

## INSTRUCTIONS FOR ADR CASE MANAGERS/COORDINATORS

- **Initiating the request for mediation.** It is your job to submit a fully completed Request for Mediation together with Agreement(s) to Mediate in Good Faith signed by the employee and management official and any other persons who will be attending the mediation. It is this submission that triggers the search for a mediator.
  - You must provide, as is indicated by the Request for Mediation, **three (3) date options** for the mediation to which BOTH parties have agreed. These dates must be **no sooner** than 2 weeks after the date the Request for Mediation is submitted.
- **Time Commitment.** Mediations preferentially start at 0900 participant's Time Zone. Please ensure the parties have committed to clearing their schedules for 8 hours on the dates they have chosen. You must confirm this 8-hour commitment on the part of each party once you receive a date from the DoD Roster, as well as on the part of the Settlement Authority (if not in attendance).
- **Mediating in Good Faith.** Please explain to each party that they are expected to come to the mediation with an open mind - to listen, to respectfully address concerns of the other party, to consider the ideas provided by all parties, and to work together to identify steps forward and identify a solution that works for both parties.
- **Settlement Authority.** It is your job to ensure that the management official who will be attending the mediation has full authority to settle the mediation OR that the individual who holds Settlement Authority will be available for consultation with the attending management official in real time during the mediation. Failure to comply with this requirement may be regarded as a failure to mediate in good faith.
- **Subject Matter Experts (SMEs).** Contact your organization's SMEs who can address Legal, EEO and LMER/HR questions that may arise. It is critical that you obtain **contact information** from each SME for the date of the mediation AND secure **a commitment from each SME to be available on standby the day of the mediation -for the duration of the mediation-** to respond to general questions in their area of expertise. The SMEs and management must be informed that failure to ensure SME availability to provide information in real time during the mediation may result in an inability to obtain resolution – a potentially costly failure in both money and resources. This is a critical responsibility of your organization because mediators cannot answer these questions during mediation.

- **Representatives or attorneys.** It is your job to obtain a signed Agreement to Mediate from any representative or attorney who will attend the mediation, and to provide it to CADR and the mediators. You should explain to each party and to their representative or attorney that mediating in good faith means the representative or attorney may be an advisor but is not the lead participant or decisionmaker in this process, will be expected to refrain from obstructing the process, and that the mediator will expect the parties, themselves, to participate actively in the mediation and to craft a solution together.
- **Organization's Negotiated Settlement Agreement Template.** Please provide any template that your organization requires to the DoD Roster at least a week before the mediation. Do NOT include or insert terms/solutions/relief into the template. If mediation is successful, the mediator will provide you, in writing, the terms agreed upon. This signals the end of the mediation and mediator responsibility. You must forward the settlement agreement for legal sufficiency review. You will be responsible for coordinating signatures of the parties (the employee and management official with signature authority and no conflict of interest) on the agreement.
- **Further instructions.** You will receive written confirmation of the mediation from CADR/the Roster together with the names and POC information for the mediators, and further instructions. Read these instructions well. If there is a last minute emergency or cancellation, please inform the assigned mediators as soon as possible.