



# Dispute Resolution Policy

Policy Number: PP 5-4

Effective Date: September 1, 2015

Approved By: Roger L. Stancil, Town Manager

## POLICY

The Town shall provide a fair, effective, and consistent process to resolve workplace disputes which are not covered by the Town's grievance procedure. Any employee, except Department Heads and Town, Deputy, or Assistant Town Managers, may access the two-step dispute resolution process for any matter of employee concern or dissatisfaction within the control of the Town. Some examples of such issues include, but are not limited to:

- Safety or health matters
- Unsatisfactory physical facilities, surroundings, materials, or equipment
- Alleged unjust treatment by fellow workers
- Unreasonable work quotas

All town employees are expected to participate as requested in the outlined process.

## PURPOSE

Town employees agree that unresolved workplace disputes can be detrimental to our Safety, Professionalism, and Teamwork Values. Our Value of Responsibility acknowledges the ownership of our roles in duties that impact others. This policy provides a way for employees to participate in resolving workplace disputes; holds employees accountable to shared Town values and to their colleagues; and helps maintain a workplace environment that supports individual and organizational excellence.

## R.E.S.P.E.C.T. VALUES



**Safety:** We strive to maintain our own mental and physical well-being and the well-being of those around us. We are dedicated to a work environment that minimizes risk of injury or accident. We are also dedicated to an environment that provides for honest and courteous discussion of workplace issues without fear of repercussion.



**Equity:** Although we may hold different roles in the organization, we all work toward the common goal of serving the Town and the Town's residents and customers. Therefore, we seek and support policies and actions that are administered consistently and fairly to everyone regardless of rank, tenure or personal background.

APPROVAL

Roger L. Stancil, Town Manager





# Dispute Resolution Procedures

Policy Number: PP 5-4

Effective Date: September 1, 2015

Approved By: Cliff Turner, Human Resources Development Director

## PROCEDURES

These procedures are issued by the Director of Human Resources to implement the [Dispute Resolution Policy, PP-5-4](#), issued by the Chapel Hill Town Manager. These procedures may be periodically updated.

### A. How Time is Calculated:

Ordinance Definition: The Town of Chapel Hill Code of Ordinances defines how timelines are computed for purposes of this process. Please refer to [Appendix A, Understanding Time Calculations for Conflict Resolution Processes](#) for examples of how to calculate time (*Town of Chapel Hill Code of Ordinances, Section 14-110*).

1. Summary: In general, the timeline starts the day after the notice or action occurs and timelines refer to calendar days except that:

- a) Timelines do not start or end on a Saturday, Sunday, or official Town Holiday, and
- b) Official Town holidays are excluded from the timeline count.

2. Delays and Extensions to the Timeline: All parties may mutually agree in writing to modify any of the timelines governing this process. If delays occur attributable to non-management participants, then the Town cannot be held responsible for the timelines.

### B. When a Workplace Dispute Arises:

1. Utilize Conflict Resolution Resources: Employees should first attempt to resolve the dispute before requesting a Step One procedure. The Town provides numerous resources to help employees resolve disputes informally. Some of these resources include:

- a) The employee's supervisor or department supervisory chain of command
- b) Human Resource Development (HRD)
- c) The Ombuds
- d) The Employee Assistance Program

2. Request Mediation: If the employee chooses not to use these resources or if the dispute is still unresolved after these attempts, then the employee may request mediation, which is Step One of the dispute resolution process.

### C. Step One: Mediation

1. A Brief Explanation of Mediation: Mediation is a dispute resolution process involving third party, trained individuals (mediators) who facilitate discussion between the parties who have a dispute.
  
2. How to Request Mediation:
  - a) Submit Request: Any employee who is a party to a work-related dispute can request mediation by submitting a [Request for Workplace Dispute Resolution Proceeding](#) to the Human Resource Development (HRD) office. Requests must be received in the HRD office no later than fourteen (14) days after the employee knows, or should have known, of the action or decision that is the basis of the dispute, or after unsuccessfully attempting to resolve the dispute in other ways, whichever is later. More information is available in our [Frequently Asked Questions about Mediation](#).
  
  - b) Notification of Parties: Before submitting the request, all parties involved in the dispute should be aware that one of the parties is requesting mediation for the dispute. Anyone seeking assistance in preparing for the conversation should indicate this need on the request form.
  
  - c) Use of Work Time to Prepare: With approval of the supervisor, employees may be allowed up to four (4) hours to apply and prepare for mediation. The Town will cooperate in providing information and materials for review. Time spent in mediation is considered work time.
  
3. Selection of and Referral to a Mediator:
  - a) HRD Initial Contact: After receiving the request, an HRD staff member will contact the parties involved to verify the information and answer basic questions. HRD may request additional information to determine if the dispute is more appropriately addressed by the Town's disciplinary and/or grievance procedures. If the issue falls under one or more of those policies, then the matter will be referred to those processes, and mediation will not move forward.

- b) Referral to Mediator: Once all parties are aware of the mediation request, HRD will refer the request to a selected mediator for prompt follow up. Mediators are selected on a rotating basis from approved providers based on their ability to complete the mediation within the 30-day time frame set by the Ordinance. The mediator will be in contact with the parties to schedule the mediation and answer any questions employees might have about it ([Town of Chapel Hill Code of Ordinances, Section 14-105](#)).
- c) Use of Work Time to Prepare and Attend: HRD will assist employees, as needed, in getting time off from regular duties to attend mediation. Time spent in mediation is considered work time.

#### 4. The Mediation Meeting:

- a) Who Attends Mediation: Only the parties involved in the dispute attend mediation. No one may have legal counsel or any other representation at mediation ([Town of Chapel Hill Code of Ordinances, Section 14-105](#)).
- b) Mediator Autonomy and Process: Mediation services are independent and each has its own unique process. For example, the mediator may contact both parties for additional information prior to mediation to determine the best approach. More than one mediator might be involved. More than one session might be appropriate.
- c) Agreement to Mediate: Employees must sign an [Agreement to Mediate](#) before beginning mediation. Other questions about mediation should be directed to the mediator.
- d) Mediation Confidentiality: Information disclosed by those involved in mediation is confidential except as otherwise required or permitted by law. The only information shared with the Town is either a written agreement or notice of an impasse. All parties must sign a [Confidentiality Agreement](#) required by both the Town and the mediator. The mediation service will explain this provision in more detail prior to the mediation.
- e) Duration of Mediation Proceeding: Mediation continues until the parties reach an agreement, or until the mediator determines that the parties cannot resolve their dispute and are at an impasse.

#### 5. If Mediation Results in an Agreement:

- a) Mediator Responsibilities:
  - i. Agreement: If mediation results in an agreement, the mediator will prepare the agreement and ask the parties to sign it.
  - ii. Communication: The mediator will forward the agreement to HRD within two (2) days.

b) HRD Responsibilities:

- i. Agreement Review: HRD will review the agreement to assure that it complies with Town policies, and State and Federal laws. That review will be completed within five (5) days of receiving it from the mediator. After the review is complete, mediation will be binding for all parties.
- ii. Agreement Non-Compliance: If HRD determines that the agreement is not valid because it violates Town policies or applicable laws, HRD will inform the mediator. The mediator will contact the parties to determine how to proceed to modify the agreement so that it is compliant. The parties may reconvene or may handle the modification process in some other mutually acceptable fashion. The parties will sign a new agreement and the mediator will submit the agreement to HRD.

c) Effect of Signed Mediation Agreement: A signed mediation agreement ends the process.

d) Compliance with Signed Mediation Agreement:

- i. Agreement Sharing: HRD may share the agreement with supervisory staff to the extent necessary to assist with compliance to the terms of the agreement.
- ii. Failure to Comply: Failure to comply with a signed agreement by any party to the agreement is considered unsatisfactory job performance and is subject to disciplinary action.

6. If Mediation Ends in an Impasse:

- a) Notification of Parties: If mediation fails to produce a resolution, the mediator will inform HRD. HRD will inform all parties in writing, within three (3) days, of his/her right to use further processes in the dispute resolution procedure and the time limits for requesting such processes.
- b) Step Two Recourse: Any of the involved parties may request that the dispute move to Step Two in the resolution process by using the [Request for Workplace Dispute Resolution Proceeding](#) and signing the Step Two section. This document must be returned to HRD within 14 days of receiving the written notice.
- c) Any party may request Step Two: A request for a Step Two review by any participant will result in a Step Two Management Review. **All participants do not have to agree to a Step Two Management Review for it to occur.** The only way a dispute does not move to a Step Two Management Review is if none of the parties requests the review within the 14 day timeframe.

- d) If Step Two is not requested by any party: A dispute unresolved at Step One, but not moved to Step Two will result in a closed file.
  - e) Re-opening a file closed without a mediation agreement, but not previously moved to Step Two: If any party wishes to re-open the request for Workplace Dispute Resolution assistance, the Town may require that the requesting party agree in advance to utilize both Step One and Step Two of the Dispute Resolution process, if needed, to resolve the dispute. This requirement assures that workplace disputes are resolved, instead of causing recurring problems in the workplace.
7. Exit Survey for Mediation Process: After mediation is complete, with or without a resolution, the participants will be asked to complete a survey about their experience with the process. This information will be used to improve the dispute resolution program. Survey responses are not linked to specific individuals but are aggregated for reporting purposes. The exit survey is optional.

#### **D. Step Two: Management Review Overview**

1. A Brief Explanation of Management Review: Management Review is a meeting with the Department Head or other member of the management team to discuss the dispute and request a resolution. It occurs after mediation has been unsuccessful.
  - a) Required if requested: Once any party to the dispute requests a Management Review, the Town is obligated to conduct the review and render a decision. All parties do not have to agree or participate in the management review.
  - b) Final Step in Dispute Resolution: Management Review is the final step in the dispute resolution process and the management determination is final.
2. How to Request a Management Review:
  - a) Occurs upon Request: Moving a dispute to a Step Two Management Review is voluntary. It occurs only if one or more of the parties request it after a mediation impasse has been declared.
  - b) Submit Request to HRD: Any party to the dispute may request a Management Review by filling out the [Request for Workplace Dispute Resolution Proceeding](#), signing it in the Step Two section, and submitting the form to the HRD office. Requests must be received no later than fourteen (14) days after the employee receives notice of the mediation impasse. The management review occurs within 14 days from the date HRD receives the request.

- c) Use of Work Time to Prepare and Attend: With approval of the supervisor, employees may be allowed up to four (4) hours to fill out forms, conduct research, and/or compile materials for the Review. The Town will cooperate by providing relevant information and materials. Time spent in Management Review is considered work time.
- d) Additional Information: More information is available in [\*Frequently Asked Questions about Management Review\*](#).

3. Roles and Attendance at Management Reviews:

- a) All Parties Attend: Attendance at the Management Review is voluntary, but strongly encouraged. This is the opportunity each party has to provide information that the Town's designee can consider when making a decision.
- b) HRD Attendance: A member of HRD--usually the HRD partner---attends the Management Review to ensure that compliance with relevant laws, policies, and best practices.
- c) Selection of Town Designee: The Town Manager approves the Town's designee. In most cases, the Town's designee will be the Department Head from the department where the dispute is occurring, unless the Department Head is a party to the dispute. If the dispute involves more than one department, the designee may be either of the Department Heads. However, the Town reserves the right to designate any person it deems appropriate to serve in this capacity.
- d) Request for Additional Information: The Town designee may request that the participants permit the designee to discuss the matter with other parties who may possess information relevant to the dispute. This discussion is for the purpose of finding the most equitable resolution to the issue. The parties do not have to agree to this request.
- e) Role of Step One Mediator in Step Two Management Review: The mediator who handled the Step One procedure cannot participate in or provide any information for a Management Review.
- f) Representation at Management Review: The parties may not have legal counsel or any other representation at a management review.



PROCEDURES  
CONT.

4. The Management Review Meeting:
  - a) Scheduling: The Town's designee will schedule the meeting and invite all parties to attend. Once scheduled and confirmed, the meeting will not be rescheduled unless all parties and the Town designee agree.
  - b) Final Step in Resolution: This meeting represents the final opportunity for all involved parties to present information about the dispute. All participants will have the opportunity to explain the dispute, verbally or in writing, and their desired outcome.
  - c) Effect of Step One Confidentiality on Step Two: The Step One mediation procedure is confidential, which means that there is no information or file that exists from this process. Any information the participants want the Town's designee to consider in a Management Review decision must be provided by the participants directly to the Town's designee.
  - d) Non-Participation by Party: The Town's designee has no obligation to seek out information on behalf of or from a non-participating party before making a decision on the dispute.
  - e) Submission of Information to Designee: Participants should come prepared to review the entire matter in detail with the Town's designee, as well as provide all documents or other information for consideration.
  - f) Possibility of Multiple Meetings: The Town's designee may ask questions of the parties or ask to see certain documents. There may be several discussions between the participants and the Town designee before a decision is made.
  - g) Communication of Decision: Within ten (10) days of the completion of the discussion(s), the Town designee will provide a written decision to all parties and HRD. This decision is the final resolution of the dispute.
  - h) HRD Review: HRD will review the decision for compliance with Town policies and applicable laws within five (5) days. All parties will be notified in writing once the decision has been approved by HRD.
  - i) Decision Final: Recourse for Failure to Comply: Once all parties have been notified, the decision is final. Failure to comply is considered unsatisfactory job performance and is subject to discipline.

ADDITIONAL  
CONTACTS

Human Resource Development: 919-968-2700 or [HR@townofchapelhill.org](mailto:HR@townofchapelhill.org)  
Ombuds office: 919-265-0806 or [Ombuds@townofchapelhill.org](mailto:Ombuds@townofchapelhill.org)  
Employee Assistance Program: 1-800-326-3864

FORMS/INSTRUCTIONS

- A. [Request for Workplace Dispute Resolution Proceeding](#) FORM 5-4 A
- B. [Agreement to Mediate](#) FORM 5-4 B
- C. [Confidentiality Agreement](#) FORM 5-4 C
- D. [Memorandum of Mediation Agreement](#) FORM 5-4 D
- E. [Notice of Mediation Impasse](#) FORM 5-4 E
- F. [Mediation Exit Survey](#) FORM 5-4 F

DEFINITIONS

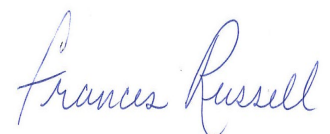
- A. **Impasse:** A neutral declaration by a mediator that mediation has been unsuccessful and that further efforts are unlikely to yield a result. The mediator does not assign responsibility for the impasse to any party.
- B. **Management Review:** Step Two in the dispute resolution process, in which a person designated by the Town will hear a dispute and make a decision regarding the resolution of the dispute. The decision that comes from this review is binding and ends the dispute resolution process.
- C. **Mediation:** Step One in the dispute resolution process. Mediation uses neutral, third party, trained individuals (mediators) who facilitate discussion between the parties who have a dispute. Parties are encouraged to reach a mutually acceptable agreement to resolve the dispute. The agreement is put into writing and signed by all parties.
- D. **Mediation Agreement:** an agreement that settles the workplace dispute. All participants sign the agreement. It becomes binding after review by HRD and/or legal counsel to assure that the agreement does not violate town policies or any state or federal laws.
- E. **Workplace Dispute:** any workplace conflict not covered by the Town’s grievance procedure that disrupts the workplace, creates difficulty for any employee to perform their job duties, or does not support the Town’s values. Some examples of workplace disputes include, but are not limited to, allegations of:
  - 1. Safety or health matters
  - 2. Unsatisfactory physical facilities, surroundings, materials, or equipment
  - 3. Unjust treatment by fellow workers
  - 4. Unreasonable work quotas

SCOPE

As of September 1, 2015, this policy replaces and supersedes any previous Town policies, supplemental policies, handbooks, or unwritten policies or practices covering the same subject. Supplemental policies in compliance with this policy are referenced in Section XI below ([Related Information](#)).

PROCEDURES APPROVED BY

Frances Russell, Human Resources Development Director



# POLICY HISTORY

This policy became effective September 1, 2015 and is reflective of the revisions to Chapter 14, Articles 11-14 of the Town of Chapel Hill Code of Ordinances passed by the Chapel Hill Town Council June 8, 2015.

## RESPONSIBILITIES

### **A. All Employees are expected to:**

1. Utilize town resources such as the HRD, Ombuds, and supervisor assistance to resolve workplace disputes
2. Adhere to Town policies and support town values
3. Maintain confidentiality of all dispute resolution proceedings
4. Participate in all dispute resolution processes with a spirit of cooperation and compromise
5. Comply with any mediated agreement or management decision regarding any workplace dispute in which they are involved

### **B. Supervisors/Managers are expected to:**

1. Advise employees of Town expectations for conduct and performance
2. Adhere to Town policies and support town values
3. Promptly respond to employee requests for assistance in resolving workplace disputes
4. Participate in dispute resolution with a spirit of cooperation and compromise
5. Inform the Department Head of workplace disputes

### **C. Department Heads are expected to:**

1. Promptly respond to employee requests for assistance in resolving workplace disputes
2. Adhere to Town policies and support town values
3. Support the dispute resolution process by allowing employees paid time to fill out the necessary forms requesting access to the dispute resolution process and to attend meetings that are convened to resolve the workplace dispute
4. Participate in the dispute resolution process with a spirit of cooperation and compromise

### **D. Human Resource Development (HRD) is expected to:**

1. Advise employees of resources available to help resolve disputes
2. Adhere to Town policies and support town values
3. Interpret and explain the dispute resolution policy and process
4. Promptly review any dispute resolution agreement or decision before it is implemented to assure compliance with Town policies, as well as state and federal law
5. Monitor compliance with any dispute resolution agreement or decision arising from mediation, management review, or other resources
6. Monitor process and timelines

## APPENDICES

- A. [Dispute Resolution Procedures](#)
- B. [Understanding Time Calculations for Conflict Resolution Processes](#)

## FAQ

- A. [Frequently Asked Questions about Dispute Resolution](#)
- B. [Frequently Asked Questions about Management Review](#)

## RELATED INFORMATION

- A. [Town of Chapel Hill Code of Ordinances, Chapter 14, Article XI, Sections 14-101 through 14-110](#)
- B. [Grievance Policy PP 5-2](#)
- C. [Disciplinary Action Policy PP 5-3](#)

**APPENDIX A**  
**Understanding Timeline Calculations**  
**For Conflict Resolution Processes**



The Town Code of Ordinances specifies how time is calculated for the purposes of filing a grievance or conducting other disciplinary and grievance processes. Here is the ordinance language, with sentences numbered. We will refer to these sentences by number clarify our examples later, so that is why they are included here now.

1. *"In computing any period of time under this article, the day of the act or event after which the designated period of time begins to run is not to be included.*
2. *"The last day of the period so computed is to be included unless it is a Saturday, Sunday or official town holiday (as established by or under the authority of section 14-68 of the Town Code), in which event the period runs until the end of the next day which is not a Saturday, Sunday or official town holiday.*
3. *"Days shall be considered calendar days except that any intermediate official town holidays (as established by or under the authority of section 14-68 of the Town Code), shall be excluded in the computation."*
4. Although the Ordinance does not make this specific provision, **The Town has also decided not to start timelines on a Town Holiday, Saturday or Sunday**, since Human Resource Development (HRD) staff members are not generally available on these days to assist employees.

The following examples were prepared illustrate how time is calculated in various situations. They are illustrations ONLY. Please ask an HRD team member to help you with your specific situation. Our examples will use the following calendar.

◀ December		~ January 2015 ~					February ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
	December 29	December 30	December 31	1 Town Holiday	2	3	
4	5	6	7	8	9	10	
11	12	13	14	15	16	17	
18	19 Town Holiday	20	21	22	23	24	
25	26	27	28	29	30	31	

**1. Joe receives notice of a severe disciplinary decision on December 31, 2014. What is the last date he can file a grievance?**

A: The day he receives the notice does not count. (1) The next day is a holiday, so it does not count (3). So, Joe's 14 day period starts on January 2 and ends on January 15<sup>th</sup>. Joe must file a grievance and have it received in the HRD office by midnight on January 15<sup>th</sup>. Saturdays and Sundays are included in this count because they are not the first or last days of the time period. (3)

**2. Joe receives notice of a severe disciplinary decision on January 5, 2015. What is the last date he can file a grievance?**

A: Again, January 5<sup>th</sup> doesn't count because it is the day he received the notice. (1) Time starts on January 6. The 14<sup>th</sup> day is January 19<sup>th</sup>, but that is a holiday, and so does not count. (3) Joe must file his grievance and have it in the HRD office by midnight on January 20<sup>th</sup>, 2015.

**3. Joe receives notice of a severe disciplinary decision on January 2, 2015. When does the 14 day time start?**

A: The time starts on MONDAY January 5<sup>th</sup> because the Town does not start the timeline on a Saturday or Sunday. (4). The 14<sup>th</sup> day is January 18<sup>th</sup>, but that's a Sunday, which doesn't count, since we don't end timelines on a weekend. (2) The next day is a Town Holiday, which also doesn't count. (3). The last day for Joe to file his grievance and have it in the HRD office is by midnight on January 20<sup>th</sup>.

**4. Joe works weekends. Joe receives notice on Saturday, January 3 at 4:15 pm that he is to attend a pre-disciplinary conference in 48 hours. When is the conference?**

A: January 3 is a Saturday. Timelines don't start on a Saturday—or on Sunday, either (4). The timeline starts on Monday January 5<sup>th</sup> when HRD opens at 8:30 am. The Conference can be held on Wednesday January 7<sup>th</sup> at 8:30 am or later.

**5. Joe had a pre-disciplinary conference on Friday January 16 at 3 pm. Joe was told that he will receive a decision "within 5 days." When can Joe expect a decision?**

A: This one is TRICKY! Saturday and Sunday don't count because timelines do not start on a weekend day. (4). Monday, as a holiday, doesn't count either. (3). The timeline starts on Tuesday January 20<sup>th</sup>. But be careful—remember timelines don't end on a weekend day either. The 5<sup>th</sup> day is Saturday January 24<sup>th</sup>. We don't count Saturday—or Sunday-- because we don't end timelines on a weekend day. (2). So the decision is not due until Monday January 26<sup>th</sup>.

**6. Joe receives a disciplinary decision on January 12. When is the last day he can file a grievance?**

A: The timelines starts on January 13<sup>th</sup> (1). The 14<sup>th</sup> day is January 26<sup>th</sup>—except that one of those days in the count was a holiday! Those don't count no matter when they occur. (3) Therefore, we must add an extra day since we can't count January 19<sup>th</sup>. Joe must file a grievance by midnight on January 27<sup>th</sup>. All the weekend days count since they are not the first or last days of the timeline.

## Frequently Asked Questions about Workplace Mediation

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### HOW TO MEDIATE A WORKPLACE DISPUTE

#### How to Get Started:

1. Talk to the person(s) with whom you have the dispute and let them know you are going to request mediation to help resolve the problem. (If you want help with this conversation, let a member of HRD or the Ombuds know right away!)
2. Fill out the [Request for Dispute Resolution Proceeding](#) form. It is available on the Town website at or from the HRD office.
3. Return the form to any member of the HRD team.
4. HRD will contact all parties within 5 days to answer questions and gather additional information for the mediator.
5. HRD will provide all information to the mediator who follows up with the parties to schedule the mediation.

#### Once The Mediator Receives The Referral From The Town:

1. The mediator contacts each party to schedule the mediation.
2. The mediator may collect additional information from each party prior to and at the mediation. This information helps the mediator decide what mediation approach might work best. The information you provide to the mediator is not shared with the Town. Because the Town has outsourced mediation services, mediators work independently to schedule and structure mediation for your specific situation.
3. All parties attend mediation. Proceedings are confidential.

#### Mediation Results in One of the Following Outcomes:

1. **Agreement**---the mediator drafts the agreement, has the parties sign it, and forwards it to the HRD. Once HRD confirms that the agreement does not violate any Town policies, the agreement becomes valid and binding.
2. **Impasse**—the mediator informs the Town that the parties cannot reach an agreement. HRD notifies the parties of other options they have to resolve their dispute.

### IS MEDIATION THE ONLY WAY TO RESOLVE A WORKPLACE DISPUTE?

There are many resources to help resolve disputes *before* moving to mediation. For example, one-on-one coaching, HRD, the Ombuds, or a supervisor might be able to help you. Ask your HRD partner or the Ombuds for more information.

### WHAT IF I AM DISSATISFIED WITH THE MEDIATOR?

The Town has selected mediation professionals based on their professional training, experience, references, and commitment to providing good service to our employees. **Please let HRD know IMMEDIATELY if you are dissatisfied with the mediator or any other component of the mediation service.**

## IS MEDIATION CONFIDENTIAL?

What happens during mediation is confidential. Mediators have a professional duty to maintain confidentiality; the parties to the mediation sign a confidentiality agreement.

The result of mediation—the agreement—is shared on a “need to know” basis; for example, with HRD and perhaps a supervisor. These people need to know what the agreement says so they can help hold all parties accountable to the agreement. You will know who has access to your agreement.

In very rare instances, a mediation agreement might be a public document. In these rare cases, the Town might have to share it if specifically asked in a public records request. **A member of the HRD staff can help you find out if your situation might fall into this narrow legal area.**

## WHAT IF SOMEONE WANTS TO MEDIATE SOMETHING WITH ME, BUT I DO NOT WANT TO PARTICIPATE IN MEDIATION?

Mediation is an **employee-led** dispute resolution process. You do not have to agree to anything; all that is asked of you is to participate in good faith. Refusing to participate in mediation doesn't mean that the dispute will be ignored or dropped. Any party to the dispute—including you--- may request a Management Review if mediation is unsuccessful or refused. In this situation, a member of Town management will make a decision about how to resolve the dispute. *That decision is binding on you and the other parties to the dispute even if you don't participate in mediation or the management review.*

Although it is necessary to offer Management Review as a dispute resolution tool, it is one we hope is rarely used. Management Review is a **management-led** process, **while mediation is an employee-led process.** Town employees have clearly stated they want to resolve their own workplace disputes and mediation is the best resource to help employees do just that.

Before you refuse mediation, talk over your concerns with the mediator, with HRD, the Ombuds, or another trusted person so you can make an informed decision.

## WHAT IF I AM HAVING TROUBLE SCHEDULING THE MEDIATION AND/OR GETTING EXCUSED FROM WORK TO PREPARE AND ATTEND?

Please ask HRD for assistance. You can request a reasonable amount of work time—usually no more than four hours—to fill out forms and prepare for mediation in addition to the time spent in mediation.

## HOW DOES THE TOWN CALCULATE TIME FOR THE PURPOSES OF THE VARIOUS CONFLICT RESOLUTION TIMELINES?

This information is covered in the document [UNDERSTANDING TIMELINE CALCULATIONS FOR CONFLICT RESOLUTION PROCESSES.](#)

**Didn't find what you needed here? Contact your HRD Partner or the HRD office at [HR@townofchapelhill.org](mailto:HR@townofchapelhill.org) or 919-968-2700.**



# Frequently Asked Questions about Management Review for Workplace Disputes

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## 1. Before you request a Management Review, read this.

Although Management Review is offered as a dispute resolution tool, it is one the Town hopes is rarely used. Employees prefer, and the Town has provided, many resources to support employee-led dispute resolution efforts; among them one-on-one coaching; help from HRD, Ombuds and supervisors; Conflict resolution training; the Employee Assistance Program; and mediation. Management Review is a management-led, final option after the involved parties have tried unsuccessfully to resolve the dispute using employee-led efforts.

## 2. What is management review and when is it used?

Management review is the second step in the dispute resolution process. A member of Town management hears the dispute and makes a final decision. It is used when requested after mediation has failed to produce an agreement.

## 3. Who attends the review? Can I bring someone with me?

Only the following parties can attend a management review:

1. The parties to the dispute
2. The Town's Management Designee, who is often the Department Head
3. HRD

HRD attends to assure that town policies and procedures, as well as applicable laws, are followed. HRD acts as a resource to all participants, but does not participate in the discussion or make the decision.

## 4. Is management review automatic if mediation doesn't result in an agreement?

NO. Management review must be requested by one or more of the parties involved in the dispute within 14 days of completing mediation.

## 5. How do I request a management review?

Sign the Step Two line on the [REQUEST FOR DISPUTE RESOLUTION](#) form. It is available from your HRD partner.

## 6. What happens if a dispute isn't resolved by mediation, but no one requests a management review?

If none of the parties requests a review within the 14 day timeframe, the file will be closed.

**7. What if I didn't agree to a management review, but received a notice that one is happening anyway?**

The Town will conduct a management review if any party to the dispute requests one. It is not required that all parties agree to the review before one takes place. This provision assures that workplace disputes get resolved so employees can focus on their work, rather than their conflicts.

You are encouraged, but not required, to participate in the management review so that your concerns and ideas are given consideration in a decision.

If you don't participate, the Town's designee is not required to seek out information on your behalf. You must provide the information you want considered in the management review. The Town designee makes the decision based on available information.

**8. I signed a mediation agreement but I don't like the agreement. Can I request a management review?**

**No.** A mediation agreement is the final resolution to a dispute. However, if you are having some difficulty with a mediated agreement, please contact HRD or the Ombuds to talk through your concerns and get some help.

**9. Our mediation didn't result in a formal agreement, but we decided to work on our problem on our own. Can we access the conflict resolution process again if we can't work things out?**

YES, but you must fill out a new dispute resolution request. For a second request for help with the same conflict, you may be required to agree in advance to a management review if mediation doesn't resolve the issue. This stipulation is to assure that conflicts get resolved and don't continue to be a problem in the workplace.

**10. What if I don't like the results of a management review?**

A management review is the final step in the dispute resolution process offered by the Town. You can request individual assistance through HRD or the Ombuds.

**Still have questions? Contact your HRD Partner or the HRD office. [HR@townofchapelhill.org](mailto:HR@townofchapelhill.org) or 919-968-2700.**

**FORM 5-4 A**

**Request for Workplace Dispute Resolution Proceeding**



**Step One: Mediation Request**

Date

Name/ Job Title

Department

Contact Phone and Email

**Please list the other party(ies) involved in this dispute.**

**Have you attempted to resolve this dispute using other methods?** YES NO

Examples include one-on-one with the party, supervisor assistance, Ombuds, HRD, Training, or EAP.

**Have you told the other party(ies) that you are requesting mediation?** YES NO

If you answered YES to this question, then skip the next question.

**If you answered NO, do you want help with this conversation?** YES NO

HRD will contact you within 5 days to discuss how to proceed. Timelines start only after all parties are aware of the request.

**Briefly describe the dispute and issues for resolution. Include the remedy you are seeking.** You will have opportunities to explain in greater detail and share other information, such as documents, at mediation. Attach additional sheets if needed.

I/We request mediation for the dispute outlined above.

\_\_\_\_\_  
Signature Date Signature Date

**Step Two: Request for Management Review**

Mediation has not produced an agreement. I/We request a management review and understand that its results will be binding. (Please attach any information you want considered at this review).

\_\_\_\_\_  
Signature DATE Signature DATE

You can return this form to any member of the HRD team or email it to HR@townofchapelhill.org. PHONE: 919-968-2700. Contact any HRD team member for assistance.

**FORM 5-4 B**  
**Agreement to Mediate Workplace Dispute**



Case Name and/or Number \_\_\_\_\_

Mediation is the process authorized under Article XI of Chapter 14 of the Town Code where parties involved in an employment dispute use the assistance of a mediator, serving as a neutral third party, to attempt to reach a mutually acceptable resolution. The mediator’s role is to guide the mediation process, facilitate communication, and help the parties generate possible outcomes. It is the role of the mediator to declare impasse. A mediator does not act as a judge or render decisions. Responsibility for resolving the dispute rests with the parties.

For mediation to be successful, all parties need to abide by the following conditions. It is hereby agreed that:

1. All parties will enter into the mediation in good faith with the goal of reaching a satisfactory agreement.
2. Any party can withdraw from the mediation at any time.
3. All parties provide full and accurate information during the mediation process.
4. Mediation sessions shall not be recorded or transcribed by any participants or the mediators.
5. Any party may request a recess at which time they may consult with legal counsel or other advisors, who must also be subject to this agreement. If an agreement is reached, any party may have legal counsel or other advisors review the agreement during the mediation. Mediation may be adjourned and resumed on another date by agreement of all parties. The mediator will determine how long a recess may last.
6. All parties keep all information disclosed in the mediation confidential; however, under North Carolina law, mediation agreements are public records.
7. The parties understand and agree that if confidential information obtained during mediation is disclosed outside of the mediation process, they may be subject to disciplinary action, up to and including dismissal as detrimental personal conduct.
8. All parties agree to hold the agency and the mediator completely harmless and without legal and financial responsibility and to waive rights to subpoena and compel any agency mediators or any work product, or to be called into any subsequent legal or other action.
9. If an agreement is reached, the agreement shall be binding, subject to the approval of the Town of Chapel Hill Department of Human Resource Development, who will review the agreement to assure that it does not violate State and Federal laws and/or the Town’s policies and procedures.

I have read, understand, and accept the above conditions.

Participant	Date	Mediator	Date
Participant	Date	Mediator	Date
HRD	Date		

**FORM 5-4 C**  
**Confidentiality Agreement**

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This Mediation and Confidentiality Agreement ("Agreement") is made between the undersigned parties ("Parties") and the Town of Chapel Hill.

We understand that we are attending mediation provided through the Town of Chapel Hill's Workplace Dispute Resolution program in an attempt to resolve a workplace dispute. We agree to the following provisions:

1. **AGREEMENT TO MEDIATE.** The Parties agree to attempt to resolve their existing controversies in mediation and to work with the Mediator \_\_\_\_\_
2. **MEDIATOR'S ROLE/RELEASE.** The Mediator will act as a neutral third party. The Mediator will not act as an attorney or advocate for any Party. The Parties agree the Mediator will have no liability for any act or omission in connection with or arising out of the mediation, regardless of the outcome of the mediation.
3. **CONFIDENTIALITY.** The Parties agree that all statements made in connection with or during the mediation are confidential mediation discussions. They also understand that the Mediator will not share any information with the Town other than the mediation outcome, including any signed agreements, if applicable. The mediator shall not testify in any future proceeding relating to this matter.
4. **INFORMATION SHARING.** The Parties agree that the outcome of this mediation proceeding can be shared with the Human Resource Development Department at the Town of Chapel Hill and with members of management on a 'need to know' basis.
5. **CONFIDENTIALITY BREACH.** The Parties understand that any breach of confidentiality is considered detrimental personal conduct and can result in severe disciplinary action, up to and including termination, under the Town of Chapel Hill's Disciplinary Policy.

DATED: \_\_\_\_\_ and signed by persons whose signatures appear below.

PARTIES:

\_\_\_\_\_

Printed Name    Signature

\_\_\_\_\_

Printed Name    Signature

\_\_\_\_\_

Printed Name    Signature

\_\_\_\_\_

Witness    HRD Representative

**FORM 5-4 D**  
**Memorandum of Mediation Agreement**

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**Summary of Issue:**

**Name of Mediation Participants:**

**Terms of Agreement:**

Attach additional sheets if necessary

*Memorandum of Mediation Agreement, pg 2.*

The mediation agreement shall be binding, subject to the approval of the Human Resource Development Department of the Town of Chapel Hill, and provided the agreement does not contain any provision contrary to The Town of Chapel Hill policies or rules, or applicable state or federal law.

I have read, understand, and agree that the above terms of agreement are an accurate account of the areas of agreement reached in the mediation process and that all matters in the dispute between the parties been settled with the terms of this agreement.

I agree that by signing the memorandum of agreement, no further action can be pursued related to this dispute.

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Mediator Date

\_\_\_\_\_  
Mediator Date

\_\_\_\_\_  
Director of Human Resource Development Date

**NOTICE:** The Memorandum of Agreement must be reviewed and certified by the Director of Human Resource Development before it is binding. That review is to assure compliance with Town policies and applicable law. The MEDIATOR shall submit a signed copy of this agreement to the Human Resource Development Department at the Town no later than 2 business days from the completion of mediation.

**FORM 5-4 E**  
**Notice of Workplace Dispute Mediation Impasse**



Case Name and Number \_\_\_\_\_

**A resolution to the above dispute was not reached during mediation.**

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Mediator Date

\_\_\_\_\_  
Mediator Date

**STEP 2 Recourse:** The mediation impasse is the conclusion of Step 1 of the workplace dispute resolution process. Any participant in this mediation may request a management review within 14 days of today's date. Contact HRD office at 919-968-2700 or [HR@townofchapelhill.org](mailto:HR@townofchapelhill.org).

As a participant, I acknowledge that I have been informed about my right to request a management review within 14 days of today's date by completing and signing a Step Two request on the **Request for Dispute Resolution Proceeding** form.

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date

\_\_\_\_\_  
Participant Date



**Form 5-4 F**  
**Mediation Exit Survey**



**This survey will be sent electronically to mediation participants to the email provided on the dispute resolution request once mediation is completed. If you prefer, you may use this form to share your confidential feedback. Thank you.**

Mediator \_\_\_\_\_

Date \_\_\_\_\_

Please select one rating that best describes your response to each question below.

**SA** = Strongly Agree      **A** = Agree      **N** = Neutral      **D** = Disagree      **SD** = Strongly Disagree

- |  |           |          |          |          |           |
|--|-----------|----------|----------|----------|-----------|
| 1. HRD helped answer my questions and kept me informed.                                      | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 2. I had sufficient time to tell my side of the story.                                       | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 3. I was satisfied with the manner in which the mediator(s) conducted the mediation session. | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 4. The mediator(s) treated me with respect.  | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 5. The mediator(s) explained the process to me to my satisfaction.                           | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 6. The mediator(s) were fair and impartial.  | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 7. Mediation resolved this dispute to my satisfaction.                                       | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 8. If mediation did not resolve your dispute, were you satisfied with the process?           | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 9. Mediation provided a positive opportunity to discuss this dispute.                        | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
| 10. I felt positive about the overall mediation process.                                     | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |

**Comments:**

11. (Optional) HRD can contact me for more information. Here is my name and contact information.

\_\_\_\_\_.

All responses are confidential and will be used to improve the Town's dispute resolution processes. Return to [hr@townofchapelhill.org](mailto:hr@townofchapelhill.org), give to any member of the HRD team, or mail to Human Resource Development, Town of Chapel Hill, 405 Martin Luther King Jr. Blvd, Chapel Hill, NC 27514.