

MINNESOTA EXECUTIVE ORDER 01-13

Workplace Mediation Program rescinding Executive Order 99-5

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, workplace disputes disrupt the ability of agencies to fulfill their missions; and

WHEREAS, unresolved disputes can undercut workplace morale, interpersonal relationships, and hence, productivity; and

WHEREAS, many disputes fall outside of established grievance procedures and could be resolved before rising to the level of a formal complaint; and

WHEREAS, the best resolution to a dispute is often one fashioned by the disputants; and

WHEREAS, mediation assists the disputants in finding a resolution to their dispute in a non-adversarial setting; and

WHEREAS, a mediation program that uses trained state employees to help resolve disputes within state agencies would be easily accessible and economic; and

WHEREAS, the use of mediation can mitigate or reduce the reliance on or trend toward litigation as a means of resolving employee disputes; and

WHEREAS, the Division of Alternative Dispute Resolution has developed and administered mediation programs for state agencies; and

WHEREAS, the departments of Employee Relations and Finance, the Minnesota Association of Professional Employees, Association of Federal, State, County and Municipal Employees, Middle Managers Association, Minnesota Government Engineers' Council, and Minnesota Nurses Association have all worked with the Bureau of Mediation Services and Division of Alternative Dispute Resolution to fashion a shared neutrals mediation program for state agencies and MNSCU campus';

NOW, THEREFORE, I hereby order that:

1. State agencies and MNSCU Campuses are encouraged to make use of the workplace mediation program offered by the Bureau of Mediation Services, through its Division of Alternative Dispute Resolution.
2. The Division of Alternative Dispute Resolution has the following responsibilities:
 - A. Coordinate the recruitment, selection and training of mediators.
 - B. Assist agencies and campuses in publicizing the workplace mediation program.
 - C. Administer the program, which includes, but is not limited to, these duties:

- 1) Maintain phone access during normal working hours;
- 2) Contact parties requesting mediation or are requested to mediate their disputes;
- 3) Contact mediators, assign them to cases and provide them with relevant information;
- 4) Provide appropriate materials, and collect, evaluate and summarize evaluation forms; and
- 5) Debrief mediators.

D. Maintain a base of available mediators sufficiently large to accommodate the requests for mediation.

E. Maintain and conduct regular mediator training updates as needed.

F. Supervise the professional deportment of the mediators and implement corrective action as needed.

G. Provide technical assistance to parties inquiring about the workplace mediation program project and consult with appropriate state employees and bargaining units.

3. Executive branch agencies and MNSCU campuses assume the following responsibilities:

A. Encourage managers, supervisors and employees to use the program and guarantee release time for employees to participate in mediations through the program.

B. Recommend potential mediators to the Division of Alternative Dispute Resolution.

C. Pay for the training and approve release time for training as needed and up to 20 hours a year to conduct mediation for those chosen for the roster.

D. Appoint a workplace mediation program coordinator to work with the Division of Alternative Dispute Resolution, employees and bargaining units.

E. Participate in evaluation of the program.

This Order shall be bi-annually reviewed by the Governor, in consultation with the affected agency or agencies, in order to assess its reasonableness and need.

Pursuant to Minnesota Statutes 2000, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1998, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this Tenth day of December 2001.

Jesse Ventura
Governor