



STATE OF NEVADA EMPLOYEE MEDIATION POLICY

Mediation is an informal, confidential and voluntary process in which a neutral third party(s) assists disputing parties in reaching a resolution.

1. PURPOSE

The primary purpose of the Mediation Program is to provide a responsive, informal, confidential and effective means of resolving conflicts as an alternative to formal proceedings. The mediation process allows the parties to explore options and solutions to resolve issues at the lowest possible level. Mediation seeks to achieve a “Win-Win” resolution by empowering parties to formulate a mutually agreeable resolution while maintaining management and employee rights. The mediator and either party involved in the mediation may end the mediation session any time if it is felt that a positive effort is not being made to resolve the issue(s). In addition the mediator may bring the mediation to a close if there is a threat of harm, abuse of the process or violence.

This program will allow employees the opportunity to discuss the issues raised and clear up misunderstanding, determine the underlying interest or concerns, find areas of agreement and ultimately, place a resolution to those issues into a written agreement.

2. COVERAGE

The Mediation Program is available to all state employees and supervisors, and they are encouraged to utilize this process under appropriate circumstances.

3. STATE EMPLOYEES RIGHTS & RESPONSIBILITIES

The following are the guidelines of the State of Nevada’s Mediation Program

- The use of mediation is strictly voluntary.
- Mediation does not alter the authority of managers and supervisors or an agency’s open door policy to receive complaints.
- Mediation is designed to supplement, not limit or replace established grievance or complaint procedures.
- Mediation is available to all State of Nevada employees (i.e., permanent, probationary, temporary, seasonal).
- Employees are free to choose the mediation process or decline without any form of retaliation from management or staff.

- Employees are responsible for ensuring that they do not harass or discriminate against other employee(s) due to a request to mediate a perceived conflict between parties.
- Employees are entitled to end the mediation session at anytime by giving notice to the mediator, free from any form of unlawful conduct.

4. PROCEDURE

- A. Employee or requesting party shall make a request to management or the mediation coordinator of their need or intent to enter into the process, but with the understanding that all involved parties must be agreeable.
- B. The Mediation Program Administrator will make contact with the party(s) to be involved with the mediation to seek their understanding of and approval to participate in the mediation process.
- C. The Mediation Program Administrator will assign a mediator(s) from the roster of pooled mediators and will work with the parties to schedule the time, date and location of the mediation session.
- D. All parties shall meet on the scheduled date.
- E. The Mediator will review the mediation guidelines with the parties and ensure the Consent to Mediate form is signed and dated before the commencement of the process.
- F. If an agreement is reached the parties, (with the assistance of the mediator), will create a written agreement. Each party will sign and date the agreement and be given a copy with the understanding that this is not a legal document but only a confidential agreement between parties. This agreement should not be contrary to laws, rules, regulations, and policies of the State of Nevada and may not exceed the individual's authority that is present at the mediation session.
- G. Copies of the agreement are kept by the individuals who signed the agreement and the Program Administrator in a secured confidential file. Copies of this agreement will NOT be kept in employee files or in Central Records files, unless so requested in writing by those signing the agreement.

NOTE The order of the process may be modified at anytime by agreement of the parties or as determined by the Mediator.

5. MEDIATOR AND ADMINISTRATIVE GUIDELINES

- A. Mediators must complete 40 hrs. of Mediation training and be approved by the Mediation Program Administrator and/or the EEO Director prior to participating in the mediation program.
- B. A roster of mediators will be maintained by the Mediation Program Administrator.
- C. The Mediation Program Administrator shall determine the appropriateness of mediation and the mediator(s) to be utilized. When appropriate, the Mediation Program Administrator may request mediators from external sources.
- D. The applicable Department director shall disseminate to each employee a copy of the mediation program that is available to them, with the complete understanding that mediation is not required but offered as an alternative resolution to formal proceedings.
- E. Each Department Director shall be provided a current list of mediators.
- F. The Mediation Program Administrator, selects the mediator, chairs the team of mediators, coordinates sessions, and maintains copies of all mediation related documents and records and evaluates the mediator (either in writing or verbally), as well as the effectiveness of the program.
- G. The mediator shall be responsible for the mediation process by conducting the session in an orderly and professional manner designed to resolve conflict.

6. TRAINING AND EVALUATION PROCEDURES

- A. Mediators shall complete an approved training program as designated by the EEO Director and/or the Mediation Program Administrator and placed on a list of qualified and available mediators.
- B. Mediators will be required to complete eight (8) hours of continuing education credits annually.
- C. The Mediation Program Administrator and/or EEO Director will evaluate mediators verbally or written (if written, copies will be distributed to mediator within a business week of the conclusion of the mediation session).
- D. The Mediation Program Administrator will review mediation cases for general discussion at the quarterly mediation team meetings with confidentiality at the forefront.

- E. The mediation team may make recommendations to Department Heads as deemed appropriate with the approval of the mediation program administrators.

7. FORMS

- A. All forms are available on the State of Nevada, Department of Administration's, Division of Human Resource Management website under the heading forms.