The Steps of Your Appeal in the Mediation-Arbitration Process

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Selection of Arbitrator

* You will receive a list of five names of arbitrators. You may strike two names and return the list to the State HR Director within 5 calendar days.
* The State HR Director will make a final selection and assigns the arbitrator.

Mediation Phase

* Mediation is a process to help the parties reach a mutually acceptable agreement which resolves around your appeal.
* You may be meeting individually with the mediator or jointly with mediator-arbitrator and the other party.
* You may have a maximum of three representatives in the conference, including yourself and legal counsel.

No Agreement

Arbitration Process

- Arbitration is a process where the arbitrator makes a decision based on the record and the facts presented by the parties.
- Arbitration must begin no later than 20 days from the initial mediation conference.
- You may submit a summary of the issues and notarized witness statements.
- You may have a maximum of three representatives in the conference, including yourself and legal counsel.
- You will have up to 2 hours to present your case.

Arbitrator Issues Final Decision

- The decision must be issued in writing to each party within 45 days after the mediation conference.

End of Administrative Appeal

Agreement

- The agreement must be in writing and signed by both parties.

End of Administrative Appeal

FAILURE OF THE COVERED EMPLOYEE OR THE EMPLOYEE'S REPRESENTATIVE TO ATTEND A CONFERENCE WITHOUT REASONABLE JUSTIFICATION CONSTITUTES A WAIVER OF THE EMPLOYEE'S RIGHTS TO PURSUE THE APPEAL FURTHER.