ALTERNATIVE DISPUTE RESOLUTION

MEDIATION

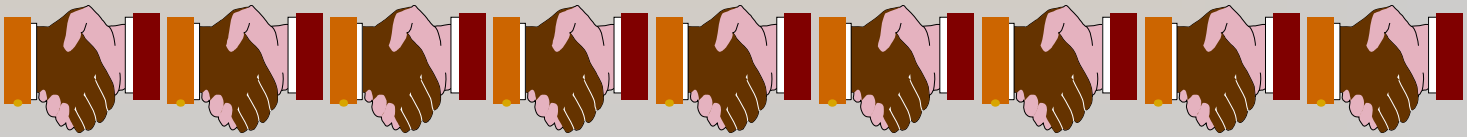
MEDIATION - AN ALTERNATIVE FOR DISPUTE RESOLUTION

Mediation is a dispute resolution process which is non-adversarial in nature

Seeks not to declare winners or losers, but to find reconciliation between disputing parties

MEDIATOR

Webster defines a mediator as "one who serves as an intermediary to reconcile differences"



GOOD NEWS STORIES

Department of Justice: Medicaid Drug Rebate Program resolved claims for more than $360 million in 46 states

Air Force: Between FY 92 and FY 95, the reported use of ADR to resolve EEO complaints increased significantly and the average number of days required to settle formal EEO complaints decreased by 60%

MEDIATION - BENEFITS

Win-Win Situation

Saves money/time

Confidential

Encourages open communication

Neutral Third Party mediates

Allows parties to resolve differences themselves

EEO complaint process continues if no agreement reached

MEDIATION -- THE PROCESS

Physical setting

Remarks by the parties

Joint discussion

Caucus

Reconvening parties

Writing agreement

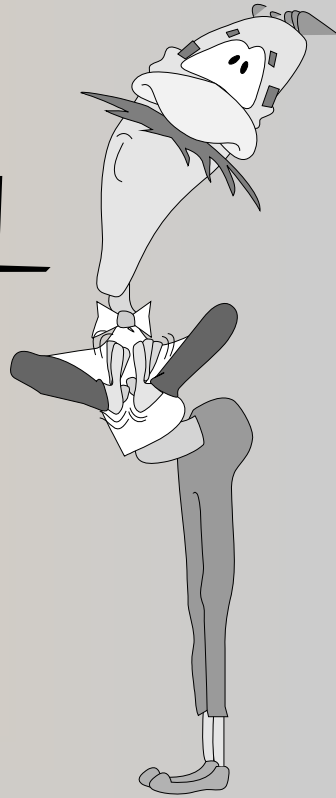
PHYSICAL SETTING

Private area away from work location

Parties seated to convey sense of equality

Mediator seated to maintain control

REMARKS BY THE PARTIES



Mediator opens the session

Parties have the opportunity to make opening remarks and present their issues

JOINT DISCUSSION

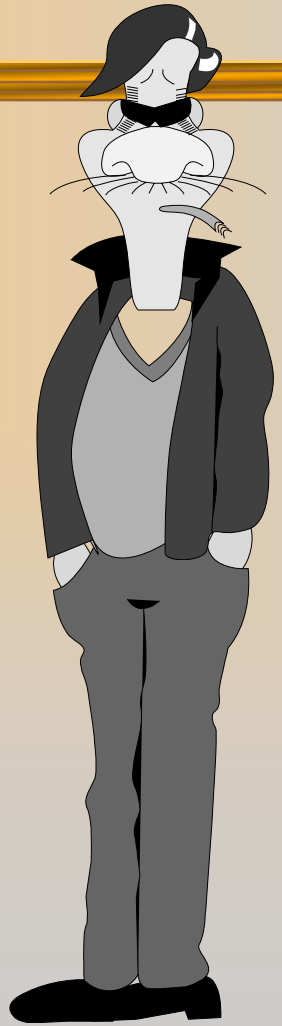
Mediator facilitates through several means

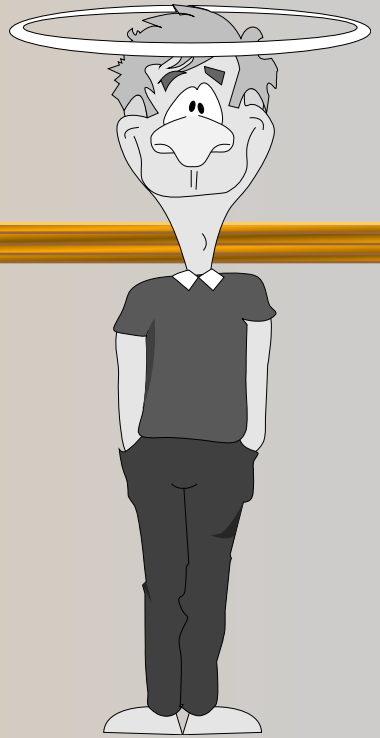
Open exchange is encouraged

Parties may want to produce evidence

CAUCUS

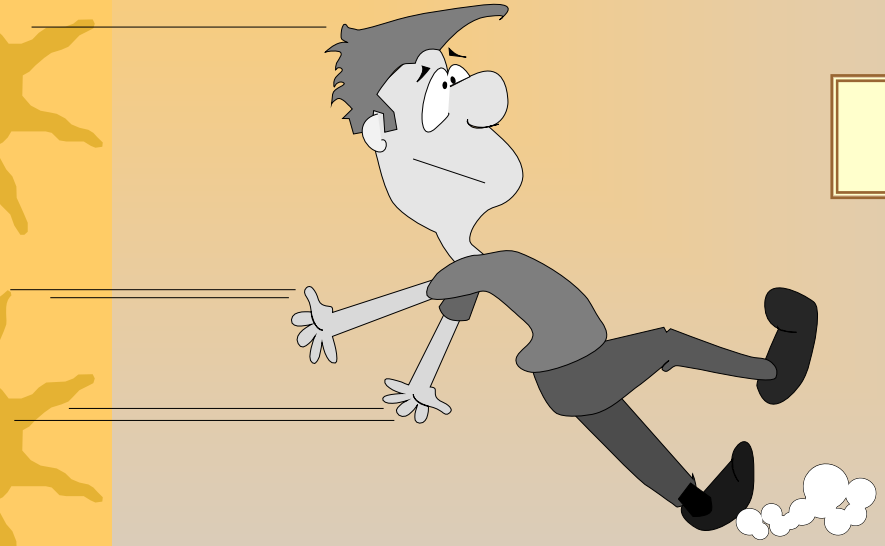
Mediator meet with complainant





Mediator meet with management

RECONVENING PARTIES



Agreement

No Agreement

WRITING AGREEMENT

Mediator writes

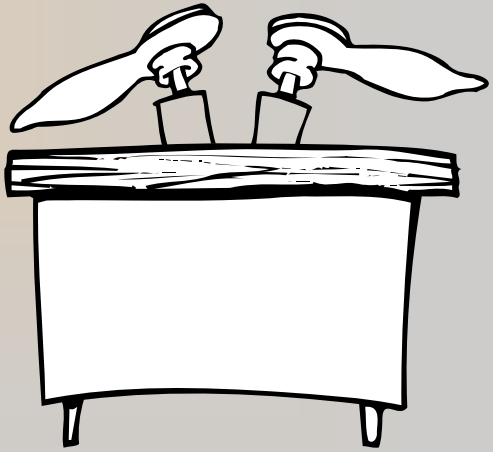
Parties responsible for substance

MEDIATION OBSTACLES

Dispute is inappropriate

Approval authority not in attendance

Lack of an agreement

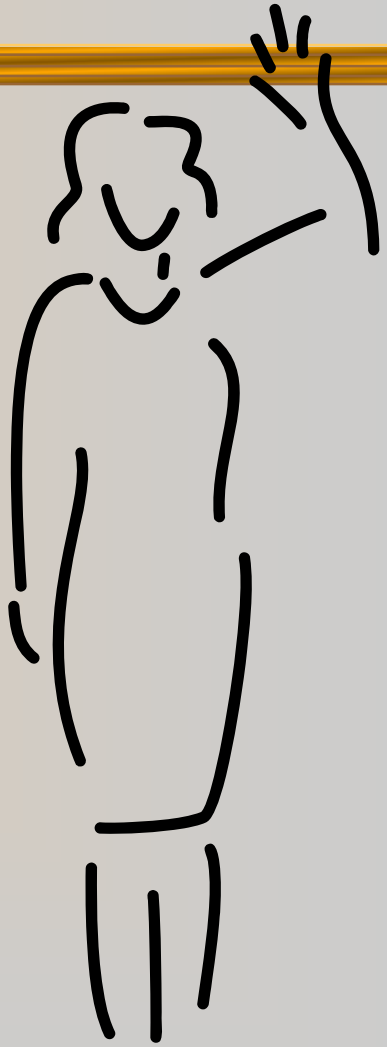


MEDIATION BENEFITS YOU!

Managers/Supervisors

Counselors

Employees



NOTE PAGES

Several charts contain note pages with additional information