

## THE MEDIATION PROGRAM

In 1995, the Department of Energy published its Policy Statement on alternative dispute resolution (ADR) which it later revised in 2008 to further strengthen its commitment to the use of ADR techniques and processes to address disputes at the earliest stages.

To that end, the Mediation Program is a tool to manage and resolve all types of disputes in a fair, timely, and cost efficient manner. Managed by the Alternative Dispute Resolution Office (ADRO) at DOE HQ in Washington D.C., the Mediation Program is available to all DOE employees and contractors nation-wide including employees at DOE's field offices, Power Marketing Administrations, National Nuclear Security Administration and the Energy Information Administration.

ADRO strives to provide a timely, predictable and transparent process so that the parties have the necessary information to make informed decisions about their participation and potential outcomes.

CONFIDENTIAL

## THE ADR OFFICE

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ADROffice@hq.doe.gov



Please contact us for more information. We are happy to talk to you on the phone or in person at Forrestal or Germantown, or at our offices (a 5 minute walk from the Forrestal building).

[WWW.ENERGY.GOV/ADR](http://WWW.ENERGY.GOV/ADR)

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U.S. Department of Energy

ALTERNATIVE DISPUTE  
RESOLUTION OFFICE



# THE MEDIATION PROGRAM



## WHAT IS MEDIATION?

Mediation is an alternative dispute resolution technique for resolving all kinds of disputes, including equal employment opportunity complaints of discrimination. Mediation emphasizes problem solving and encourages a forward looking approach to resolving disputes. A trained, impartial third person, referred to as a mediator, helps the parties find a mutually agreeable resolution, if possible.

## WHY USE MEDIATION?

Mediation is voluntary, confidential and free, and may be used by anyone at any time. It allows managers and employees to influence the process and have control over the outcome, as opposed to litigation where a judge/jury ultimately imposes an outcome. Engaging in mediation is not an admission of guilt or an assumption of any liability. The Mediation Program benefits both management and employees by helping them focus on their interests, which tends to result in a "win-win" outcome. It helps bring a more timely closure to a dispute without relying on a costly, time consuming and adversarial process which typically results in a "win-lose" outcome.

The ADR Office (ADRO) collaborates with other DOE resource organizations as needed.

VOLUNTARY

## WHAT IS THE PROCESS?

ADRO strives to provide a transparent process. In most cases, the first step is to contact ADRO directly or to request mediation as part of the EEO complaint or Union grievance process. Then . . .

1. An ADRO case coordinator will explain the mediation process and then contact the other party.
2. If the other party also agrees to mediate, then a mediator is assigned to the case.
3. The mediator will help the parties prepare for mediation and will schedule the mediation for a date and location convenient to all.
4. At the mediation session, the mediator will facilitate a discussion among the parties, which may include a combination of joint and private meetings, to explore potential common ground.
5. The terms of any agreement are transcribed on a form that reflects the parties' agreement in principle on how to resolve the dispute.

## WHAT HAPPENS NEXT?

After the mediation, the terms of an agreement in principle are incorporated in a settlement agreement both parties sign after review by the appropriate DOE offices. Conversely, if the parties don't reach an agreement, then the complaint continues in the applicable process path such as the EEO complaint or Union grievance process.

INFORMAL

## WHO IS A MEDIATOR?

The mediation program primarily uses in-house mediators from DOE's Office of Hearings and Appeals, but may also use mediators from other federal agencies depending on the nature of the dispute at no cost to the parties. As neutrals, mediators do not take sides or have decision-making authority. Mediators help the parties focus on their interests to reach a mutually agreeable resolution to their dispute.

## WHAT TYPE OF DISPUTE?

Most types of disputes can be mediated. In the past, our mediations have predominantly been workplace disputes between employees and management.

## IS IT CONFIDENTIAL?

Yes. Except for limited circumstances, discussions during mediation are confidential.

## WHO ATTENDS THE MEDIATION SESSION?

- Mediator,
- Employee, and
- Appropriate management official.

Either party may bring a representative to the session.

## WHAT IF I DON'T LIKE IT?

Since it is a voluntary program, any party may withdraw from mediation at any time and for any reason.

FREE