POLICY NUMBER:
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DATE CREATED:
November 30, 2016

POLICY TITLE:
Alternative Dispute Resolution Policy for Merit Hire Employees

and Applicants for Employment in the Adams County Department of Children and Youth Services

DATE(S) REVISED: September 16, 2026

NUMBER OF REVISION: 2

AUTHORIZED BY: ADAMS COUNTY COMMISSIONERS

1. The County of Adams has adopted policies and procedures to govern all personnel transactions involving eligible CYS employees. The County of Adams is committed to adhering to its Merit Hire policies and procedures when taking personnel actions relative to eligible employees and applicants.

2. The County of Adams encourages and supports open and honest communication between employees and their supervisors. Conflicts and/or differences of opinion should be resolved by the employee and supervisor directly discussing the issue(s) and jointly exploring a satisfactory solution. In cases where conflicts cannot be resolved in this manner, the County of Adams has established an Alternative Dispute Resolution ("ADR") procedure. The ADR procedure is applicable to all CYS staff and management employees, with the exception of the Executive Director(s)/Agency Administrator, in the Children and Youth Services Department. NOTE: There are no bargaining unit employees in the County's Children & Youth Services Department.

3. The County of Adams recognizes the importance of providing a prompt and efficient procedure for fair and equitable resolution of disputed issues without fear of prejudice or reprisal for initiating a complaint or participating in its settlement. To the extent possible, all complaints should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed in a more formal manner only when either party feels that a fair and equitable solution has not been reached in the informal discussions.

4. In addition to informal attempts to resolve disputed issues , employees have the right to pursue a five-step ADR procedure which covers the following employment actions: demotion, suspension, reduction in pay, non-selection, promotion, employee work performance appraisals, furlough, discharge, and any personnel action which the employee believes to be based on or motivated by non-merit factors or discriminatory treatment. Discriminatory treatment is defined as any action based on political affiliation, race, color, national origin, gender, religious creed, age, handicap, or any factor not related to the

person's ability to perform the duties of the position (i.e. any non-merit factor).

5. Personnel actions shall be reviewed in light of merit criteria. Merit criteria shall be defined as factors that affect an employee's competency and/or ability to perform his or her job duties.

## I. TIMELINESS

All disputes must begin at the first step within five (5) business days of the time the employee knows, or should have known, of an action or issue that can be raised through the ADR process.

### A. Applicants

The County is committed to maintaining the integrity of its application process and ensuring the equal treatment and consideration of all applicants, e.g. individuals who have applied for a job but were not selected. Therefore, an applicant for a position in the Children & Youth Services Department who is subject to non-selection which they believe to be discriminatory or non-merit based may avail themselves of the ADR process. Notice of an applicant's intent to pursue the ADR process must be provided, in writing and utilizing the "Alternative Dispute Resolution" form, to the Human Resource Director or designee within five (5) business days of the time the applicant knows, or should have known, of an action or issue that can be raised through the ADR process. The Alternative Dispute Resolution form is incorporated herein by reference and attached hereto as Appendix A. Unless otherwise specified, applicant grievances will begin at the Third Step as defined below in Section II-D.

### B. Direct Appeal

The County remains committed to the transparency and integrity of the ADR process as written and has intentionally crafted a series of steps that include incremental increases in the scope of authority to review the issue in dispute. As such, the County strongly encourages employees and applicants to avail themselves of each step in the process; however, employees and applicants have the option to appeal directly to the neutral Arbitrator described in the Fifth Step (Sec.II- F) and waive the first four steps in the process. The decision to waive steps one through four must be provided in writing to the Human Resources Director or designee within five (5) business days of the time the employee knows, or should have known, of an action or issue that can be raised through the ADR procedure.

## II. STEPS OF THE ADR PROCESS

### A. Initiating an ADR request:

An employee or applicant may utilize the attached form to initiate an ADR request at the first step. The attached form must be utilized for an appeal of the first step response. The form must state the claim, the facts in support of the claim and the relief requested. NOTE: the employee or applicant is responsible for having the issue/dispute/appeal delivered to the proper person or office within the time periods, as specified.

**B. First Step: Immediate Supervisor**

Within five (5) business days of the time the employee knows, or should have known, of an action or issue in dispute, the employee must advise his or her immediate supervisor that he or she is initiating an ADR request. The employee must notify the supervisor in writing, and must advise the supervisor of the specific issue in dispute, the facts in support of the employee's position, and the remedy requested. The supervisor is responsible for scheduling a meeting with the employee within five (5) business days of receipt of the complaint to facilitate a face-to-face discussion of the employee's request. Within five (5) business days of the face-to-face discussion, the supervisor is responsible for responding in writing to the employee's request. The supervisor shall include notice to the employee of his or her right to appeal the dispute to the second step. Should the issue or dispute involve alleged discrimination by the immediate supervisor and/or the department head, the ADR request may be submitted directly at the second or third step, respectively.

**C. Second Step: Department Head**

If the employee finds the first step response unsatisfactory, the employee may appeal the dispute in writing to the department head within five (5) business days of receipt of the first step response. The second step appeal must state the specific issue in dispute, facts in support of the employee's position, the reason the first step response is unsatisfactory, and the remedy requested. Copies of the first step correspondence must be included.

The department head shall meet with the employee in an effort to resolve the dispute at this level. Within five (5) business days following the discussion, the department head shall, in writing, grant, deny, or propose a modification to the requested remedy. This response shall include notice of the employee's rights to appeal the dispute to the third step.

**D. Third Step: Human Resources Investigation and Review**

If the employee finds the second step response unsatisfactory, the employee may appeal the dispute in writing to the Human Resources Director or designee within five (5) business days of receipt of the second step response. The third step appeal must state the specific issue in dispute, the facts in support of the employee's position, the reasons why the second step response is unsatisfactory, and the specific remedy requested. Copies of the second step correspondence must be included.

The Human Resources Director or designee, in addition to considering the facts and circumstances of the dispute, shall conduct a thorough and complete investigation, including the solicitation of oral and/or written statements from persons of interest in the dispute. The Human Resources Director may request the assistance of the County Solicitor with the investigation. At the conclusion of the review and investigation and within five (5) business days, the Human Resources Director or designee shall, in writing, grant, deny, or propose a modification to the requested remedy. The response shall include notice of the employee's right to appeal the dispute to the fourth step.

**E. Fourth Step: Board of Commissioners**

If the employee finds the third step response unsatisfactory, the employee may appeal the dispute in writing to the Board of Commissioners. This appeal must be submitted in writing to the Chief Clerk or County Administrator within five (5) business days of receipt of the third step response. This appeal must state the issue in dispute, the facts in support of the employee's position, the reasons why the third step response is unsatisfactory, and the remedy requested. Copies of the third step correspondence must be included.

The Chief Clerk or County Administrator will review the appeal to determine whether time limits and procedural steps were followed. Having determined that the ADR procedure has been followed, the Chief Clerk or County Administrator will forward the complaint to the Board of Commissioners for review. The Board of Commissioners shall, within fifteen (15) days, grant, deny, or propose a modification of the requested remedy. The Board's response shall be in writing and shall include notice of the employee's right to appeal the dispute to the fifth step of the process. If it is determined that the employee did not follow the time limits and/or procedural steps of the ADR procedure, the Chief Clerk or County Administrator will notify the employee, in writing, of the administrative faults. Any administrative faults caused by the employee shall render the appeal null and void.

**F. Fifth Step: Hearing and Review by Neutral Arbitrator**

If the employee finds the fourth step response unsatisfactory, the employee may appeal the dispute to the fifth and final step. This appeal must be submitted in writing to the Adams County Solicitor or designee within five (5) business days of receipt of the fourth step response. This appeal must state the issue in dispute, the facts in support of the employee's position, the reasons why the fourth step response is unsatisfactory, and the remedy requested. Copies of the fourth step correspondence must be included. The Solicitor or designee shall refer the dispute to the Neutral Arbitrator.

Upon receipt of a timely filed appeal, the neutral Arbitrator shall preside over the hearing process. The Arbitrator shall have the authority to hear any case timely filed, whether or not it has gone through steps one through four. The neutral Arbitrator shall conduct a hearing on the complaint and all parties involved shall have the opportunity to provide testimony relevant to the matter in dispute. The Arbitrator and Parties shall follow the ADR Hearing Rules. The ADR Hearing Rules are incorporated herein by reference, and attached hereto as Appendix B. A transcript of the proceedings shall be made, and the cost of the transcript shall be evenly divided between the grievant and the County. The Arbitrator shall render a written decision to the Parties within thirty (30) business days of the date of the hearing. The Arbitrator has the authority to grant relief including but not limited to the grant of back pay, retroactivity, and/or reinstatement when appropriate.

**III.STEP 5 DECISION OF ARBITRATOR FINAL**

The decision of the neutral Arbitrator is binding upon the Parties and not subject to review or

modification by the Board of Commissioners. The Decision and Award, if any, by the Arbitrator shall constitute a full and final disposition of the issues raised by the grievant during the Step-5 process. There is no opportunity for appeal to the Adams County Court of Common Pleas or Commonwealth Court. The neutral Arbitrator may not be removed by the Board of Commissioners due to the outcome of a rendered decision. The neutral Arbitrator has no authority to amend County-wide policies, create new positions, or award punitive damages or attorney's fees, unless required by applicable law.

NOTE: As articulated in Section I-B, an employee or applicant has the ability to appeal directly to the fifth and final step of the ADR process, provided that a timely written waiver of steps one through four is provided to the Human Resources Director or designee together with a fully executed Alternative Dispute Resolution Form describing the claim, the facts in support of the claim, and the relief requested.

## IV. APPOINTMENT OF THE NEUTRAL ARBITRATOR

The Board of Commissioners shall appoint a neutral Arbitrator for an initial term of five (5) years. The Board of Commissioners may reappoint the neutral Arbitrator to additional terms after the expiration of the initial five (5) year term. The County shall compensate the neutral Arbitrator for his/her professional expertise at a flat rate of **TWO THOUSAND DOLLARS AND NO CENTS ($2,000.00)** for the full and final disposition of the Step-5 appeal. The appointment of the neutral Arbitrator, and any subsequent re-appointment, shall be approved by the Department of Human Services ("DHS"). If DHS disapproves a proposed Arbitrator or an Arbitrator's appointment lapses, Step 5 appeals will be stayed. Underlying personnel actions will remain in effect pending designation of a new Arbitrator.

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# Office of the Adams County Commissioners

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**ADAMS COUNTY**

**Alternate Dispute Resolution Policy**
**For Merit Hire Employees**
**and**
**Applicants for Employment in the**
**Adams County Department of**
**Children & Youth Services**

This Policy is effective the 16th day of September, 2026.

ATTEST:

Paula V. Neiman
Chief Clerk

ADAMS COUNTY BOARD
OF COMMISSIONERS

Randy L. Phiel, Chairman

James E. Martin, Vice-Chairman

Mark A. Clowney, Commissioner