

**COUNTY OF SANTA BARBARA  
MEDIATION PROGRAM**

**CONFLICT RESOLUTION THROUGH  
MEDIATION**

The County of Santa Barbara's Mediation Program is a confidential conflict resolution process. The Program is available to all employees and supervisors as a means to potentially resolve a variety of workplace issues such as working relationships between co-workers or between employees and their supervisors. It encourages communication, enables the parties to see and understand how the other party defines the problem and their solution and then explores options that work for both parties and ideally, at the lowest level of any conflict resolution process or before the conflict has been allowed to negatively impact the parties and other employees. The process is readily accessible and promotes collaboration between the parties.

Additionally, the Mediation Program is a component of the Office Professional (OP) Performance Management System and will be specifically used to resolve OP issues related to:

- Individual Development Plan core and elective advancement course choices;
- Improvement Plan;
- Annual Performance Review with an overall rating of less than satisfactory.

The Mediation Program is voluntary. With the exception of Office Professionals who wish to resolve issues identified above, employees are not required to use the Mediation Program.

**What Does a Mediator Do?**

A mediator is a trained, experienced "neutral" who meets with all parties to facilitate discussion and open communication channels to enable the parties to come to agreement on a mutually-acceptable resolution to their dispute. The mediator does not impose a decision on the parties, but rather assists the parties in communicating and exploring options for resolution, typically focusing on the parties' needs and interests. The parties retain total control of the outcome. The mediators for this program are County employees, line, supervisory and management employees.

**What Kinds of Disputes Would be  
Appropriate for Mediation?**

In the workplace, disputes often occur when communication breaks down or when emotions are getting in the way of resolving a workplace issue. The role of the mediator is to help all employees participating in mediation to communicate with each other in order to resolve their own workplace issues in an effective and constructive manner.

**How Does the Mediation Program Work?**

In general, the program works like this:

An employee files a Request for Mediation with CEO/Human Resources (CEO/HR).

Request forms are available from CEO/HR, applicable labor organizations, departmental HR managers, and on [CEO/HR's intranet site](#).

CEO/HR will contact the parties to gather some basic information on the issues and then select mediators from a list of trained County mediators. (Mediators will not be assigned to a mediation in their own department.)

Mediations will be scheduled as soon as practical following receipt of the Request for Mediation. The mediator will coordinate the meeting date and location between the parties. Once scheduled, the mediator will provide notice to the parties by delivering each of them a "Confirmation of Mediation Appointment" form. If the parties resolve the issue(s) prior to the date of the scheduled mediation, they must contact the mediator to withdraw the Request for Mediation.

Both parties attend the mediation and each party may have one representative present during the mediation if he/she feels it necessary to do so.

At the mediation, the role of the mediator is to facilitate discussion between the parties and enable them to reach their own agreement as to any issue in dispute. The role of the parties is to participate in good faith in an effort to achieve mutual agreement to any issues in dispute, listen to each other and provide realistic options for resolution. The role of the representative is to facilitate the process. The mediators do not represent either party, and have no authority to impose a decision or resolution on the parties.

In the event the parties resolve their issues through the mediation process, the mediators will prepare a "Mediation Agreement" for execution by the parties.

One copy of the Mediation Agreement is given to each of the following:

- The parties
- The representatives present at the mediation
- CEO/HR

The mediator and the parties will coordinate with the department to the extent necessary to implement the resolution of any issue.

### **Confidentiality**

This process is considered confidential. Except as otherwise mandated by State or Federal law, all members shall observe confidentiality and shall refrain from disclosing the identities of any parties or the substance of any issues.

No documentation of any kind related to the process will be placed in an employee's personnel file.

One confidential file, containing all documentation related to the mediation is created. Except as necessary for mediation hearings, all files are maintained in the CEO/HR with the Employee Relations Officer.

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