

The goal of these meetings is to identify and assess the relationship between the parties in order to customize a training program that provides the best value to the parties.

In addition to providing training, a SERB facilitator will attend actual LMC meetings until the parties are comfortable enough to proceed on their own.

- Training - one or two-day workshops on group problem-solving techniques including effective listening, problem identification, brainstorming, consensus building, and group dynamics.
- Facilitation - initial guidance and as needed facilitation services for actual LMC meetings.

### **Grievance Mediation**

In situations where the parties' relationship is impaired by numerous or contentious grievances, SERB offers a grievance mediation service.

### **Unfair Labor Practice Mediation**

Not everyone wants their day in court. Unfair labor practice charges can bottle up the energy of an organization and its employees. Management and labor can become focused on preparing for investigations or hearings rather than on resolving the problem.

Upon request of the parties or by direction of SERB, a mediator may be assigned at any stage of the ULP process to assist the parties in seeking a mutual settlement of the unfair labor practice charge. Mediation efforts are separate from the adjudication process and do not delay an investigation or hearing.

### **Representation Issue Mediation**

Whether there is a question on bargaining unit appropriateness or employee eligibility, representation issues are usually resolved by parties through mediation efforts at the investigation and hearing levels.

SERB staff is available at any time to assist in settlement of representation issues that arise from unit clarifications, amendments of certification, voluntary recognition requests, decertification petitions, representation petitions, disclaimers of interest, religious objections, and fair-share-fee rebate challenges.

#### **SERB**

The three-member State Employment Relations Board was created by the Ohio Public Employees' Collective Bargaining Act of 1983 (Chapter 4117 of the Ohio Revised Code). Acting as a neutral, the quasi-judicial board determines appropriate bargaining units, conducts representation elections, certifies exclusive bargaining representatives, monitors and enforces statutory dispute procedures, adjudicates unfair labor practice charges, and determines unauthorized strikes. Commensurate with its responsibility to promote cooperation between public employers and their employees, SERB also provides neutral services — mediation, fact-finding, conciliation, research, training, and labor-management cooperation services.

**Need our help? Call, write or fax us at:**

**Bureau of Mediation  
State Employment Relations Board  
65 East State Street, 12th floor  
Columbus, Ohio 43215  
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# **Mediation**



### **SERB Mediation Services**

- \* **Collective Bargaining Mediation**
- \* **Interest-Based Bargaining**
- \* **Modified-Traditional Bargaining**
- \* **Labor-Management Committee Assistance**
- \* **Grievance Mediation**
- \* **Unfair Labor Practice Mediation**
- \* **Representation Mediation**

**Ohio  
State Employment  
Relations Board**

## Mediation

Mediation services are provided by trained professionals at no charge to the parties. It is a service provided to encourage mutual resolution of labor relations problems in lieu of the costs associated with litigation or collective bargaining strikes.

A mediator assists the parties in finding their own answers for the problems before them by encouraging constructive communications, keeping the parties focused on settlement alternatives, offering information and suggestions as needed, and building the foundation for improved relations between the parties.

SERB mediation services are available to public employers, public employees, and employee organizations within the jurisdiction of the State Employment Relations Board as set forth in Ohio Revised Code Chapter 4117.

## Collective Bargaining Mediation

Whether the parties are negotiating their first contract or their tenth, there are times when the assistance of a mediator makes the difference in reaching an amicable settlement. SERB mediators have promoted collective bargaining relationships in every county in Ohio. Day and night, weekdays, holidays, or weekends, they provide mediation services to public sector employers and unions in Ohio.

Even at impasse, parties are sometimes reluctant to ask for the help of a neutral. State law calls for the automatic assignment of a mediator 45 days before a collective bargaining agreement or reopener expires, or 45 days before expiration of the 90-day negotiating period for first-time negotiations. The parties can request an earlier assignment of a mediator by mutual agreement.

SERB's Bureau of Mediation assigns a state or a federal mediator to assist the parties in reaching an agreement. Parties can use mediators at any time: before or after fact-finding, before a strike, or before binding conciliation.

Opting out of the statutory dispute settlement procedure (Ohio Revised Code Section 4117.14) does not preclude SERB's assistance in mediation. Even when parties adopt mutually agreed-upon dispute settlement procedures, SERB mediators can be assigned. Just specify in your contract or in your ground rules that SERB is one of the agencies that the parties may contact for mediation assistance.

If there are pending grievances or unfair labor practice charges at the time of your negotiations, we are happy to assist in resolving all issues in dispute in addition to the issues in negotiations. Just say "mediation" and we'll help.

## Interest-Based and Modified-Traditional Bargaining

For parties who want to commit the time and energy, our mediators will offer training in interest-based bargaining (IBB) or modified-traditional bargaining (MTB) and facilitate the actual negotiations with the parties as needed. Parties solve contract issues by addressing each other's interests or concerns about the issue.

This program is geared toward employers and unions who value their relationship and do not want traditional bargaining to jeopardize that relationship.

IBB builds on the relationship established in labor-management committees and uses many of the same techniques — brainstorming, consensus building, and listening.

MTB is very similar to IBB but may include more traditional features such as caucuses and chief spokespersons.

In IBB and MTB, union and management interests are explored jointly. Trading items to reach agreement is discouraged. The focus is to find a mutually acceptable resolution within each issue on its own.

There is no down time. Consensus decisions limit the need for caucuses. Either everyone at the table agrees to the solution, or the issue remains unresolved. There is no vote-taking.

SERB's IBB and MTB services include:

- Introductions – a brief overview presentation for parties considering a more open process for collective bargaining either through IBB or MTB.
- Training – a two-day workshop on IBB or MTB techniques for parties intending to use consensus-based agreement or a similar arrangement as the basis for their negotiations.
- Facilitation – initial guidance and as-needed facilitation services for actual negotiation sessions.

## Labor Management Committee Assistance

Although most labor contracts provide for a labor management committee (LMC) to meet periodically to discuss mutual concerns, too often these committees merely exist on paper and never meet. Grievances and unfair labor practice charges become the communication channels in the absence of regular LMC meetings.

Our mediators will meet with local union and management leaders who are interested in establishing an LMC.