



Federal Communications Commission
Office of Workplace Diversity

**Employee Reminders
Alternative Dispute Resolution Program**

Thank you for agreeing to participate in the FCC's ADR Program. The following information will assist you in preparing for the mediation process.

1. Mediation Process. Mediation is a type of Alternative Dispute Resolution (ADR) technique used to resolve workplace disputes. A neutral third party or mediator assists the parties in discussing their concerns in a productive manner. Mediation is available at any time during the EEO administrative process at no cost to you. Its benefits include providing you a greater degree of control to resolve your dispute as compared to traditional litigation and adjudication, in addition to the potential cost-savings and more timely outcomes it offers.
2. Voluntary. Mediation is voluntary for employees and required for supervisors and managers.
3. Confidentiality. The mediation is confidential and therefore the parties may not discuss the substance of the mediation with anyone unless agreed to by both parties or by court order or applicable law. Each participant will sign a "Mediation Confidentiality Agreement" prior to mediation.
4. Mediator. The mediator is a qualified, experienced individual from another federal agency who participates in the Shared Neutrals Program. The mediator is an impartial and independent person who has no stake in the outcome of the mediation. He/she will not provide any legal advice nor act on either party's behalf.
5. No Binding Authority. The mediator does not have the authority to bind the FCC or you to anything. The choice to continue in the mediation process or whether or not to reach a settlement agreement resides solely with the parties.
6. Program's Timeliness Expectations. The mediation process is expected to end within 21 days after a mediator has been assigned. The mediation session is expected to be no longer than one day except for unusual circumstances with the mutual agreement of both parties.
7. Scheduling a Mediation. Mediations are usually scheduled to begin in the morning. If other employees in your organization have access to your electronic calendar, you may want to schedule the mediation as a "Meeting" rather than as a "Mediation."
8. Mediation Participants. You may bring an NTEU representative, or an attorney with you to the mediation. If either party objects to an additional participant and the parties don't reach an agreement on who may attend the mediation, the objecting party may withdraw from mediation.
9. Mediation Session. The mediation normally begins with the mediator introducing him/herself and making brief opening remarks about the process. The mediator will likely provide an

opportunity to both parties to make a brief opening statement. It is typically a good idea to make an opening statement and therefore you should consider drafting one in advance of the mediation session. It will be helpful for you to review the mediation preparation questions.

10. **Filing Deadlines. Participation in mediation does not extend, suspend or alter the filing requirements of any type of complaint at the FCC, other government agency or court.** Mediation does NOT forestall established timeframes within the EEO or grievance process, nor does it constitute legal notice to the FCC or official notice to initiate those processes.
11. **Mediation Terms Worksheet.** If you reach a common understanding with the FCC management representative on how to resolve your dispute with the FCC, the terms of your understanding should be documented in the Mediation Terms Worksheet that the mediator will provide you. Responsibility for authoring the terms of the Mediation Terms Worksheet belongs to you and the FCC management representative. While the mediator may assist the parties to overcome a drafting impasse, the mediator will not draft any of the terms although he/she may act as the scribe.
12. **Settlement Agreement.** You should not expect to sign a final settlement agreement at the end of the mediation. If you and the FCC management representative draft a Mediation Terms Worksheet, the mediator will provide that document to the Special Counsel for ADR to be incorporated in a final settlement agreement that the parties will review before signing it at a later date. The Offices of Workplace Diversity, General Counsel, and Human Resources Management review settlement agreements for legal sufficiency before a final settlement agreement is signed by the parties.
13. **FCC Settlement Official.** For EEO disputes, the FCC will make an individual with settlement authority available. However, no responsible management official or agency official directly involved in the case will serve as the person with settlement authority.