



Mediate to Resolve Workforce Investment Act Discrimination Complaints

Fair, Efficient, Everyone Wins

What is Mediation?

Mediation is a fair and effective way to help you resolve discrimination complaints.

Mediation is an informal process. Parties work together with the aid of a neutral person, called a mediator, to reach a solution to the dispute that is agreeable to both sides. The mediator helps the two parties:

- Talk over the problem
- Reach an understanding and
- Make an agreement.

The mediation is strictly confidential – no one will repeat what you discuss.

Consider Mediation to Resolve WIA Discrimination Complaints

It gives you a role in the outcome of your complaints.



Mediation

- Is fair and neutral,

Parties have an equal say in the process and the parties agree on the resolution. The process does not determine guilt or innocence.

- Saves time and money,

Many times mediations are completed in one meeting. You can have legal or other representation in all cases, but it is not required.

- Is confidential,
- Avoids lengthy legal action,
- Promotes a better work environment,
- Reduces cost and
- Resolves workplace conflict.

How Does Mediation Work?

When you file a discrimination complaint under the Workforce Investment Act (WIA), the Equal Opportunity Officer will talk to you to decide whether to:

- Investigate the complaint or
- Refer the matter to mediation.

You can choose to mediate your WIA discrimination complaint. If you filed a complaint because you feel you were treated unfairly, you are the complainant. The person or organization that you complain about is called a respondent. You are the parties in the mediation.

If both parties agree to mediate and sign a *Consent to Mediate* form, the Equal Opportunity Officer will contact the regional American Arbitration Association (AAA). The CDRC will coordinate the date, time and place with the complainant, respondent and a trained mediator.

Both parties have an active role in the process and work together toward a result they can all accept.

Either party may bring a representative to the mediation. If they reach agreement, the mediator will help them to express their understanding in a written agreement.

Confidentiality

Anything you say and information you share during the mediation is privileged and confidential. That means we will not disclose this information to anyone else, except to implement the agreement. The AAA will file copies of the mediation agreement with the Equal Opportunity Officer for three years, in case the U.S. Department of Labor's Civil Rights Center wants to review it.

Mediation sessions are private. The only people admitted are the parties and their representatives, except by consent of the two sides and the mediator.

Breach of Agreement

Written agreements are binding on the parties to the mediation. That means you must do what you agreed to in the mediation session. If a party to an agreement feels it has been broken, they can file a complaint with the Director of the U.S. Department of Labor's Civil Rights Center within 30 days after they find out. If the Director of the Civil Rights Center agrees, they can file a new complaint of discrimination with the Civil Rights Center.

How long does it take?

When you file a complaint, the Equal Opportunity Officer sends you a Statement of Issues. You have 10 days to choose mediation as a way to resolve the complaint.

After you complete the mediation process, both parties receive a Notice of Final Action within 90 days of receipt of the complaint. The notice states whether an agreement was or was not reached.

The Notice also tells you of the right to file with the Director of the U.S. Department of Labor's Civil Rights Center within 30 days of receipt of the Notice.

No one can threaten you or retaliate against you for filing the complaint.

Legal References

The New York State Department of Labor selected mediation as a form of Alternative Dispute Resolution (ADR) for processing WIA discrimination complaints in New York State, in accordance with Section 188 of the Workforce Investment Act (WIA) and 29 CFR Part 37.

For more information about mediation, contact the:

NYS Department of Labor
Division of Equal Opportunity Development
W.A. Harriman State Office Bldg. Campus
Building 12, Room 540
Albany, New York 12240
Phone: (518) 457-1984
Fax: (518) 485-2575
TDD: 1-800-662-1220
VOICE: 1-800-421-1220

OR

American Arbitration Association
1633 Broadway, 10th Floor
New York, NY 10019
Phone: (212) 484-3283
Fax: (212) 307-4387
E-Mail: cabreraj@adr.org
AAA website: www.adr.org

The American Arbitration Association® (AAA) is a not-for-profit organization with a long history and experience in the field of alternative dispute resolution. It provides services to individuals and organizations who wish to resolve conflicts out of court. The role of the AAA in the dispute resolution process is to administer cases, from filing to closing, with the aim to move cases through mediation or arbitration in a fair and impartial manner until completion. The administrative services include assisting in the appointment of mediators and arbitrators, setting hearings, and providing users with information on dispute resolution options, including settlement through mediation. The AAA also contracts with numerous agencies nationwide to administer dispute resolution programs such as NYS Department of Labor's Mediation Program to resolve Workforce Investment Act discrimination complaints.

1-888-4NYS DOL

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