

What is mediation?



Mediation is a form of alternative dispute resolution (ADR). In mediation, the mediator, a highly trained third-party neutral, works with the parties to discuss the conflict and provide assistance with finding a resolution all parties can agree upon.

Mediation is the most popular form of ADR because it can be:

- quick
- inexpensive
- confidential
- collaborative

Mediation also provides participants with:

- greater control over the outcome
- customized agreements
- mutually agreed upon resolutions
- improved communication
- improved relationships

Mediators are specifically trained in conflict resolution techniques. They are able to help parties work through strained or emotional communications, distrust and long-standing conflict.

The US Mint **only** offers mediation for the resolution of Equal Employment Opportunity (EEO) cases. The Mint participates in the Treasury's Shared Neutrals (TSN) program and in the Federal Mediation and Conciliation Services Shared Neutrals program. This ensures the neutrality of the mediator; since they are not affiliated with the US Mint, there is no conflict of interest with either party.

For any questions regarding mediation, please contact your local EEO Manager/Specialist:

Headquarters/Fort Knox

Laara Manler

DMCR-HQ@usmint.treas.gov

(202) 354-7277

1-888-646-8369 (TTY)

Denver Mint

Anne Green

DMCR-DN@usmint.treas.gov

(303) 405-4908

West Point Mint

Kimberly Morange

DMCR-WP@usmint.treas.gov

(845) 446-6228

San Francisco Mint

Aaron Isaacson

DMCR-SF@usmint.treas.gov

(415) 575-7738

Philadelphia Mint

James Elston

DMCR-PH@usmint.treas.gov

(215) 408-0613



UNITED STATES MINT

**DIVERSITY MANAGEMENT
AND CIVIL RIGHTS OFFICE**



**UNDERSTANDING
MEDIATION**
IN THE EQUAL EMPLOYMENT
OPPORTUNITY PROCESS



How do I request a mediation?

If you contact an EEO Counselor to initiate the EEO complaint process, the EEO Counselor will offer mediation or counseling. If you elect mediation, your EEO counselor will work with either the TSN or FMCS Shared neutrals program to coordinate the date, time and location with all the participants.

Can I bring a representative to mediation?

A representative of your own choosing can accompany you to the mediation session, as long as there is no conflict of interest. A representative can be an attorney, a friend or a technical expert who can provide you with assistance or advice during the mediation session. If you wish to be represented, it is your responsibility to complete a *Designation of Representative and Limited Power of Attorney Form* prior to the mediation session. The form can be obtained from your EEO Counselor.

What happens during mediation?

The mediation session begins with the mediator introducing parties and providing an opening statement regarding his/her role as a neutral. The mediator will lay ground rules for the mediation and allow each party to explain in their own words the alleged discriminatory act and the requested relief or remedy sought.

Next, participants will enter into an open dialogue during which the mediator may ask clarifying questions and facilitate potential solutions. During the mediation, the mediator may ask to meet privately, or caucus, with each party to determine any areas of agreement. The parties will continue to discuss the issues until it is clear whether a settlement can be reached.

Mediation at the US Mint

Whenever possible, the Mint uses the Treasury and FMCS Shared Neutrals program. These programs use the co-mediation model, where two mediators assist the parties through the ADR process. Regardless of which program is used, mediators are always impartial with no personal interest in the dispute they are mediating. They do not issue a judgement or assess blame, and mediators do not have the power to force a decision on either party.

A mediator is expected to guide the negotiations and communications between the parties. In cases where the issues are clearly defined, the mediator may simply facilitate the discussion.

Aggrieved parties often feel more in control during mediation, as they can actively contribute to the outcome. Although mediators help parties explore creative solutions to problems, it is the participants who agree on the resolution.

If parties are unable to reach a resolution, the mediator will conclude the mediation, and the EEO Counselor will issue the Notice of Right to File a Formal Complaint. If they are unsatisfied with the outcome, the Aggrieved party will have **15 calendar days** to file a formal complaint.



Negotiated Settlement Agreement (NSA)

If the parties reach a resolution, the mediator will summarize the mutually acceptable terms, verifying them with each party. If applicable, participants with representation can discuss the terms of the settlement with their attorney or advisor prior to signing the agreement. A signed settlement agreement is binding for both parties.

How can I prepare for mediation?

In preparation for mediation, it is useful to consider the following:

- **What will make you whole again?** Clearly define what you want or need to resolve this complaint.
- **What is a “realistic” remedy?** While requested relief can range from monetary compensation to restoration of leave, most mutually agreed upon settlements are commiserate to the alleged discriminatory action. For example, if an annual leave request was denied, it is likely monetary compensation will not be awarded as a resolution.
- **Be creative and flexible when working towards resolution.** In the event you cannot get everything you are requesting, think about what you can live with (or without) in order to resolve the complaint.
- **Consider the alternatives.** ADR offers resolution at the lowest possible level and allows for parties to work together to determine the resolution. The EEO complaint process is timely, and in some cases, costly. Some EEO cases are with the adjudicating authority for years, and parties have little control over an Administrative Judge’s final decision.