

**Texas Department of Criminal Justice
Employee’s Packet for Dispute Resolution**

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Texas Department of Criminal Justice Dispute Resolution Guidelines

Employee Relations, Human Resources Division, uses dispute resolution as an informal means of resolving work related disputes. Dispute resolution is a process under which an impartial person, the facilitator, promotes communication between or among employees in an attempt to reach a mutually acceptable agreement. This process allows participants to resolve many work related disputes in a fair and timely manner.

PARTICIPANTS' ROLES

- Participants are responsible for negotiating their own settlement and should enter the dispute resolution session with a desire to reach a mutually acceptable agreement. The participants are expected to conduct themselves in a professional manner throughout the session and are required to follow ground rules, such as not speaking when others are speaking, and no name calling.

Reminder: **Harassment, discrimination, and retaliation are prohibited.** In addition, participants are required to be truthful, accurate, and provide complete information of events to which they are a witness or about which they have knowledge.

- The facilitator aids the participants in productive communication so they may work toward a mutually agreeable outcome. The facilitator has no authority to make a decision or determine right and wrong. The facilitator is not a legal advisor and shall not provide legal advice.

PRIVACY OF DISPUTE RESOLUTION

- Dispute resolution sessions are private. The only individuals attending a session are the disputing participants and the facilitator. These types of sessions are very sensitive, and cooperation in maintaining a high degree of privacy is both expected and appreciated.
- Electronic recording devices shall not be used during the session. At the conclusion of the session, the facilitator shall collect all notes taken during the session. The facilitator shall destroy the notes before leaving the session.

CLOSURE

- If the participants agree on one or more issues, the facilitator shall assist the participants in writing a settlement agreement at the conclusion of the session. Each participant shall receive an original copy of the agreement. The participants shall be encouraged to abide by the terms of the agreement document. The agreement is public information, does not constitute or create a contract of employment, nor create a legally enforceable interest on behalf of the participants against the TDCJ, or limit management's authority to enforce PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," or any other TDCJ directive.
- The facilitator may declare an impasse in the process and terminate the session if: (1) the session becomes unproductive; or (2) no agreement is reached during the session.

CONFIDENTIALITY

Unless the participants agree otherwise, all matters, including the participants' conduct and demeanor during the dispute resolution process, are confidential and shall not be disclosed to anyone unless required by law. Any request for this documentation under the *Public Information Act* shall be forwarded to the Office of the General Counsel.

Neither the PERS 528, Dispute Resolution Agreement, nor the PERS 529, Dispute Resolution Impasse Form, is confidential. These forms may be released in response to a request submitted under the *Public Information Act*.

**Texas Department of Criminal Justice
Dispute Resolution Consent**

I understand and agree to the following:

1. A facilitator is not a legal advisor and shall not provide legal advice.
2. Electronic recording devices shall not be used during the dispute resolution session. At the conclusion of the session, the facilitator shall collect all notes taken during the session. The facilitator shall destroy the notes before leaving the session.
3. Unless the participants agree otherwise, all matters, including the participants' conduct and demeanor during the dispute resolution session, are confidential and shall not be disclosed to anyone unless required by law. However, neither the PERS 528, Dispute Resolution Agreement, nor the PERS 529, Dispute Resolution Impasse Form, is confidential. These forms may be released in response to a request submitted under the *Public Information Act*.
4. Please acknowledge by signing below that you have read, received, and agree to PERS 527-1, Dispute Resolution Guidelines, and the above listed conditions.

Participant:

Printed Name: Last First MI

Signature Date (mm/dd/yyyy)

Participant:

Printed Name: Last First MI

Signature Date (mm/dd/yyyy)

Facilitator:

Printed Name: Last First MI

Signature Date (mm/dd/yyyy)

Facilitator: (if applicable)

Printed Name: Last First MI

Signature Date (mm/dd/yyyy)

If applicable, attach another page identifying other participants.

Original: Employee Relations Dispute Resolution file
Copies: Participants