



State Employee Dispute Resolution Program

Alternate Mediation Program Guidelines

State Employee Dispute Resolution Program mediators

The Civil Service Division shall be responsible for offering mediation training and certifying all mediators available through the State Employee Dispute Resolution Program. The Civil Service Division will maintain a list of all available mediators. Mediators will be state employees who have completed the Civil Service Division-approved program and applied to the Civil Service Division to be mediators within this program. State employees will not receive additional compensation for working as mediators. Serving as a mediator will be included within the employees' job duties. An employee must have had satisfactory performance ratings, must obtain written approval from his or her supervisor before applying to be a mediator, and submit such approval with his or her application.

Assignment of mediators

A mediator that is a current or former employee of the employing agency named in the mediation request will not be assigned.

Mediation

(a) General. Mediation provides an opportunity for the parties to present and discuss settlement with each other and a mediator in order to resolve issues. The parties may discuss, negotiate and settle any differences or issues to reach a resolution.

(b) Party responsibility. Each party shall be present and on time. Each party is expected to negotiate in good faith, without time constraints, and put forth his or her best efforts with the intention to settle, if possible. Even if the parties do not reach a complete settlement, they may reach agreement on various issues.

(c) Representation. Each party may have a representative accompany him or her to the mediation to act in an advisory role only. Representatives will be expected to take an active role in mediation but will not be allowed to interrogate or question any party. As set forth above in 260:130-1-1, an individual other than an attorney licensed to practice law in the State of Oklahoma may act as the representative of the party if approved by the mediator.

(d) Mediator. The mediator shall:

(1) take an active role in the mediation to aid the parties in the discussion of settlement and resolution of the issues.

(2) have the flexibility to adapt the mediation to the situation at hand.

(3) terminate the mediation because of the disruptive behavior or conduct of a party or representative.

(e) Mediation. The mediation shall be informal, structured by the mediator, and not open to the public. The mediation shall be a confidential procedure and shall not be filmed or taped.

(1) Notice. At least seven calendar days before the scheduled mediation, the mediator shall notify the parties of the date, time and location of the mediation.

(2) Location. The mediation shall be held at the Civil Service Division offices or any other location determined appropriate by the mediator.

(3) Witnesses. Witnesses shall not appear or give testimony at the mediation.

(4) Caucus. The mediator may call a caucus at any stage of the mediation.

(5) Continuance. A request for continuance shall be submitted to the mediator in writing no less than three calendar days before the mediation date. The mediator shall follow the requirements of OAC 260:130-5-13 and shall reschedule the mediation ensuring the timing requirements of OAC 260:130-5-13 are followed.

(f) Agreement. If agreement between the parties is reached, it shall be reduced to writing and signed by each party and the mediator. All mediation agreements are enforceable by a court of competent jurisdiction.

(g) Conclusion. The mediator shall end the mediation when an agreement is reached and reduced to writing. If an agreement is not reached, the mediator shall end the mediation when he or she determines settlement is not possible, unless sooner terminated for just cause.