How Can ADR Be Used in the Workplace?

ADR can help address many different kinds of workplace conflicts between peers, supervisors, or managers, such as interpersonal disputes, grievances, and EEO complaints. Specific scenarios that may be appropriate include, but are not limited to the following:

- An employee receives a performance review he thinks was unfair but was unable to clearly convey his concerns to his supervisor. ADR will allow the employee to receive assistance in expressing his concerns. The outcome would be the employee would better understand the supervisor's point of view or the supervisor could be convinced the employee deserves a better rating.
- A supervisor has an employee known to be a hard worker, but she has recently developed some behaviors the supervisor considers to be unacceptable. The supervisor has been unable to communicate with the employee in a manner she understands. ADR can be a way to seek assistance in helping the employee understand the supervisor's perspective and to agree on needed changes.
- Two employees have an argument, creating tension and discomfort in the office. One employee is not sure how to address the problem but would like to work things out. ADR can be an effective way for the two to talk through the problem before it has a chance to escalate.

For More Information

To learn more about Alternative Dispute Resolution or to request to participate in USDA Rural Development's ADR Program, contact the Office of Civil Rights.

Phone
1 (800) 787-8821

E-Mail
RD-CRS@wdc.usda.gov

Online
www.rd.usda.gov/civilrights

www.rd.usda.gov

1 (800) 670-6553 (toll free)

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USDA Rural Development Alternative Dispute Resolution

A voluntary and effective way to resolve conflict in the workplace.

From USDA Rural Development's Office of Civil Rights

What is Alternative Dispute Resolution?

Alternative Dispute Resolution, or ADR, is a process USDA Rural Development uses to help employees resolve workplace disputes in an informal setting. ADR helps to avoid the cost, delay, and unpredictability of more formal dispute processes like litigation, hearings, and appeals, which can potentially take years to reach a decision. Several techniques of ADR exist, including mediation, facilitation, and early neutral evaluation, to name a few.

USDA Rural Development has selected mediation as the preferred ADR method for resolving workplace disputes. Through mediation, a neutral, impartial third-party mediator assists the people involved in the disagreement with voluntarily reaching a resolution acceptable to all. Mediators facilitate the process — they do not have the authority to make final decisions or rulings on a dispute.

Core Principles of USDA Rural Development's ADR Program

To be successful and ensure that the process is fair to all participants, ADR activities are:

Voluntary
Participants knowingly and willingly enter into an ADR proceeding and know they have the opportunity to end the proceeding at any time. Any resolution agreement between the parties must be reached without coercion or duress.

Neutral
The process is impartial and independent of control by either party. A neutral third-party assisting the parties in reaching an agreement must not have any stake in the outcome of the process.

Confidential
Confidentiality is essential to the success of all ADR proceedings, and communications between the parties and the neutral third-party are kept confidential. Such information may not be used later by or against the disputing parties.

Enforceable
Agreements reached during an ADR process must be in writing, signed by both parties, and all terms must be enforced.

ADR During the Pre-Complaint Process

If an aggrieved individual elects ADR during the pre-complaint phase, the aggrieved individual must sign USDA Rural Development's ADR Election Form; EEO counseling will cease; and the case will be referred to a neutral third-party mediator to attempt resolution.

The pre-complaint processing period shall be extended up to 90 calendar days from the date the pre-complaint was initiated.

If the parties successfully resolve the dispute during the ADR process, the resolution will be documented in a written settlement agreement signed by both parties.

If the dispute is not resolved during the ADR process, the EEO Counselor will conduct a final interview with the aggrieved and issue a Notice of Right to File a Discrimination Complaint explaining how to file a formal complaint.

Benefits of ADR

Alternative Dispute Resolution:

- Offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory manner.
- Promotes creative problem solving.
- Provides a win-win resolution where the parties have the opportunity to write their own agreement in a manner which satisfies the needs of all.
- Provides communication skills to improve working relationships.

ADR in the Equal Employment Opportunity (EEO) Complaint Process

If a case is appropriate, USDA Rural Development's Office of Civil Rights may offer ADR at any stage of the EEO complaint process. If ADR is deemed appropriate and an aggrieved individual elects to participate, the accused Management Official has a duty to cooperate and is required to participate in the ADR process.

ADR During the Formal Complaint Process

USDA Rural Development strives to resolve complaints of employment discrimination as early in the process as possible. At various stages of the formal complaint process, parties may seek early resolution by pursuing participation in the ADR program by contacting USDA Rural Development's Office of Civil Rights.