**Section 1230.150 Mediation**

a) Requests for mediation shall be on a Board-designated form. Joint requests for mediation must be made in writing.

b) Requests for mediation in negotiations for either successor or initial contracts may be made at any time after the parties have commenced negotiations.

c) Requests for mediation shall generally be made jointly. Unilateral requests for mediation may be made only after the party requesting mediation has asked the other party to join in the request and the other party has refused. Unilateral requests for mediation shall be accompanied by a written statement setting forth the circumstances of the other party's refusal to join in the request. Upon receipt of a unilateral request for mediation, the Board shall investigate the request. If the Board's investigation discloses that the request was properly filed under this Part, that bargaining has not resulted in an agreement, and that mediation would assist the parties, the Board shall grant the request. Unilateral requests filed by the exclusive representative in conformance with this Section shall satisfy the precondition for a lawful strike set forth in Section 17(a)(4) of the Act.

d) Whenever the Board grants a request for mediation it shall provide the parties with a panel of at least 3 mediators listed on the Public Employees Mediation/Arbitration Roster. The parties shall have 7 days from receipt of the list to choose one of the persons on the panel or any other person they choose to serve as mediator. If at the end of this 7-day period the parties have not notified the Board of their selection, the Board shall appoint a mediator.

e) Mediation shall be conducted as follows:

1) *The function of the mediator shall be to communicate with the employer and the exclusive representative or their representatives and to endeavor to bring about an amicable and voluntary settlement.* (Section 12(a) of the Act)

2) The mediator may hold joint and separate conferences with the parties. The conferences shall be private unless the parties otherwise agree.

3) Information disclosed by a party to a mediator in the performance of mediation functions shall not be disclosed voluntarily or by compulsion. All files, records, reports, documents, or other papers prepared by a mediator shall be considered confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation previously conducted, on behalf of any party to any case pending in any type of proceeding.

4) The mediator shall keep the Board apprised of the status of the negotiations.

f) Compensation of the mediator shall be paid equally by the parties; however, *if either party requests the use of mediation services from the federal mediation and conciliation service, the other party shall either join in such request or bear the additional cost of mediation services from another source.* (Section 17(a)(5) of the Act)

(Source: Amended at 27 Ill. Reg. 7456, effective May 1, 2003)