

Article 36 - Mediation

A collective bargaining representative and an employer who do not have timely access to the services of the Federal Mediation and Conciliation Service may request mediation assistance from the Board if they reach impasse during negotiations over the terms of a collective bargaining agreement or if they seek a mediator to assist in resolving grievances. If such a request is made jointly by the employer and the bargaining representative, the Board may appoint a Board Member, its Executive Director or other qualified individual to mediate the dispute.

Article 37 - List of Mediators and Fact-Finders

- (A) The Board shall establish and maintain a list of persons qualified to act as grievance mediators, contract negotiations mediators, and/or fact-finders. Persons seeking inclusion on the list shall file a written application with the Board.
- (B) The application shall include the following information:
 - The name, occupation, residence, business address, email address and telephone numbers of the applicant; a brief statement of the applicant's related experience and education which would serve as qualifications for appointment as a mediator and/or fact finder; fee schedule; any relevant professional, civic or social association memberships of the applicant; and the name, address, telephone number and email address of at least four references supporting the applicant's acceptability as an impartial, two of which shall be employee organization references and two of which shall be employer references.
- (C) The Board shall investigate the availability, qualifications and acceptability of applicants, and then make a determination whether to place the applicant on the list of mediators and fact-finders. The Board at its discretion may require training and/or the shadowing of a mediator or fact-finder for inclusion on the list. Persons included on the list of mediators and/or fact-finders shall be placed on the list for a term of three years. At the conclusion of the three years, the Board shall determine whether to include the person on the list for another term of three years. The Board may remove persons from the list during a three-year term for good cause.
- (D) Mediators employed by the Federal Mediation and Conciliation Service shall be considered to be on the list of mediators.
- (E) Members of the Board who so desire shall be included on the list of mediators. A Board member who has served as a mediator in a case shall not be involved in any subsequent Board consideration of the matter.
- (F) Parties in grievance and contract negotiations disputes may make a joint request to the Board seeking the services of a grievance mediator, contract negotiations mediator or fact-finder to assist in resolving a negotiations impasse between the parties or a grievance. The parties may by mutual agreement select a mediator or fact-finder to intervene in the impasse or grievance from the list of mediators and fact-finders, and if the parties are unable to so agree the Board shall make an appointment from such list. The parties are responsible for equally sharing the costs of the mediator or fact-finder.