

FAQs

1. Why is Bozzuto making this change?

Our goal is to have workplace legal disputes resolved fairly, efficiently and in a timely fashion. We are adding an option for you and Bozzuto to engage in voluntary mediation with JAMS (formerly known as Judicial Arbitration and Mediation Services, Inc.), and if the issue remains unresolved, the issue will be referred to binding arbitration. It is our expectation that such an arbitration will be completed in 4 to 8 months, depending on what is involved, as compared to litigation that can often continue for well over 2 years.

2. Do all applicants and employees of The Bozzuto Group need to sign the Agreement to Arbitrate?

Yes; all applicants and employees are required to sign the Agreement to Arbitrate in order to eligible for employment or to remain employed.

3. What is mediation?

Mediation is an alternative dispute resolution technique. Mediation is a voluntary process wherein the parties are assisted in their negotiation of whatever is in dispute. The mediator is an impartial person, often a retired judge or an expert in the field in question, who guides the parties toward a hoped-for, voluntary resolution of a dispute. The mediator does not decide the dispute, rather the parties must voluntarily agree to a resolution of the dispute.

4. What is arbitration?

Arbitration is another alternative dispute resolution technique. In an arbitration, both parties present their case to an impartial person, often a retired judge or an expert in the field in question, and the arbitrator decides the dispute. Each party's presentation often will include witnesses and documents that support that party's case. As compared to mediation where a mediator only acts as a guide for the parties to reach a voluntary resolution, in arbitration the arbitrator actually decides the dispute. Mediations can sometimes fail to produce a resolution, whereas in arbitrations the arbitrator provides the final result of a dispute.

5. What is JAMS?

JAMS is a nationally recognized alternative dispute resolution company. This is how JAMS describes itself: "JAMS successfully resolves and manages business and legal disputes by providing efficient, cost-effective and impartial ways of overcoming barriers at any stage of conflict. JAMS offers customized dispute resolution services locally and globally through a combination of industry-specific experience, first-class client service, top-notch facilities and highly trained panelists." JAMS has Employment Arbitration Rules and arbitrators with expertise in employment-related disputes.

6. Am I giving up the substance of my rights under federal, state and local employment laws?

No; all discrimination, harassment and wage and hour laws still apply to your employment and the remedies provided by such laws also still apply. However, instead of litigation through the courts, binding arbitration conducted by JAMS will resolve the dispute.

7. Can I retain a lawyer to represent me in the arbitration?

Yes; you may retain the services of a lawyer to represent you.

8. Is mandatory arbitration a standard practice for companies?

Yes; a clear majority of employers in the U.S. and, according to our informal survey, almost all large, integrated, real estate companies require mandatory arbitration of employment-related legal claims.

9. Who pays for the costs of the arbitration?

Except for the filing fee, which will be no more than the cost of filing a case on the same topic, Bozzuto will bear the cost of the arbitration proceeding – mostly the cost for the professional arbitrator and the cost for the hearing room.