

**IRELAND
STAPLETON**

CONFLICT RESOLUTION AND OTHER STICKY PERSONNEL ISSUES

**Ireland Stapleton Pryor & Pascoe, PC
Dino A. Ross, Esq.**

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CONFLICT DYNAMICS

- Participants
 - Co-workers
 - Supervisor and Subordinate
 - Fire Chief and Subordinate
- Situational – Heat of the Moment
- Relational– Ongoing Personality Clash
- Life Curve Ball – Divorce, Loss, etc.

SETTING THE STAGE

- Do **NOT** engage in the heat of the moment – cool down period
- Select Appropriate Location
- No Distractions
- Allow plenty of time
- Mentally prepare yourself -
 - Impartial
 - Goal Oriented
 - Respectful

THE PROCESS

- **Step 1: Identify the source of the conflict.**
 - Each participant explains his/her side
 - No interruptions from other participants
 - Respectful
 - Do Not Judge

- **Step 2: Look beyond the incident.**
 - Is this an isolated incident?
 - Underlying problems
 - ✓ Personality conflicts
 - ✓ Personal issues not related to work

- **Step 3: Request solutions.**
 - Ask each participant for solutions
 - ✓ What is best for District's service to community?

- **Step 4: Identify solutions all participants can support.**
 - Avoid imposing your solution on the participants, if possible
 - If not, tell them your solution

- **Step 5: Agreement.**
 - Confirm each participant's agreement to solution and commitment to follow

CRIMINAL CHARGE

- Innocent until proven guilty
- Nature of charge
 - Common charges – DUI, Domestic Violence, Theft,
 - Does it relate to job duties?
 - Does it adversely impact Department's reputation/community confidence?
- Short-term work options
 - Reassignment
 - Administrative leave (paid or unpaid?)
- Fact Finding
 - Garrity Warning?
 - Independent Department Investigation or final disposition on charge (i.e., conviction, plea bargain)
- Decision
- Documentation

THREAT OF SUICIDE

- On or off duty – Does it matter?
- Could it result in harm to other employees/volunteers?
- Can you require counseling?
- Return to work - Fitness for Duty Evaluation

SEPARATION AGREEMENTS

- Types of Job Separations
 - Resignations and Retirements – When are they binding?
 - Contentious Circumstances
 - ✓ Fire Department Driven
 - Disciplinary Action
 - Poor Fit in Organization
 - Reorganization (position elimination)
 - ✓ Employee/Volunteer Driven
 - Complained of violation of internal policies, or federal or state law - discrimination, retaliation, etc.
 - Medical condition impairing ability to perform job

SEPARATION AGREEMENTS

- Pros
 - Bring Closure
 - Reduce/eliminate potential liability
 - Clear statement of “the deal”
 - Control behavior during and after separation
- Cons
 - Costs money
 - ✓ Legal Fees
 - ✓ Separation Pay
 - ✓ May escalate/complicate situation (involving attorneys)
 - ✓ Can increase potential liability if handled wrong
 - ✓ Sets precedent?

SEPARATION AGREEMENTS

- Timing is everything!!
 - Before Investigation/Adverse Employment Action
- Cannot be coerced
- Cannot show you already made up your mind

SEPARATION AGREEMENTS

- Common Provisions
 - RELEASE/WAIVER OF LIABILITY
 - ✓ Over 40 – Age Discrimination Waiver Rules
 - Separation Pay/Other Consideration
 - Non-Disparagement
 - No-Rehire
 - Confidentiality
 - Unemployment Comp
 - References
 - Standard legal provisions – attorneys' fees, jurisdiction, execution, etc.

QUESTIONS?

Dino A. Ross
Ireland Stapleton Pryor & Pascoe, PC
717 17th St., Suite 2800
Denver, Colorado 80202
303-628-3686 | dross@irelandstapleton.com

www.irelandstapleton.com