

GOOD SAMARITAN COLLEGE OF NURSING AND HEALTH SCIENCE  
CINCINNATI, OHIO

**POLICY TITLE: PROBLEM SOLVING PROCEDURE/TERMINATION APPEAL**

This policy follows the TriHealth, Inc. Corporate Policy (#13\_ER21.00). As appropriate the College will utilize the TriHealth Human Resource staff and processes for a fair resolution of an employee grievance.

I. Purpose:

To provide an administrative procedure for the resolution of issues involving employees who have been directly affected by the interpretation and application of policies, procedures, practices and work rules.

II. Policy/Procedure

Eligible employees who feel they have been adversely affected directly by the interpretation and application of a policy, procedure, practice or work rule may address the issue through the appropriate avenues as outlined below. If an employee has reached the termination stage, he/she would move directly to the termination appeal procedure.

There may be times when an employee will not agree with a supervisory decision about a work-related situation, performance counseling action, or a problem that affects one as an individual. It is to the benefit of everyone concerned that these problems be discussed and settled as fairly and as promptly as possible. It is expected that most problems can be resolved through discussion with the supervisor or other appropriate personnel on an informal basis. If this has not been accomplished, a formalized procedure is available which ensures a fair and objective review of problems in a timely manner.

An employee who is requesting resolution under this policy will not be subject to any retribution or retaliation by College and/or TriHealth management for using the procedure; however, an employee does not become exempt from future performance counseling or position modifications by accessing this procedure either during the period of processing their request or thereafter.

The employee problem solving procedure is intended to provide a means of resolving work-related conflicts. It is not intended to alter the employee's employment status unless the employee has been terminated, in which case the employee would move directly to the termination appeal procedure portions of this policy. All College/TriHealth employees are employed on an at-will basis.

- A. All non-management employees who have completed their orientation period may utilize this formal procedure. An employee still in their orientation period should contact their supervisor and/or Employee Relations Consultant to discuss specific problems or complaints.
- B. Members of management will follow the chain of command in attempting to resolve problems or complaints rather than utilizing this process.

- C. Decisions to reorganize or downsize cannot be addressed through this procedure.
- D. Matters that have been submitted to the media by the employee to discredit the College and/or TriHealth or to create an adverse impact on TriHealth's business will preclude implementation of the problem solving procedure or terminate the procedure with the last management response becoming final and binding. The grievance will no longer be subject to further review or appeal.

### III. General Guidelines

Listed below are the general guidelines. You may contact your TriHealth Employee Relationship Consultants at any time for guidance.

- A. Eligibility  
Full, part-time, and optional employees are eligible. Employees not eligible include orientation, temporary, adjuncts, and management.
- B. Responsibility  
Supervisor, Human Resources, selected appeal panel members.
- C. Informal Process
  1. The informal process must be completed before advancing to the formal process.
  2. The informal process is a non-written process and serves as an opportunity to resolve differences at the department (lowest) level.
  3. When an employee has an issue or concern pertaining to their employment, they should first discuss the issue with their supervisor.
  4. The supervisor should listen to the employee's issues and/or concerns. They should investigate, if necessary, and respond to the employee by providing further explanation and clarification or revising or modifying their decision. When at all possible, the goal of this interaction is to attain a mutually beneficial solution.
  5. If the employee is not satisfied with the outcome after meeting with the supervisor, the employee may initiate the formal process.

#### D. Formal Process

1. The formal process is a written process that is initiated by the employee when the outcome of the informal process is not acceptable. This notification must be made within fourteen (14) calendar days after occurrence of the specific incident.
2. The employee would need to complete the TriHealth problem solving request form and return it to their Employee Relations Consultant. Information provided should include:
  - A clear statement of the issue or concern (i.e., policy, procedure, practice or work rule) that directly affected the employee.
  - A clear statement of the remedy or solution being requested to resolve the issue.
  - When submitting the review form, all information and/or any documentation pertinent to this issue should be included by the employee.
3. The Employee Relations Consultant will contact the supervisor of the individual to discuss the request. If the issue cannot be resolved, the Employee Relations Consultant will forward to the Dean over the area.
4. The Dean would make contact with the employee to discuss the issue and investigate the concern(s).
5. Once the investigation is complete, the Dean would notify the employee of their response and document that response on the problem solving form. The form is to be returned to the Employee Relations Consultant over the area.
6. If the decision is acceptable to the employee, the problem solving process would stop.
7. If the decision is unacceptable to the employee, the Employee Relations Consultant would forward a copy of the problem solving form to the President of the College.
8. The President would make contact with the employee to discuss the issue and investigate the concerns.
9. Once the investigation is complete, the President would notify the employee of their response and document the response on the problem solving form. The form is to be returned to the Employee Relations Consultant.
10. The decision of the President is final and binding.

## E. Termination Appeal Process

1. Eligible employees who feel they have been adversely affected by a termination decision may address the issue through the termination appeal procedure. This procedure allows employees to voice their concerns about the termination decision to a peer review panel.
2. An employee has three working days to request a termination appeal. When initiating an appeal, the employee must contact his/her Employee Relations Consultant to complete the necessary paperwork to begin the appeal process.
3. Once Employee Relations receive the paperwork, the selection of the panel will begin.
4. Once the panel has been established, a review date will be set. The appeal hearing normally will be arranged within five to ten days.
5. The review will then take place and the panel will make their decision.
6. The Employee Relations Consultant will notify the employee and the manager of the final decision.
7. If requested by the employee or the supervisor, the final decision may be reviewed by the President of the College.

## F. Panel Member Selection

1. The panel will consist of five members which include:
  - An alternate Employee Relations Consultant.
  - The employee may select from the designated listing of panel members, one non-management and one management employee.
  - The supervisor will select from the designated listing of panel members, one non-management and one management employee.
  - When selecting from the designated list of panel members, either party cannot select individuals that are in the same department and/or a relative of the appealing party or the supervisor involved.
2. Panel Member Responsibility
  - The panel should listen to both sides, seek clarification, and make the best possible decision based on the information presented.
  - The panel does not have the authority to modify any rule or policy. All decisions made through the employee problem solving process must be in accordance with TriHealth policies.
  - The chairperson chosen from the panel members will be responsible for keeping order to the meeting, taking minutes in order to be able to write up the summary to document the hearing.
  - It is the responsibility of all panel members to maintain confidentiality of all parties.

3. Human Resources Responsibility
  - When the employee contacts the Employee Relations Consultant, he/she will explain the appeal process to the employee. This includes:
    - Explanation of the panel and review the process.
    - The option to select an observer. However, this observer may not be a supervisor or other management employee. The observer must also not be in the employee's current department and cannot be an active participant in the process.
    - The potential outcome of the appeal process.
  - If a termination appeal is requested, the Employee Relations Consultant will coordinate the panel and arrange the hearing. The Employee Relations Consultant will also provide technical and procedural assistance to the employee, the management, and the peer review panel.
4. Training of Panel Members
  - Panel members will receive just in time training from Employee Relations prior to first serving on a panel.

#### G. Appeal Process

1. Observer (Optional as requested by employee)
  - An employee from a department other than the employee's own may observe the proceeding. The observer must be a TriHealth employee.
  - The employee observes only and does not present information to the panel, but is there for support purposes only.
  - An observer may only serve twice in a year's time frame.
  - Since this is an internal appeal process, no legal representation will be allowed.
2. Hearing Process
  - The chairperson of the panel will explain the process.
  - Management will be asked to present their side of the story.
  - The employee will then be asked for their side.
  - The panel may ask questions for clarification.
  - After presentations, management and employee will be dismissed to leave.
  - The panel will review the situation and make a recommendation in accordance with College and TriHealth policies.
3. Findings
  - The panel will make a decision.
  - The Employee Relations Consultant will contact the employee and manager regarding the decision of the appeal panel.

- If terminated, a final and any remaining GTB will re requested by the manager. The manager will also complete the appropriate paperwork.
- If the decision to terminate is overturned by the panel, the condition of reinstatement will be reviewed by the Employee Relations Manager, management and the employee.

Approved By: \_\_\_\_\_ Date \_\_\_\_\_

Effective Date: June 11, 2002

Review/Revision Dates: \_\_\_\_\_

Responsible Committee: Academic Affairs Committee-Board of Trustees