

Questions and Answers about the Interagency Mediation Group (IMG)

Q. What is the Interagency Mediation Group (IMG)?

A. The IMG is a program of the Cleveland Federal Executive Board (FEB). It provides mediation as an alternative to resolve workplace disputes at Federal agencies. It supplements, but does not replace, other dispute resolution procedures now in place. The goal of the program is to resolve workplace disputes (including internal EEO complaints, agency grievances, and informal disagreements) at Cleveland area Federal agencies. IMG mediators are federal employees who are trained in mediation and who have experience in labor and employment law

Q. What is mediation?

A. Mediation is a form of Alternative Dispute Resolution (ADR) which differs from the traditional complaint, grievance, and litigation processes. Mediation is an informal, confidential process that helps people resolve disagreements in a way that is acceptable to both sides. The mediator does not decide who is right or wrong and has no authority to impose a settlement. Instead, the mediator helps the parties to jointly explore and reconcile their differences.

Q. Why request mediation?

A. People use mediation because it gives them a chance to talk candidly and confidentially. Mediation lets the parties involved control the dispute and resolve the problem themselves rather than having a judge or someone else decide it for them. It is fast and economical. Even if the parties do not resolve the dispute, mediation often clarifies the issues and improves communication.

Q. At what point in administrative or grievance process does mediation take place?

A. Mediation can be held whenever both employee and agency agree to try to resolve the situation. Coming to mediation early saves time and resources. In addition, prompt mediation prevents the hardening of positions that happens during long, adversarial legal procedures. It is important to note that participating in IMG mediation does not affect the employee's required time lines associated with filing EEO complaints, or any other formal process.

Q. What happens to a charge if it is not resolved in mediation?

A. If a settlement is not reached, the employee's rights to pursue a complaint through formal processes continues.

Q. Who do I call for an IMG mediation?

A. Each agency participating in the IMG program appoints an Agency Liaison who is authorized to request an IMG mediation. That name is kept on file with the ADR Committee of the Cleveland FEB. The Agency Liaison contacts the other party, determines whether to refer the matter to the IMG, and finds mutually acceptable times when the parties can attend mediation, before contacting the FEB.

Q. Are agencies or federal employees required to participate in an IMG mediation?

A. No. Participation in an IMG mediation is completely voluntary for both parties.

Q. Is the mediation process confidential?

A. Yes. The IMG maintains strict confidentiality in its mediation program. The mediator and the parties must sign agreements that they will keep everything revealed during the mediation confidential. The mediation sessions are not tape-recorded or transcribed. Notes taken during the session by the mediator are destroyed. The mediator does not keep any records or other documents offered by either party during the mediation. Information revealed during the mediation session cannot be disclosed to anyone. However, evidence that is otherwise subject to discovery in a legal proceeding will not be made confidential solely because it is brought up in a mediation.

Q. Who should attend a mediation session?

A. The employee and a representative of the agency should attend the mediation session. The person representing the agency should be familiar with the facts of the charge and have the authority to settle the matter on behalf of the agency.

Q. Can the parties bring an attorney or other representative to the mediation session?

A. Yes. While it is not necessary to have an attorney or other representative in order to participate in the IMG mediation program, either party may choose to do so. The mediator decides what role the attorney or representative plays during the mediation. If a party plans to bring an attorney or other representative to the mediation session, he or she can discuss this with the mediator prior to the mediation session.

Q. Where do mediation sessions take place?

A. IMG mediations usually take place in a neutral setting, such as a meeting room at an agency which is not a party to the mediation, or in a library or public office building.

Q. How long does the mediation process take?

A. The majority of mediations are completed in one session, which usually lasts from one to five hours.

Q. Are all complaints eligible for mediation?

A. No. IMG mediations are not appropriate for questions of law, precedent-setting cases, cases that involve significant questions of Government policy, disputes that affect individuals or organizations who cannot be part of the mediation, and cases of serious employee misconduct or criminal activity.

Q. Are the parties required to pay for the mediation?

A. No. There is no fee for the mediation, but travel expenses incurred by the mediator will be reimbursed by the agency.

Q. What happens if a party does not comply with an agreement reached in mediation?

A. An agreement reached during mediation is enforceable in court, just like any other settlement agreement.

Q. How can I learn more about the IMG program?

A. For additional information about the IMG mediation program, you may contact your Agency Liaison, or call Michael Goin, Executive Director of the Cleveland Federal Executive Board at (216) 433-9460, or leave a message at the IMG Hotline at (216) 433-9460. The IMG Handbook can be downloaded from the IMG Web site at <http://www.cleveland.feb.gov>.