



Division of Human Resource Management
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 an effective means of resolving conflicts at the lowest level possible and as an alternative to formal proceedings. This program allows employees the opportunity to discuss the issues raised and clear up misunderstandings, 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 Executive Branch employees and supervisors, under appropriate circumstances.

3. RIGHTS & RESPONSIBILITY GUIDELINES

- The use of mediation is voluntary.
- Mediation does not alter the authority of managers and supervisors to address and manage issues in the workplace or an agency's policies and procedures.
- Mediation may supplement, not limit or replace established grievance or complaint procedures. (Mediation can be requested in steps 1-3 of the grievance process. A "resolution conference" may be requested if a grievance or complaint is filed with the Employee-Management Committee.)
- Mediation is available to all Executive Branch employees, e.g., classified, unclassified, permanent, probationary, temporary, seasonal).
- Employees are free to choose to participate in the mediation process or decline without any form of retaliation from management or staff.
- The Mediator or either party involved in the mediation may end the mediation session at any time if it is felt that a positive effort is not being made to resolve the issue(s).

4. PROCEDURE

- A. An employee or employee's representative shall make a request to management or the agency's mediation coordinator to enter into the mediation process, with the understanding that all involved parties must voluntarily agree to participate.

- B. The DHRM Mediation Program Coordinator 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 Coordinator will assign a Mediator(s) from the roster of Mediators and will work with the parties to schedule the time, date and location of the mediation session. (The Mediator will not be from the same agency as the parties for which the mediation is conducted.)
- D. All parties shall meet on the scheduled date, time, and location.
- E. The Mediator will review the guidelines with the parties and ensure the Mediation Consent 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 review what they agreed to. The Mediator will send notes and/or a proposed agreement to Coordinator. The Coordinator will review agreement and forms and will type up the final agreement and email (under confidential/high importance cover), or hand-deliver the agreement to the parties. The parties will sign and date the agreement and keep a copy with the understanding that it is not a legal document but rather a confidential agreement between parties. This agreement may 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. The parties will scan and email a copy of the signature page on the agreement to the Coordinator. Copies of the agreement are kept by the individuals who signed the agreement and the Coordinator 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. ROLES AND RESPONSIBILITIES

A. Coordinator

1. The Coordinator and/or the EEO Administrator must approve Mediator prior to participating in the mediation program.

2. The Coordinator is responsible for monitoring the Mediators' training and annual CEUs.
3. The Coordinator maintains a roster of Mediators.
4. The Coordinator shall determine the appropriateness of mediation and the Mediator(s) to be utilized. When appropriate, Mediators from external sources may be requested.
5. The Coordinator responsible to the applicable agency human resources staff or EEO representative 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.

B. Mediator

1. 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 Administrator and/or the Coordinator and placed on a list of qualified and available Mediators.
- B.** Mediators must complete 40 hours of Mediation training.
- C.** Mediators will be required to complete eight (8) hours of continuing education credits annually.
- D.** Each party will receive an evaluation form to evaluate the Mediator(s) and the program, at the conclusion of the mediation session. Copies of the participant's evaluations will be provided to the Mediator within one week of receipt by the Mediation Program Coordinator from the evaluator. The Coordinator and/or EEO Administrator will also evaluate Mediators verbally or in writing. If an evaluation is in writing, it will be distributed to the Mediator within one week of the conclusion of the mediation session.
- E.** The mediation team may make recommendations to the Coordinator and/or the EEO Administrator regarding suggested changes or additions to the program.

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.

- Mediation Consent Form
- Mediator's Referral Intake Information Form
- Conflict Resolution Agreement

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