

Agency Strategic Plan

Department of Employment Dispute Resolution (962)

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Biennium: 2010-12 ▼

Mission and Vision

Mission Statement

The Department of Employment Dispute Resolution's mission is to provide state agencies and their employees with a broad range of workplace dispute resolution tools, including the grievance procedure and mediation, to assure solutions consistent with the Commonwealth's human resource policies and related law.

Vision Statement

EDR will

- foster through its services a positive, productive workplace, where conflict is addressed constructively, at the lowest level and earliest opportunity, allowing employees to focus on service excellence
- be known as a valued and impartial resource by employees and agencies throughout the state, who are informed of EDR's services and comfortable accessing them

Agency Values

- Neutrality
We remain objective, independent and free of improper influence in determining grievance issues, in mediating workplace conflict, and in providing information to agencies and employees about related human resource policies and law.
- Excellence
We strive to achieve the highest level of performance possible within our available resources, with a commitment to continuous improvement.

Executive Progress Report

Service Performance and Productivity

- *Summary of current service performance*

Since July 2002, EDR has measured its performance in three of its core statutory services: the state employee grievance procedure, workplace mediation, and conflict resolution training. These measures track timeliness, customer satisfaction, and/or quality indicators associated with the three core services. While in FY2009 EDR did not meet all its stated goals (in part due to recent budget constraints and staffing reductions), its overall performance nevertheless maintained high quality, customer satisfaction, and timeliness relative to other comparable state and federal agencies. EDR's high performance level is especially significant given the substantial reduction in staffing levels over the past ten years, which is discussed in the Summary of Current Productivity section below.

EDR's performance results for FY2009:

Grievance Hearings:

GOAL: On average, hearing decisions by full-time hearing officers are issued within 40 calendar days or less from assignment.

RESULT: 63.5 days

COMMENT: In FY 2009, EDR experienced an atypical increase in the average turn-around time between hearing officer appointments and the issuance of hearing decisions. The situation has improved, however, and for cases appointed during the fourth quarter of FY 2009, the average turn-around time dropped to less than 37 days. Notably, the 63.5 day annual average, although an increase over prior years, remains highly competitive with other comparable governmental targets and averages. For example, the federal Merit Systems Protection Board (MSPB) measures its average case processing time, from filing to decision, for hearings on employee complaints conducted by MSPB administrative law judges. For fiscal year 2008, MSPB's set processing time standard was 110 days, its target was 90 days or less, and its achieved result was 87 days. (FY2009 data not yet available.) Another example is the state of Tennessee, where employee grievance hearing decisions by the Tennessee Civil Service Commission are to be issued within 120 days of filing.

Grievance Rulings:

GOAL: On average, administrative rulings are investigated, drafted, approved and issued within 50 calendar days or less of EDR's receipt of the ruling request.

RESULT: 57.5 days

COMMENT: EDR decreased its average rulings turn-around time from 85 days for FY2003 to 47.9 days for FY2008. In FY2009, increased budgetary constraints led to a 23% decrease in available rulings staff workdays. A heavier workload

and reduced staff in FY2009 caused the average turn-around time to increase about 20% to 57.5 days. Notably, the 57.5 day average remains highly competitive with other comparable governmental agency targets and averages. For example, the U.S. Merit Systems Protection Board's FY2008 goal was to rule on all petitions for review on employee case matters within an average of 150 days or less. In FY2008, it achieved that goal with a 112 day average processing time. (FY2009 data not yet available.) In addition, one of the U.S. Equal Employment Opportunity Commission's FY2008 goals was to process at least 62% of its appeals of final agency actions within 180 days or less, which it surpassed by processing 63.3% of its appellate decisions within 180 days or less.

Workplace Mediation:

GOAL: At least 95% of two-party mediation participants agree (4) or strongly agree (5) that EDR's mediation services are objective and of high quality, using a 5-point scale.

RESULT: 94.4%

COMMENT: EDR's 94.4% mediation satisfaction rating is highly competitive with other comparable governmental agency targets and averages. For example, the U.S. Equal Employment Opportunity Commission reports satisfaction rates of "over 90%" for its mediation participants. A representative of the Office of the Executive Secretary of the Supreme Court of Virginia reports that 73.9% of its court mediation participants find mediation very helpful, 19.7% find it somewhat helpful, and 91.4% would use it again.

Workplace Conflict Management & Resolution Training:

GOAL: At least 95% of training attendees agree (4) or strongly agree (5) that they are satisfied with the quality of EDR's training services, using a 5-point scale.

RESULT: 98%

COMMENT: EDR's goal of a 95% customer satisfaction rate is highly competitive with other top quality training programs.

GOAL (KEY MEASURE): The number of training sessions completed by state employees in workplace conflict management and resolution will increase by 10%, from 2500 in FY2007 to 2750 in FY2010.

COMMENT: The state's budget shortfall and associated travel restrictions in FY2009 resulted in significant classroom training cancellations. Nevertheless, 2,137 EDR training sessions were completed by state employees in workplace conflict management and resolution in that year. EDR continues to develop, as its budget permits, new and enhanced online learning courses so that it may reach its goal of 2,750 employee training sessions completed in FY2010.

GOAL (PRODUCTIVITY MEASURE): The average annual cost per training session completed by state employees in workplace conflict management and resolution will decrease by at least 10% by the end of FY2010, from a baseline of \$16.41 to \$14.77 or less.

COMMENT: The state's budget shortfall and associated travel restrictions in FY2009 caused significant classroom training cancellations, which resulted in the average cost per training session from Q2 through Q4 to be \$16.70. Nevertheless, in Q4 of FY2009 alone, EDR's average cost per training session was only \$13.70, showing significant potential for meeting EDR's overall annual target of an average unit cost of \$14.77 or less for FY2010.

- *Summary of current productivity*

As of July 1, 2009, EDR employed nine full-time equivalent (FTE) salaried employees and four part-time wage employees. This represents a 43.8% reduction in total full-time salaried staff from 2001 levels. Despite these staffing cuts, EDR continues to deliver timely, high-quality services to constituents, as reflected in the Service Performance section of this plan.

As of June 30, 2009, there were 71,043 full-time equivalent (FTE) classified and 16,604 wage (P-14) state employees resulting in a ratio of 1 full-time salaried EDR employee to every 9,739 classified and wage state employees. EDR's general funding in FY2001 was \$1,187,530, but as a result of budget reductions over the years, general funding for FY2009 was cut to \$943,135, a 20.6% reduction from FY2001. EDR's FY2009 general fund appropriation represents only .0002% of the state's approximately \$5 billion spent on annual salaries and benefits for the classified service in FY2007.

Initiatives, Rankings and Customer Trends

- *Summary of Major Initiatives and Related Progress*

EDR is exploring and developing additional early intervention, communications and informational tools to assist employees and agency management in addressing workplace conflict at the earliest opportunity, with an emphasis on prevention:

- Training: EDR is working to expand the reach of its training on the prevention, management and resolution of workplace conflict, to serve more employees, by (i) partnering with agencies to develop specific training programs for their employees in conflict management, the effective use of discipline, and the grievance procedure; (ii) using web-based learning management systems, such as the Commonwealth's Knowledge Center at the Department of Human

Resource Management and VDOT University, to provide convenient online training courses for state employees; (iii) providing useful information on its web site about EDR's training program for state employees; and (iv) partnering with the Department of Human Resource Management to provide training for state managers and supervisors on topics such as Collaborative Leadership, Negotiation Skills, and Dealing with Workplace Bullying.

- **Alternative Dispute Resolution (ADR):** EDR is researching and beginning to test the use of technologies, such as video-conferencing, to bring mediating parties together to resolve disputes in the most cost effective manner. EDR is also partnering with Virginia Tech's Office of Equity and Inclusion to expand workplace mediation services to state employees in the Commonwealth's southwestern region. By way of this partnership, Virginia Tech mediators will provide mediation services, through EDR's statewide mediation program, to state employees working within 120 miles of Blacksburg.
- **Communications:** To help ensure that state employees and agency management know about EDR's services, and are comfortable using them, EDR has developed communications materials such as downloadable information posters to inform constituents of its purpose and services. EDR is also continuing its practice of seeking input from stakeholders on service needs, service delivery, and process enhancements.
- **Data & Analysis:** EDR is developing and testing an upgraded web-based grievance activity reporting system. This web application will allow state agencies to enter grievance activity data via the internet and generate agency-specific reports. The new grievance activity reporting system will be housed on server space at the Department of Human Resource Management. In addition, EDR's internal Access database stores information on rulings, hearings, AdviceLine consultations, mediations, and trainings, and allows for comparative reports and analyses across these functional lines.
- **Summary of Virginia's Ranking**
EDR has researched the issue, but is unaware of any national rankings for service performance and productivity among workplace conflict management, dispute resolution, and/or employment relations management agencies or organizations. We note, however, that in 2008, the Commonwealth's human resources management system, for which EDR serves a significant role, was the highest ranked in the nation, receiving the only "A" rating in a study conducted by Governing magazine's Government Performance Project, a study for which EDR contributed extensive data on the Commonwealth's employee grievance process at the Project's request.
- **Summary of Customer Trends and Coverage**
State government agencies and their employees constitute EDR's customer base.

COVERAGE:

All state employees, regardless of classification or governmental branch, may use EDR's AdviceLine, training, and mediation services; however, EDR's primary customers are within the state's executive branch. Further, with limited exceptions, only classified employees in the executive branch of state government may use the grievance procedure, once they have completed their probationary period. As of June 30, 2009, statewide employment included 87,647 classified and wage state employees. EDR readily acknowledges that not all state employees will require EDR's dispute resolution services in any given year. However, EDR provided direct conflict management and dispute resolution services to many agencies and employees in FY 2009. For example, EDR provided 1,723 consulting services to employees from 72 agencies; mediation services to at least 40 employees from 15 agencies; 2,137 training services to state employees; and numerous grievance procedure services including the issuance of 267 administrative rulings and adjudication of 521 disputed issues at 203 grievance hearings. In addition, EDR provided direct services to employees in numerous other state agencies outside the executive branch. Notwithstanding the breadth of services provided by EDR's relatively small staff, EDR believes that the number of employees served indicates that not all state employees are aware of EDR services.

KEY TRENDS:

Aging Workforce:

The overriding trend for EDR's customer base is that it is aging. The average age of classified employees in May 1991 was 41. By June 30, 2009, the mean age was 46, and only 3.14% of classified employees were 25 years old or younger. The total number of classified employees 60 years old or older nearly doubled from 4,108 in 1991 to 8,003 by June 2009. The number of classified employees 65 years old or older more than doubled from 735 in 1991 to 1,861 by June 2009. It is likely that increases in the number of employees in the older age groups will continue as the general health of older workers continues to improve and the Commonwealth continues to need their talents. However, along with rising age, EDR's customer base could also be expected to mirror the rising incidence of disability that appears within the general public as individuals age. As the average age of the state's workforce increases, one might expect that age and disability related issues may become more prevalent among the issues addressed through EDR's

workplace dispute resolution services.

As explained in EDR's 2008 Impact of Aging Populations report, while EDR services are not specifically tailored for seniors, older state employees are nevertheless urged to avail themselves of EDR's dispute resolution services. EDR offers a grievance procedure to most non-probationary classified employees, and a toll-free AdviceLine, training classes, and mediation services to all state workers. These services have been successfully used by older employees to address age-related workplace conflicts. Given the increase in average age of state workers and their tendency to postpone retirement, EDR anticipates that demand will increase for EDR-administered programs to address age-related work issues, such as age or disability discrimination. EDR will continue to promote awareness of EDR services among all state employees, including senior employees.

Age differences in the workforce result in different priorities and communication styles. For example, in a recent review of state employee compensation, the Joint Legislative Audit and Review Commission (JLARC) reported that employees under age 26 rate opportunities for advancement nearly six times and work/life balance four times as important as employees between ages 61 and 65. In addition, younger workers may be more comfortable with and accustomed to communicating through different means such as texting, Twitter™, and instant messaging. EDR anticipates that such differences will continue and present new and novel challenges and opportunities to state agencies.

Disability:

The U.S. Census Report: Americans with Disabilities: 2005 reports that of the 291.1 million people in the population in 2005, 54.4 million (18.7 percent) had some level of disability, up from 18.1% three years earlier. Moreover, 35 million (12.0 %) had a severe disability, up from 11.5 % three years prior. In addition, the 2005 report reflects that as age increases, so does the prevalence of disability. The disability rate for each age group was higher than the rates for the younger age groups, with people 80 years and older having the highest incidence of disability at 71.0 percent. At a rate of 30.1 percent, people aged 55 to 64 were nearly three times as likely to have a disability as people aged 15 to 24 (10.4 percent). An increase in the likelihood of severe disability was also seen in successively older age groups, ranging from 3.6 percent for the population under 15 years to 56.2 percent for the population 80 years and older. It would appear reasonable to assume that the Commonwealth's workforce will experience rates of disability generally similar to those found in the general population.

In addition, amendments to the Americans with Disabilities Act (ADA) became effective on January 1, 2009, making it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

New employment flexibilities and relationships:

The traditional "stovepipe" hierarchy that once characterized the state agency workplace is changing, with the creation of more interagency and public-private partnerships. In addition, the workplaces at state institutions of higher education have and will continue to change as a result of increased autonomy and flexibility granted by legislation. Further, other statutory and policy changes are paving the way for more telework, alternate work schedules and part-time classified work arrangements. As a result, the traditional management chains of command and exclusively on-site work stations, through which employment terms, conditions and actions have been effectuated in the past, may be altered over time, to varying degrees, within significant sectors of the state workforce. EDR expects that as such changes take place, there will be new issues and opportunities to address in preventing, managing, and resolving workplace disputes.

Employment:

Due to the economic downturn, employment levels can be expected to decline in many state agencies. Layoffs, combined with attrition and hiring freezes, will likely reduce staffing numbers. Such reductions can be anticipated to result in increased workloads for those remaining in the workforce. EDR also anticipates that the trend to outsource work to private corporations may continue and could increase.

Gender:

There has been some modest change in the gender distribution of the classified workforce between May 1991 and June 2009. In May 1991, 52.6% of the employees were female and 47.4% were male. By June 30, 2009, the percentage of female employees increased slightly to 54.4% and the percentage of male employees decreased to 45.6%.

Race:

The distribution of classified employees by race has changed modestly since May 1991 with the percentage of Caucasian workers slightly declining and the percentages of all minority groups increasing. In 1991, 70.3% of the employees were Caucasian, 28.0% were African American, 0.6% Hispanic, 0.9% Asian, and 0.2% Native American. By June 30, 2009, the percentage of Caucasian employees had dropped to 66%, while the percentage of African American increased to 30.1%, Hispanic to 1.5%, Asian to 2.1%, and Native American to 0.3%.

Skills:

Skill requirements for state jobs are increasing. The 2007 State Workforce Planning Report noted that there were only 52.3% as many Office Support Staff in 2004 as there were in 1991 (falling from 14,617 to 7,639) and only 44.0% as many Maintenance and Service Workers (dropping from 8,238 to 3,621). The greatest growth during this same period was in the Professional category, increasing from 15,971 to 20,346 (from 21.3% of the workforce to 28.5%). The Commonwealth recently initiated the Managing Virginia Program (MVP) which encourages all state supervisors and managers to receive comprehensive management and leadership training.

Laws:

Va. Code §§ 56-575.1 through -575.18, the Public-Private Education Facilities and Infrastructure Act of 2002, enables state agencies to develop innovative public-private partnerships through solicited and unsolicited proposals for projects for which a public need exists.

Va. Code § 2.2-2817.1 sets a goal of having not less than 25% of the eligible state government workforce participating in alternative work schedules by July 1, 2009. Also, by January 1, 2010, each state agency except the Department of State Police, shall have a goal of not less than 20% of its eligible workforce telecommuting (at least one day per week). This Code section, coupled with § 2.2-203.1, authorizes agency heads to designate positions appropriate for telecommuting.

Americans with Disabilities Act Amendments Act of 2008 makes it easier for an individual seeking protection under the Americans with Disabilities Act (ADA) to establish that he or she has a disability within the meaning of the ADA.

Future Direction, Expectations, and Priorities

- *Summary of Future Direction and Expectations*

Continue as Safety Net for Equitable Employment Actions: Through its neutral, independent administration of the state employee grievance procedure, EDR will continue to ensure that merit and objectivity are the basis for employment actions, and that the responsibilities and rights of state employees and agency management are observed and affirmed.

Lower Costs of Training and Mediation Services through Technology: EDR expects to decrease training costs by increasing its offerings of online training courses in the grievance procedure and workplace conflict management. In addition, EDR will need to increase its use of technology to bring mediating parties together to resolve disputes in the most cost effective manner.

Reach Customer Base Through Better Communications: Although no empirical data exists, repeated anecdotal data and experience suggests that large segments of the state workforce -- employees and agency management -- are unaware of EDR and its services. To help ensure that state employees and agency management know about EDR and its services, EDR will seek to engage in more outreach with its customer base through downloadable communications, enhancements to its web site, and online training opportunities. EDR will continue to seek periodic feedback from its user groups so that its services will continue to meet the needs of the state's workforce.

Analyze Trends with Better Data: Enhancing the availability of reports from EDR's grievance activity database should lead to more comprehensive analyses of employment dispute resolution trends, as well as the impact of early intervention approaches, such as mediation and training, on workplace conflict.

- *Summary of Potential Impediments to Achievement*

Severe staffing and funding cuts limit EDR's ability to step aside from its daily service delivery responsibilities in order to comprehensively review, pilot, and implement innovations.

Many state employees are unaware of EDR and its services, and even if they are aware, they are reluctant to use these services, particularly the grievance procedure and mediation, due to fear of reprisal or negative perception.

State supervisors and managers are often untrained in conflict competencies and often uninformed about EDR's neutral role in resolving employment disputes. In addition, managers often lack an understanding of the benefit and effectiveness of early dispute resolution processes in resolving disputes and avoiding potential litigation.

Expertise in the development, maintenance and enhancement of database applications is not provided by any centralized service bureau of Commonwealth, which would be beneficial to small agencies like EDR, just as the human resources and payroll service bureaus provided to small agencies by the Department of Human Resources Management and the Department of Accounts, respectively, are beneficial.

Service Area List

Service Number	Title
962 704 16	Employee Grievance, Mediation, Training, and Consultation

Services

Agency Background Information

Statutory Authority

EDR's enabling legislation is set forth in Title 2.2, Chapter 10 of the Code of Virginia (Va. Code §§ 2.2-1000 and 1001. These provisions mandate EDR to:

- Provide a comprehensive program of employee relations management that includes alternative processes for resolving employment disputes
- Establish and administer the state employee grievance procedure
- Establish and administer a statewide workplace mediation program
- Provide a toll-free telephone number to provide information and guidance to state employees on workplace conflict resolution and the services of the Department
- Provide training for agency human resources and supervisory personnel
- Publish hearing officer decisions and Departmental rulings in grievances
- Investigate allegations of retaliation
- Collect data on the use of the grievance procedure and the effectiveness of employee relations management in state agencies
- Make recommendations to the Governor and the General Assembly to improve the grievance procedure and employee relations management.

The State Grievance Procedure is established in Title 2.2, Chapter 30 of the Code of Virginia (Va. Code §§ 2.2-3000 through 2.2-3008). These provisions:

- Require state agencies to
 - provide through the state grievance procedure an immediate and fair method for the resolution of employment disputes between the agency and those employees with access
 - train supervisory personnel in the grievance procedure, personnel policies and conflict resolution, and to evaluate supervisors on their effectiveness in employee relations management
 - promote EDR's services and familiarize employees with their grievance rights
 - cooperate with EDR retaliation investigations
 - participate in the mediation program (Va. Code § 2.2-3000(B))
- Require EDR to monitor the above agency activities with respect to the above duties (Va. Code § 2.2-3000(C))
- Establish state employee coverage and exemptions under the grievance procedure (Va. Code §§ 2.2-3001 and 3002)
- Establish broad parameters for the grievance procedure's management levels and independent hearings, including relief that may be granted by a grievance hearing officer (Va. Code §§ 2.2-3003, 3004, and 3005)
- Establish administrative and judicial review of grievance hearing officer decisions (Va. Code § 2.2-3006)

Customers

Customer Group	Customers served annually	Potential customers annually
Primarily executive branch agencies & institutions (estimated number served only - some underreporting may exist due to ability to remain anonymous when calling the AdviceLine)	74	97
State agency employees (estimated number served only)	4,173	87,647

Anticipated Changes To Agency Customer Base

State government agencies and their employees constitute EDR's customer base. Key trends affecting this base include:

Ageing Workforce: The overriding trend for this customer base is that it is aging. Along with rising age, EDR's customer base could also be expected to mirror the rising incidence of disability that appears within the general public as individuals age. Consequently, as the average age of the state's workforce increases, one might expect that age and disability related issues may become more prevalent among the issues addressed through EDR's workplace dispute resolution services.

Disability: As the workforce continues to age, one can reasonably expect that age-related disabilities may become more prevalent. In addition, the recent amendments to the ADA are likely to expand the coverage of the ADA.

New employment flexibilities and relationships: EDR anticipates that telework, alternate work schedules and part-time

classified work arrangements will increase.

Partners

Partner	Description
Department of Human Resource Management (DHRM)	<p>EDR provides employment dispute resolution courses that are included in the Core Curriculum for DHRM’s Managing Virginia Program (MVP), a comprehensive management training program for all state supervisors and managers. EDR has collaborated with DHRM on the development of on-line versions of EDR dispute resolution courses for inclusion in the Commonwealth’s Learning Management System (LMS), a central storehouse of training data which allows Commonwealth employees to engage in learning via the internet. EDR’s Training Coordinator serves on DHRM’s Virginia Training and Development Advisory Council, which provides recommendations regarding the direction of future training for Commonwealth employees. EDR has worked with DHRM in the development of a comprehensive data collection system that will allow the Commonwealth to monitor various aspects of employee relations activities. EDR presents dispute resolution seminars at annual DHRM-hosted Human Resource Leadership Conferences. EDR employees have collaborated with representatives from DHRM and other state employees in the development and revision of state policies.</p>
University of Virginia School of Law	<p>EDR refers interested state employees to the University of Virginia School of Law, which provides eligible employees with law student advocates to assist them in presenting their cases at grievance hearings.</p>
Virginia Council on Human Resources	<p>The EDR Director serves as an ex-officio member of the Virginia Council for Human Resources, an advisory council to the Governor, the Department of Human Resource Management, and EDR on all personnel administration matters, including but not limited to employee relations management and communications.</p>
Virginia Interagency Dispute Resolution Advisory Council	<p>The EDR Director serves as an ex-officio member of the Virginia Interagency Dispute Resolution Advisory Council, which provides guidance and training to agencies in the use of collaborative practices and ADR, and reports to the Governor and the General Assembly on the use of ADR in state agencies. EDR staff members have also assisted in the organization of the activities of the Council.</p>
Virginia Tech	<p>EDR is partnering with Virginia Tech’s Office of Equity and Inclusion to expand workplace mediation services to state employees in the Commonwealth’s southwestern region. By way of this partnership, Virginia Tech mediators will provide mediation services, through EDR’s statewide mediation program, to state employees working within 120 miles of Blacksburg.</p>

Products and Services

- *Description of the Agency's Products and/or Services:*

Grievance Procedure: EDR is the neutral administrator of the Commonwealth’s grievance procedure, a process that allows state employees to bring their workplace concerns to the attention of upper management, and in some cases, to

present their concerns to an independent hearing officer.

Mediation: EDR administers the Commonwealth's workplace mediation program, a voluntary, confidential process through which neutral third parties (mediators) assist employees in conflict with exploring their differences and developing their own solutions to workplace concerns. Mediation occurs between two or more parties, and can be provided to groups of employees.

Consulting: EDR provides the toll-free AdviceLine, through which all Commonwealth employees, including agency managers, may seek confidential guidance on preventing and resolving workplace conflict, as well as information on employment rights and responsibilities.

Training: EDR offers a variety of training courses on subjects such as workplace conflict management, mediation, employee discipline, and the grievance procedure.

Employee Relations Data Collection: EDR collects a comprehensive body of employee relations data focusing on workplace dispute prevention and resolution activities within the executive branch.

- **Factors Impacting Agency Products and/or Services:**

EDR's staff (as of June 30, 2009) of nine full-time salaried employees and four part-time wage employees is relatively small compared to the total number of FTE classified and wage state employees (87,647), resulting in a ratio of 1 full-time salaried EDR employee to every 9739 state employees.

Because of staffing and funding cuts, EDR's ability to develop new services and provide outreach programs has been limited. Likewise, EDR's opportunities to step aside from daily service delivery responsibilities to review and implement innovations have been hampered.

Many state employees are unaware of EDR and its services, and even if aware, they are reluctant to use these services due to fear of reprisal or negative perception.

State supervisors and managers are often untrained in conflict competencies and often uninformed about EDR's neutral role in resolving employment disputes. In addition, managers often lack an understanding of the benefit and effectiveness of early dispute resolution processes in resolving disputes and avoiding potential litigation.

Assuming EDR were able to raise awareness of its services among employees, EDR's ability to provide direct services to a significantly larger number of employees is questionable, given its low staffing levels. Restoration of funding for at least some of the FTEs lost in the past decade would help bridge this gap. Just as important, it will be critical for EDR to continue to take a leadership role in partnering with other state agency training and alternative dispute resolution (ADR) resources, as well as with other public and private sector organizations outside the state, in seeking to develop a range of conflict prevention services for the state's workforce.

- **Anticipated Changes in Products or Services:**

EDR anticipates providing employees with more opportunities for learning and for developing workplace conflict management skills through the use of online courses in addition to instructor-led courses.

Finance

- **Financial Overview:**

EDR's funding comes from general funds and special funds, the latter of which are generated primarily by fees paid by state agencies for grievance hearing officer services.

- **Financial Breakdown:**

	FY 2011		FY 2012	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$943,135	\$299,969	\$943,135	\$299,969
Change To Base	-\$26,953	\$0	-\$26,953	\$0
Agency Total	\$916,182	\$299,969	\$916,182	\$299,969

This financial summary is computed from information entered in the service area plans.

Human Resources

- **Overview**

As of June 30, 2009, the Department of Employment Dispute Resolution had an authorized MEL level of 18 employees

(12.5 generally funded and 5.5 specially funded), but employed only nine full-time equivalent (FTE) salaried employees and four part-time wage employees. Of EDR's nine full-time employees, seven, including the Director, are generally funded, and the remaining two are specially funded. EDR's part-time P-14 employees are generally funded.

● *Human Resource Levels*

Effective Date	9/1/2009	
Total Authorized Position level	18	
Vacant Positions	-9	
Current Employment Level	9.0	
Non-Classified (Filled)	1	<i>breakout of Current Employment Level</i>
Full-Time Classified (Filled)	8	
Part-Time Classified (Filled)	0	
Faculty (Filled)	0	
Wage	4	
Contract Employees	0	
Total Human Resource Level	13.0	<i>= Current Employment Level + Wage and Contract Employees</i>

● *Factors Impacting HR*

Retention of highly competent staff: The agency must have adequate funds to recruit and retain a qualified staff. In addition, the agency must have funds to maintain the competencies of its current staff and to provide them with financial incentives to remain at the agency. For example, EDR wants to attract and retain experienced attorneys, with the knowledge, skills, and abilities to render thorough, well-reasoned rulings and conduct grievance hearings and issue decisions in a timely manner. The Department of Human Resource Management (DHRM) reported in its January 15, 2009 Annual Review of Salaries Paid to State Employees that average state salaries for attorneys (\$51,914) are 48.2% below the mean for private industry, which Watson-Wyatt places at \$100,254.

Steady demand for services with fewer staff: In 2001 EDR employed 16 full-time salaried staff. By June 30, 2009, that number had been almost halved to only nine employees. Each of EDR's nine full-time salaried (generally and specially funded) and four wage positions are key positions as of June 30, 2009, thus creating challenges in planning for any kind of absences (long term illnesses and disabilities), vacancies and retirements.

Offering ongoing specialized training: EDR needs to maintain its commitment to offering specialized training to keep its staff proficient in their respective fields.

Subject matter expertise in specialized operational areas: EDR needs adequate funding to continue to utilize temporary employees, contractors, and/or internal state service bureaus with subject matter expertise in a number of specialized operational fields such as human resources, payroll, IT security, disaster recovery, agency risk management and internal controls, so that it can continue to meet state standards in these areas.

● *Anticipated HR Changes*

Like all agencies, EDR must be able to change focus and strategies every four years as a result of changes in Administration, and potentially each year or even more frequently with any new legislation, state budget issues, and/or comprehensive state operational enhancement initiatives, all of which have significant impact on EDR's fiscal resources, staffing resources, and services delivery.

Information Technology

● *Current Operational IT Investments:*

IT Infrastructure: The Virginia Information Technologies Agency (VITA), in partnership with Northrop Grumman (NG), is EDR's Information Technology Services Provider. EDR's IT inventory has been transferred to the VITA/NG partnership, and EDR pays monthly service fees to the VITA/NG partnership for the provision of comprehensive IT infrastructure services, including a server backup and restoration process.

The partnership owns and manages EDR's laptop computers and virtual server. The partnership also provides EDR with e-mail services. EDR's server was virtualized in March of 2009 as part of the transformation process and is located at the Commonwealth Enterprise Solutions Center (CESC). EDR is considered fully transformed by the VITA/NG partnership.

Applications Software: EDR is in the process of developing and testing an upgraded web-based grievance activity reporting system. This web application will not only allow state agencies to enter grievance data via the internet, but will also allow the generation of agency-specific reports. The upgraded system, like its predecessor, will be housed on server space at the Department of Human Resource Management (DHRM). EDR also has an internal Access database containing direct services information on EDR hearings, administrative rulings, AdviceLine consultations, mediations and trainings. EDR's internal Access database also generates reports.

IT Security: Now that EDR's server has been virtualized at CESC, the VITA/NG partnership has the responsibility to safeguard it. EDR has implemented logical controls so that employees can only access folders and files to which they have rights. EDR's IT security meets the established security standards, and EDR is working with VITA/NG for purposes of scheduling its next security audit. EDR will continue to work with VITA/NG's Small Agency Council members to determine how best to continue to maintain established security standards within available funding resources.

Web site: EDR maintains a website which may be accessed at www.edr.virginia.gov. The EDR website houses information on EDR services, downloadable forms, and contact information. In addition, the website publishes all EDR hearing decisions and administrative rulings in a searchable format. EDR continues to seek ways to enhance its website within its appropriated budget to better serve constituents.

Telecommunications: The VITA/NG partnership provides EDR with telecommunications services. EDR continues to increase the efficiency of service delivery through enhanced telecommunications features.

- *Factors Impacting the Current IT:*

As a small agency (nine full-time salaried staff as of June 30, 2009), EDR does not have IT personnel, apart from a wage database programmer hired to develop and maintain its direct service applications databases. Thus, EDR lacks in-house IT infrastructure expertise or the budget to fund such expertise in-house. The agency therefore must be able to rely on VITA/NG, its Information Technology Services Provider, to meet its overall IT infrastructure needs.

As with many state agencies, EDR's IT infrastructure service fees more than doubled during FY2007 as a result of across-the-board increases by VITA/NG fees for standard IT services. While some costs have since significantly decreased, others, such as disaster recovery and data storage, are anticipated to rise. In addition, VITA/NG requirements are placing additional and significant time demands on EDR's staff. EDR, like most agencies in this time of budget reductions and down-sizing, does not have the resources to retrain and divert current staff to take on additional IT-related roles.

General applications software services are "out-of-scope" for VITA/NG and therefore not provided. Thus, EDR has relied on temporary, part-time wage employees and the Department of Human Resource Management (DHRM) IT staff, as available, to assist with its Access and web-based systems.

- *Proposed IT Solutions:*

Specific, significant changes to EDR's future business operations or to the way EDR does business, such that EDR's IT requirements would also change, have not been identified or projected at this time (October 2009).

- *Current IT Services:*

Estimated Ongoing Operations and Maintenance Costs for Existing IT Investments

	Cost - Year 1		Cost - Year 2	
	General Fund	Non-general Fund	General Fund	Non-general Fund
Projected Service Fees	\$34,798	\$2,342	\$35,320	\$2,377
Changes (+/-) to VITA Infrastructure	-\$13,229	-\$1,526	-\$13,229	-\$1,526
Estimated VITA Infrastructure	\$21,569	\$816	\$22,091	\$851
Specialized Infrastructure	\$0	\$0	\$0	\$0
Agency IT Staff	\$24,803	\$0	\$24,803	\$0
Non-agency IT Staff	\$0	\$0	\$0	\$0
Other Application Costs	\$0	\$0	\$0	\$0

Agency IT Current Services	\$46,372	\$816	\$46,894	\$851
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Comments:

EDR's VITA infrastructure costs decreased in FY2009 due to the need for fewer computer work stations following the elimination of staff positions, as well as the virtualization of EDR's server. EDR's agency IT staff cost of \$24,803 reflects compensation for one part-time wage database programmer in Year 1 (FY2011) and in Year 2 (FY2012). Based on EDR's actual FY2009 VITA charges and its actual and anticipated increased VITA charges for server backup services in FY2010, EDR estimates its VITA infrastructure cost for FY2011 and for FY2012 will be \$35,051.

- **Proposed IT Investments**

Estimated Costs for Projects and New IT Investments

	Cost - Year 1		Cost - Year 2	
	General Fund	Non-general Fund	General Fund	Non-general Fund
Major IT Projects	\$0	\$0	\$0	\$0
Non-major IT Projects	\$0	\$0	\$0	\$0
Agency-level IT Projects	\$0	\$0	\$0	\$0
Major Stand Alone IT Procurements	\$0	\$0	\$0	\$0
Non-major Stand Alone IT Procurements	\$0	\$0	\$0	\$0
Total Proposed IT Investments	\$0	\$0	\$0	\$0

- **Projected Total IT Budget**

	Cost - Year 1		Cost - Year 2	
	General Fund	Non-general Fund	General Fund	Non-general Fund
Current IT Services	\$46,372	\$816	\$46,894	\$851
Proposed IT Investments	\$0	\$0	\$0	\$0
Total	\$46,372	\$816	\$46,894	\$851

[Appendix A](#) - Agency's information technology investment detail maintained in VITA's ProSight system.

Capital

- **Current State of Capital Investments:**
EDR does not have a capital budget.
- **Factors Impacting Capital Investments:**
n/a
- **Capital Investments Alignment:**
n/a

Agency Goals

Goal 1

We will provide state agencies and their employees with a broad range of workplace dispute resolution tools that assure solutions consistent with the Commonwealth's human resources policies and related law.

Goal Summary and Alignment

Providing these services will help state employees and agencies create a positive, productive workplace, where conflict is addressed constructively, at the lowest level and earliest opportunity, allowing employees to focus on service excellence.

Goal Alignment to Statewide Goals

- Be recognized as the best-managed state in the nation.

Agency Comment: In this regard we note that in 2008, the Commonwealth's human resources management system, for which EDR serves a significant role, was the highest ranked in the nation, receiving the only "A" rating in a study conducted by Governing magazine's Government Performance Project, a study for which EDR contributed extensive data on the Commonwealth's employee grievance process at the Project's request.

Goal 2

We will strengthen the culture of preparedness across state agencies, their employees and customers.

Goal Summary and Alignment

This goal ensures compliance with federal and state regulations, policies and procedures for Commonwealth preparedness, as well as guidelines promulgated by the Assistant to the Governor for Commonwealth Preparedness, in collaboration with the Governor's Cabinet, the Commonwealth Preparedness Working Group, the Department of Planning and Budget and the Council on Virginia's Future. The goal supports achievement of the Commonwealth's statewide goal of protecting the public's safety and security, ensuring a fair and effective system of justice and providing a prepared response to emergencies and disasters of all kinds.

Goal Alignment to Statewide Goals

- Be recognized as the best-managed state in the nation.

Goal Objectives

- We will be prepared to act in the interest of the citizens of the Commonwealth and its infrastructure during emergency situations by actively planning and training both as an agency and as individuals.

Objective Strategies

- EDR's Emergency Coordination Officer will stay in regular communication with the Office of Commonwealth Preparedness, the Virginia Department of Emergency Management, and other Commonwealth Preparedness Working Group agencies.
- EDR will identify improvement opportunities by reviewing its annual agency preparedness assessment results and making changes that have the greatest impact at the lowest cost.

Link to State Strategy

- nothing linked

Objective Measures

- Agency Preparedness Assessment Score

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Measure Baseline Value: Date:

Measure Baseline Description: 2008 Agency Preparedness Assessment Results (% out of 100)

Measure Target Value: Date:

Measure Target Description: minimum of 75% no later than 6/30/2012

Data Source and Calculation: The Agency Preparedness Assessment is an all-hazards assessment tool that measures agencies' compliance with requirements and best practices. The assessment has components including Physical Security, Continuity of Operations, Information Security, Vital Records, Fire Safety, Human Resources, Risk Management and Internal Controls, and the National Incident Management System (for Virginia Emergency Response Team – VERT - agencies only).

Goal 3

We will ensure that resources are used efficiently and programs are managed effectively, and in a manner consistent with applicable state and federal requirements.

Goal Summary and Alignment

This goal helps assure wise stewardship of the Commonwealth's resources.

Goal Alignment to Statewide Goals

- Be recognized as the best-managed state in the nation.

Goal Objectives

- To ensure that resources are used efficiently and programs are managed effectively, and in a manner consistent with applicable state and federal requirements.

Objective Strategies

- Continue to align the goals established by the Agency Administrative Measures (formerly known as the Management Scorecard) into the Employee Work Profiles of the EDR employees charged with leading the agency's efforts to meet those standards.

Link to State Strategy

- nothing linked

Objective Measures

- Percent of administrative measures marked as "meets expectations" (green indicator) for the agency

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Measure Baseline Value: Date:

Measure Baseline Description: the FY2009 percentage of "green/meets expectations" administrative measures

Measure Target Value: Date:

Measure Target Description: 100% score by no later than 6/30/2012, assuming administrative measures do not change; otherwise, difficult to set a realistic target

Data Source and Calculation: Data Source: There are currently 13 administrative measures organized into five categories. Each measure has a different data source. The table is located in Virginia Performs / Agency Planning and Performance / Administrative Measures. Calculation: Agencies select the appropriate colored indicator (green, yellow, red) for each measure, depending on results. A gray indicator is used for measures where data are unavailable. The agency administration measure is the percent of the administrative measures that have a green indicator (meets expectations). Exclude items with a gray indicator from the calculation.

Service Area Strategic Plan

Department of Employment Dispute Resolution (962)

3/11/2014 11:40 am

Biennium: 2010-12 ▼

Service Area 1 of 1

Employee Grievance, Mediation, Training, and Consultation Services (962 704 16)

Description

EDR implements the Commonwealth's employment dispute resolution statutes. Services include:

- administration of the state employee grievance procedure
- administration of the statewide workplace mediation program
- informing employees and agency management of workplace rights and responsibilities, and available options for preventing, managing and resolving workplace conflict, through a toll-free phone service and other outreach activities
- training on workplace conflict management, mediation, employee discipline and the use of the grievance procedure
- data collection and reporting on statewide workplace conflict management and resolution activities such as usage of the grievance procedure, mediation, problem-solving consultations, training, and other related services

Background Information

Mission Alignment and Authority

- *Describe how this service supports the agency mission*

This service area directly aligns with EDR's mission to provide state agencies and their employees with a broad range of workplace dispute resolution tools, including the grievance procedure and mediation, that assure solutions consistent with the Commonwealth's human resource policies and related law.

- *Describe the Statutory Authority of this Service*

EDR's enabling legislation is set forth in Title 2.2, Chapter 10 of the Code of Virginia (Va. Code §§ 2.2-1000 and 1001). These provisions mandate EDR to:

- Provide a comprehensive program of employee relations management that includes alternative processes for resolving employment disputes
- Establish and administer the state employee grievance procedure
- Establish and administer a statewide workplace mediation program
- Provide a toll-free telephone number to provide information and guidance to state employees on workplace conflict resolution and the services of the Department
- Provide training for agency human resources and supervisory personnel
- Publish hearing officer decisions and Departmental rulings in grievances
- Investigate allegations of retaliation
- Collect data on the use of the grievance procedure and the effectiveness of employee relations management in state agencies
- Make recommendations to the Governor and the General Assembly to improve the grievance procedure and employee relations management.

The State Grievance Procedure is established in Title 2.2, Chapter 30 of the Code of Virginia (Va. Code §§ 2.2-3000 through 2.2-3008). These provisions:

- Require state agencies to
 - provide through the state grievance procedure an immediate and fair method for the resolution of employment disputes between the agency and those employees with access
 - train supervisory personnel in the grievance procedure, personnel policies and conflict resolution, and to evaluate supervisors on their effectiveness in employee relations management
 - promote EDR's services and familiarize employees with their grievance rights
 - cooperate with EDR retaliation investigations
 - participate in the mediation program
 (Va. Code § 2.2-3000(B))
- Require EDR to monitor the above agency activities with respect to the above duties (Va. Code § 2.2-3000(C))
- Establish state employee coverage and exemptions under the grievance procedure (Va. Code §§ 2.2-3001 and 3002)
- Establish broad parameters for the grievance procedure's management levels and independent hearings,

including relief that may be granted by a grievance hearing officer

(Va. Code §§ 2.2-3003, 3004, and 3005)

- Establish administrative and judicial review of grievance hearing officer decisions
(Va. Code § 2.2-3006)

Customers

Agency Customer Group	Customer	Customers served annually	Potential annual customers
Primarily executive branch agencies & institutions (estimated number served only - some underreporting may exist due to ability to remain anonymous when calling the AdviceLine)	Primarily executive branch agencies & institutions (estimated number served only -- some underreporting may exist due to ability to remain anonymous when calling the AdviceLine)	74	97
State agency employees (estimated number served only)	State agency employees (estimated number served only)	4,173	87,647

Anticipated Changes To Agency Customer Base

State government agencies and their employees constitute EDR's customer base. Key trends affecting this base include:

Aging Workforce: The overriding trend for EDR's customer base is that it is aging. The average age of classified employees in May 1991 was 41. By June 30, 2009, the mean age was 46, and only 3.14% of classified employees were 25 years old or younger. The total number of classified employees 60 years old or older nearly doubled from 4,108 in 1991 to 8,003 by June 2009. The number of classified employees 65 years old or older more than doubled from 735 in 1991 to 1861 by June 2009. It is likely that increases in the number of employees in the older age groups will continue as the general health of older workers continues to improve and the Commonwealth continues to need their talents. However, along with rising age, EDR's customer base could also be expected to mirror the rising incidence of disability that appears within the general public as individuals age. As the average age of the state's workforce increases, one might expect that age and disability related issues may become more prevalent among the issues addressed through EDR's workplace dispute resolution services.

Disability: The U.S. Census Report, Americans with Disabilities: 2005, states that of the 291.1 million people in the population in 2005, 54.4 million (18.7 percent) had some level of disability, up from 18.1% three years earlier. Moreover, 35 million (12.0 %) had a severe disability, up from 11.5 % three years prior. In addition, the 2005 report reflects that as age increases, so does the prevalence of disability. The disability rate for each age group was higher than the rates for the younger age groups, with people 80 years and older having the highest incidence of disability at 71.0 percent. At a rate of 30.1 percent, people aged 55 to 64 were nearly three times as likely to have a disability as people aged 15 to 24 (10.4 percent). An increase in the likelihood of severe disability was also seen in successively older age groups, ranging from 3.6 percent for the population under 15 years to 56.2 percent for the population 80 years and older. It would appear reasonable to assume that the Commonwealth's workforce will experience rates of disability similar to those found in the general population.

New employment flexibilities and relationships:

The traditional "stovepipe" hierarchy that once characterized the state agency workplace is changing with the creation of more interagency and public-private partnerships. In addition, the workplaces at state institutions of higher education have and will continue to change as a result of increased autonomy and flexibility granted by legislation. Further, other statutory and policy changes are paving the way for more telework, alternate work schedules and part-time classified work arrangements. As a result, the traditional management chains of command and exclusively on-site work stations, through which employment terms, conditions and actions have been effectuated in the past, may be altered over time, to varying degrees, within significant sectors of the state workforce. EDR expects that as such changes take place, there will be new issues and opportunities to address in preventing, managing, and resolving workplace disputes.

Partners

Partner	Description
Department of Human Resource Management (DHRM)	EDR provides employment dispute resolution courses that are included in the Core Curriculum for DHRM's Managing Virginia Program (MVP), a comprehensive management training program for all state supervisors and managers. EDR has collaborated with DHRM on the development of on-line versions of EDR dispute resolution courses for inclusion in the Commonwealth's Learning Management System (LMS), a central storehouse of training data which allows Commonwealth employees to engage in learning via the internet. EDR's Training Coordinator serves on DHRM's Virginia Training and Development Advisory Council, which provides recommendations regarding the direction of future training for Commonwealth employees. EDR has worked with DHRM in the development of a comprehensive data collection system that will allow

	<p>the Commonwealth to monitor various aspects of employee relations activities. EDR presents dispute resolution seminars at annual DHRM-hosted Human Resource Leadership Conferences. EDR employees have collaborated with representatives from DHRM and other state employees in the development and revision of state policies.</p>
University of Virginia School of Law	<p>EDR refers interested state employees to the University of Virginia School of Law, which provides eligible employees with law student advocates to assist them in presenting their cases at grievance hearings.</p>
Virginia Council on Human Resources	<p>The EDR Director serves as an ex-officio member of the Virginia Council for Human Resources, an advisory council to the Governor, the Department of Human Resource Management, and EDR on all personnel administration matters, including but not limited to employee relations management and communications.</p>
Virginia Interagency Dispute Resolution Advisory Council	<p>The EDR Director serves as an ex-officio member of the Virginia Interagency Dispute Resolution Advisory Council, which provides guidance and training to agencies in the use of collaborative practices and ADR, and reports to the Governor and the General Assembly on the use of ADR in state agencies. EDR staff members have also assisted in the organization of the activities of the Council.</p>
Virginia Tech	<p>EDR is partnering with Virginia Tech's Office of Equity and Inclusion to expand workplace mediation services to state employees in the Commonwealth's southwestern region. By way of this partnership, Virginia Tech mediators will provide mediation services, through EDR's statewide mediation program, to state employees working within 120 miles of Blacksburg.</p>

Products and Services

- *Factors Impacting the Products and/or Services:*

EDR's staff (as of June 30, 2009) of nine full-time salaried employees and four part-time wage employees is relatively small compared to the total number of FTE classified and wage state employees (87,647), resulting in a ratio of 1 full-time salaried EDR employee to every 9,739 state employees.

Because of staffing and funding cuts, EDR's ability to develop new services and provide outreach programs has been limited. Likewise, EDR's opportunities to step aside from daily service delivery responsibilities to review and implement innovations have been hampered.

Many state employees are unaware of EDR and its services, and even if aware, they are reluctant to use these services due to fear of reprisal or negative perception.

State supervisors and managers are often untrained in conflict competencies and often uninformed about EDR's neutral role in resolving employment disputes. In addition, managers often lack an understanding of the benefit and effectiveness of early dispute resolution processes in resolving disputes and avoiding potential litigation.

Assuming EDR were able to raise awareness of its services among employees, EDR's ability to provide direct services to a significantly larger number of employees is questionable, given its low staffing levels. Restoration of funding for at least some of the FTEs lost in the past decade would help bridge this gap. Just as important, it will be critical for EDR to continue to take a leadership role in partnering with other state agency training and alternative dispute resolution (ADR) resources, as well as with other public and private sector organizations outside the state, in seeking to develop a range of conflict prevention services for the state's workforce.

- *Anticipated Changes to the Products and/or Services*

EDR anticipates providing employees with more opportunities for learning and for developing workplace conflict management skills through the use of online courses in addition to instructor-led courses.

- *Listing of Products and/or Services*

- Grievance Procedure: EDR is the neutral administrator of the Commonwealth's grievance procedure, a process that allows state employees to bring their workplace concerns to the attention of upper management, and in some cases, to present their concerns to an independent hearing officer.
- Mediation: EDR administers the Commonwealth's workplace mediation program, a voluntary, confidential process through which neutral third parties (mediators) assist employees in conflict with exploring their differences and developing their own solutions to workplace concerns. Mediation occurs between two or more parties, and can be

provided to groups of employees.

- Consulting: EDR provides the toll-free AdviceLine, through which all Commonwealth employees, including agency managers, may seek confidential guidance on preventing and resolving workplace conflict, as well as information on employment rights and responsibilities.
- Training: EDR offers a variety of training courses on subjects such as workplace conflict management, mediation, employee discipline, and the grievance procedure.
- Employee Relations Data Collection: EDR collects a comprehensive body of employee relations data focusing on workplace dispute prevention and resolution activities within the executive branch.

Finance

● *Financial Overview*

EDR's funding comes from general funds and special funds, the latter of which are generated primarily by fees paid by state agencies for grievance hearing officer services.

● *Financial Breakdown*

	FY 2011		FY 2012	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$943,135	\$299,969	\$943,135	\$299,969
Change To Base	-\$26,953	\$0	-\$26,953	\$0
Service Area Total	\$916,182	\$299,969	\$916,182	\$299,969

Human Resources

● *Human Resources Overview*

As of June 30, 2009, the Department of Employment Dispute Resolution had an authorized FTE level of 18 employees (12.5 generally funded and 5.5 specially funded), but employed only nine full-time equivalent (FTE) salaried employees and four part-time wage employees. Of EDR's nine full-time employees, seven, including the Director, are generally funded, and the remaining two are specially funded. EDR's part-time P-14 employees are generally funded.

● *Human Resource Levels*

Effective Date	7/1/2009	
Total Authorized Position level	18	
Vacant Positions	-9	
Current Employment Level	9.0	
Non-Classified (Filled)	1	<i>breakout of Current Employment Level</i>
Full-Time Classified (Filled)	8	
Part-Time Classified (Filled)	0	
Faculty (Filled)	0	
Wage	4	
Contract Employees	0	
Total Human Resource Level	13.0	<i>= Current Employment Level + Wage and Contract Employees</i>

● *Factors Impacting HR*

Retention of highly competent staff: The agency must have adequate funds to recruit and retain a qualified staff. In addition, the agency must have funds to maintain the competencies of its current staff and to provide them with financial incentives to remain at the agency. For example, EDR wants to attract and retain experienced attorneys, with the knowledge, skills, and abilities to render thorough, well-reasoned rulings and conduct grievance hearings and issue decisions in a timely manner. The Department of Human Resource Management (DHRM) reported in its January 15, 2009 Annual Review of Salaries Paid to State Employees that average state salaries for attorneys (\$51,914) are 48.2% below the mean for private industry, which Watson-Wyatt places at \$100,254.

Steady demand for services with fewer staff: In 2001 EDR employed 16 full-time salaried staff. By June 30, 2009, that

number had been almost halved to only nine employees. Each of EDR's nine full-time salaried (generally and specially funded) and four wage positions are key positions as of June 30, 2009, thus creating challenges in planning for any kind of absences (long term illnesses and disabilities), vacancies and retirements.

Offering ongoing specialized training: EDR needs to maintain its commitment to offering specialized training to keep its staff proficient in their respective fields.

Subject matter expertise in specialized operational areas: EDR needs adequate funding to continue to utilize temporary employees, contractors, and/or internal state service bureaus with subject matter expertise in a number of specialized operational fields such as human resources, payroll, IT security, disaster recovery, agency risk management and internal controls, so that it can continue to meet state standards in these areas.

- **Anticipated HR Changes**

Like all agencies, EDR must be able to change focus and strategies every four years as a result of changes in Administration, and potentially each year or even more frequently with any new legislation, state budget issues, and/or comprehensive state operational enhancement initiatives, all of which have significant impact on EDR's fiscal resources, staffing resources, and services delivery.

Service Area Objectives

- Advance the effectiveness of the state employee grievance procedure in resolving workplace disputes.

Objective Description

The state grievance statutes charge EDR with establishing and administering the state employee grievance procedure, through which nonprobationary classified employees may bring their employment concerns to upper levels of management, and in some cases, before an independent hearing officer. Va. Code §§ 2.2-1001(2); 2.2-3001(A). Importantly, the grievance procedure is to afford "an immediate and fair method for the resolution of employment disputes." Va. Code § 2.2-3000. Through its neutral, independent administration of the grievance process, EDR assures that merit and objectivity are the basis for employment actions, and that the rights and responsibilities of state employees and agency management are observed and affirmed. In accordance with statute, EDR consultants research, investigate and draft administrative rulings in pending grievances to determine issues such as party and hearing officer compliance with the process, an employee's right to access the grievance procedure, or whether an employee's grievance qualifies to be heard before an independent hearing officer. In addition, EDR hearing officers hold evidentiary hearings and issue written decisions on the merits of qualified employee grievances. If administrative rulings or hearing decisions are issued in an untimely manner, the grievance process and ultimate resolution of the dispute are unduly prolonged, resulting in inefficiencies and frustration for the parties, which in turn can affect the productivity and morale of the involved work unit. For those reasons, it is critical that EDR rulings and hearing decisions are issued in a timely manner.

Alignment to Agency Goals

- Agency Goal: We will provide state agencies and their employees with a broad range of workplace dispute resolution tools that assure solutions consistent with the Commonwealth's human resources policies and related law.

Objective Strategies

- Assure adequate funding to attract and retain well qualified EDR hearing officers and rulings consultants, thus preventing disruptive turnover
- Continue to provide training opportunities in employment law and related issues for hearing officers and rulings consultants
- Continue to direct agencies to provide with their request for a hearing officer all the needed information for assignment of the case
- Immediately upon receiving a request for the appointment of a hearing officer, provide the parties in writing with basic information about the hearing process, including what steps they should consider taking right away to prepare for the hearing
- Assign part-time hearing officers as needed to supplement EDR's full-time hearing officer
- Currently, the primary job responsibility of EDR's consultants with employment law expertise is to investigate, research and draft rulings. EDR will maintain that strategy to continue the trend toward reduced turnaround times

Link to State Strategy

- nothing linked

Objective Measures

- Average number of calendar days from close of evidentiary record to issuance of hearing officer decision following hearing.

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Measure Baseline Value: Date:

Measure Baseline Description: 29 calendar day average for FY2009

Measure Target Value: Date:

Measure Target Description: 20 calendar day average or less for FY2011 and for FY2012

Data Source and Calculation: For all hearing decisions issued by an EDR hearing officer during the fiscal year, calculate the average number of days between close of the evidentiary record (generally date of hearing) and the mailing date of the resulting hearing decision. Exception: documented delays due to events over which the hearing officer has no control, such as serious illness or death, will not count toward the 20 day period. Source: EDR hearings database. Measuring turnaround time from the close of the evidentiary record is consistent with regulatory "time to disposition" standards for other Commonwealth administrative proceedings (e.g., Department of Mines, Minerals and Energy (certain permit approvals); Department of Education (special education and teacher grievance hearings); Department of Health (WIC program)). The number of days between the date of hearing and date of decision is also the performance measure utilized by the Virginia Parole Board for parole hearings (25 days). Notably, EDR's target is more expeditious than generally required for hearings subject to the Virginia Administrative Process Act, which is 90 days from the date of hearing. Va. Code § 2.2-4024. EDR's measure and target are also competitive and similarly structured compared to various sister states' grievance hearing processes: North Carolina (45 days from the close of the hearing record); West Virginia (30 days from date of hearing); South Carolina (20 days from conclusion of hearing).

- Average number of calendar days from receipt of ruling request to issuance of administrative ruling following investigation, research, and drafting.

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Measure Baseline Value: Date:

Measure Baseline Description: Average number of calendar days from receipt of ruling request to issuance of administrative ruling following investigation, research, and drafting.

Measure Target Value: Date:

Measure Target Description: 50 calendar day average or less for FY2011 and FY2012

Data Source and Calculation: For all rulings issued during the fiscal year, calculate the average number of days between EDR's receipt of the ruling request and the mail date of the ruling. Exception: documented events over which EDR has no control, such as a pending reconsideration request to the hearing officer, will not count toward the 50 day period. Source: EDR rulings database

- We will expand opportunities for state employees to develop knowledge and skills on the prevention and resolution of workplace conflict.

Objective Description

The grievance statutes mandate EDR to provide a comprehensive program of employee relations management, and specifically include the requirement of training for state supervisory and human resources personnel in the prevention and resolution of employment disputes. Va. Code §§ 2.2-1001(8), (9) and 2.2-3000(B). Effective learning opportunities can develop and strengthen employee competencies in preventing and resolving workplace conflict, which in turn allows employees to focus on service excellence in their jobs. EDR's interactive training courses for state employees on conflict management, mediation, employee discipline and the grievance procedure have been overwhelmingly well received by those in attendance. Due to EDR's staffing constraints, however, only a small fraction of all state employees have received this training to date. EDR's focus continues to be to expand no-cost or low-cost learning and development opportunities for state employees in the prevention and resolution of workplace conflict, so that more employees will become knowledgeable and skilled in those areas.

Alignment to Agency Goals

- Agency Goal: We will provide state agencies and their employees with a broad range of workplace dispute resolution tools that assure solutions consistent with the Commonwealth's human resources policies and related law.

Objective Strategies

- Monitor number of employees trained online and by agency in-house trainers in addition to EDR instructor-led courses
- Continue to conduct evaluations on EDR instructor-led courses; design evaluative measures for new learning approaches and implement for continual improvement
- Develop new on-line courses and enhance current ones for statutorily required subjects (e.g., workplace conflict management and the effective use of the grievance procedure)
- Use a variety of methods to communicate with executive branch agencies and their employees about EDR's training on the prevention and resolution of workplace conflict
- Continually assess potential for effective new distance learning approaches
- Educate top Executive Branch officials and enlist their aid in notifying state agency employees of EDR's training services
- Continue partnership with the Dept. of Human Resource Management and the Interagency Dispute Resolution Advisory Council to provide collaborative leadership training for first time supervisors at no charge to agencies

Link to State Strategy

- nothing linked

Objective Measures

- Average cost per completed training session (to include workplace dispute resolution services overview, workplace conflict management best practices, and the grievance procedure)

Measure Class: Measure Frequency: Preferred Trend:

Frequency Comment: Although EDR reports this measure on a quarterly basis, our goal is to achieve this targeted decrease on an overall annual basis.

Measure Baseline Value: Date:

Measure Baseline Description: average cost per completed session provided from 7/1/2005 through 6/30/2008 (fiscal years 2006 through 2008)

Measure Target Value: Date:

Measure Target Description: average annual cost per completed training session for FY2012, a 19.4% decrease from baseline cost

Data Source and Calculation: Data Source: EDR's personnel and training records. Calculation: Divide input (labor cost of EDR's lead trainer/mediator that is devoted to training program) by output (the number of completed EDR training sessions provided by EDR instructors, state agency trainers, the COVA Knowledge Center, and any other new distance learning approaches).

- Percentage of state employees rating EDR instructor-led training as an overall 4 or 5 on a 5-point scale.

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Measure Baseline Value: Date:

Measure Baseline Description: 98% of state employee participants rated EDR instructor-led training as an overall 4 or 5 on a 5-point scale

Measure Target Value: Date:

Measure Target Description: 95% or better satisfaction rating (overall 4 or 5) for FY2011 and for FY2012

Data Source and Calculation: Participants receive and complete an evaluation questionnaire after completing the session. The questionnaire rates various factors, using a 5-point scale for each, with 5 being the highest rating. The overall rating (either a 1, 2, 3, 4, or 5) for each questionnaire is calculated by averaging the ratings for the various factors and rounding up or down to the nearest whole number. The total number of questionnaires is then divided into the number of questionnaires with an overall rating of either 4 or 5 to derive the percentage. Source: EDR training evaluations and spreadsheets.

- Percentage increase of completed training sessions by state employees in workplace conflict management and resolution

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Frequency Comment: Although EDR reports this measure on a quarterly basis, our goal is to achieve this targeted increase on an overall annual basis.

Measure Baseline Value: Date:

Measure Baseline Description: number of completed training sessions by state employees in workplace conflict management and resolution

Measure Target Value: Date:

Measure Target Description: a 15% or more increase over FY2007 baseline of 2500 by June 30, 2012

Data Source and Calculation: The annual number of completed training sessions by state employees via EDR's instructor-led records, state agency in-house training records, the Commonwealth's web-based Learning Management System, and any other new distance learning approach will be totaled and compared with the FY2007 baseline total.

- Advance the effectiveness of EDR's statewide mediation program and other methods of managing and resolving workplace conflict before it escalates.

Objective Description

One of EDR's statutory mandates is to provide alternative processes for resolving employment disputes, including a statewide mediation program. Va. Code § 2.2-1001(1) and (2). Mediation is a voluntary, confidential process through which neutral third parties (mediators) assist employees in conflict with exploring their differences and developing their own solutions to workplace concerns. Mediation occurs between two or more parties, and can also be provided to groups of employees. A key factor to a mediation's success is the quality of mediator services.

Alignment to Agency Goals

- Agency Goal: We will provide state agencies and their employees with a broad range of workplace dispute resolution tools that assure solutions consistent with the Commonwealth's human resources policies and related law.

Objective Strategies

- Partner with other public entities such as the Interagency Dispute Resolution Advisory Council and Virginia Tech to share qualified state employee mediators
- Maintain and augment positive relationships with statewide ADR professional organizations to attract high quality mediator providers
- Provide additional training to agency employees who refer workplace disputes to EDR's mediation program This training should expand the knowledge of those making the referrals and help target those disputes most appropriate for mediation.
- Continue to address the needs and concerns of agency mediation coordinators and mediation providers to provide solutions to any issues that affect customer satisfaction with the service
- Continue to add new features to the evaluative process to identify ways to develop further the skill base of mediation participants, and to provide more focused assistance with specific types of employment disputes, for

example, those involving disability accommodation and discrimination claims

- Investigate the use of technology such as video conferencing in providing EDR mediation services to better serve employees working in remote locations
- Through EDR training sessions and through AdviceLine consultations where appropriate, continue to communicate with and advise state agencies and employees about the value and effective use of mediation

Link to State Strategy

- nothing linked

Objective Measures

- Percentage of mediation participants who rate the mediation service as an overall 4 or 5 on a 5-point scale.

Measure Class: Measure Type: Measure Frequency: Preferred Trend:

Measure Baseline Value: Date:

Measure Baseline Description: percent of mediation participants in fiscal year 2009 who rated the mediation service as an overall 4 or 5 on a 5-point scale.

Measure Target Value: Date:

Measure Target Description: at least 95% of EDR mediation participants rate the mediation service they received as 4 or 5 for FY2011 and FY2012

Data Source and Calculation: Two-party mediation participants receive and complete an evaluation questionnaire after completing the session. The questionnaire rates various factors pertaining to mediator performance and the mediation process itself, to include outcome, fairness and timeliness, using a 5-point scale for each factor, with 5 being the highest rating. The overall rating (either a 1, 2, 3, 4, or 5) for each questionnaire is calculated by averaging the ratings for the various factors and rounding up or down to the nearest whole number. The total number of questionnaires is then divided into the number of questionnaires with an overall rating of either 4 or 5 to derive the percentage. Source: EDR mediation evaluations and records