

How does ADR work?

When the aggrieved expresses an interest in ADR, the EEO Official will coordinate with the ADR team to determine if ADR will be offered to the aggrieved. If the ADR Team determines that ADR is appropriate, the EEO Official will offer the aggrieved, in writing, the opportunity to participate in ADR. If the aggrieved elects to participate in ADR, the pre-complaint processing period will be extended to **90 calendar days** from the date the pre-complaint was initiated. If the dispute is resolved through the use of ADR, the resolution will be documented in the form of a negotiated settlement agreement (NSA). If mediation is unsuccessful during the pre-complaint process, the EEO official will annotate the EEO Counselor's Report to reflect that mediation was unsuccessful, and conduct a final interview with the aggrieved, no later than 90 calendar days from the date the aggrieved initiated the pre-complaint process.

Why ADR?

- Avoids protracted litigation and improves working relationships.
- Encourages open communications.
- Utilizes an impartial third party to assist the involved parties in resolving the dispute.

For more information, contact your local Equal Employment Opportunity Office.



**US Army Corps
of Engineers**

Alternative Dispute Resolution (ADR) Program



A voluntary and effective resolution option for EEO complaints.



Alternative Dispute Resolution Program

What is ADR?

ADR is a term used to describe the method for resolving conflict in a collaborative framework with a neutral third party. The Corps of Engineers has selected mediation as the preferred ADR method to be used to resolve employment-related disputes. The ADR process is a successful tool for resolving disputes and fostering better communication between employees and supervisors, and providing mechanisms for cooperative problem-solving. ADR is a confidential process. If a person elects ADR and the dispute is unresolved, they have the right to continue in the EEO process. Confidentiality is essential to the success of all ADR proceedings. Generally, ADR communications are kept confidential, and such information may not be used later by or against the disputing parties.

What is mediation?

Mediation is the intervention of a neutral and impartial third party into the dispute who has no decision-making authority. The objective of this intervention is to assist the parties to voluntarily reach an acceptable resolution of the issues in dispute.

Who is involved in ADR?

- ADR Team Members:** The EEO Officer, Labor Counselor, Civilian Personnel Advisory Center representative and management representative, who review the claim(s) raised and provide advisory assistance to the Resolution Official and Mediator. They are not part of the mediation process itself.
 - Aggrieved Persons*:** Corps employees, current and former, who initiate a pre-complaint on matters arising during their employment with the Corps may choose to participate in ADR, if offered. Participation is voluntary.
 - Representative:** Participants to the dispute will have the right to representation (who may be an attorney or non-attorney) if they so choose throughout the complaint process, including ADR.
 - Resolution Official:** Commander or his/her designee who is authorized to engage in mediation and have the authority to execute settlement agreements.
 - Management Respondent:** Usually a management official who took, or proposed to take, the employment action of which the aggrieved person complained.
 - Mediator:** A mediator serves as the presiding official during the mediation and assists in clarifying issues, identifying underlying causes, and arriving at appropriate remedies to resolve the dispute.
 - Union:** The union has the right to be present during mediation, but does not actively participate in the process.
- *NOTE: ADR may also be offered at the formal complaint stage after an investigator has been requested.