

Mediation Policy

Section One

I. Purpose

It is the intent of the NCDOT to provide a means to assist NCDOT employees to work through and resolve conflicts and disputes together.

II. Objective

In establishing a Mediation Program, the NCDOT seeks to resolve employee conflicts and disputes at the lowest level so they do not otherwise escalate to a grievance.

III. Definitions

- Mediation - Mediation is an informal, semi-structured process where parties involved in a conflict or dispute use the assistance of a neutral third party to attempt to resolve their conflict(s) or dispute(s) in a mutually acceptable manner.
- Mediator - A Mediator is an NCDOT approved neutral third party whose role is to guide the mediation process, facilitate communication and to help the parties generate and evaluate possible outcomes for resolution. A mediator does not act as a judge and does not render decisions.
- Mediation Agreement - A written agreement resulting from the successful resolution of a conflict or dispute reached in mediation. The Mediation Agreement is binding on both parties.
- Mediation Program Administrator - The program is administered by the Employee Relations Section of the Human Resources Division. The Employee Relations Manager is responsible for serving as program administrator. The program administrator maintains mediation policies and procedures.
- Mediation Intake Coordinator - The Employee Relations Personnel Technician is responsible for serving as intake coordinator. The intake coordinator receives all mediation request forms, submits them to the program administrator, schedules mediations and maintains mediation agreement files.
- Employee - Any management, supervisory or non-supervisory person with a current permanent, probationary or trainee appointment.

IV. Coverage

This policy applies to all NCDOT full-time and part-time employees with permanent, probationary or trainee appointments.

V. Issues for Mediation

Mediation is an appropriate tool for dealing with most interpersonal and work-related conflicts and disputes, office behaviors, issues of respect, cooperation and poor communication. It is also an effective tool for addressing conflicts and disputes related to work assignments and duties. Some issues may not be appropriate for mediation. The program administrator reserves the right to decline to process any mediation request that is deemed inconsistent with the intent or resources of the program.

VI. Confidentiality

The mediation process shall be kept confidential to the extent permitted by the law.

VII. Specific Responsibilities

Employee Responsibilities

- Making a good faith effort to mediate conflicts and disputes;
- Attending mediations as scheduled by the agency;
- Notifying agency personnel in advance when circumstances prevent the employee from attending a scheduled mediation.

SECTION TWO

I. Mediation Process

- The first step of the mediation process is for an employee to contact his/her Employee Relations Representative to obtain a Mediation Request Form. The Employee Relations Representative is available to answer all questions about the mediation policy and process. Either party may initiate access to the mediation process. It can also be initiated by a manager or supervisor who has identified a conflict or dispute between subordinates and he/she feels that the issues are appropriate for mediation. Mediation is a voluntary process for all parties.
- The Employee Relations Representative will submit the Mediation Request Form to the Mediation Intake Coordinator within two (2) working days upon receipt. Employees may submit the Mediation Request form directly to the Mediation Intake Coordinator.
- The Mediation Intake Coordinator will submit the Mediation Request Form to the Mediation Program Administrator. The Mediation Program Administrator will determine if the issue is appropriate for mediation. If the issue is determined not to be appropriate for mediation, the employee will be provided an explanation for the decline within two (2) days of decline. If the issue is determined to be appropriate for mediation, the Mediation Intake Coordinator will contact all parties and assign a mediator. Employees have the option of selecting mediators from the following three sources:
 1. Employee Relations Representative,
 2. Another assigned mediator from the NCDOT mediation pool,
 3. Assigned mediator from outside the NCDOT.

- Once the mediator is assigned, he/she will be responsible for contacting all parties, securing an agreement to mediate and scheduling the mediation. All parties must jointly agree to meeting dates, extensions and deadline changes. The mediator is required to schedule the mediation within ten (10) working days of assignment.
- During the mediation process, each party will have an opportunity to communicate his/her views on the dispute at hand and offer or suggest recommendations for potential resolution.
- If successful mediation occurs, both parties and the mediator will sign a written Mediation Agreement. The Mediation Agreement is binding. Any party that willingly violates the agreement shall be subject to disciplinary action up to and including dismissal for unacceptable personal conduct. Both parties will receive a copy of the Mediation Agreement and the Mediation Program Administrator will file one copy in the Employee Relations Office.
- Any party may withdraw from the mediation at any time during the mediation process. The mediator also has the option to cease mediation at such time he/she feels that the parties cannot reach an agreement.