



U.S. OFFICE OF SPECIAL COUNSEL

Fact Sheet

How OSC's Mediation Program Works

The U.S. Office of Special Counsel (OSC) offers Alternative Dispute Resolution (ADR) to resolve selected prohibited personnel practices (PPP) and USERRA complaints that have been filed with OSC. (*See Fact Sheet on How Complaints are Received and Processed.*)

Review and Convening

- OSC's investigative staff refers select cases to OSC's ADR Unit for review. If the ADR Unit determines that a case is a good candidate for mediation, an OSC ADR Specialist contacts the complainant and the employing agency to invite them to participate in the mediation program. If both parties agree, OSC will assign mediators who will work with the parties to prepare for and schedule a mediation.
- If a party chooses not to mediate, the case will be returned to the appropriate OSC investigation unit for further action. The investigation unit will not have access to information regarding which party declined mediation.
- Participation in the Mediation Program is completely voluntary. All parties (and OSC) have the right to withdraw from the process at any time; if this occurs the case will simply proceed to the appropriate OSC investigation unit.

Pre-Mediation Process

- OSC mediators engage in meaningful pre-mediation discussions with each party to identify their interests, the context of the dispute, possible options for resolution, and other factors. During this time, each party may consult with an OSC subject matter expert.
- In some cases, these pre-mediation discussions will result in a resolution. In most cases, however, we schedule a mediation date where the parties and mediators attend in person or by video. And the pre-mediation discussions ensure that time on the mediation date is well-spent.
- Mediation is a fast-moving process that will normally be completed within 3-4 months after the mediators are assigned to the case. If you choose to mediate, please ensure that you will be available to participate in these pre-mediation discussions and the mediation within this timeframe.

Resolution

- Should the case resolve in mediation, a settlement agreement will be drafted and signed by both parties, and the OSC complaint will be closed.
- If a settlement is not reached, the complaint will proceed to investigation as if no mediation occurred. (*See Fact Sheet on How Complaints are Investigated and Prosecuted.*) Again, anything discussed in the mediation session remains confidential within the ADR Unit, and the OSC mediators have no further involvement with the case.

For more information about OSC's mediation process, see the *ADR Frequently Asked Questions* available at <https://osc.gov/Pages/ADR-FAQs.aspx>.