

State of Wisconsin

DOA – DIVISION OF PERSONNEL MANAGEMENT

- EQUITY AND INCLUSION BULLETIN -

Date: July 23, 2020

Subject: Enterprise Mediation Services

Locator No. DPM-0529-EI

The purpose of this bulletin is to inform state agencies of implementation of the Division of Personnel Management (DPM) Enterprise Mediation services and to provide specific guidelines and information for employees regarding the use of the services which provides a process for all state employees to voluntarily resolve workplace disputes.

A. Overview of Enterprise Mediation Services

DPM Enterprise Mediation services were developed to provide 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. The form is located at <https://dpm.wi.gov/Documents/DPM FORMS/DOA-15820.pdf>. 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 the Enterprise Mediation Coordinator.
- The Enterprise Mediation Coordinator will contact the requestor within three business days for a consultation to determine the appropriateness of mediation.
- The Enterprise Mediation Coordinator will contact the other party to determine their willingness to participate.
- A trained mediator will be assigned and provided with any necessary materials and information regarding the mediation.

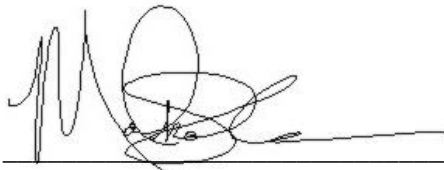
PRIOR TO MEDIATION

- The mediator will contact the parties to schedule a time and location for the mediation. The mediation session should be held within 4 weeks of the request for mediation.
- The mediator will inform Human Resources (HR) for both parties need to be excused for a mediation without loss of pay. HR will communicate with both parties' supervisors to be sure participants are excused for a confidential meeting. Travel may be reimbursed depending on eligibility.
- 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 by the mediation participants will be collected and shredded.
- 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 directive may be directed to DPM Enterprise Mediation services mailbox:
DOADPMBEIMediation@wisconsin.gov.

A handwritten signature in black ink, appearing to read 'Malika S. Evaro', written over a horizontal line.

Malika S. Evaro, Administrator
Division of Personnel Management

Attachment

ENTERPRISE MEDIATION SERVICES OVERVIEW

<i>What are the components of Mediation?</i>	<i>What are the benefits of Mediation?</i>	<i>How do I request a Mediation?</i>
<ul style="list-style-type: none"> • Mediation is a process employees can use to resolve workplace disputes. • A neutral and impartial person (the mediator) assists the parties with communication and problem-solving and guides them toward mutual resolution. • Mediators are selected from a list of employees who have completed approved mediation training. The mediator will not advocate, take sides, or give an opinion about the outcome of the dispute. 	<ul style="list-style-type: none"> • It's <i>voluntary</i>. You choose whether to participate in mediation. The mediation process works if and only if each party is willing to attend and is open to give-and-take. • It's <i>confidential</i>. What you say during the mediation session will only be shared on a need to know basis. • It's <i>self-determining</i>. The mediator controls the process, but you and the other party determine the outcome. • It's an <i>opportunity</i> to resolve workplace disputes before an issue reaches a formal process. 	<ul style="list-style-type: none"> • Access the Enterprise Mediation Request form by going to: https://dpm.wi.gov/Documents/DPM FORMS/DPM-15820.pdf • Complete the Enterprise Mediation Request form providing contact information and a brief summary of reasons for your request. • Submit the form by clicking the "Submit" box at the bottom of the form. It will be submitted to a confidential mailbox. • You will be contacted by a coordinator for consultation and further information.

What happens at Mediation?

- A mediator will contact the parties to schedule a mutually agreeable time and location to discuss the dispute.
- Each party will have an opportunity to explain the situation from his or her own perspective.
- The mediator may ask questions of each party.
- The mediation session will be scheduled for two hours. If a resolution is not reached, or if additional time is needed, the parties may submit a new request for mediation.

Questions about Mediation?

Questions and request forms can be emailed directly to the Enterprise Mediation services mailbox:

DOADPMBEIMediation@wisconsin.gov.