



Alternate Dispute Resolution Program

Alternate Dispute Resolution (ADR) is a concept that offers various methods to resolve issues and settle complaints. ADR offers parties an opportunity for early and informal resolution of disputes in a manner satisfactory to all. It costs less and uses fewer resources than administrative and adjudicative processes. ADR is used to help define and clarify issues, start a dialog between the parties and keep them talking, help clarify the choices and devise reasonable alternatives, and facilitate cooperation between employees and management.

The ADR method used by MCBJ Butler EEO Office is Mediation.

Q: What is Mediation?

Mediation is a voluntary and confidential process where a neutral third party (mediator) helps employees come together to talk and decide how to end dispute. The mediators do not take sides or make decisions for the parties. The mediators enable and empower the parties to reach an agreement that will work for them.

Q: How does the mediation program work?

Before the mediation starts, the mediator will review the terms of your signed Agreement to mediate. By signing the Agreement, both parties agree the mediation is confidential, in good faith, and you agree to comply with the rules governing the session. At the mediation, both parties are given an opportunity to express their points of view in a comfortable environment. In most cases, the parties and the mediators will be in the same room, at least for some of the time.

Q: What if I don't want to settle in mediation?

That is your choice. The mediator(s) will not tell you what to do. If you and the other party are unable to reach a mutual agreement during mediation, you may pursue your dispute in other available forums, keeping in mind the statutory timeframes for pursuing EEO complaints and grievances.

Q: What if the other party doesn't want to mediate?

We will explain the advantages of mediation to the other party. We will do our best to encourage (but not force) the other party to agree to participate. However, it is a voluntary process and we cannot require a person to mediate.



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Q: What are the advantages of mediation?

Mediation gives you and the other party the change to resolve the dispute yourselves. Most people are satisfied with resolutions that they develop themselves than with something that is decided for them. You can also resolve your concerns in mediation in much less time than it would take to pursue a complaint or grievance using the regular statutory processes.

Q: Should I bring an attorney?

Usually, only the disputing parties and the mediator are present at the mediation session. If you would like your attorney or representative to attend this is something that must be discussed and worked out prior to the mediation.

Q: May I bring a friend or a family member?

Again, usually only disputants and the mediators attend the session. If you would like a friend or family member to attend, this must also be worked out before the mediation.

Q: Where/when will the mediation occur and how long is the session?

The ADR Manager or Mediator will contact you to schedule a time and location for the mediation. Sessions may take from three to six hours. Additional sessions may be scheduled if you are unable to resolve the dispute in one session and are making progress toward an agreement. Depending on the time of the session, we encourage parties to have a healthy breakfast or lunch. Mediations are normally held outside the activity where the parties are employed.

Q: What happens if we do not reach a mutually acceptable agreement?

You may pursue your dispute through other forums. You will not be penalized for participating in mediation or for failing to reach an agreement. You must remember, however, mediation does not waive the statutory timeframes for filing a discrimination complaint or grievance.

Q: What happens if we reach an agreement?

A settlement agreement is prepared, signed and executed by both parties, who may also enforce the agreement. The agreement is forwarded to the ADR Program Manager and to the forum from which the dispute arose (I.e. EEO, ER). Each party also retains a copy of the agreement.