



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

# Memorandum

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Subject: **ACTION:** Proposed Mediation with \_\_\_\_\_ Date:  
(Complainant's Name)

From: Departmental Office of Civil Rights  
or Appropriate Civil Rights Office Reply  
to Attn.

To:

In an effort to resolve Equal Employment Opportunity/Equal Opportunity (EEO/EO) complaints in an informal, less adversarial, and more expeditious manner, the Equal Employment Opportunity Commission (EEOC) requires agencies to make Alternative Dispute Resolution available to employees. The Department has established a Mediation Program to encourage parties who have a dispute to try to resolve it through mediation. Mediation provides an opportunity for the individuals to discuss their issues directly with each other and explore whether their issues can be resolved in a way that is mutually satisfactory.

On \_\_\_\_\_ Mr./Ms. \_\_\_\_\_ elected mediation in an attempt to resolve an EEO/EO complaint with your office. This memo serves to request your participation in mediation. As participation is voluntary, you have the right to choose not to enter mediation, in which case the complainant may choose to continue in the EEO/EO process. I believe it is advantageous to attempt mediation now, at the early stage, before positions harden and before large expenditures of time and money have occurred.

Many EEO/EO complaints are based on miscommunication between the parties. Mediation offers the opportunity to communicate directly and listen to each other's real concerns. Experience has shown that many of the EEO/EO complaints submitted for mediation are resolved. Even when a case is not resolved, mediation may be helpful in clarifying issues.

The mediators are not advocates for either party or render any decisions. They will facilitate communication between both parties, help each side gain a clearer perspective of their situation, and assist both parties in developing mutually satisfactory options for resolving the issues. If the parties reach an agreement, it will be binding. If they do not reach an agreement, the complainant may continue in the EEO/EO process. EEOC is

encouraging mediation in many of the cases before it, so you may be required to participate in mediation at a later date.

When deciding whether to elect mediation, you should consider the following:

- Whatever you tell the mediator is confidential. The mediator does not keep any permanent record of your meetings and will not disclose any confidential information you provide during the mediation unless the parties agree, the information is public, law requires the disclosure, or a court determines that the disclosure of the information is necessary.
- Mediation is meant to avoid delay. Normally, mediation will succeed or end within one or two sessions.
- If you desire, you may bring someone to assist you with mediation.
- If a resolution is achieved, it will be put into a settlement agreement and signed by all relevant parties. That agreement will be binding on all parties.

The initial mediation session will generally last about four hours and usually can be promptly arranged. To indicate whether you choose to participate, please complete the enclosed election form and return it to \_\_\_\_\_ or by fax at ( ) \_\_\_\_\_, within five calendar days of your receipt of this letter. My office will contact you to schedule the mediation.

Should you have any questions concerning the process or your role at the mediation, please contact ( ) \_\_\_\_\_. If you need additional information about the facts of this case or the EEO/EO process, please call ( ) \_\_\_\_\_.

I hope you will take advantage of this opportunity to try to resolve this dispute in a way that is faster, less formal and that allows both parties to work together to reach an agreement.

cc: