



Alternative Dispute Resolution Program (ADR)



EQUAL EMPLOYMENT OPPORTUNITY
FORT SILL, OKLAHOMA

What is ADR?

- Alternative dispute resolution encompasses *mediation, arbitration, facilitation* and other ways of resolving disputes focused on effective communication and negotiation, rather than using adversarial processes such as administrative procedure.
- The Army's preferred method is "MEDIATION"



What is Mediation?

- Mediation is a dispute resolution process which is non-adversarial in nature
- Seeks not to declare winners or losers, but to find reconciliation between disputing parties



Who May Participate in Mediation?

- Department of Defense employees
- Applicants for employment
- Former employees who allege discrimination on matters concerning their employment may be offered or may request mediation



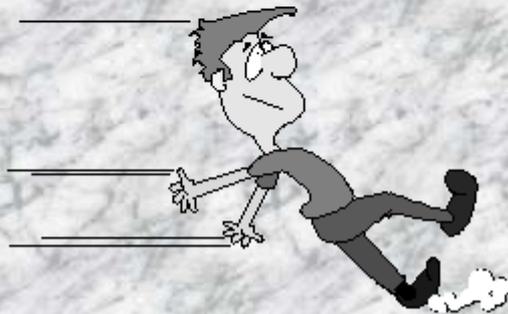
ADR Program must conform to these core Principles:

CONFIDENTIALITY

NEUTRALITY

VOLUNTARINESS

ENFORCEABILITY



Mediation-Benefits

- Confidential
- Encourages open communication
- Allows parties to resolve differences themselves
- Neutral Third Party mediates
- EEO complaint process continues if no agreement reached
- Saves money/time



Time Frames for ADR

- Should begin immediately upon determination usage is appropriate
- Process must be COMPLETED within 90 days of putting activity on notice of desire to initiate a complaint of discrimination



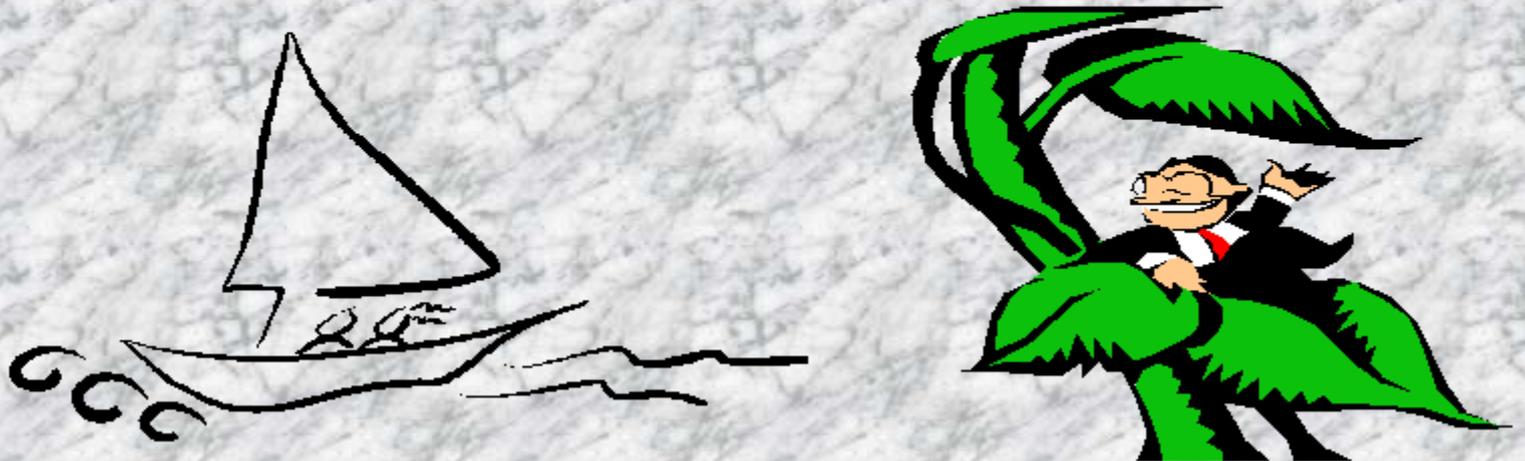
Mediation – The Process

- Physical setting
- Remarks by the parties
- Joint Discussion
- Caucus
- Reconvening Parties
- Writing agreement



Physical Setting

- Private area away from work area
- Parties seated to convey a sense of equality
- Mediator seated to maintain control



Remarks By The Parties

- Mediator opens the session
- Parties have an opportunity to make opening remarks and present issues



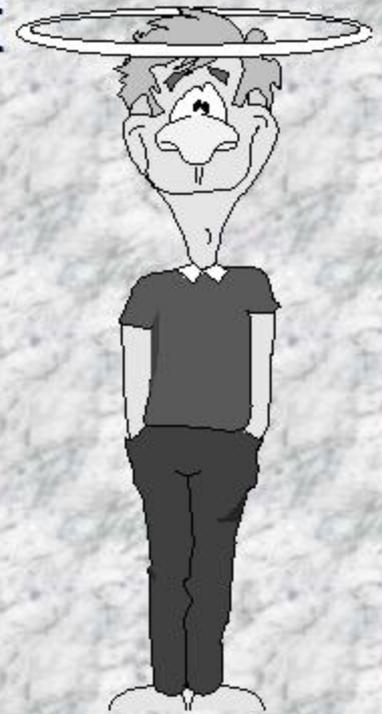
Joint Discussion

- Mediator facilitates through several means
- Open exchange is encouraged
- Parties may want to produce evidence



Caucus

- Mediator meets with complainant
- Mediator meets with management



Reconvening Parties

- Agreement



- No Agreement



Writing Agreement

- Mediator writes
- Parties are responsible for substance



Mediation Obstacles

- Dispute is inappropriate
- Approval authority is not in attendance
- Lack of an agreement

*“I must say, this
doesn’t look good!”*



When Does The ADR Process End?

- When an agreement (in written format of NSA) is reached
- No agreement, issue Notice of Right to File



Who does Mediation Benefit

- Managers/Supervisors
- Counselors
- Employees



Applicable Guidance

- AR 690-600 EEO Discrimination Complaints
- 29 CFR 1614
- MD 110



Frequently Asked Questions

- Who mediates complaints and disputes?
- What qualifications are required to mediate disputes?
- Who attends the session?
- Where do mediation sessions take place?
- How long is the process?
- May parties be represented at the mediation session?
- Are labor counselors included in mediation session(s)?
- Are all employment disputes eligible for ADR?
- What happens if ADR is not successful?

1. Trained certified Mediators.

2. Certification, 40 hrs of classroom instruction

3. Mediator, Aggrieved, and Management Official (One who has the authority to make decisions.)

4. A place that is neutral for both parties. (Library or Conference Room)

5. It depends on where you are in the mediation. It could take 4hrs or more.

6. Yes, but their name, address, and telephone number must be on the ADR Intake Sheet prior to mediation. (If the Aggrieved or the Management Official shows up with someone who is not on the intake sheet; the other party must say it is ok for the individual to stay.)

7. Yes, though we try to keep mediation less legalistic as possible, we cannot deny the Management Official an opportunity to have representation. However, the Labor Counselor cannot speak for the management official.

8. No. Sexual Assault and Aggravated Assault are not suitable subjects for mediation.

9. The administrative process continues. The aggrieved is given "Notice of Right To File."

**Information contained
herein obtained
from various resources**



**POC for information and charts
is Ms. Sandra Daniel, Fort Sill EEO Office
(e-mail: atzry@sill.army.mil)**