Providing High Quality Mediation

Insights from the Federal Mediation and Conciliation Service

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In recent years, mediation has become increasingly popular as a means to resolve conflict. One important issue that arises out of the recent explosive growth in the practice of mediation is: what do mediators need to know in order to assist the parties in resolving their conflicts? This research attemtps to identify the determinants of mediator competence by examining the knowledge, skills and abilities of mediators in public sector labor relations. The research focuses on the core competencies requirements for mediators with the Federal Mediation and Conciliation Service and suggests which of the competencies may be applicable to mediation in other contexts.

Statement of the Problem

Mediators often claim that like snowflakes, no two mediation situations are exactly alike. Moreover, no two mediators would deal with the same dispute in the same way. Practitioners describe mediation as an art with numerous philosophies and approaches (Kolb, 1983; Kochan & Katz, 1988; Kearney, 1992). According to this line of argument, mediation is difficult to learn and not well-suited to scientific study. Mediation is indeed a complex process. Nevertheless, social scientists from a variety of disciplines have studied mediation. Through both theoretical and empirical research social scientists have identified some systematic patterns in the mediation process (Kochan & Jick, 1978; Carnevale & Pruitt, 1992; Wall & Lynn, 1993). This research examines the knowledge, skills and abilities needed by labor relations mediators in an effort to identify the determinants of mediator competence. This research focuses on the core competencies requirements for mediators with the Federal Mediation and Conciliation Service (FMCS) and suggests which of the competencies may be applicable to mediation in other contexts.

Why Is This Important?

Conflict occurs in nearly all human relationships. People involved in conflict may resolve their disputes in a variety of ways. One method is mediation. Mediation is "the intervention in a negotiation or conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute" (Moore, 1996, p. 15). Ever since people have come into conflict with each other, mediators have come forth to help them resolve their disputes. In fact, some scholars have dubbed mediation "the second-

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oldest profession" (Kolb, 1983). Mediation has a rich, multicultural history as demonstrated by evidence of Jewish, Christian, Islamic, Hindu, Buddhist, and Confucian mediation traditions (Moore, 1996).

The contemporary practice of mediation, a type of alternative dispute resolution[1], has grown rapidly, particularly during the past twenty-five years. However, its roots date back to the late 1800s. More precisely, in the United States mediation became part of the institutional framework of labor relations when national unions came to the forefront in the late nineteenth century. The federal government first recognized mediation as a method of handling labor disputes with the passage of the Erdman Act of 1898 (Kolb, 1983).

More recently, the federal Civil Rights Act of 1964 established the Community Relations Service to mediate community disputes (Moore, 1996). Mediation is also being used to resolve international conflicts (Kelman, 1991) as well as criminal complaints and disputes in correctional facilities (Felsteiner & Williams, 1978; Reynolds & Tonry, 1981). Indeed, mediation is expanding into almost all areas of dispute resolution including divorce and child custody (Neilson, 1994; Harrell & Doelker, 1994; Swenson, 1992), sexual harassment cases (Gadlin, 1991), small claims court (Wissler, 1995; Wall & Dewhurst, 1991) and environmental and social policy disputes (Susskind & Cruikshank, 1987; Stamato & Jaffe, 1991).

In brief, mediation is quickly becoming the policy instrument of choice to resolve disputes at various levels of government. Moreover, recent Congressional activities such as the enactment of the Civil Justice Reform Act of 1990, the Administrative Dispute Resolution Act of 1990, and the Negotiated Rulemaking Act of 1990 provide for the use of alternative dispute resolution systems in federal agencies and departments. These acts signal that conflict resolution is an important part of contemporary public administration (Lan, 1997).

Mediation in the Labor Relations Context

Mediation is the most commonly used type of third party intervention in labor disputes and collective bargaining (Coleman, 1990). In fact, the National Labor Relations Act requires a labor union to notify the FMCS 30 days before calling a strike. The Railway Labor Act also requires mediation using the National Mediation Board before a dispute can go to the next phase of the impasse process.

The Public Sector This topic is especially relevant to scholars of public administration given that the public sector is heavily unionized. More precisely, in 1997 6.7 million union members worked in federal, state, and local governments, comprising roughly 37.2 percent of government employment. An additional 1.8 million public sector employees were represented by unions, although they were not union members. This brings the total share of public sector workers represented by labor unions to 47.2 percent. This compares with unionization rates of roughly 10 percent of the employees in the private sector (Bureau of Labor Statistics, 1998). Thus, organized labor has a strong presence in the public sector. This presence means that workplace changes cannot be implemented unilaterally in the public sector. In recognition of the strong union presence in the public sector, there have been numerous calls for labor-management cooperation (U.S. Department of Labor, 1996; Carnevale, 1993; Naff, 1993).

To illustrate, a task force recently convened by the U.S. Secretary of Labor con-

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cluded that the public sector must transform the way services are planned and delivered, the way the public workplace is managed, and how public workers' knowledge is engaged in the process. According to the task force, traditional approaches to these tasks will not be sufficient to compete in an increasingly globalized economy and to respond to increasing demands by members of society. Public sector agencies facing these challenges will require the participation of employees. Adversarial relationships will need to be transformed so that workers may focus on their common goals (U.S. Department of Labor, 1996).

Learning Organizations Similarly, the literature on organizations has called attention to the importance of team building and team learning (Porras & Silvers, 1991; Senge, 1990). The goal of team building and team learning is to create a "learning organization" with the capacity for continuous self-evaluation and improvement. Mediation serves as a forum for team learning. That is, the mediation process may be thought of as a sort of dialogue in which a group explores complex, conflictive issues from a variety of viewpoints. In this dialogue individuals are able to temporarily let go of their assumptions and communicate their ideas freely (Senge, 1990). Moreover, this dialogue creates a high degree of mutual trust, which in turn reduces defensive behavior (Zand, 1972). The result is a free exploration of problems and solutions that allows participants to move beyond their own individual positions and solve problems more effectively (Senge, 1990; Zand, 1972). In contrast, in low-trust organizations energy and creativity are diverted from problem-solving and individuals use the problem as a tool to reduce their vulnerability (Zand, 1972). Thus, mediation can lead to collaborative solutions that help the organization meet the challenges of a continuously changing environment.

The Debate Over Mediators' Qualifications

One important issue that arises out of the recent explosive growth in the practice of mediation is: what do mediators need to know in order to assist the parties in resolving their conflicts? In the past, a mediator's choice of strategies and techniques was considered so personal and so unique to each situation that many argued that mediator effectiveness was virtually impossible to analyze. Given the explosive growth in the use of conflict resolution services, the premise that a mediator's performance cannot be evaluated has become untenable. Indeed, Bellman (1998, p. 206) indicates that the tremendous growth in the practice of mediation has created a situation in which "the field could be described as a mile wide and an inch deep." That lack of depth means that the field is fragile and vulnerable. To remedy this situation, practitioners and scholars alike have recommended establishing guidelines for evaluating and screening mediators (Honeyman, 1993; Bellman 1998). In particular, Bellman (1998) identifies the chaotic and unstandardized state of mediator training as an area ripe for improvement. Similarly, Honeyman (1993) suggests that the establishment of guidelines could help even out the disparities in talent between various mediators, by helping programs identify the specific training needs of individual mediators.

This article reviews the performance planning and continuous learning standards established by the FMCS for its own mediators. These standards, identified as core competencies, provide useful insights into the characteristics the agency considers to

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be critical to successful mediation. Given that the FMCS is the premier provider of mediation services in the United States, the standards the FMCS sets for its own mediators matter a great deal.

Mediators' Qualifications: The Federal Mediation and Conciliation Service Perspective

It will be helpful to begin this section with a description of the FMCS. The FMCS was created as an independent agency of the U.S. government by the Labor Management Relations Act of 1947. The agency's mission is to preserve and promote labor-management peace. Toward this end the agency provides mediation, arbitration, and other conflict resolution services and programs to employers and their unionized employees in both the private and public sectors, excluding the railroad and airline industries (Federal Mediation and Conciliation Service, 1996a). In addition, Executive Order 11491 authorized the FMCS to assist federal agencies in resolving negotiation impasses (Kearney, 1992). The services the FMCS provides are intended to prevent or minimize conflicts in the collective bargaining process and to improve labor-management relations (FMCS, 1996a). In cases where the FMCS' attempts to resolve federal impasses are unsuccessful, the Civil Service Reform Act of 1978 (CSRA), Section 7119, authorizes the Federal Services Impasse Panel (FSIP) to intervene in the dispute. The FSIP may use a variety of techniques to resolve federal impasses including mediation, fact-finding, and final-offer arbitration (Kearney, 1992).

During the 1980s and 1990s the environment in which labor and management operate underwent rapid and profound changes. For example, labor and management witnessed the introduction of new work systems, new pay systems, new forms of ownership, new bargaining processes, and new types of problem-solving techniques during this period. With respect to bargaining processes, there was a gradual shift away from rights-based bargaining toward interest-based bargaining[2] (Stepp & Barrett, 1990). The interest-based approach to bargaining requires mediators to possess a discernible set of skills that is somewhat different from the set of skills required in traditional bargaining (Stepp, Sweeney & Johnson 1998; Stepp & Barrett, 1990).

In response to these dramatic changes the FMCS set up a mediator task force to prepare the agency for the future (FMCS, 1996b). The task force consisted of a representational sample of the agency's mediators, district directors, the deputy director, the special assistant to the director, the local union president (representing employees in the national office), and national office managers[3]. The mission of the task force was to examine trends and changes in the practice of collective bargaining and labor-management relations and the national economy, and to make recommendations as to where the agency should move in the future in terms of its mission, goals, and policies. One of the key areas examined by the task force was training and professional development.

Core Competencies To begin with, the task force identified a set of core competencies that all mediators with the agency should achieve by the year 2000. These competencies include the following:

1. Expertise in collective bargaining and labor management relations.
2. Ability to provide assistance to the parties in the negotiation of collective bargaining agreements.
3. Knowledge of the processes used to improve labor management relations.

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4. Facilitation and problem-solving skills.
5. Knowledge of the processes used to improve organizational effectiveness.
6. Ability to design and implement conflict resolution systems.
7. Ability to engage in education, advocacy, and outreach efforts. These competencies are discussed in more detail in the paragraphs that follow.

First, to achieve expertise in collective bargaining and labor management relations, mediators must have a high level of knowledge of the labor-management relations system and related processes such as economic trends and developments, industry and sector trends, global developments, settlement patterns and issues, local practices, and changes in corporate and union structures. In addition, mediators need to have working knowledge of labor law and employment law including such topics as collective bargaining, employment discrimination, minimum wage regulations, and fair labor standards. It is also important for mediators to understand the relations between federal, state, and local governments and the role that politics plays in the larger labor relations environment (FMCS, 1996b).

Second, mediators must master the skills necessary to help labor and management reach mutually acceptable agreements. These skills include proficiency in using new and innovative bargaining processes such as interest-based bargaining. To achieve competency in this area, mediators must recognize that bargaining is a continuous process and the realm of collective bargaining is expanding beyond traditional subjects. For instance, as the parties move toward more open information sharing, the mediator will need to develop a working understanding of such things as corporate budgets and marketing, strategic planning, and product development. All of these changes are occurring at the same time as the workforce is diversifying. Thus mediators need to understand and appreciate diverse perspectives and multicultural approaches to problem-solving (FMCS, 1996b).

Third, since the labor-management relationship is ongoing, it is essential that mediators provide the parties with tools for improving their relationship (FMCS, 1996b). As we know from studies of leadership, groups, and organizational systems, when a group works on a problem there are two concerns: one is the task itself and the second is how the individuals relate to each other in attempting to accomplish the task. The relationships between members of the group may either contribute to or interfere with group problem solving (Zand, 1972; French & Bell, 1984). In particular, this competency requires mediators to effectively deliver preventive mediation services with an eye toward improving the parties' relationship. Preventive mediation services include such processes as labor-management committees and partnerships, *partners-in-change* (an organizational change process), and steward and supervisor training (a process for translating the labor agreement into practice). In addition to delivering these programs the mediators must be able to customize these programs to suit their customers' individual needs. Toward this same end mediators must be knowledgeable of best practices, able to use diagnostic and assessment tools, as well as skilled in relationship and partnership development (FMCS, 1996b).

Fourth, mediators must be skilled in facilitation and problem-solving. Indeed these skills form the basis of most of the mediators' work. Facilitation skills include such things as brainstorming and group dynamics. Problem-solving[4] skills include

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planning, problem identification, and implementation as well as specific techniques such as pareto, force field, and fishbone analysis, and consensus-decision-making. Finally, effective communication skills are critical in all areas of the mediator's work (FMCS, 1996b).

Fifth, given the current economic environment which compels businesses to be competitive in the global marketplace, mediators must be capable of providing the parties the tools necessary to improve organizational effectiveness. Competency in this area requires knowledge of organizational development, organizational change models, and strategic planning. In particular, mediators need to be familiar with new work systems (e.g., high performance work systems), best practices, and other new management and organization concepts (e.g., total quality management and quality of work life) (FMCS, 1996b).

Sixth, mediators must be able to help the parties design and implement conflict resolution systems. More precisely, mediators will need to have knowledge of various alternative dispute resolution processes ranging from consensual nonbinding procedures such as mediation, assisted negotiation, fact-finding, and early neutral evaluation to more formal procedures such as binding adjudication and arbitration. In addition, this core competency requires mediators to develop skills in various areas of conflict resolution. These areas include third party resolution assistance, dispute resolution training, and consultation and systems design. In order to develop these skills mediators need to become familiar with systems evaluation, pilot programs design, and multiparty conflict resolution (FMCS, 1996b).

Seventh, mediators need to engage in education, advocacy, and outreach efforts. To fulfill the requirement of public education mediators must be able to explain the role of the FMCS, its values, and the role and contributions of collective bargaining and conflict resolution in a democratic society. Again, effective communication skills, strategies, and tools are essential to fulfilling the requirements of this core competency. In particular, mediators should focus on building coalitions and partnerships to create an environment supportive of collective bargaining and constructive labor management relations (FMCS, 1996b).

Performance Planning and Continuous Learning The task force developed the core competencies discussed above to help the agency's mediators meet the challenges of a continually evolving labor relations environment. The core competencies are used primarily in performance planning and continuous learning efforts. The principal means by which mediators gain these competencies is the FMCS' program of education and training. Beyond the training and education, these competencies are reinforced through rewards for individual motivation and self-training initiatives (FMCS, 1996b).

For example, new mediators complete a training program comprised of four training components (dispute mediation, preventive mediation, alternative dispute resolution, and facilitation and group dynamics). These training components are delivered over an approximately six-month period. Each component involves approximately one week of instruction. The core competencies are considered to be subsets of these major training components. The agency requires mediators to complete a pre-training self-assessment of the core competencies prior to participating in the first training module. Mediators also com-

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plete self-assessments of core competency learning after completing each training module. In addition, mediators complete a post-training self-assessment of core competencies 3-6 months after completing the final new mediator training module.

Furthermore, the FMCS conducts a *capabilities and interest survey* of all of its mediators every two years. The survey is intended to take inventory of the mediators' level of achievement of the core competencies. The mediators complete the surveys individually. Then each mediator discusses the results of the survey with his/her supervisor. Working together, the mediator and supervisor use the results of the survey to create *individual development plans* which specify the development training or education activities that the mediator needs. These comprehensive training plans combine mediator training at the regional level with an annual national professional development seminar (FMCS, 1996a). In addition, the data collected in the capabilities and interest survey is used to determine where the agency's strengths and weaknesses lie, evaluate the FMCS' return on investment in training, and plan any changes in the national professional development seminar and core-competency-based training.

The core competencies are used secondarily in performance evaluation. Following the task force report the criteria for individual performance were rewritten to more accurately reflect and positively reinforce the attainment of the core competencies (FMCS 1996a). Currently, mediators are evaluated on their performance in four major categories: dispute mediation, preventive mediation, alternative dispute resolution, and education, advocacy and outreach. The core competencies are included informally as subsets of these major categories. For example, providing the parties with *preventive mediation services* essentially involves providing the parties with tools for improving their relationship. Again, the emphasis is on "full service" mediators, so mediators are expected to gain experience and show improved performance in all of these major areas. In addition, there is an implicit understanding among the FMCS mediators that they must strive to attain these core competencies in order to advance within the agency[5].

Lesson Drawing Across Contexts

In addition to the lessons drawn in the labor relations and collective bargaining context, the core competencies and training efforts of the FMCS may have implications for other types of mediation. That is, some of the competencies identified by the FMCS mediator task force may cut across contexts. In particular, there are several themes running through the FMCS core competencies that have been identified by researchers studying mediation in other contexts. These themes are (a) substantive knowledge and experience in the field of practice, (b) facilitation skills, (c) broad approach to mediation, and (d) communication and problem-solving skills. These themes will be discussed in more detail in the paragraphs that follow.

First, other researchers have noted the need for substantive knowledge and experience in the context in which mediators practice. To illustrate, experienced family mediators interviewed in Neilson's (1994) study suggested that new mediators would do well to acquire substantive knowledge of child law, divorce law, and property law. Similarly, Harrell & Doelker (1994) suggest that a mentoring period in which a new mediator works with and observes a more experienced mediator should be required

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of mediators who practice family mediation. In addition, Harrell & Doelker (1994) suggest that there should be a minimum basic mediation training requirement and that mediators should have professional experience in the field in which they are practicing mediation. Thus, it appears that substantive knowledge of the field in which a mediator practices as well as practical experience in the field improve the quality of mediation. In addition, it is important for mediators to keep up-to-date with new developments in their field and to be familiar with new negotiation techniques.

Second, in discussing guidelines for evaluating and screening mediators that practice in a variety of fields, Menkel-Meadow (1993) suggests that when mediators seek to facilitate communication and help the parties generate options, evaluate solutions, and develop agreements, what the mediator is really doing is teaching the parties to negotiate. Indeed, John Steelman, a former director of the United States Conciliation Service (the predecessor agency to the FMCS) said that teaching the parties how to negotiate was the primary role of mediators (Stepp & Barrett, 1990). Again, this argument dovetails neatly with the FMCS core competencies which require mediators to deliver preventive mediation services such as steward and supervisor training, as well as to provide dispute resolution training. The requirements that the FMCS mediators be skilled in facilitation[6] and that mediators engage in education, advocacy, and outreach also encompass this "teaching" component of mediation.

In his study of mediation cases with the Farmers Home Administration between farmers and their creditors, Riskin (1993) found that a broad approach to mediation produced more satisfactory outcomes than a narrow approach, especially in reducing tensions between the parties and laying the groundwork for future communication and cooperation. Mediators following the broad approach operate on the assumption that the goal of mediation is to reach an agreement that serves the mutual interests of the parties. The focus is on developing and understanding options. In addition, the broad approach to mediation deals with barriers to negotiation such as emotional and interpersonal problems and communication problems between the parties and outside actors. Under the broad approach one of the primary objectives of negotiation is improving the relationship between the parties. Furthermore, this approach emphasizes encouraging and empowering the parties to make their own decisions (Riskin, 1993). Much the same arguments are made by Stepp, Sweeney, and Johnson (1998) in advocating interest-based bargaining.

In contrast, the narrow approach—as its name suggests—narrowly defines the conflict to be mediated. This narrow definition of the conflict restricts the issues that can be discussed as part of the mediation process. The narrow approach to mediation places an emphasis on gaining concessions from the parties. Moreover, when this approach is followed the possible outcomes of mediation are severely limited. Indeed, Riskin (1993) questioned whether parties involved in narrow mediations were really participating in the mediation sessions or simply attending them.

Based on the FMCS' documents, one can infer that mediators with the FMCS follow the "broad" approach to mediation, as described by Riskin (1993). Evidence of the broad approach to mediation can be found in the FMCS' core competencies which were designed to produce "360 degree mediators," capable of delivering the

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full range of conflict resolution services sought by its customers. For example, the mediators are expected to help the parties reach mutually acceptable agreements. In addition, the mediators are encouraged to understand the role that outside actors such as federal, state, and local governments play in the labor relations environment. Furthermore, the agency places great importance on helping the parties improve their relationship and improve organizational effectiveness. In brief, it appears that the broad approach improves the chances of successful mediation in the labor relations context and other contexts as well.

Finally, running through the FMCS core competencies is an emphasis on communication and problem-solving skills. These skills form the basis of mediation and therefore apply to mediation regardless of the context in which it is practiced. Specifically, mediators are called in to help parties solve problems that the parties were unable to resolve on their own. The dispute resolution process begins with communication, including meeting the disputants and making introductions, explaining what the mediation process is and what the mediator's role is in that process, and relies on effective communication skills throughout.

Conclusion and Directions for Future Research

To summarize, in mediation a neutral third party assists the parties in conflict in reaching a voluntary agreement. The mediator does not have the power or authority to impose a settlement. Instead, the mediator simply facilitates the negotiation process. The primary goal of the mediator is to help the parties come to an agreement.

Mediation is important for a number of reasons. In particular, mediation is quickly becoming the policy instrument of choice to resolve disputes at various levels of government. Mediation is especially relevant in the public sector given the strong presence of unions. Furthermore, mediation promotes labor-management cooperation; such cooperation is essential to providing public services in a timely and cost-effective manner. Moreover, since public sector managers are involved in team building, resolving interpersonal disputes, and handling grievances, they are in essence bargaining all the time. Indeed, courses in conflict resolution and mediation are being offered in the curricula of many public administration programs in an effort to help public administrators understand the nature of conflict in their work and their role as conflict resolvers. As evidence of the role that mediation plays in the public sector, such courses are often filled to capacity[7]. The growing interest in teaching negotiation and dispute settlement is also reflected in the editorial policies of multidisciplinary journals such as *Negotiation Journal* which features a section on Educational Innovations. Thus, mediation is a topic worthy of study within the field of public administration (for both practitioners and scholars), as well as other fields such as public policy analysis, organizational studies, labor relations, and conflict resolution.

Although mediation has become increasingly popular as a means to resolve conflict, the practice of mediation has outstripped theory-building. One important issue that arises out of the recent explosive growth in the practice of mediation is: what do mediators need to know in order to assist the parties in resolving their conflicts? Previously, William E. Simkin (1971), a well-known mediator, developed a list of 16 qualities sought in a mediator. The first 10 items were somewhat humorous including: "the guile of Machiavelli" and "the hide of

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a rhinoceros" (Simkin, 1971, p. 53). The final six items were more serious, including such items as: "demonstrated integrity and impartiality" and "basic knowledge of and belief in the collective bargaining process" (Simkin, 1971, p. 53). Simkin (1971) admits that all 16 of these qualities cannot be found in any single individual and that these qualities cannot be objectively measured. More recent attempts to develop more objective standards for gauging the knowledge, skills, and abilities required of mediators, let alone analyze mediators' effectiveness, have met with great resistance (Bush 1993; Kolb and Kolb, 1993; Salem 1993). However, given the explosive growth in the use of conflict resolution services, the premise that a mediator's performance cannot be evaluated has become untenable.

The FMCS core competencies provide a good model of the knowledge, skills and abilities that are required of mediators in public sector labor relations. Combined with a training and education program that encourages continuous learning and improvement and reinforces these goals through performance evaluations, work plans, and leadership, the core competencies described in this article contribute to successful mediation in the labor relations context. Although the labor relations context may not be entirely predictive of the mediator competencies required in other contexts, the labor management model is relevant to public administration because the public sector is so heavily unionized. Moreover, the FMCS encourages public sector employers and labor unions to utilize the agency's services.

In assisted negotiations the goal is always to get the parties talking. If one looks at mediation in contexts other than labor relations such as civil courts, family courts, community relations, agricultural boards, and negotiated rulemaking situations, several of the FMCS' core competencies ultimately apply. In principle, what the FMCS knows travels well to other contexts. That is, substantive knowledge and experience in the field of practice, strong communication and problem solving skills, a broad approach to mediation, and facilitation skills contribute to mediator effectiveness. Finally, in any mediation context it is important to combine standards with a well-developed training program that encourages mediators to invest in continual learning.

Mediator competencies are a necessary but not sufficient condition for mediation success. In other words, mediator competence is only one of a myriad of factors that contribute to mediation success. Future research should examine the entire mediation process in relation to labor relations in order to identify the determinants of successful mediation and sort out the relative contributions of the various factors. This research may begin by focusing on the mediator training process in the labor relations context to identify the determinants of mediator competence and the role that mediator competence plays in providing high quality mediation services[8].

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Notes

[1]Alternative dispute resolution is a term used to describe a variety of techniques that

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organizations use to eliminate or reduce the burden of more traditional conflict resolution processes. The various approaches to alternative dispute resolution generally involve intervention or facilitation by a neutral third party. Commonly used alternative dispute resolution methods include: ombudsmen, mediation, peer panels, management review boards, and arbitration. These methods vary in formality. At one end of the spectrum are the relatively informal processes in which ombudsmen or mediators help the parties develop mutually acceptable solutions to conflict. At the other end of the spectrum are more formal processes such as peer panels, management review boards, and arbitration in which a neutral body or person may rule on the merits of the disputants' positions and impose a solution to the conflict (United States Government Accounting Office, 1997).

[2]Briefly, with the rights-based or traditional approach to bargaining the focus is on ritual position taking. The role of the mediator in rights-based bargaining is to challenge and undermine these positions until one or both parties compromise. The emphasis is on settlement, quick fixes, and closure. In contrast, with interest-based bargaining the focus is on interests rather than positions. The role of the mediator is to get the parties to reveal and discover shared interests. The emphasis is on finding lasting solutions to the parties' problems (Stepp & Barrett 1990).

[3]This information is based on the text of *Forces of change: Report of the mediator task force on the future of* FMCS (1996b) and conversations the author had with the agency's mediators and the Director of Education and Training.

[4]Two commonly used problem-solving models include the *six-step* problem solving model and the *interest-based* problem solving model. With the six-step model the steps are as follows: (1) identify the problem, (2) diagnose the problem, (3) develop solutions, (4) select a solution, (5) implement the solution, and (6) evaluate the outcome. With the interest-based model the steps are (1) identify the problem, (2) discuss all the interests behind the problem, (3) generate solutions/options to solve the problem, (4) select criteria for evaluating the options, (5) evaluate the options using the criteria, (6) develop the solution and capture it in writing, (7) implement the solution, and (8) evaluate the outcome (FMCS, 1998).

[5]This information is based on the text of *Transformation: Federal Mediation and Conciliation Service 48th annual report* (1996a) as well as a conversations the author had with the agency's mediators and the director of Education and Training.

[6]Facilitation is the process of supporting, guiding, and coaching a group though the various phases and tasks required to achieve its stated goal. It differs from mediation in two key ways. First, facilitators primarily direct the group's process, whereas mediators direct both the process and content of meetings. Second, the mediator interacts more closely with the group than the facilitator does. In brief, the mediator has greater license to be directive with the group than the facilitator does.

[7]This information is based on discussions at panel sessions on personnel and labor relations at the 1998 American Society for Public Administration (ASPA) conference.

[8]The author is currently conducting a comprehensive examination of mediation in public sector labor relations that includes interviews with experienced mediators and trainers, surveys of mediators, and observation of the mediator training process.

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