

Who pays for mediation?

There is generally no direct cost involved in ADR. However, if a mediator cannot be found within your geographical location, the agency pays the cost of the travel and per diem for the mediator. These costs typically range from \$250.00 to \$900.00.

What happens during mediation?

At the beginning of the mediation process, the mediator may work with both parties to establish basic ground rules to abide by during the mediation. Both parties will be given the opportunity to explain their concerns and to identify their interests. During the process, the mediator may caucus with either party privately. Discussions during a caucus are normally confidential, unless the party agrees to discuss the issue with the other party.

Can I seek assistance from a technical expert prior to signing an agreement?

If you are unsure about the legality of agreeing to a particular provision of the agreement, you may request to consult with a HR Specialist or other source of information prior to signing. Such consultations, however, are rarely required during the ADR process.

What if I do not want to settle in mediation?

That is your choice. If you and the employee are unable to reach an agreement, the dispute may be pursued in other available forums. Also, you may end the mediation at any time and for any reason.

Remember, mediation is your opportunity for a win-win resolution of any type of workplace dispute.

What happens after mediation?

If the parties do not reach an agreement, the employee may either pursue his/her complaint or withdraw the complaint. If an agreement is reached during the mediation, a settlement agreement should be drafted and signed by both parties. (The mediator is not considered a party to the agreement and should not sign the settlement agreement.) As the management official signing the agreement, you are responsible for ensuring that actions agreed upon by management are initiated and finalized in an expeditious manner. Management's failure to implement the provisions of the agreement could result in the reopening of the employee's complaint and/or grievance.

For Additional information on ADR, please visit Department of the Navy Legal Community ADR home page:
<http://www.adr.navy.mil/>

The DON ADR Program appreciates VADM Sullivan's message, and encourages ALL commands in the DON, not just NAVSEA, to use ADR "to the maximum extent." See SECNAVINST 5800.13A
(<http://www.adr.navy.mil/docs/SIGNED580013A.pdf>)

ALTERNATE DISPUTE RESOLUTION (ADR)

FOR MANAGEMENT OFFICIALS

Is ADR in Your Activity's Best Interest?



Resolving Workplace Conflict

www.adr.navy.mil

EEO Program Manager
DSN: 315-243-8163 (fax 9962)
Comm:+81-46-816-8163 (fax 9962)

EEO Specialist, Mediator
Comm:+81-46-816-9579/315-243-9579

EEO Assistant
Comm:+81-46-816-7092/315-243-7092

Email to: M-YO-CNRJEEO@fe.navy.mil

CNRJ EEO OFFICE (Mailing address)
HUMAN RESOURCES OFFICE
EQUAL EMPLOYMENT OPPORTUNITY
PSC 473 BOX 22 code N134,
FPO AP 96349-0022

The Equal Employment Opportunity Commission (EEOC) requires Federal agencies to offer alternative dispute resolution to employees who have initiated EEO complaints against their agencies. Additionally, SECNAVINST 5800.13 formally establishes the Navy's policy to use Alternate Dispute Resolution (ADR) "to the maximum extent practicable" to resolve all forms of workplace disputes. This brochure is designed to educate supervisors and managers on the ADR process, and to assist your command in complying with EEOC and Navy requirements.

ADR is normally in the best interest of both the activity and the employee. It offers parties the opportunity to determine the outcome of workplace disputes, and is typically less expensive. ADR also offers reduced processing times as opposed to traditional third party processes. If you are asked to participate in the ADR process to resolve a complaint, hopefully the information contained in this brochure will assist you in making the right decision.

What is Alternate Dispute Resolution (ADR)?

ADR is a voluntary and confidential process involving a neutral third-party (mediator/ neutral) helping employees and activity officials by facilitating discussions on resolving workplace disputes. In the EEO process, the employee normally initiates the request for mediation. However either management or the employee may initiate a request for ADR.

What are the advantages of mediation?

(1) People are generally more satisfied with resolutions that they develop themselves than with agreements that are decided by third parties; (2) ADR expedites the process, allowing management and employees to resolve complaints quickly and reduces production losses; (3) ADR helps parties restore or maintain positive working relationships; (4) ADR is less adversarial than traditional third party resolution and encourages parties to focus on individual and common interests to reach agreements that meet both parties needs; and (5) ADR is a means of significantly reducing the activity's financial liability associated with processing complaints/disputes.

Who schedules the ADR/mediation?

The EEO Specialist normally coordinates and schedules the time and location of the mediation. The coordinator will need to obtain signatures on required forms prior to the mediation. Before mediation begins, you will be required to sign an Agreement to Mediate. By signing the Agreement, you acknowledge that you will mediate in good faith and comply with the rules governing the mediation session. Mediations are often conducted outside the activity where the parties are employed.

Who selects the mediator?

The CNRJ EEO Office uses trained and certified mediators to facilitate ADR events. To ensure neutrality and to reduce potential conflicts of interest, mediators do not mediate disputes within their own activities.

What is the role of the mediator/neutral in the ADR process?

The role of the mediator is to facilitate discussions between management and the employee and to assist both parties in reaching a resolution. The neutral is not a "Trier of Facts" and cannot render a decision on the merits of the dispute or the outcome of the dispute.

Is mediation confidential?

Yes, parties are advised that information discussed during mediation should not be repeated by either party or by the mediator. There are limited exceptions to this rule when information discussed poses a threat to the safety of others or violates laws.

Is mediation voluntary?

Yes. If one party does not want to participate, mediation cannot occur. However agency supervisors and managers are strongly encouraged to participate in attempts to resolve both informal and formal complaints of discrimination and other workplace disputes.

May I bring an agency representative to the mediation?

Yes, you may, however it is not a mandatory aspect of the process. The employee may also bring a representative.

Should I bring witnesses to the mediation?

No. Usually, only the disputing parties and the mediators are present at the mediation.

How long does the ADR last?

Mediations may take from three to six hours for a session. Additional mediation sessions may be scheduled if you are unable to resolve the dispute in one session and are making progress toward an agreement.

What should I do to prepare for mediation?

Prior to coming to mediation, you may want to (1) identify the command's interests or concerns in the dispute; (2) consider the employee's interests, remedy requested, and concerns; (3) determine your authority level and know what you have the authority to approve during the mediation; (4) examine possible resolution options; and (5) obtain a sample copy of your command's settlement agreement language in the event that a settlement is reached during the ADR.