




PRINCE GEORGE'S COUNTY, MARYLAND
FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

General Order Number: 11-17	Effective Date: August 12, 2021
Division: Personnel Management	
Chapter: Conflict Resolution Policy	
By Order of the Fire Chief: Tiffany D. Green 	Issue Date: August 12, 2021

POLICY

The Prince George's County Fire/Emergency Medical Services Department ("Department") encourages its members to develop and liberally use appropriate conflict resolution mechanisms to manage workplace conflicts. This Policy educates members on such mechanisms and provides rules and standards for mediators and Equal Employment Opportunity ("EEO") personnel.

DEFINITIONS

Affinity Group – A group of members linked by a common interest, identity, or goal.

Climate Assessment – The process used when a neutral, impartial fact-finder obtains information related to an inquiry directed by a supervisor.

EEO Personnel – Includes the EEO Officer, EEO Liaisons, and other Department members designated by the EEO Officer or Fire Chief.

Mediation – A voluntary, informal, confidential, structured discussion engaged in to resolve issues and complaints. Participants may include combinations of: a complainant, a targeted member, a respondent, a supervisor, or any current, former, or prospective members, and a neutral, third-party, certified mediator(s).

Member -- Any person affiliated with the Department including:

1. Career persons, both sworn (firefighter/EMTs, firefighter/paramedics, and all associated supervisory or other rankings) and civilian (administrative).
2. Volunteers including operational, administrative, and other non-operational persons (i.e., those who participate in an auxiliary or other Department-related organization).

Mediator – A mediator registered with or appointed by the EEO Officer and authorized to conduct mediations under this General Order and *General Order 11-06, EEO Policy*.

Supervisor – Any member who has authority over another member, including the authority to direct daily tasks, issue performance appraisals, propose discipline, and provide awards.



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PROCEDURES / RESPONSIBILITIES

I. EEO Officer's Role

- A. The EEO Officer develops and maintains the Department's EEO and related conflict resolution programs. The EEO Officer is also responsible for providing initial training on EEO basic concepts for all new recruit classes or members and continuing annual training for all members.
- B. The EEO Officer may ask program participants for feedback to help improve the programs. The EEO Officer may request that members and volunteer companies participate in surveys related to collecting demographics. The EEO Officer may monitor recruit school demographics to determine progress on diversity, equity, and inclusion efforts:

II. EEO Liaison Program

- A. A volunteer corporation may appoint a member to act as an EEO Liaison. EEO Liaisons may engage in and assist the EEO Officer in processing claims as outlined herein and under the Department's *General Order 11-06, EEO Policy*. EEO Liaisons may receive EEO complaints from any member.
- B. The EEO Officer may require EEO Liaisons to complete initial and continuing training on the EEO Policy and pertinent EEO office procedures. The EEO Officer may appoint one EEO Liaison to act as a Lead EEO Liaison. A Lead EEO Liaison should have experience in conducting investigations and may participate in a broader range of activities as requested by the EEO Officer.
- C. When a complaint arises between two members of a volunteer corporation, the corporation's EEO Liaison may first determine whether to use the harassing conduct or discrimination procedure outlined in the EEO Policy. The EEO Liaison may engage in processing an informal complaint or inquiry and issue proposed and final determinations as described within the EEO Policy.
- D. EEO Liaisons may handle formal complaint processing if they obtain an investigator certification from a program approved by the EEO Officer. Approved training may include that which is provided by a government entity (*i.e.*, Equal Employment Opportunity Commission (EEOC), Maryland Commission on Civil Rights (MCCR), Office of Human Resource Management (OHRM), accredited training entity (*i.e.*, Society for Human Resource Management (SHRM), or other professional entity.
- E. EEO Liaisons may provide services as a solo mediator if they complete a 40-hour mediation certification program from a reputable provider approved by the EEO Officer. If not certified, an EEO Liaison may co-mediate a dispute with a certified mediator.



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- F. EEO Liaisons should coordinate EEO training for their respective corporations and may provide the required annual training to members of their volunteer company if approved by the EEO Officer.
- G. EEO Liaisons must:
 - 1. Report all claims to the EEO Officer for internal tracking and quality assurance purposes, including for deadline monitoring and thoroughness, within seven days of the event at issue or when the EEO Liaison learns of the event. EEO Liaisons must provide the names of the persons involved, the general nature and basis of the allegations, date(s) of occurrence, name of station or facility, and whether the EEO Liaison determined to use the informal or inquiry process.
 - 2. Notify the EEO Officer within 24 hours of a moderate-to-severe harassing conduct incident. The EEO Officer and EEO Liaison may collaborate on how to process such claims.
 - 3. Inform the EEO Officer of any operational removals, no-contact directives, or other remedial measures implemented by the corporation. EEO Liaisons must also update the EEO Officer on any final dispositions, including other actions or discipline.
 - 4. Update the EEO Officer on the status of a complaint as requested.
 - 5. Maintain confidentiality of the EEO process consistent with the Department's General Orders.
 - 6. Maintain registration with the EEO Officer, including any updates to the EEO Liaison's name, membership affiliation, any initial or continuing training received, phone number, and email address.
 - 7. Provide the EEO Officer with copies of all documentation relative to the EEO Liaison's role, including any intakes, inquiry or investigation materials, and training materials and acknowledgments.
 - 8. Ensure on a yearly basis that their corporation prominently displays updated EEO posters provided by the Department.

III. Mediation Program

- A. Mediation is part of the Department's EEO process and is subject to the deadlines and other procedures outlined in the EEO Policy. The Department recognizes that its members periodically inform the EEO Officer of disputes that do not fit squarely within the purview of the EEO office. To promote positive outcomes and reduce the number of EEO and non-EEO claims, mediation may be used for issues falling outside the purview of EEO as appropriate.
- B. Mediation is voluntary, and the Fire Chief and the EEO Officer strongly recommend that members, particularly supervisors, participate. Any member may contact the EEO Officer to request mediation, and supervisors may direct members in a dispute to discuss participating in mediation with the EEO Officer. Any dispute may be mediated, including for harassing conduct. Moderate-to-severe harassing conduct will be



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investigated concurrently under the EEO Policy to enable the Department to prevent and correct such conduct.

- C. The EEO Officer may act as the mediator or appoint a qualified mediator from an internal or external resource. Mediators must complete a 40-hour mediation certification program from a reputable provider approved by the EEO Officer. If not certified, an EEO Liaison or another member approved by the EEO Officer may co-mediate a dispute with a certified mediator. The mediator may be any person appointed by the EEO Officer and who will agree to adhere to fundamental mediation principles such as party self-determination, impartiality, and confidentiality. The mediator may refer to the Maryland Standards of Conduct for Mediators and the Maryland Mediator Confidentiality Act for further guidance on applicable fundamental principles.
- D. After initial contact, the EEO Officer will arrange for a mediator, schedule the mediation, and provide the parties with preliminary information. An information sheet on mediation frequently asked questions is within Appendix A. The EEO Officer may maintain a database of certified mediators. Members who want to become certified or participate as mediators should contact the EEO Officer.
- E. Mediations are confidential as described within the Agreement to Mediate and consistent with Maryland law, rules, and regulations. A sample Agreement to Mediate is located within Appendix B. Notwithstanding confidentiality, the EEO Officer, Fire Chief, or Office of Law may review any settlement agreement for approval before finalizing. To be effective, any settlements made in mediation must be in writing and approved by the Fire Chief or his/her designee. An agreement should address procedures in the event of a breach (*i.e.*, inform EEO Officer or commence with EEO processing where it left off).

IV. Individual Resources

- A. The EEO Officer may develop programs to educate members about conflict, including about the basics of conflict resolution, interpersonal communications, active listening, proactive management of conflict, and cultural competency.
- B. A member may contact the EEO Officer or an EEO Liaison for assistance in navigating a workplace conflict. The EEO Officer or EEO Liaison may coach individual members using such methods as role playing and advising. This section does not limit the obligation of the EEO Officer or EEO Liaison to process EEO claims according to the EEO Policy

V. Organizational Resources

- A. A supervisor holding the equivalent rank of Battalion Chief or higher may request a climate assessment to discover and evaluate organizational EEO or other conflict-related issues. If approved by the Fire Chief, the EEO Officer or a fact-finder appointed by the EEO Officer may conduct the requested climate assessment. The EEO Officer or fact-



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finder may produce a report outlining the methods used, evidence obtained, and recommendations for further actions. This mechanism may be limited in confidentiality, and the full report may only be released to the Fire Chief. Climate assessment participants may participate anonymously.

- B. The EEO Officer may assist groups engaging in forums, brainstorming sessions, search conferences (collaborating on strategic vision), focus groups, or team building exercises as the primary EEO workload permits.
- C. Department members may form and participate in affinity groups. Such groups should notify the EEO Officer of a primary contact person and may be asked to participate in various stakeholder discussions.

REFERENCES

The Maryland Standards of Conduct for Mediators, published January 1, 2020

Maryland Mediation Confidentiality Act; Maryland 5 Code, Courts and Judicial Proceedings, §§ 3-1801, *et. seq.*

FORMS / ATTACHMENTS

Appendix A – Mediation Frequently Asked Questions

Appendix B – Sample Agreement to Mediate

Mediation FAQs

1. What is mediation?

Mediation is an open and honest discussion between two or more people in the presence of a neutral, third-party who provides a structure and general ground rules for the conversation. Mediation is voluntary, and anyone may terminate the session at any time.

2. What is the mediator's role?

The mediator is a neutral, third party who is trained in conducting discussions. The mediator has no authority to make decisions on issues raised and does not act as an advocate or attorney for anyone, including the Department. Personnel may contact the EEO Officer for more information. The EEO Officer may appoint an internal or external, certified mediator, if necessary.

3. Who should attend mediation?

In addition to the mediator, parties to a mediation should include the person(s) with a complaint and the person(s) complained about, whether the issue is among employee/members at the supervisor and subordinate levels or among co-workers. Parties to a mediation may also bring a union or other representative.

4. When should I mediate?

Mediation is appropriate at any point in the complaint process, even if no complaint is filed.

5. Where does it happen?

Mediations are usually held in the special events room, 9200 Basil Court, Suite 406. Parties may also request that the mediation be held at a station, alternate location, or by telephone or video conference.

6. Why should I do mediation?

Mediation is useful to help prevent and correct issues in the workplace. Participants can resolve issues at an early point and at the lowest level possible. Mediation is an informal process completely controlled by the parties. The parties make their own decisions instead of having them imposed.

7. How does it work?

Typically, the mediator will sit down with the parties, summarize the process, answer any questions, and ask about the issues. The parties will decide what should be discussed, share their perspectives, and develop creative solutions to mutually resolve problems. Sometimes the mediator will speak to the parties separately (called caucusing), and anyone can request a caucus with the mediator. The mediator will not share what is discussed during a caucus.

unless obtaining permission. At the end of the mediation, the parties may decide to make written agreements on items discussed during the session.

8. Is it confidential?

Mediation is confidential. No party in mediation may subpoena the mediator or request them as a witness. Any materials created during the mediation, including written notes, will be destroyed after the process, except any written settlement agreements. Recording the process is prohibited. The mediator may only breach confidentiality if bodily or egregious psychological harm is threatened or criminal activity is divulged.

AGREEMENT TO MEDIATE
Case No. PGFD-XX-XXXX

The parties to this mediation agree that:

1. The parties will participate in good faith in an open and honest discussion.
2. Participation is voluntary, and anyone may terminate the session at any time. The mediator may also terminate mediation at any time if the mediator believes that an impasse has been reached.
3. The mediator is a neutral, third-party facilitator, who shall guide the parties through the process designed to assist them in a discussion and/or creating a mutually satisfactory settlement. The parties further understand that the mediator has no authority to make decisions on any issues raised, nor will the mediator act as an advocate or attorney for either party, including the Prince George's County Fire/EMS Department ("Department"). Each party may consult with the party's own advisor or representative at no cost to the Department.
4. Mediation is a confidential process. Each party agrees not to subpoena or request as a witness the mediator, or request or use as evidence any materials prepared by the mediator for use during mediation, except for any signed settlement agreement. The parties, their representatives, and any other participants will not electronically record or otherwise produce any transcript or written record of the mediation proceedings.
5. The mediator is not required to maintain confidentiality if the mediator has reason to believe that either party is in danger of bodily or egregious psychological harm, if either party has threatened bodily or egregious psychological harm, or if criminal activity is divulged.
6. Any offers and statements made during the mediation session(s) will be confidential. The mediator shall destroy any records, notes, work product, or the like developed during the mediation process.
7. If an agreement is reached, the mediator shall prepare a written settlement agreement. Each party is advised to review this agreement and consult with his/her advisor or representative, if appropriate, before the agreement is signed. The agreement is subject to review by appropriate Department personnel to ensure the agreement is legally sufficient and meets the pertinent regulatory requirements prior to signing of the mediating parties.
8. If an agreement is not reached, the EEO Officer shall conduct a final interview with the complainant and shall inform the complainant of his/her right to proceed.

My signature indicates I have read, understand, and agree to each of the provisions set forth above.

Participant Signature

Date

Participant Signature

Date

Department Official's Signature

Date

Mediator's Signature

Date