

US Postal Service

Employee and Labor Relations Manual (ELM) 650

Understanding and Participating In a Successful 650 Mediation



My objective is to turn your conflict into productive conversation.

ELM 652.5 Alternative Dispute Resolution



FMCS

FEDERAL MEDIATION &
CONCILIATION SERVICE

Zoom Into Training!

Presented by Brian J. Wagner * NAPS Past National President



NAPS Disciplinary Defense Fund (DDF)*

Cases By Infraction

NAPS FY2023

1. Performance – 23
2. Finance -14
3. Falsification – 13
4. Sexual Misconduct – 9
5. Attendance - 9



NAPS FY2024

1. Performance – 35
2. Finance - 29
3. Attendance - 12
4. Falsification - 10
5. Sexual Misconduct - 8
Violence - 8
6. Theft - 5

* As reported at the 2023 and 2024 NAPS Fall Executive Board Meeting



US Postal Service

Employee and Labor Relations Manual (ELM) 650

652.5 Alternative Dispute Resolution

The Postal Service supports the use of the Alternative Dispute Resolution (ADR) process of mediation to address employee appeals relating to nonbargaining disciplinary actions. Participation in mediation by an appellant (*EAS/NAPS Member **added for emphasis***) is voluntary.



Note: *This is not legal court, but it is an official proceeding. Always be professional during ELM 650 Mediation.*



US Postal Service Employee and Labor Relations Manual (ELM) 650

ELM 652.5 Alternative Dispute Resolution



This is NOT Mediation for EEO Redress*

NAPS HQ Policy: NAPS Disciplinary Defense Fund (DDF) does NOT handle Equal Employment Opportunity (EEO) cases. EEO is related to federal law violations. NAPS advocates who voluntarily take an EEO case on behalf of a NAPS members, should be aware such representation is NOT to be construed under the umbrella of the NAPS organization umbrella (National, State or Local Branch)



* EEO REDRESS® Mediation

This Is NOT ELM 650 Mediation

Any postal employee who believes that he or she has been the subject of illegal discrimination on the basis of race, color, sex (including pregnancy, sexual orientation, gender identity, gender stereotypes, and transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in an EEO-protected activity may request EEO counseling by using the online Postal Service EEO efile application process.

The employee who believes that he or she has been the subject of illegal discrimination has the option to bring a personal representative to mediation. No special qualifications or degrees are required of the representative; however, a representative may be disqualified if a conflict of interest exists.

NAPS HQ Policy: *NAPS Disciplinary Defense Fund (DDF) does accept or handle EEO cases.*



US Postal Service Employee and Labor Relations Manual (ELM) 650

What EAS Discipline is eligible for ELM 650 Mediation?

652.5 Alternative Dispute Resolution

652.53 Mediation for Letters of Warning in Lieu of Time-off Suspensions and/or for Time-off Suspensions

An employee issued a proposed letter of warning in lieu of a time-off suspension, or a time-off suspension in Office of Inspector General cases, may request mediation as an alternative to his/her right to respond to the deciding official as outlined in [651.64](#).

652.54 Mediation for Adverse Actions

An employee issued a written notice of proposed adverse action may request mediation as an alternative to the traditional written and/or verbal response to the deciding official as outlined in [651.74](#).

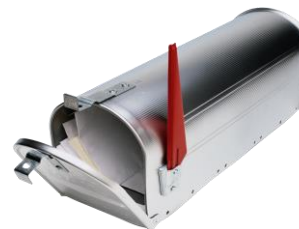
This is NOT Mediation for EEO Redress*



US Postal Service Employee and Labor Relations Manual (ELM) 650

Types of Discipline Charges **Granted** ELM 650 Mediation

- Performance
- Finance
- Attendance
- Falsification
- Sexual Misconduct
- Violence
- Leaving mail on the dock
- Failing to properly report delayed mail
- Scanning integrity
- Credit card abuse
- Inappropriate internet browsing
- Theft of mail or postal property



US Postal Service Employee and Labor Relations Manual (ELM) 650

Types of Discipline Charges **Denied** ELM 650 Mediation

- Performance
- Finance
- Attendance
- Falsification
- Sexual Misconduct
- Violence
- Leaving mail on the dock
- Failing to properly report delayed mail
- Scanning integrity
- Credit card abuse
- Inappropriate internet browsing
- Theft of mail or postal property



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652.5 Alternative Dispute Resolution

The Postal Service supports the use of the Alternative Dispute Resolution (ADR) process of mediation to address employee appeals relating to nonbargaining disciplinary actions. Participation in mediation by an appellant is voluntary.

652.51 Exceptions

Mediation may not be appropriate in cases where the charges involve egregious misconduct, criminal activity, repeated misconduct, inability to perform, and other conduct as determined by the Postal Service.

Additionally, mediation may not be appropriate where the appeal concerns issues beyond the control of the Postal Service, such as the denial of Workers' Compensation benefits, retirement eligibility determinations, and similar matters adjudicated by other agencies. The determination of whether to grant mediation in a particular case is within the discretion of the Postal Service.

652.52 Mediation

Mediation programs will be implemented by area offices under guidelines issued by the manager, National EEO Compliance and Appeals Programs.

US Postal Service Employee and Labor Relations Manual (ELM) 650

- ELM 650 Mediation can only be offered by the USPS.
- If ELM 650 Mediation is offered by USPS:
 - Only employee may elect to voluntarily accept
 - EAS Completes ***Request for ELM 650 Mediation*** Form
- If ELM 650 Mediation is approved, the supervisor, manager or postmaster who issued or proposed disciplinary action against a non-bargaining unit employee (EAS) are required to participate in mediation.
- **NAPS Note:**
 - Suggest EAS employee accept mediation



When submitting a Request for ELM 650 Mediation include copy of the discipline must be submitted with Mediation form.



**UNITED STATES
POSTAL SERVICE®**

Request for ELM 650 Mediation

USPS Case Number (Completed by 650 Facilitator)	FMCS Case Number (Completed by 650 Facilitator)
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I. Appellant/Requester Information

Appellant's Name (Last, First, MI)	Employee Identification Number	Home Telephone Number ()
Home Mailing Address (Include, City, State and ZIP+4)		

Facility Where You Work (City, State, ZIP+4)	Position Title	Position Level	Office Telephone Number ()
Pay Location	Facility Finance Number	Duty Hours (Include AM/PM)	Off Days/Nights

II. Issuing Management Official Information

Name (Last, First, MI)	Job Title	Telephone Number ()
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III. Type of Discipline Issued (Check One)

<input type="checkbox"/> LOW in Lieu of 7-Day Suspension	<input type="checkbox"/> LOW in Lieu of 14-Day Suspension	<input type="checkbox"/> Downgrade	<input type="checkbox"/> Removal	<input type="checkbox"/> Other (Specify)
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IV. Representative Information

Name	Telephone Number ()	Duty Hours (Include AM/PM)	Off Days/Nights
Work Location (City, State, ZIP+4)		Position Title	Representative Organization

V. Request for Mediation (with Discipline Attached)

- I, _____, am voluntarily requesting that the disciplinary action issued to me on _____ be mediated before a mediator appointed by the Federal Mediation and Conciliation Service.
- I understand that by requesting mediation I am not forgoing any appeal rights granted by section 650 of the Employee and Labor Relations Manual (ELM). Rather, if mediation does not result in a resolution of the issue, I will still have the right to appeal the issuance of this discipline through the traditional appeal process afforded by section 650 of the ELM.
- I understand that this form (or written request) and a copy of the discipline must be sent within ten (10) calendar days from my receipt of an applicable disciplinary action to the ELM 650 Mediation Facilitator, Manager EEO Compliance and Appeals, located in my region. Employees at Postal Service Headquarters and Headquarters Filed Units and employees of the Inspection Service should notify the ELM 650 Facilitator at Postal Service Headquarters. The discipline must show the date it was received by me. Additionally, I will notify the management official who issued the action and the appropriate District or Area Labor Relations office of my intention to participate in ELM 650 mediation.

VI. Privacy Act Statement and Rehabilitation Act Notice



US Postal Service Employee and Labor Relations Manual (ELM) 650

General Process After ELM 650 Mediation is Approved

- USPS coordinator provides information packet to FMCS.
- USPS Mediation packet includes letter on mediation, copy of discipline, mediator checklist & all necessary forms.
- FMCS schedules mediation within 14-21 days and assigns mediator.
- NAPS member (EAS) receives written notice of scheduled mediation.
- FMCS Mediator may contact parties in advance if deemed necessary.
- The parties (NAPS/USPS) determine who, if anyone, will accompany them to the mediation.
- Member has NAPS Representative and USPS may have a witness for the management's side.





October 3, 2022

To: John Doe
5555 Center Dr
Mainville, FL 12345

Jane Smith, Management Official
4567 Work BLVD
CENTRAL, FL 98765-4321

SCHEDULE FOR MEDIATION CONFERENCE

This will confirm that a mediation conference to discuss a proposed disciplinary action issued on September 22, 2022, has been scheduled. The mediation conference will be held as follows:

Date & Time: November 1, 2022, 09:00 AM

Location: FLORIDA
Postal Way BLVD
Anywhere, FL 12345-6789

You are responsible for advising your representative, if any, of the arrangements for this mediation conference. You must notify me by phone at least 24 hours prior to the mediation of any changes/additions to your representative.

Mediation is a settlement process in which an impartial third party who has no authority to decide the issue or impose a resolution assists the parties in exploring and, hopefully, reaching a mutually satisfactory resolution of the issue in dispute. The role of the Mediator is to encourage and assist the parties in deciding whether to resolve the dispute and help the parties understand each other's positions, interests, and perspectives. The parties are in control of whether this matter is ultimately settled and under what circumstances. The Mediator appointed by the Federal Mediation and Conciliation Service to assist you is [REDACTED]. I have enclosed a fact sheet that gives you additional information regarding ELM 650 mediation and also a sample copy of the Agreement to Mediate for your review prior to the mediation.

It is important that you come to the mediation prepared to participate fully in the process and that you bring with you whatever documents you feel that you need to present your point of view. It is important to note that while representatives have a role in mediation, the primary parties to the dispute have the major role in explaining their viewpoints and discussing settlement. Please understand that mediation is not a time for you to "make your case" to the Mediator or to make a record to be used in another forum. In fact, no record is made at mediation and matters discussed during mediation are confidential. This is meant to facilitate candid discussion of the issue and the exploration of settlement options. The Mediator will not be available to testify concerning what occurred during the mediation if no resolution is achieved.

You may call me at (321) 867-5309 if you are unclear about mediation procedures. In the interim, you are encouraged to discuss settlement options if that is mutually agreeable.

Sincerely,

Good Will

Good Will
EEO ADR SPECIALIST



FACT SHEET ON MEDIATION

Mediation is a settlement process in which an impartial third party, who has no authority to decide the issue or impose a resolution, assists the parties in exploring and, hopefully, reaching a mutually satisfactory resolution of the issue in dispute. The role of the Mediator is to encourage and assist the parties in deciding whether to resolve their dispute and to help the parties understand each other's positions, interests, and perspectives. The Mediator will also encourage mutual respect between the parties and take the steps necessary to prevent any abuse of the mediation process. The decision as to whether or not the dispute should be settled is solely within the hands of the parties. The Mediators for this program will be employees of the Federal Mediation and Conciliation Service who are highly trained, experienced, and impartial.

Besides limited legal requirements to report certain kinds of information, Mediators will not disclose to anyone who is not a party to the mediation, directly or indirectly, information communicated to them by a party during mediation. In addition, a Mediator will not disclose to the other party, directly or indirectly, any information communicated to him or her in confidence by a party without the permission of that party. This confidentiality is critical to the mediation process and Mediators will not willingly testify about anything which they hear in the course of mediation and will contest subpoenas or orders purporting to require them to testify.

A typical mediation features an opening statement by the Mediator outlining his or her role and telling the parties how the mediation will be conducted. Both parties will be given an opportunity to explain their position on the matter in dispute. There will also be joint discussion between the parties concerning the issue with the assistance of the Mediator and there can be one or more private meetings between the Mediator and one or the other party without permission. If the parties' discussions result in a resolution, the parties will commit their agreement to writing, with the assistance of the Mediator.

If an EEO complaint has been filed on the same matter pending in the 650 process, options for mediation include ELM 650 mediation or EEO REDRESS mediation, but not both.

If you have any questions about mediation in general or the procedures to be used, please call the ELM 650 Facilitator, Good Will at (321) 867-5309.

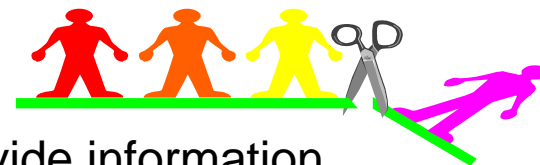


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10 Tips for Working with a Mediator

10. Work with the mediator, don't compromise their credibility or acceptability.
9. Don't renege on agreements.
8. Come willing to reach an agreement.
7. Be open to persuasion or correction by facts or principles.
6. Don't withhold critical information from the mediator (*Mediation is confidential*)
5. Don't misuse mediation as a means to get something else
(e.g. hidden agendas, delay, information gathering-mediation confidential)
4. Negotiate in good faith.
3. Have the right players at the table who can provide information.
2. Come to a mediation with authority to settle the issues.
1. Come to mediation prepared; do your homework.



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NAPS/Member's Preparation Prior to 650 Mediation Session

Prior to Mediation discuss:

- The ELM 650 Mediation process
- What to expect from the USPS Issuing Official
- What to expect from the FMCS Mediator
- How to act and respond during mediation to USPS and Mediator
- Being professional and not defensive during mediation
- Severity of the Charges and Disciplined Issued
- What is member's expectation for a "realistic" settlement
- Facts and evidence to support member & refute discipline/charges
- Understanding the Postal Service's position
- Go into ELM 650 Mediation with an **Open Mind!**

Think Steven Covey 7-Habits of Highly Effective People

- *"Seek first to understand, then to be understood"*
- *"Begin with the End in Mind" and "Think WIN-WIN"*



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Mediation Seeks Build a Golden Bridge

- Mediator's role is to actively involve both parties in devising a satisfactory solution or resolution.
- Building a golden bridge requires that one party to involve the other party in the solution and each party works to satisfy the other party's unmet needs.
- A face-saving resolution is an important part of the mediation process and is vital to building a golden bridge.
- A golden bridge makes it easy for the other party to say "Yes".
- Mediation helps each party write their own victory speech (Satisfactory Resolution)
- Try to achieve a simple resolution.

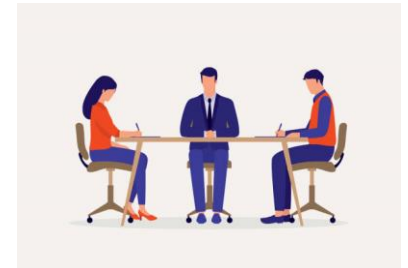


US Postal Service

Employee and Labor Relations Manual (ELM) 650

What Happens at Mediation

- Both parties must sign “Agreement to Mediate” at start of session.
- If resolved, Settlement Agreement completed and signed by both all respective parties and representatives.
- If no resolution, mediator signs and dates “No Agreement” letter.
- If no agreement, NAPS Member has 10 days to file response to USPS (*appeal per ELM 651.6 or 651.7*). Mediator must give “disposition form to appellant at end of session.
- There is an evaluation form to be filled out by parties and sent back to the coordinator by the mediator.



Federal Mediation and Conciliation Service Mediation Agreement

The undersigned Parties hereby request the assistance of the Federal Mediation and Conciliation Service (FMCS). All references to mediator and mediation also incorporate instructors and training or other neutral services.

1. Non-Party attendees are bound by the following terms as if a Party.
2. The Parties understand that the Mediator has no authority to decide the case and is not acting as an advocate or attorney for any party. The Parties understand that they have a right to representation during mediation.
3. To promote frank and productive discussion, the Parties agree that the mediation process is as confidential as allowed by law.
 - a. The Parties agree not to disclose to any non-party oral or written communications made during the mediation process, including settlement terms, proposals, offers, or other statements, whether made privately to the Mediator or when all Parties are present.
 - b. The Parties agree that they will not record, save, or otherwise capture any audio, video, files, documents, chat texts, or any other data that the Party would not have access to but for the mediation, unless provided by another Party with knowledge and consent. If recordings, saves, or other captures of data occur unintentionally, the mediator must be notified immediately. Any such recordings, saves, or captures of data may not be shared with anyone and must be immediately and permanently deleted.
 - c. Only Parties may attend or have access to any part of the mediation unless all Parties and the mediator agree, or as required by law.
 - d. (Virtual Meetings only) The Mediator and all Parties must be provided notice of all attendees before or at the time of attendance. Parties may not provide mediation passwords to non-Parties without consent of the mediator.
 - e. The Parties agree that if a Party inadvertently gains access to any confidential discussions involving another Party, the Party with inadvertent access shall immediately disclose the Party's presence and exit from the confidential discussions. Any confidential information inadvertently disclosed may not be used by the Party with inadvertent access, even within the confines of the mediation.
 - f. The obligations imposed by this agreement are in addition to and do not supersede any obligations imposed by applicable state or federal laws regarding mediation confidentiality.
4. The Parties agree not to subpoena the Mediator or compel the Mediator to produce any documents provided by a Party in any pending or future administrative or judicial proceeding, and the Mediator will not voluntarily testify on behalf of a Party in any pending or future administrative or judicial proceeding, unless one of the participants makes a threat of physical harm, reports illegal activity occurring on postal property, reports fraud or abuse of postal property, or suspects child or elder abuse.
5. Mediation sessions will not be recorded or transcribed by the Mediator or any of the Parties. In accordance with FMCS policy, the Mediator's notes and records of the mediation content, if any, are routinely destroyed.





USPS ELM 650 Case#: **M-Southern-22- Florida-0000**

FMCS Case#: [REDACTED]

Mediator Name: [REDACTED]

6. Evidence that is otherwise admissible or discoverable will not be rendered inadmissible or non-discoverable as a result of its use in the mediation proceedings.
7. The Mediator has no authority to compel agreement or other resolution of the dispute and will issue no written recommendations or conclusions. At the request of the Parties, or on the initiative of the Mediator, the Mediator may provide an oral recommendation or opinion to resolve the dispute. In that circumstance, the Parties may jointly decide to implement that recommendation or opinion but neither party is obligated to do so.
8. No party shall be legally bound by anything said or done at the mediation. If an agreement is reached, the agreement shall be reduced to writing and when signed shall be binding upon the Parties to the agreement. If agreement is not reached, the participants will remain bound by the confidentiality provisions of this agreement.
9. FMCS strives to ensure the integrity of all technology used in mediations. All Parties must also ensure the integrity of technology used in mediations. If a Party is aware of any security breach, that Party should inform the mediator immediately. The Mediator will inform all attendees of any known security breach. The Parties agree to hold FMCS harmless from the result of any security breach.
10. The FMCS and its employees will be held harmless of any claim for damages for any act or omission occurring during or in connection with the mediation process, to the extent permitted by applicable law.
11. This agreement shall supersede any other agreements relating to this mediation in the event of contradictory terms.

Anyone with questions or concerns about these terms should contact FMCS's Office of General Counsel at (202) 606-5444 or ogc@fmcs.gov.

By signature, we acknowledge that we have read, understand and agree to the Mediation Agreement. The Parties also represent that they have the full authority to bind their respective organization and/or members to this Agreement. This Agreement may be executed in multiple original counterparts, which when taken together, shall constitute one and the same instrument.

Appellant Print Name	Appellant Signature	Organization	Date
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Appellant Representative Print Name	Appellant Representative Signature	Organization	Date
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Management Print Name	Management Print Signature	Organization	Date
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Mediation Uses the Power to Educate

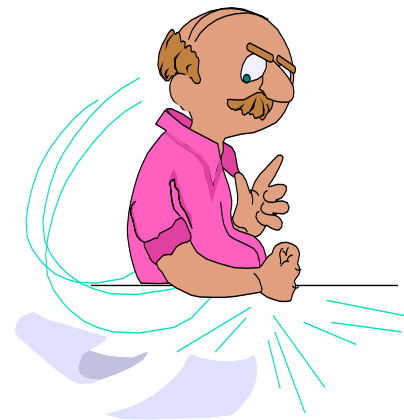
- Let's parties know the consequences of not settling.
- Keeps implementation of any resolution in mind.
- 100% Satisfaction Guaranteed?
 - Is there total victory for one party?
- Aims for mutual satisfaction for all parties.
 - Total victory may not be realistic



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During Mediation Focus – Don't React

- Step back, collect your wits, and see the situation objectively. Take a break when necessary.
- Don't try to control the other person's behavior (USPS), control your own.
- Don't get mad. Don't get even.
- Get what you need.

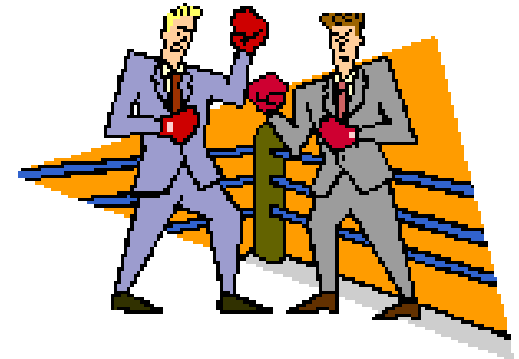


A Satisfactory Resolution!

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Be Aware of the Five Barriers to Cooperation

1. Reaction of each party
2. Emotion of each party
3. Position of each party (Respecting each other)
4. Dissatisfaction of each party (Performance/Support)
5. Power of each party (Boss vs. Subordinate)



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You are Dealing With People

- Acknowledge Emotions without Blaming
- Distinguish Perceptions from “Truth”
- Look at how other party see things
 - Put yourself in their shoes



- Listen Actively

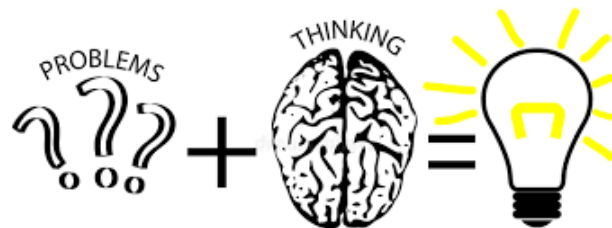


- Speak for yourself; Use “ I ” and Avoid - “YOU”

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Don't Automatically Reject Alternatives

- Ask problem solving questions.
- Reframe the question - Ask in a different way.
- Ask Why?
- Ask Why Not?
- Ask for Advice.
- Change the game from ***Positional Bargaining*** to **Joint Problem Solving**.



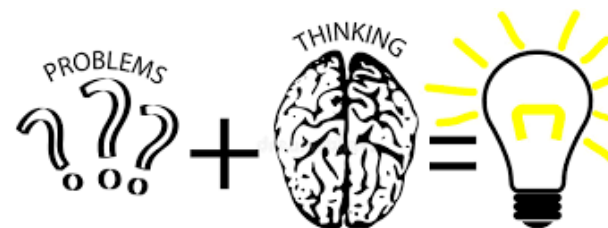
US Postal Service Employee and Labor Relations Manual (ELM) 650

What is Positional Bargaining?

Positional bargaining is a negotiation strategy where parties start from extreme positions and make concessions until an agreement is reached. It's a common negotiating style, but it can be inefficient during mediation and can lead to a contest of wills.

A Barrier to Cooperation

Power of each party!
(Boss vs. Subordinate)



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Mediation Seeks Alternative Solutions

- Know the alternatives you are willing to accept
- Educate the other party of your alternatives
- Consider the other party's alternative resolution(s)
- Seek to improve alternative resolutions
- **End Result:** Get a settlement at mediation



It is mutually agreed between the parties that this matter be resolved as follows:

SETTLEMENT AGREEMENT CONTINUATION SHEET

PAGE ____

USPS CASE NO: M-Southern-22-Florida-0000

The agreement constitutes a full and final settlement of all issues arising out of the subject matter of this mediation.

By signing this settlement, the appellant withdraws any and all pending complaints including EEO complaints, grievances, or other actions relative to the subject of this mediation.

Everyone signing this document does so freely and without coercion.

Management agrees to the contents of this settlement agreement solely in an effort to resolve the issues raised by the appellant in requesting mediation. This agreement should not be construed as an admission of any wrongdoing on the part of any official of the United States Postal Service.

Any alleged breach arising out of the implementation of, or compliance with this settlement agreement must be reported in writing to the District Manager, Human Resources within 30 days of the alleged breach.

APPELLANT

DATE SIGNED

APPELLANT REPRESENTATIVE

DATE SIGNED

MANAGEMENT (PROPOSING) OFFICIAL

DATE SIGNED

AGENCY REPRESENTATIVE

DATE SIGNED

NOTE: COPIES OF THIS SETTLEMENT AGREEMENT MUST BE PROVIDED TO THE APPELLANT AND MANAGEMENT (PROPOSING) OFFICIAL AFTER SIGNING.





Withdrawal of ELM 650 Appeal

I, John Doe, do hereby voluntarily withdraw my ELM 650 appeal in its entirety regarding the proposed LOW in lieu of 14-Day Suspension, issued on September 22, 2022.

I fully understand that by withdrawing my appeal, I am waiving my rights to any further appeal of the proposed LOW in lieu of 14-Day Suspension through the administrative process set forth in ELM 651. I further stipulate that my withdrawal did not result from threat, coercion, intimidation, promise or inducement.

Privacy Act

*Privacy Act Statement: The collection of this information is authorized by 39 U.S.C. 1001; Subchapter 650 of the Employee and Labor Relations Manual. This information is used in providing a grievance and appeal procedure for an employee not subject to the collective bargaining agreement who alleges that his or her rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected. As a routine use, the information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; to a labor organization as required by the National Labor Relations Act; to respond to a court subpoena, complaint, or grievance; and to adjudicate an appeal, complaint, or grievance. Completion of this form is voluntary.

Signature of Appellant

Date



APPELLANT'S NAME John Doe	MANAGEMENT OFFICIAL Jane Smith
USPS CASE NUMBER M-Southern-22-Florida-0000	Mediator CASE NUMBER 202201110000
TYPE OF PROPOSED DISCIPLINE LOW in lieu of 14-Day Suspension	NAME AND ADDRESS OF FACILITY OF 650 ACTION FLORIDA
DATE OF PROPOSED DISCIPLINE September 22, 2022	

NO AGREEMENT LETTER

Dear John Doe,

On November 1, 2022, you participated in ELM 650 mediation regarding the proposed discipline described above. Despite the best efforts of the parties, no agreement was reached. When mediation does not resolve the issue, you still have the right to appeal the proposed discipline. You and/or your representative may submit a written response to the proposed LOW in lieu of 14-Day Suspension within ten (10) calendar days of the date on which you were given a copy of this "No Agreement" letter following the mediation, as specified in Employee and Labor Relations Manual (ELM) sections 652.53 or 652.54.

If you wish to appeal the issuance of the proposed disciplinary action, please follow the instructions provided in the attached form titled "Appeal Options Following Mediation."

Sincerely,

Mediator

Date

Attachment: Appeal Options Following Mediation

CERTIFICATE OF RECEIPT

I hereby certify that on this date, I received an attachment to this letter advising me of further appeal options available to me.

Appellant

Date

No ELM 650 Mediation Settlement?



What is Next?





No ELM 650 Mediation Settlement - Appeal Option



APPELLANT'S NAME John Doe	MANAGEMENT OFFICIAL Jane Smith
USPS CASE NUMBER M-Southern-22-Florida-0000	Mediator CASE NUMBER <div style="background-color: #e0f0ff; width: 80px; height: 20px;"></div>
TYPE OF PROPOSED DISCIPLINE LOW in lieu of 14-Day Suspension	NAME AND ADDRESS OF FACILITY OF 650 ACTION FLORIDA
DATE OF PROPOSED DISCIPLINE September 22, 2022	

APPEAL OPTIONS FOLLOWING MEDIATION

PROPOSED LOW in lieu of 14-Day Suspension

In accordance with Section 652.53 (for Letters of Warning in Lieu of Time-Off Suspensions) or Section 652.54 (for Adverse Actions) of the Employee and Labor Relations Manual regarding the proposed discipline referenced above, you and/or your representative may submit a written response to the proposed LOW in lieu of 14-Day Suspension within ten (10) calendar days of the date on which you were given a copy of the "No Agreement" letter following the mediation. You may send your written response to the deciding official:

DECIDING OFFICIAL:

Susan Higherlevel
Officer-In-Charge
2222 Decision BLVD
SOMEWHERE, FL 33333-4444

Your response may include affidavits and/or other supporting evidence. If you are otherwise in a duty status, you will be granted a reasonable amount of official time to prepare your written response. After the expiration of the ten-calendar-day time period for your written response; all of the facts in the case, including your written response will be given full consideration. Subsequently, you will receive a written decision from the deciding official.

Follow ELM 652.53 or 652.54

US Postal Service

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At the Conclusion of the Mediation

- Before parties leave mediation, all respective notes taken during mediation are collected and destroyed by mediator.
- Mediators must submit *Agreement to Mediate, disposition form (Settlement or No Settlement letter)* and *invoice* for services to USPS coordinator.
- Mediator relates to their FMCS Directors of Mediation Services any observations to root causes of problems, abuses of the mediation process or failure of a party or parties to participate in good faith.
- Observations may result in possible additional actions taken by FMCS.



US Postal Service Employee and Labor Relations Manual (ELM) 650

Common Mediation Problems Observed

- Late cancellations or no shows by USPS and/or Employee
- Authority to settle was NOT evident by Mediator. USPS official was not forthcoming of their authority to settle.
- Lack of understanding of the Mediation process by participants not always sufficient.
- No flexibility in time frame; USPS expects mediation session to be completed in one meeting.
- Preconceived “settlements” set in stone by party/parties.
- USPS coordinator may not be available if problems occur.



Today's Takeaway!

- If ELM 650 Mediation is offered by USPS. Take it.
- Complete ***Request for ELM 650 Mediation*** Form within 10 calendar days.
- Understand the 10 Tips for Working with a Mediator.
- NAPS member and representative meet prior to mediation to:
 - Discuss seriousness of discipline
 - Review ELM 650 mediation process
 - Understand USPS position
 - Prepare documentation and strategy to support a settlement
 - Determine a realistic settlement agreement .
- Stay focused and professional.
- Go to ELM 650 mediation with an open mind, alternative resolutions and understanding of consequences if no settlement.
- Seek an *Agreement Settlement* at ELM 650 Mediation



Thank You!



Questions?