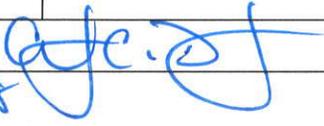


| | | |
|--|---|---|
| <p style="text-align: center;">POLICY OF</p> <p style="text-align: center;">STATE OF DELAWARE</p> <p style="text-align: center;">DEPARTMENT OF CORRECTION</p> | <p style="text-align: center;">POLICY NUMBER</p> <p style="text-align: center;">9.28</p> | <p style="text-align: center;">PAGE NUMBER</p> <p style="text-align: center;">1 of 3</p> |
| <p>CHAPTER: 9 PERSONNEL, TRAINING & EMPLOYEE-MANAGEMENT RELATIONS</p> | <p>RELATED ACA STANDARDS:</p> | |
| | <p>SUBJECT: INFORMAL RESOLUTION PROCESS</p> | |
| <p>APPROVED BY THE COMMISSIONER: </p> | | |
| <p>EFFECTIVE DATE: July 10, 2008</p> | | |
| <p>APPROVED FOR PUBLIC RELEASE</p> | | |

- I. **AUTHORITY:** State of Delaware Merit Rules, Chapters 2, and 12; Code of Conduct, Chapters 4, 11, and 12; Del. C., Title 29, §5806.

- II. **PURPOSE:** To offer a process in which a Human Resources representative can try to resolve disputes and discrimination claims at the earliest possible time thereby avoiding the need for costly administrative and legal proceedings.

- III. **APPLICABILITY:** All DOC employees, volunteers, persons or organizations conducting business with the Department of Correction.

- IV. **DEFINITIONS:**
 1. **Discrimination:** Disparate or prejudicial treatment of a person based on their race, color, national origin, sex, religion, age, disability, or sexual orientation. Discrimination, as defined herein, includes any and all claims of unconstitutional retaliation.

 2. **Informal Resolution Process:** A process in which an intermediary assists the opposing sides in a dispute to reach a voluntary, mutually acceptable agreement.

 3. **Intermediary:** Someone who assists opposing sides to come to an agreement over issues that separate them. For purposes of this policy, the intermediary does not find guilt or impose a decision on the parties. Instead, the intermediary helps the parties agree to a mutually acceptable resolution.

- V. **POLICY:** The DOC strives to maintain a work environment of equal opportunity and free of discrimination. All complaints and disputes should be addressed at the lowest possible level; however, certain situations may not be capable of resolution in this manner. In these cases, informal resolution is available to all parties involved in the dispute through the Diversity Coordinator in the Human Resources Office.

| | | |
|---|--|--|
| <p style="text-align: center;">STATE OF DELAWARE DEPARTMENT OF CORRECTION</p> | <p style="text-align: center;">POLICY NUMBER 9.28</p> | <p style="text-align: center;">PAGE NUMBER 2 of 3</p> |
| <p>Subject: Informal Resolution Process</p> | | |

A. When notified, and with the knowledge of the appropriate Warden or Administrator, the Diversity Coordinator will contact the parties concerning the complaint and make appointments to speak to each party separately. During the initial interview, the Diversity Coordinator will document each party's statement, seek clarification of their issues and offer each party the opportunity to participate in an informal resolution process. The resolution may take place by meeting with both employees at the same time or separately. A complainant's participation in the Informal Resolution Process is entirely voluntary and not to the exclusion of other available remedies.

B. Employees may have union representation present, if applicable, during any part of the Informal Resolution Process.

C. After the initial meeting with the parties, the Diversity Coordinator will determine the underlying cause(s) of the complaint and ask how each party wishes to resolve the issues. The Diversity Coordinator will take these expectations and craft a practical resolution which is acceptable to both parties and the Department. The resolution will be drafted into a written agreement.

D. The parties will review the draft agreement and work with the Diversity Coordinator until they are in agreement. Each party will then sign and date the final agreement, signifying that they will abide with the resolution.

E. Any informal resolution which entails a change in work assignment, hours shift, or which may impact facility operations requires approval by the appropriate Warden or Administrator.

F. A copy of the signed agreement is given to each party involved in the resolution process. The Diversity Coordinator will keep the original, and a copy will go to the appropriate Warden or Administrator. The Resolution Agreement is not to be placed in any party's Personnel File and in and of itself may not be used for disciplinary purposes.

G. During the entire process, the Human Resources Director will be kept informed regarding developments throughout the resolution process.

H. Any party who violates the Resolution Agreement may be subject to disciplinary action if warranted.

| | | |
|---|-----------------------|-----------------------|
| STATE OF DELAWARE DEPARTMENT OF CORRECTION | POLICY NUMBER 9.28 | PAGE NUMBER 3 of 3 |
| Subject: Informal Resolution Process | | |

I. If one or more parties refuse to participate in the resolution process, or if reaching agreement is unsuccessful, the charge of discrimination is investigated like any other charge. Failure to participate in the informal resolution process shall not be a basis for employee discipline and may not be taken into consideration when proceeding with a formal investigation into any allegation of discrimination.