Personnel Rule 1.2 – Alternative Dispute Resolution

1.2.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.075 and subsequent revisions thereto, Alternative Dispute Resolution Program

RCW 5.60.070 and subsequent revisions thereto, Mediation—Disclosure—Testimony

RCW 7.07 and subsequent revisions thereto, Uniform Mediation Act

RCW 7.75 and subsequent revisions thereto, Dispute Resolution Centers

1.2.1 Application of this Rule

A. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.2.2 Administration

A. The Office of the Employee Ombud shall implement and administer an Alternative Dispute Resolution ("ADR") Program as an option for the management of conflicts or disputes in the workplace, in order to mitigate their negative impact on workplace productivity and livability.
B. Types of workplace conflicts or disputes that may be appropriate for a facilitated conversation or mediation include, but are not necessarily limited to, interpersonal conflicts, claims of discrimination and harassment, employee-to-employee relationships, employee-to-supervisor relationships, and work team conflicts.
C. The ADR program staff shall conduct an intake process and determine whether a given conflict or dispute is suitable for a facilitated conversation, a mediation, or neither. Where ADR staff determines that a facilitated conversation or mediation would be contractually or legally prohibited or otherwise inappropriate, he or she will attempt to refer the parties to the appropriate venue for resolution. The decision of the ADR staff regarding the appropriateness of a facilitated conversation or mediation shall not be subject to appeal.
D. The Office of Employee Ombud shall establish and maintain a neutral pool of trained mediators.

1.2.3 Terms of Participation

A. Employees whose complaint, dispute or disagreement is accepted for either a facilitated conversation or for mediation must

1. Enter into the facilitated conversation or mediation voluntarily;
2. Be willing and able to share all information, listen to the other party or parties, move from their original position, and keep any agreements they make;
3. Be willing and able to participate fully in the facilitated conversation or mediation process, with or without accommodation.

B. Records of an employee's participation in a facilitated conversation or mediation process, as well as the information shared and any agreements reached, shall be confidential to the extent provided under state laws.

C. Time spent in a facilitated conversation or mediation process, including time spent in the intake process, is considered regular pay hours for compensation purposes.

D. Participation in a facilitated conversation or mediation process shall not deprive the participants of their ability to exercise any other contractual or legal rights to seek resolution of the dispute or conflict.

1.2.4 Remedies Permitted

The parties to a facilitated conversation or mediation process may agree to any remedy as long as it does not alter or affect issues that must be collectively bargained, obligate the City without proper authorization, or violate any federal, state or local law.

1.2.5 Effect of Mediation on Employee Grievances

An employee who files a grievance under the employee grievance procedure may, at any time prior to the disposition of the grievance at Step Three, request that Alternative Dispute Resolution staff determine whether a mediation process would be an appropriate way to address the grievance. If the dispute is accepted for a mediation process, the appointing authority shall waive the timelines for the employee grievance procedure until the completion of that process. If the dispute is not resolved through ADR, the employee may resume his or her pursuit of a remedy through the employee grievance procedure.