

## **Appendix A**

### **Memorandum of Understanding between Lane Community College and Lane Community College Employees Federation**

**January 14, 1998**

#### **Problem Solving and Dispute Resolution**

Purpose: The intent of this process is to obtain a timely resolution to issues as raised by an employee, a manager, the Union or Human Resources. The process involves using the below listed steps in attempt to resolve disputes of issues between employees and supervisors or the union and management in regards to contract administration. The intent is that a full investigation of any issue and a complete disclosure of information will take place to enhance the problem solving. Both parties have the ability to waive the prescribed formal grievance process timelines in order to try alternative methods of resolution. This agreement does not in any way preclude the access or usage of formal dispute resolution procedures described in the Public Employees Collective Bargaining Act as amended.

##### **Section A:**

The following process steps may be used to try and resolve issues involving an employee(s) and the immediate supervisor before they enter the formal grievance procedure:

1. The employee(s) and supervisor meet to discuss issues(s). Encouragement is provided at this early stage to attempt to resolve the issue(s) at this level.
2. If the issue(s) is not resolved, a LCCEF representative may be requested to assist. The representative will report back to a labor relations representative(s) designated by the College President with any unresolved issue(s) and a need to move to process step 3.
3. This process step provides an informal meeting of the employee(s) involved, the employees' supervisor, representatives from the LCCEF and a labor relations representative(s) designated by the College President. The parties will meet to attempt to resolve the issue(s). The representatives will attempt to bring assistance to the problem-solving process. This informal process will occur within 10 working days. The LCCEF representative may bring the issue to the College labor relations representative if the representative was present in process step 2.
4. This process step brings the parties of process step 3 together with the appropriate vice-president(s) if the involvement of the vice-president could provide the necessary pieces toward a resolution of the presented issue(s). This informal process will occur within 10 working days from the conclusion of process step 3.
5. At the conclusion of process steps 2 and/or 4, the involved parties will make a determination as to the next steps to resolution. The parties have the resolution options available to them as listed in Section C.

##### **Section B:**

The following process steps will be used to try and resolve issues involving contract administration before they enter the formal grievance procedure:

1. The LCCEF President and a labor relations representative designated by the College President will meet to discuss any issues(s) that are brought to the attention of either party. The two parties involved will discuss the contract issue and attempt to bring the issue to resolution. The representatives will meet within 10 working days of being notified of an issue(s).
2. The LCCEF and College labor relations representatives will convene any stakeholders or information providers needed to assist in the issue clarification through information disclosure and problem solving. The larger problem solving group will be convened within 10 working days. The parties have available to them the resolution options listed in Section C.

##### **Section C:**

Resolution Options for Problem Solving and Dispute Resolution:

a. Formal grievance process.

The parties agree to enter the formal grievance process at Step 2 and follow the steps and requirements of the language in Article 10. The grievance procedure shall be a valid option only if the issue meets the contractual definition of a grievance.

b. Third party mediator.

A third-party mediator is selected by the parties and the method of payment is determined, if necessary.

c. Bargaining.

Bargaining is initiated to create language changes, additions, and/or deletions followed by ratification by the membership and the Board of Education. Bargaining shall be an option only if the issue(s) involves wages, hours and working conditions of employment and in any situation defined as "dealing" by the NLRB.\*

d. Memo of Agreement.

A memorandum of Agreement is written to handle issues outside of the bargaining process.

e. No Further Action.

The parties agree that no further action is needed at this time.

*"Dealing" involves a bilateral mechanism between two parties. Ordinarily it entails a pattern or practice in which a group of employees, over time, makes proposals to management, management respond to these proposals by acceptance or rejection by work or deed, and compromise isn't required.*