

HALCYON GROUP™

FOR WORKPLACE DISPUTE RESOLUTION LLC



A COMMON SENSE APPROACH

TO RESOLVING DISPUTES

BETWEEN EMPLOYERS

AND EMPLOYEES

HALCYON GROUP™

F O R W O R K P L A C E D I S P U T E R E S O L U T I O N L L C

PROGRAM FOR RESOLUTION OF EMPLOYMENT DISPUTES

The Halcyon Group for Workplace Dispute Resolution offers a comprehensive Alternative Dispute Resolution (ADR) Program to resolve disputes between employers and employees. The Halcyon Group Program incorporates three powerful approaches to resolve disputes productively, fairly, and privately, while avoiding the costs of litigation. There is no longer any good reason for employers and employees to resolve their disputes in court.

THIS PROGRAM IS DESIGNED TO BENEFIT EMPLOYERS AND EMPLOYEES BY:

- ▶ *Increasing morale.*
- ▶ *Increasing retention of employees.*
- ▶ *Promoting early, informal, and private resolution of disputes.*
- ▶ *Dramatically reducing legal costs for employees and employers.*
- ▶ *Preserving relationships between disputing parties.*
- ▶ *Dramatically reducing the time it takes to resolve disputes.*

THE BUSINESS CASE

Employment litigation presents a growing threat to the stability of American organizations. When employees give up on their employer's internal dispute resolution mechanisms, costly lawsuits become the only perceived alternative. It is not uncommon for a party's legal fees in an employment discrimination suit to exceed \$100,000. The impact of such a suit on the smaller business or non-profit organization can be devastating, win or lose, and the years of distraction for key employees only adds to the cost. Many disputes that escalate into litigation could be resolved quietly, successfully and with significantly less expense, if an ombuds, mediator, and other ADR strategies were available.

Over the past years, courts have ruled that alternative dispute resolution systems, fairly designed and executed, are a reasonable and legal way to settle employment grievances. Mandatory arbitration, supported by other enlightened approaches, such as ombuds and mediation services, provide more private, less formal, and less expensive ways to resolve employment disputes. The Halcyon Group Employment Dispute Resolution Program has been designed specifically to provide such an alternative.

UNIQUE THREE-PHASE PROGRAM

The Halcyon Group Program offers three phases of dispute resolution: ombuds services; mediation; and, binding arbitration. The Program is intended to resolve each dispute as fairly, as early, as informally, and as privately as possible. The three-phase program offers different levels of intervention to ensure that disputes are resolved using the least costly and disruptive process.

The Halcyon Group provides: skilled, impartial professionals, who help resolve such disputes effectively; all policies, agreements and other documents necessary to install the Program; and, orientation seminars to review the nature and procedures of the Program with management and all employees. When an organization accepts the Halcyon Group Program, both the employer and employees agree to resolve most, if not all, disagreements within the ADR system, and to use the Program as the exclusive way to conclude workplace disputes.

PHASE ONE: OMBUDS SERVICE

An ombuds is an impartial, experienced problem resolver, who reviews disputes and recommends solutions. The concept originated in Sweden hundreds of years ago. The ombuds was a respected senior official, appointed to help citizens resolve their complaints with the government, empowered to provide confidential advice and counseling to citizens, and authorized to help investigate and resolve disputes. Over the past thirty years, hundreds of organizations



in this country, including large corporations and universities, have appointed ombuds to provide this service to employees.

In changing corporate environments, we cannot assume that employees will always feel comfortable reporting problems, grievances, or wrongdoing. Employees may be uncertain about the consequences of bringing a problem to company representatives because they fear possible retaliation from supervisors or co-workers. They also may worry that sensitive information will not be kept confidential, and believe that no corrective action will be taken. Such unreported, unresolved problems can develop into costly litigation, and injure the organization.

An important reason to install an ombuds system is to offer employees a safe and anonymous way to review an employment issue before it leads to confrontation. An ombuds is a trained, neutral party to whom employees can turn for counseling, informal fact-finding, and, when requested by the employee, intervention. The mission of the ombuds is two-fold. Primarily, the ombuds will assist employees who need help solving problems in the workplace. Secondly, the ombuds will provide neutral, confidential advice to management concerning trends and practices in the organization that may need attention or correction.

Many medium size and smaller companies cannot justify the cost of a full time ombuds. For these organizations, the Halcyon Group provides an external, professional ombuds to receive and resolve complaints.

PHASE TWO: MEDIATION

If a problem cannot be resolved through the informal service of the Halcyon Group ombuds, the employer or the

employee can request mediation by a professional trained to facilitate negotiation. In this process, the mediator helps the disputing parties explore ways to amicably resolve the problem. The mediator does not serve as a judge and does not decide the issues in the dispute. Rather, the mediator assists and enriches the parties' discussion of the problem in order to aid the informal resolution of the dispute. Mediation provides an unbiased, confidential, and non-confrontational way for all parties to be heard and understood.

If the mediation is successful, the parties can prepare and accept a settlement agreement that becomes binding when both have signed it. Mediation can occur with or without lawyers present. Most disputes can be resolved quickly, within one or two days of mediation. In mediation, about seventy to eighty-five percent of disputes are settled. This dramatically reduces the need to resort to costly and formal litigation.

PHASE THREE: ARBITRATION

Arbitration is the final resolution process in the Halcyon Group Program, and is used only when the more informal procedures have not settled the matter. In arbitration, a skilled, impartial arbitrator conducts a hearing similar to a trial, but less formal. Testimony is taken and evidence reviewed. After the hearing, the arbitrator makes a binding decision, called an award, which can be enforced in a court. In the arbitration process, discovery is limited and evidence rules are relaxed. Arbitration awards can be appealed only in exceptional circumstances, so arbitration usually is the final, comprehensive resolution of a dispute. Of particular benefit to employers and employees, arbitration generally can be completed much faster, and at considerably less expense than litigation and trial in court.

IS THE HALCYON GROUP PROGRAM ENFORCEABLE?

With respect to most workplace disputes, the Halcyon Group Program is enforceable by the courts. In several recent decisions, the United States Supreme Court has ruled that the alternative dispute resolution programs, including binding arbitration, are enforceable, so long as the programs are equitable in design and execution.

WHO ARE THE PROFESSIONALS OF THE HALCYON GROUP?

The ombuds, mediators, and arbitrators of the Halcyon Group are selected from very experienced and skilled professionals throughout the country. The Halcyon Group provides rigorous screening to ensure that the neutrals used in our Program have demonstrated skill and expertise in resolving disputes.

HOW DOES THE PROGRAM BENEFIT EMPLOYEES AND EMPLOYERS?

The Program benefits employees by expanding and enriching the alternatives for resolving problems and disputes. Most employees prefer to solve employment disputes privately, quietly, and effectively, so that they can perform their jobs without distraction or interruption. Employers benefit because the loss of time and money to expensive, stressful, and complicated litigation is greatly reduced. Alternative dispute resolution services demonstrate an organization's commitment to the fair, impartial, and effective resolution of disputes.

HOW DOES THE PROGRAM REDUCE COSTS?

The Halcyon Group Program practically eliminates the necessity for organizations to go to court with employees. Invariably, implementation and use of the Program's procedures costs far less to resolve a dispute than does traditional litigation. The Program also is intended to improve morale and assist in the retention of valuable employees.

DOES THIS PROGRAM REPLACE THE ROLE OF THE HR DEPARTMENT?

This Program supplements, but does not replace, the important role of an organization's human resources department in monitoring and resolving disputes. Ideally, an HR department will be able to tend to most disputes that arise in the organization. When an employee is reluctant to go to a manager or the HR department, the Halcyon Group Program provides an effective, fair, and neutral process to resolve the issue before it leads to litigation.

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