



# THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

## POLICY

### **Exceptions to Timely Payment and Waiver of Certification Fees Policy and Procedures**

(Adopted by the Commission on September 17, 2010; amended on September 10, 2011.)

#### **I. Waiver of Fees**

**A.** The Commission may waive certification or certification renewal fees for any certified mediator who serves in the United States military and is called to active duty and deployed or advised that s/he will be deployed outside North Carolina, and requests such a waiver for the duration of his/her deployment. The mediator's certification(s) shall remain active, except that all designations of districts to be served for purposes of party selection or court appointment shall be removed from the mediator's on-line profile. During the period of waiver, the mediator shall notify the Commission at least annually that his/her deployment is continuing and request that the waiver be ongoing for the coming fiscal year and the mediator shall notify the Commission as soon as possible when s/he has returned from his/her deployment. If such notice is not provided, the Commission's Executive Secretary has discretion to lapse the certification(s). At the time the mediator notifies the Commission that s/he has returned to North Carolina, certification fees shall be due for any remaining portion of the fiscal year.

**B.** The Mediator Certification and Training Committee may waive or reduce certification or certification renewal fees for any certified mediator who is either permanently or temporarily disabled and claims financial hardship and inability to pay. If the disability is temporary in nature, the mediator must notify the Commission each year during the renewal period of his/her need for an ongoing waiver or reduction in fees. If such notice is not provided, the Commission's Executive Secretary has discretion to lapse the certification(s). Commission staff may request whatever documentation or information is needed to assist the Commission's Mediator Certification Committee in making a determination relative to issues of disability and financial hardship. Determinations made by the Committee are final and may not be appealed to the full Commission. Once the mediator notifies the Commission that s/he is no longer disabled, certification fees shall be due for any remaining portion of the fiscal year. Commission staff and members of the Commission's Mediator Certification Committee shall treat such requests with confidentiality.

#### **II. Grace Period for Payment of Fees**

Any certified mediator who is experiencing financial difficulty and cannot pay his/her certification renewal fee(s), may contact the Commission's office and request a grace period in which to pay. The Commission's Executive Secretary may, in his/her discretion, authorize a grace period of up to six (6) months from the date of the request. A mediator may, in his/her discretion, pay partial payments during the grace period allowed or pay the entire fee(s) due at the end of the period. If

payment-in-full has not been received by the end of the grace period, the mediator's certification shall be lapsed and may be reinstated only upon payment of the full annual certification fee(s) due for the fiscal year in which reinstatement is sought and the completion of any additional requirements established by the Mediator Certification and Training Committee. The mediator may continue to mediate during the grace period and hold him/herself out as a certified mediator. In the event a mediator requests a grace period for more than two years, Commission staff may, in their discretion, request evidence of financial hardship and/or determine to refer the matter to the Mediator Certification and Training Committee. Commission staff and members of the Mediator Certification and Training Committee shall treat such requests with confidentiality.

### **III. Checks for Insufficient Funds**

If a check for certification renewal fees is returned to the Commission for insufficient funds, Commission staff shall immediately attempt to notify the mediator who issued the check or the mediator whose firm issued the check and advise him/her of the situation. Commission staff shall allow 30 days from the date the check was returned for the mediator to correct the situation. If the full fee is not paid within that period or the mediator has not requested and been afforded a grace period in which to pay pursuant to Section 2 above, Commission staff shall lapse the certification(s) with notice to the mediator. Reinstatement may occur only upon payment of the full annual certification fee(s) due for the fiscal year in which reinstatement is sought and the completion of any additional requirements established by the Mediator Certification and Training Committee.