



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

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June 7, 2000

## MEMORANDUM

To: Heads of Bureaus and Offices

From: John Berry  
Assistant Secretary - Policy, Management and Budget

Subject: Alternative Dispute Resolution Policy--Mandatory Application by Managers  
for EEO Cases

The purpose of this memorandum is to establish and communicate the Department's policy requiring the mandatory application, by all managers, of Alternative Dispute Resolution (ADR) principles, techniques, and resources in the timely resolution of workplace conflicts presented by employees or applicants who allege employment discrimination. The policy is voluntary for the aggrieved party, and the aggrieved party may terminate ADR at any time during the process.

I am convinced that through the application of ADR methods for managing conflicts and for resolving disputes, the Department will reduce the expense of litigation, minimize workplace disruptions, and eliminate any perceived vestiges of discrimination. Through ADR processes, needless litigation is avoided, timely, cost-effective outcomes are assured, and the opportunity for an honest dialogue between employees and managers is enhanced. Also, ADR is a flexible process that will accommodate atypical opportunities, not experienced by managers or by employees in the normal complaints process. Your prudent application of ADR principles and procedures will advance your organization's mission and will better support and reinforce the Department's efforts for workplace harmony, diversity, and zero tolerance for discrimination.

Effective immediately, it is mandatory that you offer and make available specific ADR options to each employee seeking resolution of issues giving rise to allegations of discrimination through the EEO Counseling/Complaints process. You should consider application of the full range of ADR techniques, which include mediation, facilitation, and other innovative ADR strategies. To ensure the integrity of your ADR proceedings and to enhance effectiveness, you should rely on neutral third parties, who offer honesty, credibility, integrity, knowledge of EEO/Civil Rights law, and who have no vested interest in the specific outcome of any conflict.

On May 18, 2000, the Director, Office for Equal Opportunity, issued Equal Opportunity Directive 2000-03, which includes guidance pertaining to the U.S. Equal Employment Opportunity Commission's Management Directive-110, Chapter 12, "Settlement Authority." This information is compatible with the requirements contemplated by this policy, and is consistent with the mandatory use of ADR by managers throughout the full range of steps in the administrative, hearing, and/or litigation phases of the discrimination complaints process. It is recommended that

you meet with your EEO staffs to discuss and develop your organization's specific plans for the successful implementation of and compliance with this policy. Program efficacy and overall compliance with Departmental and other requirements will be evaluated by the OEO and the results will be reported to me on a continuing basis.

If you have any requests for information, technical guidance, or other assistance please contact Richard Redmond on 202-219-0805 or via e-mail at [richard\\_redmond@ios.doi.gov](mailto:richard_redmond@ios.doi.gov).

cc: Assistant Solicitor, Personnel Litigation & Civil Rights  
Bureau and Office Equal Opportunity Officers3