

Alternative Dispute Resolution: Your Key Towards Harmony

NRCS ADR PROGRAM

"Promoting harmonious relationships
between and among NRCS employees,
customers, and partners."

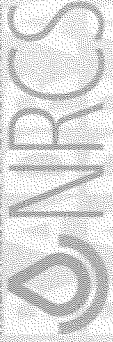
For more information about the
NRCS ADR Program please call
or visit our website at:

1-866-ADR-NRCS
(237-6727)

www.info.usda.gov/nrcs/mgmt/adr.htm



United States Department of Agriculture
Natural Resources Conservation Service



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Photos courtesy of USDA Natural Resources Conservation Service (Photo Gallery).

Alternative Dispute Resolution Program

Are you experiencing conflict in your workplace? Is it difficult to have productive and effective communications with a fellow co-worker, a supervisor, or manager? Have you tried everything you know to resolve your differences, but nothing seems to work? Are you looking for a better way to manage conflict? The Natural Resources Conservation Service (NRCS) Alternative Dispute Resolution (ADR) Program may be the answer.

Purpose

The purpose of this guide is to introduce you to a new way for resolving conflict at NRCS. NRCS implemented the ADR Program, which includes such ADR processes as mediation and facilitation and conflict management skills training.

Overview

The ADR Program serves all NRCS employees, customers, and partners. This program provides an alternative to the traditional complaint, grievance, and appeal systems available for resolving workplace and program conflict.

ADR addresses conflict through the utilization of various techniques including conciliation, facilitation, interest-based problem solving, and mediation. Where appropriate, the NRCS ADR Program may use any one of these techniques. However, mediation is the foundation of the Program.



Mediation

Mediation Process

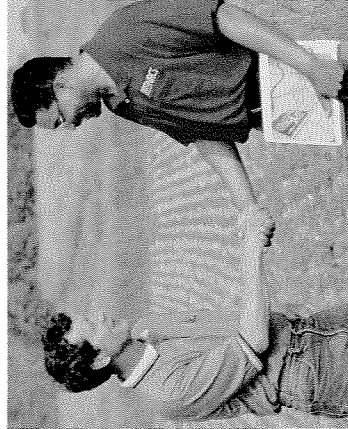
Mediation is a process that employs the use of a neutral third party to help individuals in conflict reach resolution. Mediation helps to:

- Open the lines of communication,
- Discover individual interests and needs,
- Create understanding,
- Focus on a plan for the future, and
- Build better relationships.

What Is Mediation

Mediation is a problem-solving process that focuses on the future. In mediation, individuals in conflict meet with a mediator to discuss the issues and attempt resolution. This process is designed to assist parties with creating their own mutually satisfactory resolution. It is **not** a process to determine who is right, who is wrong, or to impose laws.

Unlike formal litigation where a judge or jury imposes a decision, a mediator has no such authority. Nothing is decided in mediation unless both parties agree to the terms.



What Are the Goals of Mediation?

The primary goals of mediation are to bring disputing parties together to discuss their issues of concern and to assist them in exploring and developing a mutually agreeable resolution.

Why Mediate?

Consider the following:

Mediation	Litigation
Fast	Slow
\$	\$\$\$
Informal	Formal
Voluntary	Enforced
Cooperative	Adversarial
Private	Public
Future-focused	Past-focused
Win/Win	Win/Lose
Builds relationships	Can damage relationships

Does Mediation Affect an Employee's Rights?

By agreeing to mediate, you do not give up your rights to file an Equal Employment Opportunity (EEO) complaint or grievance. If mediation does not result in a mutual resolution, you may pursue the more formal avenues. However, the established time frames for filing a complaint or grievance still apply.

NRCS ADR Program Services

Program Services

The NRCS ADR Program is available to provide mediation services for both workplace and program disputes.

ADR in Workplace Disputes

By requesting mediation to resolve your dispute, you retain control of the outcome and have an opportunity to resolve your concerns quickly, voluntarily, informally, and consensually in a nonadversarial setting. Thus, by working together toward resolution, you and the other party to the conflict may actually improve your working relationship.

When you contact the ADR Program with a concern or issue, an ADR specialist will help to determine if the situation is suitable for mediation. If it is suitable for mediation and you and the other party indicate a willingness to participate, a mediator will be selected and the mediation will be scheduled at an offsite location.



If you are in a conflict and want early resolution, do not wait, call now!

1-866-ADR-NRCS
(237-6727)

What if I Have Filed an EEO Complaint?

If you have already filed an EEO complaint, you may be offered an opportunity to elect ADR in both the pre-complaint and formal stages of the EEO complaint process. The EEO counselor will offer you a choice of electing ADR or traditional counseling in the precomplaint stage of the EEO complaint process. If either counseling or ADR fails to result in a signed resolution agreement, you may file a formal EEO complaint with the USDA Office of Civil Rights. During the formal complaint stage, you may again be offered an opportunity to participate in ADR.

What if I Have Filed a Grievance?

If you have filed an administrative grievance, you (the grievant or any management official) may ask to participate in ADR during any stage of the process before the Agency head's decision. When ADR is elected, the timeframes during the administrative grievance process will be held in abeyance.

If you have filed a negotiated grievance, the grievant or any involved management official may ask to participate in ADR during any stage of the negotiated grievance process in an attempt to reach a mutually agreeable resolution. Some collective bargaining unit agreements may provide for suspending the processing of the grievance until ADR is completed.

ADR in Program Disputes

NRCS encourages the use of ADR as a tool to prevent or minimize escalation of conflicts with its employees, customers, and partners and to resolve such conflicts at the earliest possible stage.

In States that have a USDA-certified State Agricultural Mediation Program, NRCS will offer mediation to

customers who have been issued an adverse decision that relates to wetlands determinations, compliance with farm programs, compliance with conservation programs, pest management, or other issues as the Chief considers appropriate. If a customer chooses mediation on the aforementioned programs, NRCS shall participate in good faith.

In States that do not have a USDA-certified State Agricultural Mediation Program, NRCS will advise customers to whom they issue an adverse decision relating to the program issues identified in the paragraph above that mediation may be an option and offer it to the customers as appropriate. Once it has been offered and the customer expresses an interest in mediation, NRCS shall participate in good faith.



How Does the ADR Program Work?

An individual in conflict calls the NRCS ADR Program to speak with an ADR specialist. If mediation appears to be an option, the ADR specialist will explain the mediation process to the employee, and they can discuss whether mediation is appropriate.

If the employee desires to mediate, the ADR specialist contacts the other party to see if he/she is willing to mediate. If so, the mediation will be scheduled in a neutral location away from the work site. The process begins with introductions and the mediator's opening statement to explain the mediation process and ground rules for conducting the mediation. Next, each party is afforded the opportunity to state the issues in his/her own words and

The NRCS office offering mediation shall contact the NRCS ADR office when the customer expresses an interest in mediation. In States in which there is a State Agricultural Mediation Program, but the Program is not certified to mediate each and every program issue, mediation of noncertified issues shall be governed by the procedures for noncertified States.

When Should I Contact the ADR Program Office?

When you have a concern or issue and you need assistance in resolving it, call the ADR office as early as possible for assistance. Mediation may help you resolve your issues or concerns when your other efforts to resolve the conflict have been unsuccessful.



explain the personal impact of those issues. Generally, the party who initiated the mediation will begin.

After the initial statements are completed, the mediator may "caucus" (meet privately) with each party. During caucus, each party may individually express additional interests, needs, and issues confidentially to the mediator. The mediator may explore individually with each party any matters he/she would like the mediator to share with the other party. Unless otherwise specified by the individual party, all matters discussed in caucus remain confidential.

After caucus, the parties may meet jointly to develop options, or steps each may take toward resolution. If the parties reach a mutually acceptable resolution, the terms of the resolution are usually prepared in writing for each party to sign. Should the mediation not result in a resolution, the mediator reviews the progress made and advises the parties of options available through other avenues of redress; e.g., EEO complaint system or the grievance processes.

Conflict Management Training

Conflict is inevitable. It occurs when two people oppose each other because their needs, wants, goals, values, and/or methods are different. Conflict is often accompanied by feelings of anger, hurt, frustration, threats, or anxiety.

Conflict ignored or avoided has the potential to escalate to the point where it can cause irreparable damage to relationships. Learning to deal effectively with conflict is an essential skill everyone needs. There may be a better way to manage conflict in your workplace.

The ADR Program provides Conflict Management (CM) training for employees at all levels, including supervisors and managers. CM training is designed to provide participants with tools to help them achieve more effective and efficient conflict management.



Where Can I Obtain More Information About NRCS ADR?

For additional information about the NRCS ADR Program, or to provide suggestions to improve or expand our service to you, call:

**1-866-ADR-NRCS
(237-6727)**

Information concerning our program is also available at:

www.info.usda.gov/nrcs/mgmt/adr.htm

You may also visit the office at the:

**George Washington Carver
Center**

**5601 Sunnyside Avenue
Room 1-2130**

Beltsville, MD 20705-5471

Other Options

To file a complaint of discrimination, please contact your servicing Equal Employment Opportunity Counselor or Manager.

For information on the grievance process, please contact your servicing Human Resources Office.

Conflict Management Training Objectives

- Examine the importance of conflict management in the workplace.
- Determine your own personal conflict management style.
- Discover the impact of various conflict management styles on interpersonal communication.
- Examine the factors that impact the potential for conflict in the workplace.
- Create a positive work environment that constructively uses conflict.
- Learn a creative problem-solving process.
- Learn how ADR processes can be a valuable resource for effectively managing conflict.
- Share available Agency resources in ADR and conflict management.



USDA's Target Center
(202) 720-2600 (voice and TDD)

Tips and Techniques

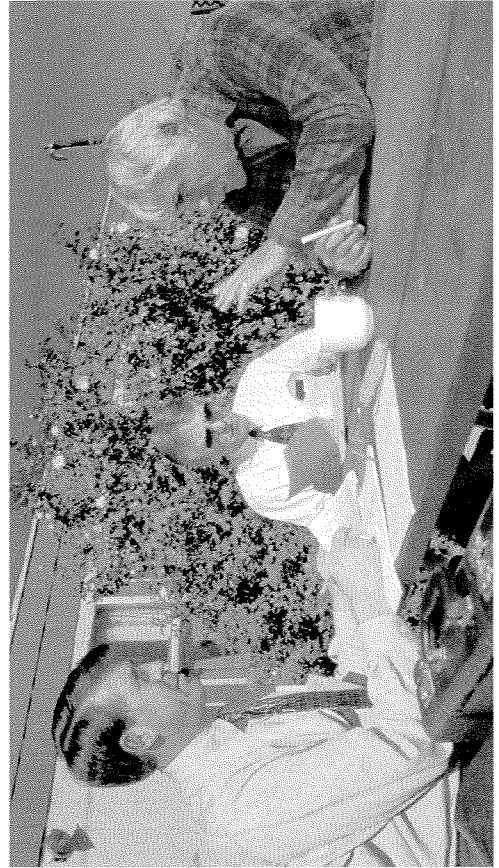
Communication Tips

- Be respectful
- State the issues
- Use “I” statements
- Listen actively
- Think before reacting
- Accept responsibility
- Give feedback

Good Listening Techniques

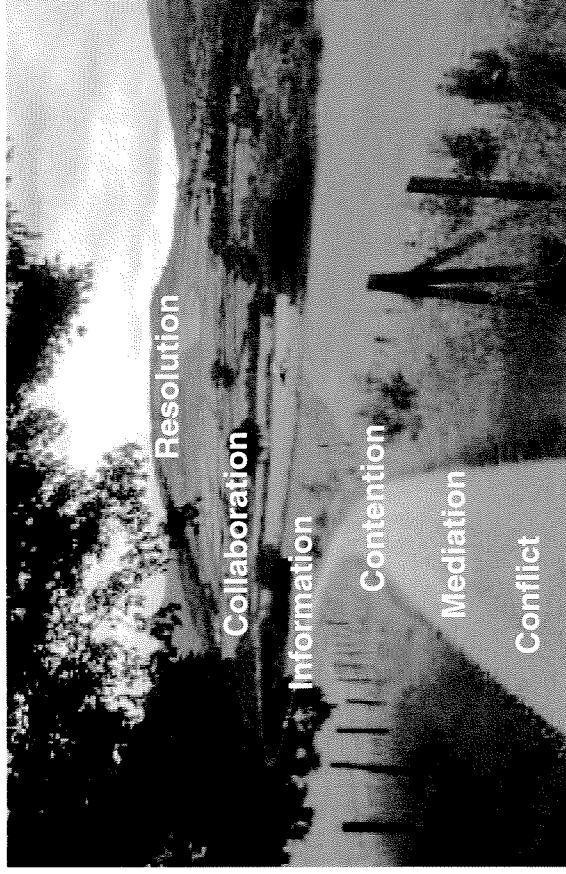
- Ask questions
- Paraphrase
- Actively listen
- Be encouraging
“Tell me more...”
- Be empathetic
- Understand others first, then ask for understanding

We hope this guide encourages you to seek mediation at the first sign of conflict and stimulates your interest in developing or enhancing your current conflict management skills.



- Problem Solving**
- Identify the problem
 - Determine needs and interests
 - Seek commonalities
 - Develop options
 - Agree on a resolution
 - Evaluate resolution(s)
 - Focus on the future

The Road to Resolution



The NRCS ADR Program addresses **Conflict** in both workplace and program disputes. Parties involved in conflict can voluntarily go to **Mediation** where they can explore their options towards resolution. When conflict arises, parties often turn creates anxiety and frustration. When the parties begin to exchange **Information**, they establish open communication by identifying their issues, and defining and describing their differences. As they travel towards **Collaboration**, the parties begin to share ideas and develop options while promoting cooperation and understanding. Throughout the mediation journey the parties continue to explore their options toward a mutually agreeable **Resolution**.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.