

Office of

MILWAUKEE FIRE DEPARTMENT

2015 - 05

March 27, 2015

TO: Department Personnel

RE: MFD MEDIATION PROGRAM

The Milwaukee Fire Department is committed to having the best possible work environment for its employees. With the cooperation of all associated labor organizations, we are implementing a formal mediation program to address issues that affect a positive work environment. Having a formal program to address these issues is what mediation is all about.

Mediation is a voluntary, confidential process to resolve disputes between two or more people with the help of a trained, neutral, third party. Another way of describing mediation is assisted negotiation. The mediator helps the parties in the dispute talk to each other and identify the true issues, then guides them in a productive way to find creative solutions that they find acceptable. The mediator does this by explaining mediation, hearing from the parties what their concerns are, fully understanding what the dispute is about, setting an agenda for the conversation, and brainstorming possible workable solutions to the disagreement. *The mediator does **not** impose any solutions nor tell the parties what to do.*

Nationally, about 75% of all cases that go to mediation reach a settlement. In other words, the people who have a disagreement find a way to resolve it themselves, with the help of a mediator, in three out of every four cases. Mediation is successful because of the following key points:

- Control over the process – The parties in the dispute decide who the mediator will be, and they are the only ones who can decide if a resolution is right for them. Either of the parties, or the mediator, can

end the discussion at any time, because they are in mediation voluntarily.

- Confidentiality – Nothing that is said in mediation can be used in other processes or forums. The only complete information known will be between the mediator and the involved parties. Neither the union involved nor the department administration will be told any of the details about the dispute, including the terms of the settlement. The only information that will be shared with the respective union and the department administration is that a mediation was held (the parties, their ranks, and assignment areas will not be identified), whether an agreement was reached, and a very broad description of the type of dispute. The reason for collecting this data is to have a measurement regarding mediation's success, and to see where disputes arise.

The Mediation Coordinator position will be held by both Battalion Chief Jack Christianson, Battalion 2, Red, and Lieutenant Luke Jones, Engine 7, Red.

Further information regarding the specifics of the mediation policy, an F-212, "Request for Mediation," and a current list of trained mediators, are attached for use.

Each engine house is being furnished with ten copies of the F-212. Each battalion supply house is receiving an additional supply of 50. Companies needing replacement forms are to contact the battalion supply house using established ordering procedures.



WILLIAM WENTLANDT
Chief

WW/MAS/jb
Attachments

MFD Mediation Policy

March 27, 2015

◆ *Purpose*

To offer an additional avenue for employees to seek resolution of decisions related to the administration, interpretation and application of policies that directly affect an individual, that are not contractual in nature, or to seek resolution to disputes or disagreements that take place between employees. It is not intended to replace the Milwaukee Fire Department's process for addressing rule violations, or the grievance procedure, but rather to support employee commitment and improve working relationships.

◆ *Scope*

This procedure applies to all employees of the department, and is intended to supplement, rather than discourage or replace, discussion between employees and their supervisors. Supervisors should make every reasonable effort to resolve employee concerns outside of formal mediation. Ongoing face-to-face communication with the parties in the dispute is highly encouraged throughout each step of the process. Employees that initiate the mediation will not adversely affect their standing as an employee. Mediation participants, including witnesses, shall not be adversely affected by participating in the process. Group mediations are not encouraged and can only be approved by the Assistant Chief.

This procedure will not address:

- Any corrective action, including termination, as a result of the department's application of its Drug Testing Policy as referenced in the Employee Labor Contracts.

- Any action, including termination, as a result of allegations of unlawful discriminatory conduct based on the employee's race, age, sex, color, religion, national origin, disability, veteran's status or sexual orientation.
- Any item that is covered under the terms of a collective bargaining agreement.
- Any action in violation of department rules and regulations.

◆ *Procedure*

An employee seeking mediation over an action covered by this process and those coordinating the mediation have equal obligations to administer the process within specific time schedules. Should an employee not meet any of the time schedules, the request for mediation is dismissed. Extensions to the stated time schedules may be granted if mutually agreed to by both parties.

▪ STEP ONE – STARTING THE PROCESS

If an employee wishes to refer a matter to mediation, the employee should present the request in writing (see attached F-212, "Mediation Request Form") within fourteen (14) calendar days of the incident which has concerned the employee to the Mediation Coordinator, *in care of* the Bureau of Administration. The Mediation Coordinator will assign a tracking number to the case. The Mediation Coordinator will follow case management procedure to see if the other party wants to mediate and if so, to assist in the selection of a mediator for the case.

▪ STEP 2 – MEDIATORS AND THE MEDIATION COORDINATOR

Mediators can be selected randomly from a pool of trained volunteers or can be jointly selected by the parties in the dispute. Mediators cannot be a relative of the employee who has brought the concern forward. Should a selected mediator communicate a conflict of interest with the pending mediation or the parties involved, the selected mediator shall be excused from the panel and another mediator will be randomly selected. All aspects of the mediation are strictly confidential. Any violation of confidentiality by a mediator will result in immediate removal of the mediator from the panel. Parties may also request to use a mediator from outside the MFD.

Mediation Coordinator Role:

- Select the mediator, if not selected by the parties.
- Schedule the mediation date at the participants' earliest convenience.
- Notify the participants of the date, time and location of the mediation.
- Copy and distribute documents to the participants at least seven (7) calendar days prior to the scheduled mediation date.
- Tabulate survey responses.

▪ STEP 3 – AT THE MEDIATION

The mediation will take place within twenty-one (21) calendar days of when the Mediation Coordinator receives the Request for Mediation form.

The mediation will be professional and respectful at all times.

- No tape recording or other transcription will be made.
- No attorneys or non-MFD witnesses will attend on behalf of either the employee or the department.
- The mediation will not exceed four (4) hours at any one time unless all the parties agree to lengthen the time due to extenuating circumstances. Mediations may take more than one session.

- STEP 4 – AFTER THE MEDIATION

Parties will be asked to complete a short survey form regardless of the outcome of the mediation. The information will be anonymous and will be mailed to the Mediation Coordinator. The survey will only gather information about the general nature of the dispute, whether a settlement was reached, and overall satisfaction with the process and with the mediator. The Mediation Coordinator will tabulate the survey responses from the mediation for statistical purposes. The statistics are collected to insure the quality of the process and to communicate the success of the program.

- ADDITIONAL INFORMATION

- Only MFD employees may serve as participants in mediations.
- Only participants with direct knowledge of events related to the matter being mediated should be asked to appear at the mediation.
- The mediator has the authority to determine if parties not directly involved in the dispute may stay for all of, or portions of, the mediation.
- Mediation will take place off-duty for the parties involved, including the mediator.

- ◆ *Selection and Training of Mediators*

Mediators have been selected through an interview process.

Qualifications for mediators:

- Employed with MFD for at least one year.
- Probationary employees will not be utilized.
- Two (2) year renewable commitment. However, mediators may choose to end commitment after two years.
- Sensitivity to diversity and cultural competency issues.
- Ability to respect confidentiality.

- Support the Milwaukee Fire Department values of service, mutual respect, responsiveness, honesty, and integrity.

Selected mediators have received 40 hours of training specific to their role in guiding conflict resolution.

◆ *References/Attachments*

See attached F-212, "Request for Mediation" form, and a list of current department mediators.

MAS/jb

Mediation Program Attachment 1

F-212
(originated 3/15)

MILWAUKEE FIRE DEPARTMENT
Request for Mediation

Name: _____

Date: _____

Company and Shift: _____

Description of Circumstances in Need of Mediation
(including all relevant details, i.e., date, time, place):

Other Person Involved: _____

Preferred Contact Information (home phone, cell phone,
etc.):
