

Department of the Treasury
ADR Program

ADR



Answers To Frequently Asked Questions About ADR

What is ADR?

ADR is Alternative Dispute Resolution: alternative methods of resolving disputes rather than using litigation or formal administrative procedures.

ADR includes a variety of processes designed to help people resolve their own disputes in creative, productive, and non-adversarial ways.

Some common types of ADR are:

- ✓ *Informal discussions*
- ✓ *Coaching*
- ✓ *Mediation*
- ✓ *Conciliation*
- ✓ *Facilitation*
- ✓ *Arbitration*
- ✓ *Early neutral evaluation*

These processes may be used separately or together, depending upon the situation.

What can ADR do for you?

ADR can help resolve interpersonal disputes between Treasury employees as well as complex program disputes involving people and organizations within Treasury.

By helping parties identify their interests, communicate more effectively, and explore creative solutions, ADR often leads to durable outcomes that satisfy each party's interest. In the process, ADR can enhance, build, and rebuild workplace relationships.



How does ADR work?

Your Bureau ADR coordinator is available to assist you in discussing the issues in dispute, deciding if ADR is appropriate, and selecting the best ADR method to use. If the parties agree to use ADR to attempt to resolve a claim, they will start with a written agreement documenting the process to be used. In Treasury, mediation is the most common form of ADR used. In mediation, the parties discuss the matter in dispute with the assistance of a mediator. Mediators are trained to facilitate discussions and assist parties in reaching resolution, while maintaining a neutral position throughout the process. Usually, the aggrieved party, a management official with authority to resolve the matter, and the mediator (or co-mediator) are the only people present in the mediation session, although parties may have representatives present if they choose. Matters discussed in mediation are confidential. If the parties are able to reach agreement to resolve the matter, both sign a settlement agreement, which is binding on both parties. If you already are in the complaint or grievance process and you fail to reach agreement, the complaint or grievance will continue.

Will I lose any rights by trying ADR?

Generally, trying ADR does not prevent you from pursuing formal grievance or complaint avenues in cases where an agreement is not reached.

However, those other avenues may have deadlines that are not affected by attempts to use ADR.

Please contact the Bureau EEO Officer for more information.

How is ADR different?

Traditional forms of dispute resolution take too much time, can exacerbate issues, and can be expensive and unfair. Sometimes, even if parties win, they remain dissatisfied.

ADR provides a means of bringing together concerned parties with an emphasis on listening and improving communication.

Compared to litigation, formal administrative processes, and other adversarial approaches, ADR is often:

- ✓ *Less time-consuming*
- ✓ *Less contentious*
- ✓ *Less expensive*

ADR also helps people work out their issues together, rather than relying on a judge, an administrator, or someone else to formulate the outcome.

Additionally, for the individual who feels he/she is aggrieved, ADR is completely voluntary (you can opt out at any time) and confidential (to the extent permitted by law). Therefore, it provides a relatively safe way of dealing with potentially difficult situations.

When is ADR not appropriate?

ADR may not be appropriate in all cases. It may not be appropriate where:

- ✓ *A precedent is needed*
- ✓ *Significant questions of government policy are involved*
- ✓ *Consistency in the implementation of the policy is essential*
- ✓ *The matter significantly affects persons or groups who are not parties to the process*
- ✓ *A full public record of the proceedings is important*
- ✓ *The agency must maintain a high level of flexibility for an extended period*

The decision as to whether ADR is appropriate for a given case rests with Treasury. The Bureau EEO Officer is available to consult with you if you have any questions.

Contact your local EEO Office or
your Bureau ADR Coordinator.

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