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JoEllen R. Howarth

To: Jacob J. Romero/Transit/CABQ@COA

06/03/2003 11:50 AM

cc: Anita L. Bustos-Rubi/LEGAL/CABQ@COA

Subject: Mediation Guidelines

Hi Jacob,

Anita has informed me that Emma Moore has left the Transit Department and that you will be working us as a point person from Transit. We look forward to working with you in this capacity.

In an effort to minimize delay in the Employee Mediation Program when an employee or supervisor makes an informed choice to decline mediation, and to maximize the resources available to convene mediation for employees and supervisors who choose mediation, we developed the policy stated below. Please read the message below, and feel free to call me with your questions and comments about it. Thanks.

JoEllen

..... Forwarded by JoEllen R. Howarth/LEGAL/CABQ on 06/03/2003 10:12 AM



JoEllen R. Howarth

To: Emma G. Moore/Transit/CABQ@COA

04/28/2003 09:05 AM

cc: Anita L. Bustos-Rubi/LEGAL/CABQ@COA

Subject: Mediation Guidelines

Hi Emma,

The Employee Mediation Program is receiving 20 - 25 predetermination requests for mediation review per week from the Transit Department. This is an increase over past months, and it has motivated me to review and write to you about how we can best work towards accommodating Transit's needs regarding employee mediation. The first step in mediation review in the Program is to determine whether both the supervisor and the employee agree to participate in mediation. For this reason, it is important that Transit's requests for review include information about whether the supervisor and employee agree to participate in mediation. Because the Program is voluntary, we will only take further steps in a mediation review when both of those potential parties have agreed to participate. Further review is unnecessary when one of them declines to participate in mediation. By providing that information with the initial request for review, you enable us to quickly pursue those in which mediation is likely to be appropriate, and to quickly notify Transit to proceed without mediation when someone declines to participate.

Below are guidelines intended to enable us to follow up on requests for review only when both the supervisor and the employee agree to mediation up front. In these cases, the predetermination hearing can be held in a mediation setting. This approach, pursuing only mediations where

people have already agreed to participate, should also enable the Transit Department to proceed quickly with a predetermination hearing outside of mediation when the supervisor or employee declines mediation. Our goal is to serve the employee, the Transit Department, and the City as quickly and effectively as possible.

Please use the following guidelines for working with the City Employee Mediation Program:

1) Distribute copies of Employee Mediation Program brochure to Transit supervisors contemplating taking disciplinary action and to employees receiving a predetermination notice. It is important for people to take this information into consideration when deciding whether or not to agree to participate in mediation. Generally, mediation is a constructive process for clarification and respectful communication about contemplated corrective action. As stated in the brochure, anyone with questions about participating in the Employee Mediation Program, is welcome to call us at 768-4500 to address those questions.

2) On the Predetermination Hearing form submitted to the Employee Mediation Program for mediation review, the employee must check whether he/she agrees to participate in mediation. The Employee Mediation Program will return incomplete forms to Emma Moore in the Transit Department for completion and resubmittal. If the employee has checked "yes", please include contact information. The ADR Coordinator or Program Manager will then follow up with that employee and confirm whether the situation is appropriate for mediation. If the employee has checked "no", the Employee Mediation Program will consider the situation inappropriate for mediation due to lack of a necessary party, and the Department can proceed without mediation.

3) Likewise, the Program will only follow up on a request for mediation review that clearly states that the supervisor agrees to mediation. Indicate whether the supervisor agrees to participate in mediation by email, fax (768-4525, addressed to Employee Mediation Program), or on the predetermination hearing form. The Employee Mediation Program will return incomplete forms to Emma Moore in the Transit Department for completion and resubmittal.

If the supervisor agrees to mediation, please include contact information to enable the Employee Mediation Program to follow-up with that supervisor.

If the supervisor has declined to participate in mediation, the Program will consider the situation inappropriate for mediation due to lack of a necessary party, and the Department should proceed without mediation.

The Employee Mediation Program will strive to contact the supervisor and employee to learn more about the potential mediation, and to schedule a mediation only after receiving information that both the supervisor and the employee agree to talk in mediation about the contemplated discipline. This should enable predetermination hearings to proceed quickly when the supervisor or the employee decline mediation. This should also enable the Employee Mediation Program to provide mediation services for all who seek the constructive process of mediation in the predetermination hearing.

Please contact me with your thoughts about the guidelines above. I look forward to hearing from you.

JoEllen Howarth, Alternative Dispute Resolution Coordinator