

## **ALTERNATIVE DISPUTE RESOLUTION (ADR)**

29 CFR 1614.102 requires agencies to establish or make available Alternative Dispute Resolution (ADR). ADR uses a variety of approaches and techniques to achieve consensual resolution of disputes, generally with the assistance of a neutral third party. ADR techniques include, but are not limited to: mediation, facilitation, neutral evaluation, conciliation, arbitration, fact finding, and negotiation.

The most preferred ADR technique requested at the United States Department of Agriculture (USDA) is mediation. The benefits of utilizing mediation includes achieving effective and mutually satisfactory resolutions of conflicts, decreasing time, cost and other resources expended in resolving conflicts, and fostering a culture of respect and trust between managers, customers, and employees in an effort to increase customer satisfaction and employee morale.

The NRCS, Civil Rights Division (CRD), offers mediation to all employees and applicants in both the Pre-Complaint (Informal) and Formal stages of the Equal Employment Opportunity (EEO) complaint process in accordance with Equal Employment Opportunity Commission (EEOC) Management Directive 110. An EEOC Administrative Judge may also order parties to utilize mediation prior to a hearing. Mediation is also available to prevent and resolve Administrative Grievance, Program Conflicts and Early Intervention of Workplace Disputes.

The Administrative Dispute Resolution Act of 1996 (ADRA) and the EEOC ADR Policy Statement recognize that there are instances in which ADR may not be appropriate or feasible. The CRD has the discretion to determine whether a given dispute is appropriate for ADR.

Mediation is voluntary for the Complainant and management's participation is required. All participants are entitled to representation throughout the mediation process.