

The New Jersey State Board of Mediation

What does the New Jersey State Board of Mediation do?

By serving as a neutral third party to help resolve labor disputes, we work to promote a stable and harmonious relationship between workers and employers in New Jersey.

What can the Board of Mediation do for businesses and unions?

Consistent with our objective, our professional mediators and support staff help employees and management negotiate and administer labor agreements. Specifically, we can help you with:

- arbitration panels
- grievance mediation
- contract mediation
- collective bargaining agreement development
- private contract and employment disputes
- union election supervision
- contract ratification oversight
- card checks

Mediation Services

Mediation helps both sides in a labor dispute avoid the costs and delays of arbitration. Getting a mediator involved before resorting to arbitration often allows the parties to craft their own settlement, without risk of being bound by an arbitrator's decision. Many New Jersey laws, including the New Jersey Employer-Employee Relations Act, require mediation in the event of a contract impasse.

What mediation services are available?

Once you have invited the Board to help settle a labor dispute, a mediator can arrange mutually agreeable meeting times and places. During mediation, a professional mediator meets with the opposing parties, and attempts to help them achieve a voluntary settlement, working as a communication liaison between the parties. The mediator remains neutral and is bound by confidentiality. We offer this service without charge.

What is grievance mediation?

Grievance mediation allows a neutral third party to review a case and recommend a solution, before the employer makes a final decision.

Most collective bargaining agreements contain grievance procedures. The procedures usually end in arbitration, if the parties can't settle a grievance by other means. In grievance mediation, a mediator helps the parties reach their own resolution. It is an opportunity to resolve conflicts voluntarily, possibly avoiding binding arbitration.

What is dispute mediation?

Dispute mediation is a voluntary process for resolving a collective bargaining dispute. In this type of mediation, a neutral mediator helps the two sides reach agreement in contract negotiations.

Board mediators can also help during initial contract negotiations between a company and a newly certified union.

Arbitration Services

What is arbitration?

In arbitration, an independent expert in labor relations provides professional, prompt, and neutral settlement of disputes between unions and employers. All parties are bound to abide by the arbitrator's final decision.

How does the Board of Mediation help in arbitration?

We carefully screen arbitrators' credentials before referring them. We provide lists of vetted arbitrators, so both parties can select one that is mutually agreeable.

Once the Board names an arbitrator, the legal relationship is between the arbitrator and the parties. The arbitrator serves as an independent practitioner and charges a daily fee.

How much does arbitration cost?

The arbitrator's daily fee and any related costs will be noted in the letter from the Board that names the assigned arbitrator. Current rates are posted at www.state.nj.us/mediation/arbitration.

Election Services

What types of election services can the Board of Mediation provide?

We can:

- Assist with preparation of the Notice of Election and Nomination
- Conduct nomination meeting
- Conduct candidates' meeting covering acceptable and unacceptable election campaigning
- Assist in preparing ballot, including instructions and order of candidates
- Open Post Office box
- Arrange printing and mailing of ballots
- Receive undeliverable ballots, and send replacement ballots (union provides updated addresses)
- Pick up ballots from Post Office
- Tally and certify results of election

How much do these election services cost?

We do not charge for election services.

Union Contract Ratification

Can the Board of Mediation help with union contract ratification?

Yes, we can supervise and conduct contract ratifications.

We will conduct and oversee both mail-in and in-person voting at designated location(s) in a way that fully protects the secrecy and integrity of the process.

Card Checks

What is a Card Check?

An employee organization that wants to represent workers for collective bargaining purposes must show that most employees in the unit have signed cards authorizing the organization to represent them. The Board determines whether a majority of eligible unit members signed authorization cards, and certifies the results of the Card Check.

How much does a Card Check cost?

We do not charge to conduct a Card Check.

Notice of Bargaining

Your collective bargaining agreement is going to expire in 60 days. Now what?

The National Labor Relations Act requires an employer or union representative to notify the other party in writing 60 days before a collective bargaining agreement is due to expire or be changed. The Act also requires the parties to notify the New Jersey State Board of Mediation and the Federal Mediation and Conciliation Service (FMCS).

Download the Notice to Mediation Agencies (F-7) from FMCS's Web site (www.fmcs.gov). Complete the form and send it to both agencies listed here:

New Jersey State Board of Mediation

50 Park Place
Newark, New Jersey 07102

Federal Mediation and Conciliation Service

2100 K Street NW
Washington, D.C. 20427

After the New Jersey State Board of Mediation receives your notice, a professional mediator may contact the parties involved to offer mediation services.

Who can use the Board of Mediation's services?

Our services are available to any involved party seeking timely resolution of a labor dispute or issue -- except public employees, whose disputes are generally covered by the Public Employment Relations Commission. (Occasionally, the Board addresses labor disputes of public employers not covered by Public Employment Relations Commission.)

Arbitration or mediation services may be requested by any business or management representative, or anyone authorized to assert the interests of an organized labor union or other group of workers for any company.

How do I request services from the New Jersey State Board of Mediation?

An employer or labor union representative may contact us by mail or phone. Be sure to include contact information for both parties, as well as a brief description of the nature of the dispute or services needed.

Parties who are using our mediation or arbitration services for the first time must forward a copy of their collective bargaining agreement, naming the New Jersey State Board of Mediation as the arbitration service provider. At times, the Board of Mediation may initiate arbitration upon receiving a written agreement filed by the parties.

Contact:

New Jersey State Board of Mediation
www.state.nj.us/mediation

Headquarters

50 Park Place – 7th Floor
Newark, New Jersey 07102
973-648-2860

Administrative Offices

PO Box 110
Trenton, New Jersey 08625
609-984-7676

Ernest D. Whelan, *Executive Secretary*

e-mail: ernest.whelan@dol.state.nj.us

Fax: 609-292-0478

Cell #: 609-218-4030

Who makes up the Board?

We are seven people appointed by the governor and approved by the Senate. Two of us represent employees, two represent employers, and three represent the public. Our headquarters is in Newark and our administrative office is in Trenton.

The Board of Mediation has full-time professional mediators, along with technical and clerical staff, serving under an Executive Secretary, who is a career mediator.

New Jersey State Board of Mediation



Advancing productive labor-management relations

Chris Christie
Governor

Kim Guadagno
Lt. Governor