

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 the NNSA OCR within 45 calendar days of the alleged incident or action. At the onset of the EEO process, you may elect either traditional EEO Counseling or ADR.
- ❖ If you are considering filing an Administrative Grievance, you have 15 days from the date the event occurred to initiate the Administrative Grievance procedure. If you desire to use ADR for your Administrative Grievance, you will simultaneously contact the Performance Management and Employee Relations Department at (505) 845-4850.
- ❖ If the conflict is not EEO or Administrative Grievance based, but is still a workplace conflict, contact the OCR at any time to initiate the ADR process.
- ❖ Mediation services are contracted and performed by an independent neutral third party.

More complete information on the ADR program is available at the NNSA Office of Civil Rights ADR website:

NNSA Enterprise Portal –
<https://nnsaportal.energy.gov/Pages/default.aspx>

OCR Internet -
<https://nnsa.energy.gov/aboutus/ouroperations/managementandbudget/civrights/adr>

For additional information, contact:
NNSA Office of Civil Rights, NA-1.2
P.O. Box 5400
Albuquerque, N.M. 87185
Phone: (505) 845-5517
Toll Free: (800) 825-5256
(enter 845-5517 at voice prompt)
TTY: (866) 872-1011
Fax: (505) 845-4963

January 2017



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

OFFICE OF CIVIL RIGHTS NA-1.2

ALTERNATIVE DISPUTE RESOLUTION (ADR)



Another Method for Resolving Disputes

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

What is ADR?

Alternative Dispute Resolution includes a variety of remedial processes (including, but not limited to conciliation, facilitation, mediation, fact-finding, mini-trials, arbitration, and use of an ombudsman--or any combination thereof) to assist people in avoiding other costly and time-consuming options, such as litigation.

What is Mediation?

Mediation is a type of Alternative Dispute Resolution (ADR) most-commonly used within the NNSA to resolve workplace disputes. In mediation, a neutral third party (the mediator) assists the parties in discussing their concerns in a productive manner. The mediator does not take sides, but aids the participants to express their concerns and identify solutions amenable to all parties.

WHEN SHOULD I USE MEDIATION?

- ❖ When there is no need to establish precedent and no single “right” solution is required.
- ❖ When tensions, emotions, or transaction costs run high.
- ❖ When communication between parties has broken down.
- ❖ When issues are complex and individual parties have an interest in maintaining confidentiality.
- ❖ When parties want or need to maintain an ongoing working relationship.

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.
- ❖ Does work equally with both parties to attempt resolution.

BENEFITS OF MEDIATION

- ❖ **NO RISK**
The parties can elect to end mediation at any time, and they are not obligated to accept a resolution unless the parties are satisfied.
- ❖ **ALLOWS FOR CREATIVE PROBLEM-SOLVING**
The parties develop innovative solutions instead of the typical win/lose results of more adversarial proceedings.
- ❖ **CONFIDENTIAL**
The parties speak without fear that their words will be used against them in another proceeding, because anything that is said in mediation cannot be used in any other forum. The matters and issues discussed in mediation are confidential.
- ❖ **CONTROL OF OUTCOME**
A resolution developed by the parties will likely meet their respective needs rather than a resolution imposed by a judge or arbitrator.
- ❖ **PRESERVES RELATIONSHIPS**
The parties resolve their dispute while fostering a better relationship with each other.
- ❖ **EXPEDIANT**
The majority of mediations are completed and one or two sessions.