

MEDIATION PROCESS STEPS

- STEP 1** Employee files a grievance identified by the agency as subject to mediation.
- STEP 2** Grievant is provided with information about the mediation process and is given the opportunity to designate whether they prefer an internal (based upon availability) or external mediator. The grievant should be provided with the following two forms regarding the mediation process:
- Information About the Mediation Process
 - Tips for Successful Mediation Participation
- STEP 3** Agency designates a management representative to serve as the respondent for the mediation.
- STEP 4** Agency calls the Office of State Personnel to request a mediator. The agency will specify an internal or external mediator based upon the grievant's choice.
- STEP 5** OSP Coordinator(s) identifies and contacts available mediator and apprentice.
- STEP 6** OSP Coordinator(s) completes the Mediator Assignment Form and forwards to the assigned mediator, apprentice, and agency coordinator. The name of the grievant and the respondent is provided to the mediator and apprentice to rule out any potential conflict of interest.
- STEP 7** Agency coordinator provides the name of the mediator and apprentice to the grievant and respondent to rule out any potential conflict of interest.
- STEP 8** Mediator will contact the agency contact within two business days of accepting the assignment to begin making the arrangements for the mediation. The mediator has agreed that the mediation will be scheduled and occur within twenty business days.
- STEP 9** Mediator contacts apprentice to coordinate schedules.
- STEP 10** Mediator contacts agency coordinator to schedule date, time, and place. The agency coordinator is responsible for securing a suitable location for the mediation. Two rooms that offer privacy will be needed for the mediation. The agency coordinator is responsible for notifying the grievant and the respondent of the above information.
- STEP 11** If travel is required to conduct the mediation, travel arrangements should be discussed and agreed upon with the agency coordinator in advance of the mediation.

STEP 12 Respondent should prepare and be authorized to represent the agency in reaching agreement. The respondent should be provided with the following three forms regarding the mediation process:

- Information About the Mediation Process
- Tips for Successful Mediation Participation
- Tips for the Respondent in Preparing to Mediate

STEP 13 Agency should arrange for appropriate personnel (HR staff, legal counsel) to be available during the mediation should the respondent need consultation.

STEP 14 Mediator is responsible for providing copies of all mediation forms as follows:

- Agreement to Mediate – Original to agency coordinator, copy to each party, and a copy to OSP (Sharon Howard)
- Memorandum of Agreement – Original to agency coordinator, copy to each party, and a copy to OSP (Sharon Howard)
- **Or**
- Notice of Mediation Impasse – Original to agency coordinator, copy to each party, and a copy to OSP (Sharon Howard)
- Grievant Mediation Questionnaire – Original to OSP (Sharon Howard)
Respondent Mediation Questionnaire – Original to OSP (Sharon Howard)
- Mediation Information Cover Sheet – Original to OSP (Sharon Howard)

All copies should be provided to the grievant, respondent, and agency coordinator at the end of the mediation. Copies for OSP may be mailed or hand delivered.

STEP 15 The agency coordinator should be notified of any problems or complications that may arise out of the mediation. Should either party not attend the mediation, the agency coordinator and the OSP Coordinator should be notified immediately.

STEP 16 If an agreement is reached, the agreement shall be binding, subject to the approval of OSP and/or any other state agency whose approval is necessary to implement the agreement, and provided the agreement does not contain any provision contrary to State Personnel policies or rules, or applicable state or federal law.

STEP 17 If it is later determined that one or more provisions of the Mediation Agreement is not approved; the parties are encouraged to return to mediation to resolve those issues that can be resolved by the parties. If unable to resolve, the grievant has the opportunity to proceed to Step 2.

STEP 18 When mediation does not produce agreement; employees may proceed to Step 2.

All mediation forms can be downloaded from the following website:
<http://www.osp.state.nc.us/hr/mediation/mediation.htm>.