




<b>Approved by:</b> Juan Williams, Commissioner	<b>Policy Number:</b> 12-055 (Rev. 07/01/2024)
<b>Signature:</b> 	<b>Supersedes:</b> 12-055
<b>Application:</b> All Executive Branch Employees	<b>Effective Date:</b> June 1, 2015
<b>Authority:</b> T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-105	<b>Rule:</b> Chapter 1120-14

## Tennessee Employee Mediation Program

It is the policy of the State of Tennessee to encourage the use of mediation as a valuable tool for state employees to resolve workplace issues. Mediation is a process whereby the parties themselves, with the assistance of a third-party neutral, seek to develop and agree upon solutions to issues in the workplace. The primary purpose of the Tennessee Employee Mediation Program (“the Program”) is to provide a responsive, informal, confidential, and effective means of resolving human resource issues as an alternative to administrative proceedings. Access to mediation services is available to most employees in the executive branch of state service as a voluntary means of resolving workplace issues that are eligible for mediation as set out in the Rules of the Department of Human Resources Chapter 1120-14.

### Process and Procedure

1. To commence the mediation process, an employee submits a request to the Tennessee Employee Mediation Program Coordinator (“Program Coordinator”) on the Request for Mediation form provided by the Department of Human Resources. The [Request for Mediation form](#) may also be submitted on behalf of employee(s). The Request for Mediation may be submitted to the Coordinator by facsimile, email, or regular mail. The [Request to Mediation form](#) is not confidential. The Program Coordinator will be responsible for confirming receipt of the Request for Mediation to obtain consent to the mediation process. Upon receipt of the [Request for Mediation form](#), the requesting employee’s agency’s human resource office and the individual(s) whose consent is necessary for mediation will be notified. If consent to mediate is obtained from the individuals involved and the office of the Program Coordinator otherwise considers the Request appropriate for mediation under the Rules of the Department of Human Resources, Rule 1120-14, the parties will be notified of such. If consent is not obtained or the Program Coordinator considers the matter inappropriate for mediation, the requesting party will be so notified. This approval process shall be completed within seven (7) business days of the Program Coordinator’s receipt of the Request for Mediation.
2. The Program Coordinator will make reasonable effort to schedule the mediation and select and assign approved Tennessee Employee Mediation Program mediator(s) within fourteen (14) business days of completion of the approval process. The Program Coordinator will also make reasonable effort to schedule the mediation at a time and place that is mutually convenient to the

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parties involved in the mediation. There is a preference by the State, when possible, to assign co-mediators; however, the use of co-mediators is not required for a mediation to occur. The Program Coordinator will ensure that no mediators serve in any case involving a workplace issue in the same department or agency for which the mediator is currently employed, unless specifically requested by the parties. The Program Coordinator will also make reasonable effort to ensure an individual with settlement authority for the parties (“Designee”) is scheduled to be present during the mediation.

3. The Program Coordinator will provide the assigned mediator(s) with a copy of the Request for Mediation and any attachments to prepare for mediation within seven (7) business days upon the mediator(s) being assigned.
4. Upon convening the mediation, the parties shall execute an Agreement to Mediate, which shall become part of the mediation file upon execution. Either party or the mediator may voluntarily withdraw from the mediation at any time, or at any stage in the process.
5. Any mediated settlement agreement shall be approved by the parties’ Appointing Authority or Designee and is binding on the parties. At the close of the mediation, copies of the mediation settlement agreement will be provided to both parties and to the Appointing Authority or Designee. The Program Coordinator shall retain original copies of the mediation settlement agreement, as well as other Employee Mediation Program Records created during the mediation process, in accordance with Record Disposition Authorization (“RDA”) 11120.
6. Participation in mediation shall not require the use of accrued leave if the participating employee has obtained the prior approval of his or her supervisor or Appointing Authority. Any travel expenses incurred by participants shall be subject to the travel regulations established by the Department of Finance and Administration.

Questions regarding this policy may be directed to the Office of People, Performance, and Culture or the Office of General Counsel.