

621—13.4(20) Mediator listing.

13.4(1) *Categories of mediators.* The list shall consist of three categories of mediators:

- a. The agency's professional staff;
- b. Mediators employed by FMCS; and
- c. Ad hoc mediators.

13.4(2) *Application procedures for ad hoc mediators.* Persons seeking to be included on the list must complete and submit an application to the agency. Applicants shall submit at least two professional references, preferably one reference from management and one reference from labor. The board will review the application under the criteria set forth in this rule and shall make a final decision as to whether an applicant may be placed on the list. Satisfactorily meeting all criteria does not entitle an applicant to inclusion on the list. Each applicant shall be notified in writing of the board's decision.

13.4(3) *Knowledge and abilities.* Applicants must establish requisite knowledge and abilities as follows:

- a. Good verbal and written communication skills;
- b. The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
- c. Knowledge of Iowa Code chapter 20, the agency's administrative rules, and principles and practices of contracts, public finance, and labor relations; and
- d. The ability and willingness to conduct a mediation in a fair and impartial manner.

13.4(4) *Experience.* Applicants must demonstrate requisite experience in labor relations or mediation in one of the following ways:

- a. At least three years of collective bargaining experience in the public or private sector;
- b. At least three years of actual mediation experience;
- c. At least five years of other relevant experience in labor-related fields including but not limited to human resource management, industrial relations, and labor unionism;
- d. A law degree or a master's or equivalent degree in industrial or labor relations or alternative dispute resolution; or
- e. Experience that is a combination of that described in paragraphs "a" through "d" of this subrule.

13.4(5) *Geographical location.* Preference will be given to applicants residing in or near areas of the state where few other listed mediators reside.

13.4(6) *Training.* Prior to inclusion on the list, an applicant may complete the following training if the training is deemed necessary by the board:

- a. Formal training provided by the agency; and
- b. Mentorship in at least two disputes with an experienced, listed mediator. The board may require additional mentoring if deemed necessary.

13.4(7) *Conflict of interest.* Prior to inclusion on the list, all applicants must disclose potential conflicts of interest as described in subrule 13.6(1).

13.4(8) *Exemption.* Persons on the agency's professional staff and mediators employed by FMCS shall not be required to submit an application for listing and shall be deemed as meeting all criteria set forth in subrules 13.4(3) through 13.4(6) throughout the duration of their employment with the agency or FMCS.

13.4(9) *Grandfather clause.* Any person listed prior to November 5, 2014, shall be deemed as meeting all criteria set forth in subrules 13.4(3), 13.4(4) and 13.4(6).

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