

 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 1 Employee Relations Affirmative Action and Employee Relations Policy		
Alternative Dispute Resolution Procedures	Effective date	Revised
Number: 1.02-02	March 29, 2002	

This alternative dispute resolution procedure provides employees of the Department of Natural Resources with the ability to use a mediator to resolve internal communication barriers. Alternative dispute resolution is a tool to resolve differences that may be used in many circumstances.

This process may be used without fear of retaliation, intimidation or coercion.

DEFINITIONS

Alternative dispute resolution: A process involving an intercession from an outside party to resolve a complaint between two or more parties, resulting in an agreement.

Mediation agreement: A written agreement negotiated with the assistance of a mediator between two parties that resolves a conflict.

Mediator: The Office of Employee Relations staff or designated, neutral third party. This individual may be required to be trained or certified in the mediation process and have working knowledge in relevant Equal Employment Opportunity and employment law.

Employee: Any employee of the Missouri Department of Natural Resources who voluntarily requests or is directed to participate in a alternative dispute resolution process because of an internal conflict, employee grievance or departmental investigation recommendations.

REFERENCES

Code of State Regulations
State Board of Mediation: 8 CSR 40-2

Related DNR policy
Grievance Procedures: 1.02-05

GENERAL PROVISIONS

Confidentiality

Alternative dispute resolution is confidential to the extent that all parties desire and agree to the confidentiality. The mediator is obligated to describe any exceptions to this general statement of confidentiality before initiating the resolution process. All documentation

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and signed agreements shall remain confidential and maintained in a separate file in the Office of Employee Relations.

Impartial and neutral

The mediator has an equal and balanced responsibility to assist each party and cannot favor the interests of any one party over another, nor should the mediator favor a particular result in the process. The mediator has an added role to ensure that parties reach agreements voluntarily and in an informed manner, and not because of coercion or intimidation.

Timeframes

Employees must come to the alternative dispute resolution process with the understanding that it may take several attempts for a comprehensive solution. Additional sessions will be scheduled based on all participant schedules and work assignments.

Monitoring

It shall be the responsibility of the Office of Employee Relations to monitor the progress of the mediation agreement for a 90-day period. The employees involved in the process may report any violation of the mediation agreement to the Office of Employee Relations or if appropriate through their chain of supervision.

The alternative dispute resolution process

Requesting alternative dispute resolution

Any employee in an attempt to resolve a complaint of any type may voluntarily request alternative dispute resolution through their immediate supervisor or the next appropriate level of supervision and by contacting the Office of Employee Relations. The request should be made in a timely manner so that the conflict is addressed as soon as possible.

The Office of Employee Relations will assist the employee and supervisor in examining the situation or circumstances to see if they are appropriate for mediation. All parties directly involved in the situation or circumstances must agree to participate with the mediation.

A request for alternative dispute resolution may be processed verbally or as the result of a grievance, an investigation recommendation, or a written request.

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If alternative dispute resolution is used in Steps Two or Three of the grievance process, the grievance timeframes will be suspended until after the alternative dispute resolution process is completed. The resolution process should not exceed a 60-day timeframe unless special circumstances arise.

Scheduling a mediator

The Office of Employee Relations will coordinate the scheduling of the mediator to include, but not be limited to, appropriate location for discussion, and selecting the certified mediator. The Office of Employee Relations may also request written documentation or statements regarding the issues from each participant before the initial meeting.

Successful alternative dispute resolution

Should mediation prove successful, the mediator may prepare the mediation agreement based on the remedies reached by general agreement of each employee. The mediator may also ask that participants prepare the mediation agreement, but he/she will monitor this step to insure timeframes are met. The final meeting to conclude the agreement phase will be scheduled by the mediator, after which the agreement will be sent to each employee for review and signature. Each employee shall receive a signed copy of the agreement for his or her records.

Unsuccessful alternative dispute resolution

Should the mediation prove unsuccessful, the Office of Employee Relations shall inform the employee of his/her alternatives. If the mediation was initiated through the grievance process that process will continue with the next appropriate step.

All questions regarding the use of this process should be directed to the Office of Employee Relations.