<b>POLICY NUMBER:</b> 203 v2.0	<b>PAGE NUMBER:</b> 1 of 11
		<b>SUBJECT:</b>  Problem Solving	Adopted: 12-20-85 Revised: 5-19-10

## **01.00.00. POLICY OF THE DEPARTMENT**

The Board of Correction directs that employees of the Idaho Department of Correction be given an opportunity to resolve work-related problems in a timely and systematic manner.

### **01.01.00. PURPOSE**

Idaho Code Section 67-5315 establishes an employee problem solving procedure. An employee is encouraged to use the problem solving procedure for any non-disciplinary, job related matters. Employees, supervisors, and upper level management are encouraged to resolve the non-disciplinary, job related matters at the lowest management level possible within the Idaho Department of Correction. More than one (1) employee may jointly file a request for problem solving.

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**03.00.00. REFERENCES**

Attachment A, [Problem Solving Request Form](#).

Attachment B, Problem Solving Process Flow Chart.

Department Policy 201, Respectful Workplace.

Department Policy 205, Corrective and Disciplinary Action.

Department Policy 227, Administrative Investigations.

Idaho Code, Chapter 53, Title 67.

IDAPA 15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission, Sections 190, 200, 201 and 250.08(d).

**04.00.00. DEFINITIONS**

**Alleged Inequities.** For the purpose of this policy, alleged inequities occur when an employee (individually or as part of a group) in the same classification is allegedly treated unequally in compensation matters.

**Appointing Authority.** The director has delegated the appointing authority responsibilities to the following department management: division chiefs; deputy division chiefs; wardens; community work center managers; district managers; bureau chiefs; or the equivalent.

**Classified Employee.** A State of Idaho employee subject to Chapter 53, Title 67, Idaho Code, as defined therein, but excluding temporary, project exempt and nonclassified employees.

**Due Process.** A right provided to a permanent, classified employee requiring that the

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employee receive notice and an opportunity to be heard before a final decision is made regarding a disciplinary matter.

Gender. Throughout this policy, terms and references used in the masculine include the feminine and vice versa.

Good Faith Effort. For the purpose of this policy, a good faith effort is a sincere and honest attempt to reasonably and professionally resolve the problem solving matter with the department.

Harassment. To willfully, blatantly or subtly irritate or torment another employee persistently for any reason in an unprofessional manner and which is: disruptive to the employee's work; makes the employee uncomfortable at work; is offensive to the employee being harassed; and/or is offensive to the employee who observed the harassment. Although unwanted, the harassment may or may not be illegal depending upon the reason for the harassment.

Illegal Discrimination. Discriminatory actions toward an individual based on gender, race, color, religion, national origin, age, disability, or any other status protected by law.

Level One Supervision. The next level of supervision in the employee's chain of command above the immediate supervisor who reviewed the informal request, or the supervisory level determined appropriate by the appointing authority and the Human Resource Services director.

Level Two Supervision. The next level of supervision above the level one supervisor or the supervisory level determined appropriate by the appointing authority and the Human Resource Services director.

Problem Solving. A process allowing an employee to file a complaint and seek departmental resolution in non-disciplinary, job related matters. Problem solving decisions cannot be appealed to the Idaho Personnel Commission, except those decisions that apply to rights and/or benefits that an employee is entitled to by law.

Reasonable Attempt. An employee's attempt to initiate contact with the immediate supervisor within **ten (10) working days** after being notified or becoming aware of a matter or issue. This attempt should be done in a respectful and professional manner. If the attempt does not result in issue resolution, then a formal problem solving request may be filed.

Working Days. Days the employee responsible for taking action is normally scheduled to work, excluding days that the individual is off work on approved leave, holidays, or

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scheduled days off.

#### **05.00.00. SCOPE**

Any classified employee with permanent, provisional or entrance-probationary status may file under the problem solving procedure as defined by Section 67-5315(1), Idaho Code.

The department encourages a non-classified employee to use these procedures in the same manner with the understanding that not all or any of the procedures need to be adhered to by his manager, yet the intent is to bring problems forward for resolution.

#### **06.00.00. RESPONSIBILITY**

**Employee.** An employee is responsible for making a reasonable attempt to meet with the employee's supervisor before filing a problem solving to resolve a non-disciplinary, job related matter.

**Human Resource Services (HRS).** HRS officers are responsible for ensuring that filed problem solving requests are processed timely and resolved problem solving documents are maintained in a central file in HRS.

**Manager.** A manager is responsible for ensuring that a problem solving request is assigned to the supervisor who is best able to resolve the matter or issue. The manager is also responsible for forwarding a copy of the Problem Solving Request Form and assigning the level one and level two supervisors' documentation to HRS for tracking.

#### **07.00.00. PROCEDURE**

##### **07.01.00. Issues Subject to Problem Solving**

Any classified employee with permanent, provisional, or probationary status is eligible to file a request for problem solving. Problem solving may be filed on any job related matter that affects an employee, with the exceptions of:

compensation, except as it applies to alleged inequities within the department;

termination during the entrance-probationary period; and

disciplinary dismissals, suspensions, demotions, pay reductions and/or involuntary transfers.

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#### **07.02.00. Due Process Resolution**

Procedures to resolve due process (disciplinary) actions as mandated by Idaho Code, Section 67-5315, are found in department policy 205, Corrective and Disciplinary Action and are to be handled under these provisions.

#### **07.03.00. Harassment and Illegal Discrimination**

The department prohibits harassment, illegal harassment and illegal discrimination based on gender, race, color, religion, national origin, age, disability, or any other status protected by law, including sexual harassment and hostile work environment issues.

The problem solving process is one (1) method of reporting complaints or violations of harassment or illegal discrimination; however, an employee may also report these violations (verbally or in writing) directly to any supervisor or manager. See Policy 201, Respectful Workplace, regarding how to file a complaint and who can receive the complaint for processing.

Complaints regarding harassing behavior, including sexual harassment, can be reported directly to any supervisor, manager, HRS director, or through the Human Resource office. With the employee's consent, the HRS director may elect to process the complaint under department policy 201, Respectful Workplace.

#### **07.04.00. Problem Solving Procedure**

##### **07.04.01. Time Frames**

Upon becoming aware of the job related problem solving matter, the employee has **ten (10) working days** to hold an informal meeting with his immediate supervisor. If there is no resolution to the matter, the formal problem solving must be filed by the employee within the same **ten (10) working days**. The time limit for filing will be extended due to the employee's illness or other approved leave preventing immediate filing, and the **ten (10) days** filing time frame begins upon the employee's return to work.

Problem solving time frames are designed to expedite the resolution. When a time frame needs to be extended at any point of the problem solving process (see attachment B), both parties will mutually agree on the amount of time required with the department representative notifying both the employee and the HRS Office, in writing, of the new time frame.

If the filing employee claims that there is an ongoing pattern of harassment or illegal discrimination, the time frame for filing a [Problem Solving Request Form](#) (attachment A),

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may be waived with the HRS director or designee approval. Time frames may also be waived for issues involving a formal investigation.

#### **07.04.02. Informal Meeting with Immediate Supervisor**

The first step an employee takes is to make a reasonable attempt, in good faith, to meet with his immediate supervisor to try to resolve the problem solving matter. This meeting will represent a good faith effort to resolve the matter before a request for formal problem solving is filed.

The employee and supervisor will, in good faith, engage in this informal problem solving discussion in order to identify the precise matter, to discuss ways to resolve the matter, and to resolve the matter at this lowest level. This process is to be completed within **ten (10) working days** after the employee becomes aware of the matter unless both the employee and the department agree otherwise in writing.

The problem solving process (see attachment B) is concluded when both the employee and the immediate supervisor agree to a solution. If an agreement is not reached within the **ten (10) working day** time frame, the employee is not obligated to pursue the matter any further, or may continue by filing a formal problem solving request.

#### **07.04.03. Filing for Formal Problem Solving**

If the matter cannot be resolved during the informal meeting with the immediate supervisor, the employee may file a written request for formal problem solving.

The [Problem Solving Request Form](#) (attachment A) is used for filing for formal problem solving. When completing the Problem Solving Request Form, the employee should clearly and specifically outline the issues and the desired solutions.

After completing the form, the employee will file the request form directly with the appropriate appointing authority (manager). The Problem Solving Request Form can be filed in person, through interoffice mail, through certified mail, or faxed.

If an employee is on an approved leave of absence, the time limit for filing a Problem Solving Request Form is **ten (10) working days** upon returning to work.

A problem solving request may be accepted after **ten (10) working days** with the approval of the HRS director. However, the employee loses any right to appeal by not complying with the **ten (10) working day** time frame, unless an extension is granted.

#### **07.04.04. Assignment by Appointing Authority**

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After receiving the [Problem Solving Request Form](#) (attachment A), the appointing authority will immediately provide a copy of the request to the HRS director or designee.

Within **five (5) working days** of receiving the employee's problem solving request, the appointing authority will assign the request for problem solving to an appropriate level one supervisor. The HRS director or designee and the appointing authority will determine the appropriate supervisory level to assign based on the problem solving issue and availability of the level one supervisor.

Upon request, the HRS director or designee may assign a subject matter expert from another unit within department to provide the necessary assistance for the parties to reach an understanding of the issues for resolution.

#### **07.04.05. Level One Supervision**

Within **five (5) working days**, or as amended in writing, after the request for problem solving is assigned, the appropriate level one supervisor will complete the following steps:

1. hold a meeting with the filing employee;
  2. provide a written response to the employee, with the suggested resolution;
- and,
3. attach the response to the Request Form and return it to the manager.

The level one supervisor should consult with the employee's immediate supervisor to determine who may be able to best assist in resolving the problem solving issue.

The meeting may include the immediate supervisor; any individuals the level one supervisor determines can provide appropriate input for issue resolution; and any witnesses and/or representative of the filing employee.

Upon receipt of the level one supervisor's written recommendation, the employee can:

- accept the recommendation, which closes the problem solving matter;
- not pursue the matter further; or
- within **five (5) working days**, or as amended, continue the process by completing Step 3 on the [Problem Solving Request Form](#) (attachment A) and submit it to the appointing authority for continuance.

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Should the matter be concluded at this level, the completed form and the level one supervisor's written response will be forwarded to the manager for review, who in turn, must forward it to HRS for retention.

If the employee disagrees with the level one supervisor's proposed solution and requests further consideration, the Problem Solving Request Form, Step 3 can be completed within **five (5) working days** and forwarded to the appointing authority.

#### **07.04.06. Level Two Supervision**

Within **five (5) working days** of receiving the request for level two review, the appointing authority will assign the request for problem solving to the level two supervisor.

Within **five (5) working days**, or as amended in writing, after assignment of the request for level two problem solving, the level two supervisor will hold a meeting and/or provide a written response and suggested solution to the employee with the final decision of the problem solving process (see attachment B) for the department.

The level two supervisor may consult with the employee, immediate supervisor, and the level one supervisor before providing a response and decision.

If the level two supervisor is below the level of the appointing authority, the appointing authority will approve or amend the decision to the problem solving developed at level two. The problem solving issue is considered complete when the employee receives a written response from the level two supervisor.

The level two supervisor will complete Step 3 on the [Problem Solving Request Form](#) (attachment A) and submit the completed form, along with the level two supervisor's response and solution to the appointing authority who will forward it to HRS for retention.

This completes the problem solving process.

#### **07.04.07. Optional Mediation**

Mediation of a problem solving issue requires that both the employee and the department mutually agree to mediation. If one party does not agree, then mediation is no longer an option.

The employee's option to request mediation must be in writing at the time of filing (Step 1) or at the beginning of level two (Step 3). The written request will be forwarded to the

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HRS director who will review and forward the request to the division chief or designee for approval or non-concurrence to the request.

If the division chief or designee approves mediation on behalf of the department, the time limitations and other steps (except the initial **ten (10) day filing requirement**) will be suspended pending mediation. The HRS director or designee will be responsible for retaining a mediator who is mutually acceptable by both parties.

If a mediator cannot be obtained within **five (5) working days**, or the date that is amended in writing, the request to mediate will be declared void and problem solving will continue to the next level.

If the request to mediate is denied by the division chief or designee, the problem solving procedure will continue at the beginning of the next level.

If mediation is conducted and the issue is resolved, the mediator will submit the result agreement of the solution to HRS for retention.

If resolution is not reached, as determined by the mediator, division chief or designee will provide a written response with a final decision on the matter to the employee. A copy of the response will be forwarded to HRS for retention.

#### **07.04.08. Representation and Witnesses**

After the initial informal meeting with the supervisor, the employee is entitled to choose representation and witnesses on his behalf throughout the problem solving procedure. The employee is responsible for informing his representatives and/or witnesses of meetings, status, and progress. The employee is also responsible for any expenses, including compensation, incurred by his representatives or witnesses who are not employees of the department. Usually, only one (1) representative is allowed to be with the employee unless extenuating circumstances exist.

If an employee of the department is asked to participate or appear as a witness during problem solving meetings, he will be granted time away from his normal duties and compensated by the department if his time away falls under his normal scheduled working hours. The number of witnesses to be retained will be agreed upon by the HRS director or designee, although the desired number of witnesses is one (1) or two (2). Ultimately, the HRS director will decide what constitutes extenuating circumstances and how many representatives/witnesses are allowed.

#### **07.04.09. Use of U.S. Mail**

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If any part of the problem solving procedure is to be conducted through the U.S. mail, it will be by certified mail, and the posted date will be used as proof for meeting time lines. The cost of using certified mail will be the responsibility of the department.

#### **07.05.00. Right or Benefit Appeal**

If an employee believes that the department failed to grant a right and/or benefit that the employee feels he is entitled to by law [Idaho Code Section 67-5316 (1) (b)], upon completion of the problem solving procedure, the employee may appeal the decision to the Idaho Personnel Commission. Normally, most problem solving matters do not address entitled rights or benefits and by law are not subject to the appeals process. Should, however, the employee feel the matter meets the appeal provisions, the appeal will state the decision that is being appealed and what right or benefit is being denied that the employee is entitled to by law. The Idaho Personnel Commission will determine whether a right or benefit has been denied, and will notify the employee of its decision to accept the appeal or not.

An appeal must be received by the Idaho Personnel Commission or postmarked within **thirty-five (35) calendar days** of the date the problem solving concluded.

Refer to IDAPA 15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission, Section 201, and Idaho Code Section 67-5316 for the Appeal Procedure.

#### **07.06.00. Retaliation Prohibited**

The law provides that an employee will not be disciplined or otherwise prejudiced in his employment for exercising his right under the problem solving procedure.

This prohibition is applicable to the employee requesting problem solving and any employee assisting another employee in the problem solving process (see attachment B), such as helping to prepare the request, participating as a witness, or serving as a representative for the employee involved in problem solving.

#### **07.07.00. Failure to Comply with Problem Solving Process**

If an employee fails to comply with the time frames mandated by this policy, except as amended in writing, the employee may lose his right to continue the problem solving process (see attachment B).

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If a supervisor fails to respond and/or resolve an employee problem solving matter or comply with the time frames mandated by this policy, except amended in writing, he will be subject to corrective or disciplinary action.

**08.00.00. Problem Solving Form**

See Attachment A, [Problem Solving Request Form](#).

**09.00.00. Flow Chart**

See Attachment B, Problem Solving Process Flow Chart.

**10.00.00. Signature**

\_\_\_\_\_  
Director, Department of Correction

\_\_\_\_\_  
Date

# IDAHO DEPARTMENT OF CORRECTION Problem Solving Process Flow Chart

