

HOW TO GET STARTED

If an employee has an issue that they would like to have mediated, they may contact the NNSA Office of Civil Rights (OCR) using the following timeframes:

- ❖ If you are considering filing an EEO complaint, contact an EEO Counselor within 45 calendar days of the alleged incident or action. At the initial counseling session, elect either traditional EEO Counseling or ADR.
- ❖ If you are considering filing a grievance, you have 15 days to initiate the administrative grievance procedure from the date the event occurred. If you desire to use ADR for your grievance, you will simultaneously contact the Employee Management Relations Department at (505) 845-4850.

Note: The EEO and grievance process are held in abeyance during ADR, and the employee may return to either forum if unsuccessful.

- ❖ If the conflict is not EEO or grievance based, but still a workplace conflict, contact OCR at any time to initiate the ADR process.

Mediation services are contracted and performed by an independent neutral third party.

For ADR program information, contact the NNSA Office of Civil Rights.

NNSA Office of Civil Rights, NA-1.2
Phone: (505) 845-5517
Toll Free: (800) 825-5256
(enter 845-5517 at voice prompt)
Fax: (505) 845-4963
TTY: (866) 872-1011

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**U.S. DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY
ADMINISTRATION**

OFFICE OF CIVIL RIGHTS, NA-1.2

Alternative Dispute Resolution: A Method for Resolving Disputes



**Equal Employment Opportunity:
Collaborating for Mission Success**

What is ADR?

ADR includes a variety of dispute resolution processes (including, but not limited to conciliation, facilitation, mediation, fact finding, mini-trials, arbitration, and use of ombudsman, or any combination thereof) to assist people in avoiding more costly forums such as litigation.

What is Mediation?

Mediation is a type of Alternative Dispute Resolution (ADR) commonly used at NNSA to resolve workplace disputes. In mediation, the mediator (a neutral third person) assists the parties in discussing their concerns in a productive manner. The mediator does not take sides, but helps the participants express their concerns and identify options that are workable for all involved.

WHEN SHOULD I USE MEDIATION?

- ❖ There is no need to establish precedent, and there is no single “right” solution that is required.
- ❖ Tensions, emotions, or transaction costs are running high.
- ❖ Communication between parties has broken down.
- ❖ Issues are complex and individual parties have an interest in maintaining confidentiality with respect to key issues.
- ❖ The parties want or need to maintain an ongoing working relationship.

BENEFITS OF MEDIATION

- ❖ **THERE'S NO RISK**
You can choose to end mediation at any time, and you're never obligated to accept a resolution unless you're satisfied.
- ❖ **IT ALLOWS FOR CREATIVE PROBLEM-SOLVING**
You develop innovative solutions instead of the typical win/lose results of more adversarial proceedings.
- ❖ **IT'S CONFIDENTIAL**
You speak without fear that your words will be used against you in another proceeding, because anything you said in mediation cannot be used in any other forum. The matters and issues discussed in mediation are confidential.
- ❖ **YOU CONTROL THE OUTCOME**
A resolution developed by you and the other person will more likely meet your needs rather than a resolution imposed by a judge or arbitrator.
- ❖ **IT PRESERVES RELATIONSHIPS**
You resolve your dispute while building a better relationship with the other person.
- ❖ **IT'S QUICK**
The majority of mediations are completed in one or two sessions.

WHAT IS THE MEDIATOR'S ROLE?

- ❖ Does not decide who is right or wrong, does not act as a judge, does not take sides, and does not place blame.
- ❖ Does not condone violence or threats as means for solving problems.
- ❖ Works equally with both parties.