KEY CONCEPT:  (Marketing, Sales, and Service Industry Sector)  
(VE: Professional Sales and Marketing Pathway)

Students will understand the recommended steps to follow for a grievance procedure.

PERFORMANCE OBJECTIVES: Students will understand the process and procedures to resolve complaints against unfair employee evaluations or complaints of unfair acts against another employee.

TECHNICAL STANDARDS ADDRESSED: (D: Professional Sales and Marketing Pathway)
D2.2 Know methods of motivating and evaluating sales staff.
D2.3 Know various approaches for organizing and leading a sales force to maximize effectiveness.

ACADEMIC SKILLS REINFORCED: (2.0 Communications)
(9-10) W 1.3 Structure ideas and arguments in a sustained, persuasive, and sophisticated way and support them with precise and relevant examples.
(9-10) R 2.3 Verify and clarify facts presented in other types of expository texts by using a variety of consumer, workplace, and public documents.

FOUNDATION OR ESLRS ADDRESSED: (8.0 Ethics and Legal Responsibilities)
8.3 Understand the role of personal integrity and ethical behavior in the workplace.


MOTIVATION/OPENER: Group students; imagine they are at work and then a conflict occurs with a coworker. Show by (poster, pantomime, and/or skit) how to handle the conflict the wrong way. Make sure they choose appropriate language, gestures, and physical contact for the classroom.

Review Employee Evaluations lesson plans.

PRESENTATION: The grievance procedures set forth in this document shall be used for resolving an issue alleging an unfair employee evaluation or unfair act against an employee while participating in the California Virtual Enterprises, International™ program.

Persons wishing to file a complaint have the right to present their grievances to the VE company's Director of Human Resources. The person filing a grievance shall be free from restraint, coercion, reprisal, or discrimination. The grievance shall not be considered as reflecting unfavorably on either the aggrieved or management, but is to be considered an aggrieved party's expressed right. All grievances will be resolved at the local (VE classroom) level.

California VE students are limited to two levels of appeal: Informal Conference and Arbitration Hearing.
Steps to Follow:

Filing of Complaint
Within five (5) working days of the alleged violation, the complainant shall write and submit a letter to their VE company's Director of Human Resources which explains the complaint. The letter shall contain the following information:

- The complainant's name
- The complainant's job title
- A description of the incident
- The remedy sought by the complainant

Informal Conference
Within ten (10) working days of receipt of complaint, the VE company's Director of Human Resources (Grievance Officer) will meet with the complainant and discuss the issue.

- The Grievance Officer will review the case and ascertain facts prior to the meeting, so that an appropriate resolution can take place at the time of this meeting, whenever possible.
- Failure of the complainant to attend this conference will not preclude his/her right to request an arbitration hearing on the subject.
- If mutually satisfactory resolution results, the Grievance Officer will write a brief report for the file and parties involved stating the issue and resolution. The matter will then be considered closed.

Request for Arbitration Hearing
If resolution does not result, the complainant will be notified in writing within five (5) working days of the opportunity to request an arbitration hearing. This notice will state the procedure for requesting an arbitration hearing and shall describe the steps in the process.

- An arbitration hearing will then be scheduled and held within ten (10) working days, following the receipt of the request for arbitration hearing.

Notice of the Arbitration Hearing
There will be an adequate and timely written notice to the complainant of five (5) working days prior to the arbitration hearing. The notice will clearly state:

- The date, hour, and place of the arbitration hearing
- The purpose of the arbitration hearing and a statement of the issues
- The necessity for attending the arbitration hearing and disadvantage of not attending. Failure to attend without prior notice to the Hearing Officer (VE company Coordinator) will waive the right to another arbitration hearing of the complaint
- The opportunity to withdraw the request for the arbitration hearing, in writing, before the arbitration hearing
- The opportunity to request rescheduling of the arbitration hearing for good cause (good cause determination is at the full discretion of the Hearing Officer)
- Procedural rights, such as the right to a representative, to present testimony, to bring witnesses and present records, to present oral argument, opportunity to question any witness or parties; and
- The right to an impartial Hearing Board.

Conduct of the Arbitration Hearing
The arbitration hearing shall be conducted informally. Unnecessary technicalities will be avoided.

- The Hearing Board will be comprised of the VE company's Coordinator (Hearing Officer) and two members of senior management, appointed by the VE Coordinator.
- The Hearing Officer will begin the arbitration hearing by summarizing the record and the issue, and will explain the manner in which the arbitration hearing will be conducted, making sure that everyone involved understands the proceedings.
The burden of proof will be reasonable and flexible, dependent upon the circumstances of the case. The Hearing Officer determines the order of proof. Generally, the party making the complaint has the obligation of establishing his/her case and will be examined first. The complainant is limited to his/her own abilities and those of the Hearing Officer in obtaining testimony in the case.

All parties shall be entitled to hear the whole testimony and evidence produced against them, to know the claims or charges made against them, and to confront and be confronted by all parties and witnesses on the other side.

All parties shall have the right to offer evidence and witnesses in their behalf and to rebut or explain testimony or evidence against them. This shall include the right to cross-examine other parties and witnesses and to offer argument or explanation in support of their positions or contentions.

The practice of informal arbitration hearings is generally not to apply strict rules of evidence in obtaining facts. However, the quantity of evidence required to support a decision on an issue shall be sufficiently credible and the decision of the Hearing Board is supported by substantial evidence.

Decision

The decision shall be written by the Hearing Officer. The decision shall be written in clear, simple, non-technical language and shall include the following information:

- A statement that an arbitration hearing was held at which the involved parties, their representatives and witnesses appeared and were heard. Attach a listing of attendees.
- A clear and concise statement of the complaint and related issues.
- The finding of fact based on the entire record as disclosed at the arbitration hearing.
- A statement of facts.
- The opinion and reasons for the decision based on the material presented.
- The conclusion, based on the findings of fact and opinion, indicating the final judgment of the Hearing Board on the issues involved and pronouncing the action involved. Any corrective action needed to comply with the decision shall be noted here.
- A statement disclosing that the proceedings involving the subject of the complaint have been concluded.

APPLICATION: Have students complete a computer generated flowchart to show the steps and present to class. (Note there are a variety of ways that this can be accomplished i.e.: different grouping such as pairs or departments). Create a list of common complaints including unfair employee evaluation and complaints where employees feel they have been treated unfairly. In groups; role play a variety of scenarios changing participants from accused to accuser to completely understand the process.


CLOSURE: Quick write answering the questions who, what, where and when questions. Post flowcharts or posters in the classroom to reflect upon or guide actual procedures when unfair situations occur.

LESSON PLAN REFLECTION: Teacher reflects on the lesson; make necessary changes for the next time.