

Mission

Promoting the development of sound and stable labor-management relations,

Preventing or minimizing work stoppages by assisting labor and management in settling their disputes through mediation,

Advocating collective bargaining, mediation and voluntary arbitration as the preferred processes for settling issues between employers and representatives of employees,

Developing the art, science and practice of conflict resolution, and

Fostering the establishment and maintenance of constructive joint processes to improve labor-management relationships, employment security and organizational effectiveness.

Problem Solving
in the Workplace

FMCS
Grievance
Mediation



FMCS

Federal Mediation & Conciliation Service

250 E Street, SW
Washington, DC 20427
(202) 606-8100
www.fmcs.gov



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The Federal Mediation and Conciliation Service

Created by Congress as an independent agency of the U.S. government in 1947, the Federal Mediation and Conciliation Service (FMCS)'s primary responsibility is to promote sound and stable labor-management relations through a variety of mediation and conflict resolution services. These services include the mediation of collective bargaining negotiations and grievances, training for labor and management in skills and processes aimed at improving the workplace relationship, and the referral of private arbitrators for the settlement of controversies over the application or provisions in a collective bargaining agreement.

Why FMCS?

“With a history of more than 60 years of providing mediation and facilitation services, FMCS has more collective experience in dispute resolution than any other agency of government.”

Problem Solving in the Workplace

FMCS Grievance Mediation

What is Grievance Mediation?

Most collective bargaining agreements include a grievance procedure, usually culminating in arbitration if the grievance is not settled beforehand. Grievance mediation is a completely voluntary step, taken prior to arbitration, which provides an opportunity for a third party neutral, such as an FMCS mediator, to assist the parties in reaching their own resolution of the dispute.

In grievance mediation, the parties are completely responsible for designing their own solution. The mediator does not make a binding decision for the parties, but rather guides them to their own mutually-acceptable resolution of the grievance. Instead of creating winners and losers, the grievance mediation process develops cooperative problem-solving between labor and management. Grievance mediation is a supplement to and not a substitute for a contractual grievance procedure. FMCS can offer grievance mediation as part of a larger program to help labor and management focus on their joint interests.

Available FMCS Training

FMCS has developed training to emphasize the benefit of mutually-acceptable grievance settlements, both for short-term rewards and for the relationship-strengthening potential. Training may be based on teaching union and management representatives how to negotiate grievance settlements and how to expand the goals in grievance settlement by linking them to shared problems and common objectives. The ultimate goal is for the parties themselves to resolve problems at the lowest organizational level and, eventually, to be able to do so without the help of a third party.

When Grievance Mediation is Used

FMCS views the grievance mediation process as a means to fashion improved labor-management relations. While FMCS cannot involve itself in the mediation of all routine grievances, it can agree to mediate in the context of a full-service approach or within the framework of a larger, ongoing program, especially when grievance and arbitration mechanisms have broken down and disputes are not being resolved expeditiously. In these exceptional situations, FMCS uses grievance mediation to help parties establish better methods of conflict management and resolution.

How do I Request Grievance Mediation?

Informal Requests

Either the labor organization or management can contact a Director of Mediation Services, or a federal mediator in their area to discuss the type of assistance FMCS can provide. If you wish to use grievance mediation, you must file a formal request.

Formal Requests

Representatives of the labor organization and management must submit a signed, joint request to FMCS requesting assistance. Formal written requests should provide a very brief description of the issues (by type) and the geographic location of the parties. Please note: Not every request is appropriate for grievance mediation. FMCS reserves the right to decide whether or not it will offer grievance mediation services. Filing a request with FMCS does not commit the Agency to offer any services.

FMCS Procedures for Grievance Mediation:

The parties must submit a signed, joint request to FMCS for assistance and must agree to abide by FMCS procedures. General guidelines for grievance mediation are set forth below. Prior to engaging in grievance mediation, the parties must sign a grievance mediation agreement, which might include other specific requirements relating to the proceeding.

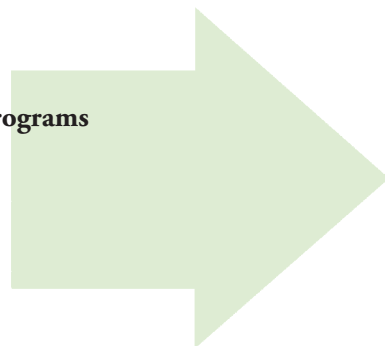
- Mediation sessions are private. The grievant is entitled to be present. Nonparties may attend only with the permission of the parties and with the consent of the mediator.
- Mediation sessions are confidential. Statements made and documents created by the parties, the participants, and/or the mediator during the process are confidential and are not discoverable or admissible for any purpose in any arbitration or judicial proceeding. The mediator's notes will be destroyed after the session and the mediator will not testify in any forum about the proceeding.
- Mediation sessions are voluntary. The mediator has no authority to compel a resolution. If a resolution is not reached, the mediator may provide the parties, either in joint or separate session, with an oral advisory opinion.
- Mediation sessions are informal. The rules of evidence do not apply; no recordings will be made; and the mediator will not issue any written recommendations or conclusions.
- Grievance mediation is a supplement to and not a substitute for the steps of the contractual grievance procedure. The parties must agree that any time limits in their labor agreement will be extended as necessary to permit the grievance to proceed to the next step of the grievance procedure should the mediation not be successful. Nothing said nor any documents prepared during the mediation can be used in the arbitration proceedings.

- Mediation sessions will be conducted by the mediator using all customary techniques of mediation and problem solving, including the use of separate caucuses.
- The parties must agree, to the extent permitted by law, to hold FMCS and the mediator harmless of any claim of damages arising from the mediation process.

Other Services:

FMCS exists to help labor and management resolve differences. FMCS will consult with labor and management to design a program that meets the parties' needs. We offer a variety of services including:

- **Consultation**
- **Training**
- **Development programs**
- **Systems design**



FMCS Organization

FMCS mediators work out of more than 60 field offices around the United States, administered through 10 geographic regions. For more information, contact the FMCS National Office or visit www.fmcs.gov to locate the field office nearest you.

National Office
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Website: www.fmcs.gov