

DISPUTE RESOLUTION COMMISSION



NEWS AND UPDATES

WWW.NCDRC.GOV

December 2022

DRCMediators@nccourts.org

919-890-1415

Holiday Gift Giving Reminder!

During this holiday season, NCDRC staff would like to remind all certified mediators of [AO 36\(2018\)](#) regarding gift giving.

[AO 36](#) refers to Standard 7(h) the gift rule:

A mediator shall not give any commission, rebate, or other monetary or non-monetary form of consideration to a party, or representative of a party, in the return for a referral or due to an exception or a referral of clients for mediation services. A mediator should neither give nor accept any gift, favor, loan or other item or value that raises a question as to the mediator's impartiality. However, a mediator may give or receive de minimis offerings such as sodas, cookies, snacks or lunches served to those attending a mediation conducted by the mediator, that are intended to further the mediation or show respect for cultural norms.

To review all adopted Advisory Opinions, visit the Commission's [Advisory Opinions and Policy page](#).

Important Reminder

All certified mediators have a duty to report any grievance/complaint filed against them to NCDRC staff within 30 days of filing a response to the issuing regulatory body. (MSC Rule 8 (a)(5) and FFS Rule 8(a)(7)).

Notifying the NCDRC of the grievance/complaint will not automatically trigger an investigation by the Commission's office. Please forward any questions or concerns to DRCMediators@nccourts.org.

Continuing Mediator Education (CME)

It's never too early to complete your CME requirements for the 2023-24 Fiscal Year! To find a current list of approved courses, visit the [Continuing Mediator Education page](#). Starting on January 1, 2023, you may enter your CME hours on your Mediator Profile for FY 23-24 Renewal!



DID YOU KNOW that mediators should not file an "Interim" Report of Mediator in Court Ordered Superior Court, District Court (FFS) or Criminal District Court mediations. The Report of Mediator is only filed once the parties reach either an agreement or an impasse is called!

In remembrance....

Judge J. Douglas McCullough

It's with deep sadness that we share the death of Judge J. Douglas McCullough who passed away on October 18, 2022 in Las Vegas. Judge McCullough served on the Commission from February 2013 - September 2017, he chaired the Mediator Certification and Training Committee, and helped implement the Continuing Mediator Education requirements. Judge McCullough was a certified superior court mediator.



NC Department of Labor Mediation Program Update

By: Harriet Hopkins

The NC Department of Labor rolled out a voluntary mediated settlement conference program in the fall of 2020 for mediations of complaints filed pursuant to the NC Retaliatory Employment Discrimination Act (REDA). REDA protects employees from retaliation by their employers when they engage in certain activities protected under REDA, such as complaints about wages and hours, workers' compensation, and occupational safety and health. The statutory reference is §95-240 et seq.

Check out these statistics since the implementation of the program!

DRC certified *active* volunteer mediators—35
Mediations held either as early resolution process or after a merit determination— 83
Mediations resulted in a full settlement of the issues—46
Settlement rate—55%
Total in settlement proceeds—\$675,000

NCDOL and the Retaliatory Employment Discrimination Bureau are excited by the success of this program. The demand for mediations is increasing and even with 35 mediators, we need more.

If you've recently been certified or are experiencing a lull in appointments or selections, our program offers you a great opportunity to mediate cases that are always interesting and rarely boring! You will be providing a service that most of the complainants and some of the respondents cannot afford on their own.

If you have an interest or any questions about the program, please email me at harriet.hopkinse@labor.nc.gov or feel free to call me, 919-707-7940. You can decide how many referrals you are willing to receive annually, and whether you have particular requests, such as no pro se parties.

If you want to learn more about REDA, visit the [NCDOL Labor Ledger](#). To view a previous issues with an article of the mediation program, visit [NCDOL 2021 Labor Ledger](#).

I very much look forward to hearing from you!



Commission Staff:

Tara L. Kozlowski, Executive Director

Tara.L.Kozlowski@nccourts.org

Maureen M. Robinson, Administrative Assistant

Maureen.M.Robinson@nccourts.org

Mary E. Brooks, Administrative Secretary

Mary.E.Brooks@nccourts.org

Follow the NCDRC on Twitter @NC_DRC

Website: www.ncdrc.gov

Office: 919-890-1415

Fax: 919-890-1935

Email: DRCMediators@nccourts.org