

STATE OF NORTH CAROLINA

TIPS FOR THE RESPONDENT IN PREPARING TO MEDIATE

To successfully represent your agency in mediation, the following tips may be helpful to you in preparing to serve as a respondent.

- Become knowledgeable regarding the issues surrounding the grievance.
- Review the grievant's information regarding relief sought.
- Discuss with your management, Human Resources and/or legal counsel what issues the agency might be prepared to negotiate or concessions that could be made to successfully resolve the grievance during the mediation.
- Be prepared to discuss with the grievant, during the mediation, the reason(s) a particular decision was made that resulted in the employee filing a grievance. For example, if the employee was dismissed, be prepared to discuss the reason(s). You may want to provide numbers or examples to explain why the decision was consistent with previous decisions in similar situations as well as policy references as to why such a decision was made.
- Be empathetic and approach the mediation process in a manner that protects the dignity of the grievant. Realize that the grievant believes that they have been wronged.
- Know that there may be situations where information provided by the grievant results in a willingness to change a part of a decision/action or change the decision/action in its entirety. In other situations, a decision/action will not change; however, an opportunity exists to help the grievant better understand why the decision/action was taken. This approach may resolve the issue and prevent the grievant from pursuing further grievance action.
- Know the parameters of your authority to reach agreement. Keep in mind that the mediation agreement is binding, subject to the approval of the Office of State Human Resources and/or any other state agency whose approval is necessary to implement the agreement, and provided the agreement does not contain any provision contrary to State Human Resources Commission policies or rules, or applicable state or federal law.
- Arrange for key personnel that may be needed for consultation during the mediation to be available to you by telephone. You will have an opportunity to recess should consultation be needed. In the event an agreement is reached, you may wish to review the agreement with appropriate agency personnel before signing.