

**REQUIREMENTS AND PROCEDURES FOR INCLUSION ON THE
ROSTER OF CERTIFIED MEDIATORS FOR THE
ARKANSAS STATE EMPLOYEE GRIEVANCE PROGRAM**

A. *Scope of Requirements*

All mediators on the Roster of Certified Mediators for the State Employee Grievance Program shall be qualified pursuant to these Requirements. Persons included on this Roster are eligible to serve as mediators in and for the program pursuant to Ark. Code Ann. ' 21-1-704.

B. *Procedures for Inclusion on the Roster of Certified Mediators for the State Employee Grievance Program*

1. A mediator seeking certification shall make application on a form to be provided by the Commission.
2. The application for certification shall be accompanied by a \$ 75 application fee.
3. The application shall contain or be accompanied by the following:
 - a. Statement of educational background, including a certified letter or transcript from the university or college conferring the degree;
 - b. Evidence of successful completion of the appropriate mediation training;
 - c. Statement of adherence to the *Arkansas Alternative Dispute Resolution Commission's Requirements for the Conduct of Mediation and Mediators in the State Employee Grievance Program*; and
 - d. Statement certifying accuracy of information contained in the application and a statement of adherence in which the applicant agrees to submit to the jurisdiction of Arkansas Courts and the ADR Commission.
4. Application for certification shall be acted upon by the Coordinator of the Commission. Any applicant denied certification shall have the right to request reconsideration of such a denial by the Commission.
5. Applicants may request a waiver of one or more requirements. Such waiver is to be made in writing and addressed to the Coordinator of the Commission. The Commission, at its discretion, may waive any of the certification requirements, recertification requirements, or continuing mediation education requirements set forth in these standards.

6. Notification of certification shall be made by letter. A letter denying certification shall state the grounds for the denial and make reference to the right of the applicant to request reconsideration of the denial. Such request by the applicant must be in writing and addressed to the Coordinator of the Commission and must be made within 30 days of receipt of notification of denial.
7. An applicant denied certification may reapply six months after the date of final Commission action.
8. In order to maintain certification, each mediator must renew annually on a form supplied by the Commission which must be accompanied by a \$75 renewal fee. Recertification applications must be received by the Commission office by August 31st of each year. The date for renewal will be September 1st of each year.
9. Applicants who reside outside the state of Arkansas must agree to submit to the jurisdiction of Arkansas courts and designate an agent of service in Arkansas.
10. “Bachelor’s degree” and “master’s degree” are only those degrees awarded by an institution of higher education accredited by an agency recognized by the Council for Higher Education (CHEA) and approved or listed by the United States Department of Education as a recognized accredited agency. “Juris Doctorate” degrees are only those degrees earned from a law school accredited by the American Bar Association. Degrees earned outside the United States shall be evaluated on a case by case basis by the Commission in order to determine whether the degree is substantially equal to a like and similar degree earned in this country and which degree if earned in this country would have been subject to the standards and academic quality which would be mandated by the foregoing accreditation process and procedure in this country.

C. *Standards for Inclusion on Roster of Certified Mediators for the State Employee Grievance Program*

1. Training

- a. Have completed a minimum of 40 hours in a mediation training approved by the Commission for the State Employee Grievance Program; or
- b. Be certified and in good standing on the Commission's Roster of Mediators for the Arkansas Circuit Courts, and have completed the Orientation to the Arkansas State Employee Grievance Mediation Program.
- c. Applicants must complete the certification process within five years of completing basic mediation training. If a complete certification application has not been submitted to the Commission within the five year period, the applicant must retake all training required for certification.

2. Education

- a. Have a bachelor's degree or higher; or
- b. Have substantial, demonstrated, and satisfactory knowledge, skills, abilities, and experience as a mediator in the applicable field of mediation.

3. Practical Experience

- a. Have co-mediated two state employee grievance program mediations.
- b. Co-mediations must be completed with a certified mediator for State Employee Grievance Program. The Commission may consider evaluations made by the co-mediator when determining whether or not the applicant is qualified for certification.

4. Ethics

- a. Be of good moral character; and
- b. Accept and follow the Arkansas Alternative Dispute Resolution Commission's *Requirements for the Conduct of Mediation and Mediators in the State Employee Grievance Program*;
- c. Submit to an Arkansas State Police background check.

5. Examination

- a. Prior to granting certification, the Commission may require applicants to successfully complete an examination on mediation concepts, ethics, and other topics relevant to mediation in the Arkansas State Employee Grievance Program.

D. *Requirements for Annual Renewal*

1. In order to maintain certification, each mediator must renew annually. Certified State Employee Grievance Program mediators will receive a renewal packet each year from the Commission. The date for renewal is September 1 of each year.
2. In order to apply for certification renewal, each mediator must provide the following to the Coordinator of the Commission:
 - a. Completed and signed renewal form
 - b. Evidence of completion of 6 hours of continuing mediation education (CME)
 - c. Renewal fee

Recertification will be granted based upon the applicant's timely compliance with all certification, continuing mediation education, and recertification standards.

3. *Continuing Mediation Education:* Certified State Employee Grievance Program Mediators must receive 6 hours each year of continuing mediation education. The requirement may be met by attending a program which is approved by the Commission to qualify for continuing mediation education (CME).
5. *Active Status:* Completion of all renewal requirements and submission of the recertification application in a timely manner maintains active certification status.
6. *Suspended Status:* Failure to provide proof of continuing mediation education hours or submit recertification fees with the renewal application, or for other good cause shown, may result in suspended certification status. If suspended for failure to submit CME or fees, the mediator is not eligible for active status until the following September 1st. If suspended for good cause shown, the suspension remains in effect until the date specified by the Commission.
7. *Lapsed Certification:* Failure to renew certification will result in a mediator being placed in lapsed certification status. To renew certification, the mediator must submit a renewal application, proof of continuing mediation education hours for the lapsed period, and applicable certification fees for the lapsed period. Lapsed status may last for no more than three years. After three years, the Commission will review the recertification application to determine if the mediator will be required to complete the application process as a new applicant. Completing the application process includes retaking the required mediation training and completing new mediation observations, as well as all other certification requirements.
8. *Inactive Status:* A mediator desiring to be placed on inactive status for personal or professional reasons may petition the Commission. The Commission may grant inactive status for good cause shown. When inactive status is granted, the mediator is not required to complete continuing mediation education or pay certification fees.