

State of Wisconsin

DOA – DIVISION OF PERSONNEL MANAGEMENT

- EQUITY AND INCLUSION BULLETIN -

Date: April 11, 2023

Locator No. DPM-0594-EI

Subject: REPLACEMENT BULLETIN:
Enterprise Mediation Services

This is a re-issue and replacement of policy bulletin DPM-0529-EI (last released July 23, 2020) on DPM Enterprise Mediation Services. The purpose of this bulletin is to clarify responsibilities and add additional information regarding the steps in the mediation process.

The purpose of this bulletin is to provide guidance and information to state agencies on the Division of Personnel Management (DPM) Enterprise Mediation Service which provides a process for all state employees to voluntarily resolve workplace disputes.

A. Overview of the Enterprise Mediation Service

The DPM Enterprise Mediation Service provides a process for all state employees to voluntarily resolve workplace disputes. An impartial mediator assists two individuals in discussing their concerns and negotiating a resolution. The mediator’s role is to explain and guide the two parties through the mediation process and to assist them in reaching a mutual resolution. The mediator does not decide the outcome or provide an opinion about the matter.

Mediation is based on the principles of fairness, confidentiality, and self-determination. By offering these services, the State of Wisconsin seeks to empower employees to prevent and resolve workplace disputes by improving communication amongst staff, leading to a reduction in complaints, administrative proceedings, and litigation.

B. Definitions

Enterprise Mediation Coordinator: The person responsible for receiving and evaluating the appropriateness of referrals and requests for mediation, consulting with parties, assigning mediators, disseminating mediation information, and overseeing evaluation of the mediation program.

Mediation: A form of alternative dispute resolution in which a mediator guides two individuals through a voluntary process to resolve an issue or disagreement.

Mediation Coordinator: An agency employee other than the enterprise mediation coordinator designated to facilitate the mediation process.

Mediator: The neutral and impartial person who explains and guides the parties through the mediation process and assists them in reaching a mutual resolution. Mediators must complete a minimum of 35 hours of approved mediation training.

Party: An employee who is involved in an interpersonal conflict in the workplace and is requesting or agreeing to participate in mediation.

C. Mediation Process

REQUESTING MEDIATION & CONSULTATION

- An employee requesting mediation must complete an electronic [Enterprise Mediation Request](#) form. A request for mediation will not suspend or delay a pending complaint, discipline, grievance, or performance improvement plan.
- The completed request form is submitted to a confidential Enterprise Mediation services mailbox, which is accessed and maintained by an Enterprise Mediation Coordinator.
- An Enterprise Mediation Coordinator will contact the requestor within three business days for a consultation to determine the appropriateness of mediation.
- An Enterprise Mediation Coordinator will contact the other party to determine their willingness to participate.
- A trained mediator, or co-mediators, will be assigned and provided with any necessary materials and information regarding the mediation.

PRIOR TO MEDIATION

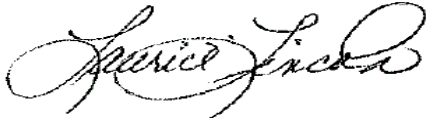
- The mediator(s) will contact the parties to schedule a time and location, or virtual setting, for the mediation. The mediation session should be held within four weeks of the request for mediation.
- The mediation will be scheduled during work hours if practical. Mediators and the two parties of the mediation are to be in without loss of pay status for the duration of the mediation, for a maximum of four hours to include travel time. When necessary, participants will discuss schedule adjustments with their supervisors.
- All efforts will be made to schedule mediations with minimal travel requirements. Mileage reimbursement, either by the parties or mediators, will be their agency's responsibility.
- A party may cancel the mediation up to 48 hours prior to the mediation with the ability to reschedule. If a party cancels within 48 hours of the scheduled mediation, the request to mediate will be deemed rescinded. To reactivate the process, a new request must be submitted.

MEDIATION SESSION (WHAT TO EXPECT)

- An impartial mediator will facilitate an open dialogue between the parties.
- During the mediation session the parties will attempt to reach a mutually agreeable outcome to the dispute.
- Each mediation session will be scheduled for two hours. If parties need more than two hours or wish to schedule an additional session, they must submit a new request. The parties will not be guaranteed the same or a specific mediator.
- If a resolution is reached, the parties assume responsibility for professionally honoring the terms of the resolution. The mediator will not draft any written agreements for the parties.
- Parties are encouraged to keep information that is disclosed during each stage of the mediation process confidential.
- Information that is disclosed during any stage of the mediation process is confidential and will only be shared on a need to know basis.
- Mediation participants are not permitted to record a mediation meeting.
- Any notes taken during mediation are considered personal notes and are protected to the extent allowed under public records laws.

- Enterprise Mediation Evaluation forms will be provided to the parties at the completion of the mediation session. Paper copies will be provided, or electronic copies will be emailed within 48 hours of the mediation.

Questions regarding this bulletin may be directed to DPM Enterprise Mediation services mailbox:
DOADPMBEIMediation@wisconsin.gov.

A handwritten signature in cursive script, appearing to read "Laurice Lincoln".

Laurice Lincoln, Director
Bureau of Equity and Inclusion
Division of Personnel Management