

GENERAL DESCRIPTION OF CLASS

The EMPLOYMENT RELATIONS BOARD MEDIATOR schedules and conducts mediation and conciliation conferences of public and private sector labor disputes arising from the collective bargaining process, the interpretation of collective bargaining agreements, and other related disputes in order to develop options and alternatives and to secure consensual settlements and resolutions. Duties are usually performed in a normal work setting but routinely require irregular hours and many extended workdays and workweeks, and extensive statewide travel.

DISTINGUISHING FEATURES

This is a single classification and not currently part of a series of classes.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this classification involve the overall complexity of dispute resolution which requires in-depth analysis and interpretation of issues, development of alternative solutions, extensive use of information and evidence from disputant parties, maintenance of mediator-to-party and party-to-party trust and confidence, and the fact that these disputes are generally publicly and/or politically sensitive and may have a statewide impact financially and politically, which requires expertise in labor relations, labor laws, and dispute resolution.

- 1.Preconference Research.** Typical tasks: confers with management and employee representatives in potential or actual labor disputes; conducts extensive review of proposals and counterproposals and facts alleged in the case to familiarize self with arguments espoused and to clarify issues; researches case law and other appropriate settlements to facilitate resolution; and sets the conference schedule.
- 2.Mediation and Conciliation Conference.** Typical tasks: presides over and conducts mediation and conciliation conferences between disputant parties regarding labor disputes and other related disputes; identifies and defines issues of the dispute; applies and interprets appropriate statutes, rules, policies, and case law to variable situations, circumstances, and their consequences; collects, analyzes, and interprets information relating to the disputes, and develops alternative solutions to assist the disputant parties reach agreement; promotes an understanding of the positions and contentions of both parties; reviews and evaluates solutions with disputant parties and suggests reasonable bases by which they may voluntarily make such concessions or commitments for agreement; assists parties in communicating their respective needs, interests, concerns, and perceptions to one another in an effort to prevent labor disputes and labor unrest; facilitates an understanding of opposing points of view; promotes an understanding of the positions and contentions of both parties; maintains objectivity when dealing with opposing viewpoints; applies judicial impartiality during mediation conferences and other meetings; establishes trust and confidence of the disputant parties; maintains confidentiality with the parties and disputes; reviews and analyzes factfinding awards and interest arbitration awards; interprets statutes, rules, policies, guidelines, etc. to provide timelines and procedures for services performed; makes decisions that are in the best interests of the parties and the public which result in legally binding, final, unappealable collective bargaining agreements and settlements of grievances and unfair labor practices; applies and interprets appropriate statutes, rules, policies, and case law to variable situations, circumstances,

and their consequences.

3. Case Determination. Typical tasks: reviews and analyzes the issues of the dispute to determine the facts; conducts extensive research and analysis utilizing statutes, case law, and public and private sector settlement; applies the facts of this analysis to reach a determination of the statutory collective bargaining, labor dispute, and mediation processes; clarifies issues during a labor dispute; clarifies and interprets proposals and collective bargaining agreements; uses independent judgment in making decisions that result in legally binding, final, unappealable agreements; interprets statutes, rules, policies, guidelines, etc. to provide timelines and procedures for services performed; provides information on collective bargaining laws, rules, regulations, decisions, and court rulings; develops and provides additional factual data as necessary; analyzes various data to determine trends in bargaining and settlements; determines and decides whether to initiate factfinding (with or without the consent of the parties); applies extensive knowledge of laws related to workers' compensation, FLSA, wage and hour guidelines, PERS, and discrimination law; applies knowledge of classification systems and procedures.

4. Miscellaneous. Typical tasks: maintains jurisdiction over a dispute resolution to ensure appropriate disposition of the agreement; promotes harmony and consensus between labor and management; reviews grievance arbitration decisions to assist parties in understanding provisions contained in collective bargaining agreements and to further assist parties in interpreting proposals during the mediation process; supervises and conducts employee representation, decertification, and deauthorization elections; works cooperatively with other public and private agencies in relation to settlement of disputes; meets with and speaks to interested groups on the work of the Conciliation Service.

RELATIONSHIPS WITH OTHERS

Employees in this class are in regular contact either in person or by telephone with union and management negotiators, elected officials, administrators, attorneys, bargaining teams, the press, and the public.

SUPERVISION RECEIVED

Employees in this class receive direction from the State Conciliator. The State Conciliator assigns cases and establishes performance standards. Employees in this class use State and Federal statutes and case law, agency rules and policies, collective bargaining agreements, and dispute resolution skills in conducting mediation and conciliation conferences.

GENERAL INFORMATION

Positions in this class require the willingness to travel to all parts of the State on short notice. They may require the willingness to work irregular hours including extended work days and weeks.

KNOWLEDGE, SKILLS, AND ABILITIES (KSA)

Extensive knowledge of State and Federal Labor laws and statutes pertaining to collective bargaining and dispute resolution.

Extensive knowledge of workers' compensation law, FLSA, PERS, classification systems and structures, wage and hour laws, discrimination law.

Extensive knowledge of laws related to public education: K-12, community college and higher education.

Extensive knowledge of laws pertaining to city, county and State government.

Extensive knowledge of the collective bargaining process and labor-management relations.

Extensive knowledge of mediation and conciliation procedures and practices.

General knowledge of governmental structures and procedures.

General knowledge of laws about dispute resolution.

Skill in analyzing, defining, and interpreting laws, rules, collective bargaining agreements, and other related issues and applying them to specific situations requiring mediation.

Skill in public sector collective bargaining.

Skill in working effectively with people of varying personalities, temperaments, prejudices, loyalties, ambitions, and personal attitude.

Skill in facilitating communication of complex issues and ideas between parties in an effort to achieve a satisfactory resolution of a problem or dispute.

Skill in working cooperatively with other agencies to settle disputes.

Skill in speaking with interested groups about Conciliation Services.

Skill in promoting harmony and consensus between disputants.

Ability to conduct mediation and conciliation conferences.

Ability to work in tense conflict situations.

Ability to develop alternative solutions to varying problems.

Ability to use independent judgment in using mediation principles.

Ability to use independent judgment in making decisions which result in legally binding agreements.

Ability to understand and apply agency rules and regulations to specific situations.

Ability to remain objective in situations where disputant parties maintain opposing viewpoints.

Ability to supervise and conduct employee representation elections, etc.

Ability to use judgment to determine if the parties are in compliance with the Collective Bargaining Act and the agency rules.

Ability to maintain judicial impartiality, temperament, perseverance, tact, and mental alertness.

NOTE: The KNOWLEDGE and SKILLS are required for initial consideration. ABILITIES may be required for initial consideration, at any time during the selection process, or during a trial service period as a final stage of the selection process. Some duties performed by positions in this class may require different KSA's. No attempt is made to describe every KSA required for **all** positions in this class. Additional KSA requirements will be explained on the recruiting announcement.

Adopted 1/90

Revised

Examples of work are typical of duties assigned to this class. No attempt is made to describe every duty performed by all positions in this class.