



ADMINISTRATIVE DIRECTIVE

EMPLOYEE MEDIATION PROGRAM	NUMBER 2.05-11	PAGE 1 of 2
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I. PURPOSE

The purpose of this directive is to set forth the process for mediation and encourage mediation as an alternative means of conflict resolution, where appropriate.

II. POLICY

The Office of Equal Opportunity Programs (OEOP) shall be responsible for the administration of the mediation program and shall offer mediation to all employees when circumstances permit. Participation in the mediation process is voluntary for all employees. When mediation has been requested, participation is mandatory for any supervisor. The commitment to mediation includes the understanding that all views and opinions expressed are to remain confidential, and the overall context of the mediation process is confidential.

III. DEFINITIONS

Manager and/or Supervisors - An individual and/or group having the authority and/or capacity to act in a manner on behalf of the City of Tucson to direct staff, direct and conduct business, determine work assignments, manage, plan, and/or control work products. Managers and/or supervisors are not limited by title and may include others who have been given such authority to function in this or similar capacity.

Mediation - An alternative means of conflict resolution in which a neutral third party assists disputing parties in communicating and developing a mutually agreeable solution to conflict.

Mediation Agreement - A written agreement resulting from the successful resolution of a dispute and/or conflict reached through the mediation process.

Mediator - Volunteer neutral third parties, trained through reputable and accredited training programs whose role is to impartially facilitate communication between participating disputing parties.

Retaliation - Any adverse action taken against an employee because s/he has inquired into or participated in mediation.

IV. MEDIATION PROCESS

A. The goal of mediation is to resolve conflicts. No determination will be made on the merits of the dispute. The City encourages mediation as an alternate means of dispute resolution where appropriate; however, issues such as disciplinary actions and performance reviews are not subject to the mediation process. The Employee Mediation Program is designed to supplement, not limit, replace, or take away any established grievance or compliant processes or procedures.



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- B. Prior to filing a complaint or anytime during the investigation process, employees may request mediation by contacting the OEOP. OEOP will assess the issue(s) presented by the complainant to determine if mediation is an appropriate avenue for resolution. If mediation is deemed appropriate, OEOP will schedule the mediation session between the disputing parties (employee and her/his co-worker, supervisor, etc.). The time limitation for filing a complaint will be suspended during the mediation process.
- C. Mediation sessions shall be facilitated by Mediators who have successfully completed mediation training from a reputable and accredited training program.
- D. OEOP shall establish Ground Rules for Mediation and provide a copy to each disputing party. Mediation sessions are confidential and shall not be shared outside of OEOP mediation program administration without written permission of the disputing parties. Prior to the start of the mediation session, each party shall sign a confidentiality agreement. Violation of the confidentiality agreement may result in disciplinary action.
- E. If mediation is successful, a written agreement will be drafted and signed by the disputing parties and the mediator(s). (Note: No agreement can exceed the provisions of the Tucson City Charter or any Ordinance or rules and regulations of the Civil Service Commission governing the employment relationship.) Each disputing party will receive an executed copy of the agreement from OEOP. If the mediation is not successful, notification will be sent to the referring department.
- F. All notes and other documentation from the mediation session(s) shall be destroyed at the completion of the mediation. OEOP shall maintain only the confidentiality agreement and the written agreement or the notification that mediation was not successful. The agreement(s) and notification shall be maintained by OEOP in a separate, confidential mediation file and will not be included in any future complaint file or employee personnel files, unless supplied by the employee.

Appendices Employee Mediation Packet

References Administrative Directive 2.05-8
Non-Discrimination Policy and Compliant Procedures

Review Responsibility and Frequency The Director of the Office of Equal Opportunity Programs will review the administrative directive annually, based on the date of publication.

Authorized



City Manager

3-11-11

Date

MEDIATION INFORMATION PACKET

Office of Equal Opportunity Programs
201 N. Stone Avenue, 3rd Floor North
Tucson, AZ 85726-7210
520-791-4593

WHY MEDIATION?

- * Mediation can lead to a quicker resolution of the conflict or problem than more formal grievance and legal procedures.
- * Mediation can be used for issues which are not appropriate for the grievance process or legal action.
- * The parties retain control of the resolution of their dispute.
- * Mediators are neutral and impartial facilitators.
- * Mediation sessions are private and confidential.
- * The focus is on a win-win solution.
- * The disputing parties talk directly to each other, learn and understand the other's issues and needs, and practice effective communication skills for the future.

STAGES OF THE MEDIATION SESSION

- * Welcome and Introductions
- * Opening Statement by Mediators
- * Participants' Opening Statements
- * Discussing the Issues
- * Resolving the Issues
- * Drafting the Agreement
- * Closing the Session

WHO ARE THE MEDIATORS?

- * Fully trained Volunteers.
- * Mediators participate in ongoing training and practice.
- * Mediators will not be assigned to disputes which involve their department or department they may have worked in, and/ or individuals they know.

GROUND RULES FOR MEDIATION

- * Mediators are impartial and neutral
- * Mediators guide the process
- * Be respectful of each other:
 - no screaming or shouting
 - no name-calling or put-downs
 - no profanity
- * Allow each other to talk without interruption
- * Talk honestly and openly
- * Focus on future actions rather than past events
- * Stay in the room until the session is over
- * The disputing parties are responsible for creating the actual terms of the agreement

BEFORE YOU COME TO YOUR MEDIATION SESSION

- * Collect any documents which you will need to refresh your memory or to discuss with the other disputant. **(Note: issues regarding disagreement with disciplinary actions and/or performance reviews are not subject to the mediation process.)**
- * Consider the results which you want the mediation session to produce.
- * Change your mindset from adversarial to cooperative problem solving.
- * Read the *Mediation Information Packet* and familiarize yourself with the *Ground Rules*.
- * Call the Office of Equal Opportunity Programs (OEOP) if you have any questions (791-4593).
- * If you have a problem with the mediators assigned to your case, call OEOP immediately to allow time to find a replacement.
- * Think about the issues which are important to you and the points you want to make in your opening statement.

- * Remember that mediation is not a trial or an arbitration hearing. You are not required to present evidence or witnesses.

ON THE DAY OF YOUR MEDIATION SESSION

- * Bring with you any materials which you need to present your issues.
- * Plan to arrive a few minutes early so the session can begin on time.
- * Allow 2-3 hours for the session. Some mediations may take less time than others, but this is the average duration.

DURING THE MEDIATION SESSION

- * Communicate candidly and honestly.
- * Treat the mediators and the other individual(s) with courtesy and respect.
- * Control the desire to interrupt or rebut the statements of the other parties.
- * Try to understand the feelings and the point of view of the other parties.
- * Own your feelings and perspective by using “I” statements rather than “you” statements.
- * Although you may have to discuss incidents and behaviors which contributed to the dispute, focus on future actions which will resolve the dispute.
- * Don’t be afraid to express emotions.
- * If you need to talk with the mediators privately, request a caucus.
- * Do not sign an agreement because you feel that you have to or because you want to end the session. Remember that you are trying to resolve problems and disputes. An insincere or ineffective agreement is often worse than no agreement.

AFTER THE MEDIATION SESSION

- * Give all the notes you took during the session to the mediators to be destroyed.
- * Observe confidentiality requirements. Avoid discussing the content of the mediation with coworkers, friends, or anyone else not in the session.
- * Make a commitment to fulfill your duties under the *Mediation Agreement*.
- * If problems arise, contact OEOP.