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## Executive Orders

### Office of the Governor

#### Executive Order # 97-20: Providing for the Creation of a Workplace Mediation Pilot Project

I, ARNE H. CARLSON, 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 Office of 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's Council, and Minnesota Nursing Association have all worked with the Bureau of Mediation Services and Office of Dispute Resolution to fashion a shared neutrals mediation program for state agencies;

**NOW, THEREFORE**, I hereby order that:

1. There be established in the Bureau of Mediation Services, through its Office of Dispute Resolution, a workplace mediation pilot project.
2. The Office of Dispute Resolution assumes the following responsibilities:
  - A. Coordinate the recruitment, selection and training of mediators.
  - B. Assist agencies in publicizing the workplace mediation pilot project.
  - C. Implement the pilot project, 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 department of the mediators and implement corrective action as needed.
  - G. Provide technical assistance to parties inquiring about the workplace mediation pilot project and consult with appropriate state employees and bargaining units.

## Official Notices

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3. Executive branch agencies assume the following responsibilities:
  - A. Encourage managers, supervisors and employees to use the pilot project and guarantee release time for employees to participate in mediations through the project.
  - B. By January 30, 1998, recommend potential mediators to the Office of Dispute Resolution.
  - C. Pay for the training and approve release time for training and up to 20 hours a year to conduct mediation for those chosen for the roster.
  - D. By February 27, 1998, appoint a workplace mediation pilot project coordinator to work with the Office of Dispute Resolution, employees and bargaining units.
  - E. During December 1998, participate in evaluation of the pilot project.

Pursuant to *Minnesota Statutes* 1996, 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* 1996, section 4.035, subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this twenty-third day of December, 1997.

Arne H. Carlson  
Governor

Filed According to Law:  
Joan Anderson Growe  
Secretary of State