

RULES AND REGULATIONS
FOR
MEDIATION OF LABOR-MANAGEMENT ISSUES

Consistent with the responsibility and authority of the Director of the Rhode Island Department of Labor and Training (hereinafter "director") pursuant to G.L. 1956 (1886 Reenactment) §28-9.3-9, 28-9.4-10, 36-11-7.1, and as may be appropriate pursuant to §42-35-1, et seq.:

Rule 1. **Demand For Compulsory Mediation.** In the event that after exercising their rights and fulfilling their duties the collective bargaining representative of the employees and the employer are:

- (a) unable within the time limitations as provided by the applicable statute to reach an agreement on a contract; and,
- (b) have been unable to resolve any and all outstanding issues by means of voluntary mediation; and,
- (c) have not made a timely demand for arbitration as provided by the applicable statute

a written demand for compulsory mediation of all unresolved issues shall be served upon the director, by certified mail, on or before the day specified in the applicable statute.

Rule 2. **Extension of Time.** The director may extend the period for submitting the demand for compulsory mediation upon the mutual consent of both parties; however, in no event may such period extend beyond the tenth (10th) day prior to the expiration of the existing contract. Extensions of time for compulsory mediation in school teacher disputes under Chapter 28-9.3 of the General Laws may not extend beyond the tenth (10th) day prior to the scheduled close of school in June of the last year of the contract in effect.

Rule 3. **Appointment of Mediators.**

- (a) Upon receipt of the demand for compulsory mediation, the director shall establish a panel of persons knowledgeable and experienced in labor-management relations to serve as mediators within twenty-four (24) hours of receipt of the demand for compulsory mediation;
- (b) A mediator shall be selected by mutual agreement from said panel; however, in the event that the parties are unable to mutually agree upon a mediator, the parties shall give notice of their inability to agree and the director shall appoint a mediator from said panel

within twenty-four (24) hours of receipt of said notice.

Rule 4. Compulsory Attendance. The mediator shall have the authority to compel the attendance of the collective bargaining representatives of the parties to any and all meetings until all issues are resolved.

Rule 5. Procedure.

- (a) Proceedings before the mediator shall be informal. A stenographic or taped record is permitted upon the consent of both parties. The mediator's notes shall be confidential and the privileged information of the mediator;
- (b) The location of the mediation conference shall be agreed upon by the parties; however, in the event that the parties are unable to agree upon a location, it shall be selected by the mediator with preference given to locations available at no cost. In the event a cost is associated with the use of any location, payment shall be made equally by the parties;
- (c) The mediator shall conduct the mediation conference according to generally accepted methods and techniques associated with mediation, including the engagement of separate caucuses;
- (d) In the event that the parties are unable to resolve all issues during and in the course of the mediation conference, the mediator shall render to the parties a verbal advisory opinion with respect to said issues;
- (e) In the event that any unresolved issues remain irreconcilable as between the parties after a full and fair mediation process, the matter may proceed to arbitration pursuant to Chapter 28-9.3 of the General Laws.

Rule 6. Duties of the Parties. It shall be the duty of the parties to meet all deadlines as hereinbefore provided, and to participate diligently, conscientiously and in good faith while exercising reasonable judgment in resolving the dispute.

Rule 7. Mediation Fees. The mediators shall be permitted to charge either on the basis of a per diem fee, or an hourly fee for services, and said amounts shall be subject to approval of the director and stated in the list of mediators when issued to parties pursuant to Rule 3 (a);

Rule 8. Non-compliance. Any party or individual who fails to comply with the Department of Labor and Training's directive to attend mediation

sessions may be summoned to appear before the Superior Court for violating the provisions of RIGL § 28-9.3-9.

In accordance with RIGL §42-35-3, these rules and regulations shall remain in effect permanently until modified or repealed.