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Law

ALTERNATIVE DISPUTE RESOLUTION

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OPR: SAF/GCD (Mr. Joseph M. McDade, Jr.)
Supersedes AFD 51-12, 1 April 1999

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Maintaining a productive work environment in which disputes are settled quickly and at the lowest possible organizational level is essential to the effective functioning of the Air Force. This directive establishes policy for implementing and maintaining an Air Force Alternative Dispute Resolution Program. It implements Public Law 104-320, Administrative Dispute Resolution Act of 1996, 110 Stat. 3870, and DoD Directive 5145.5, *Alternative Dispute Resolution*, April 22, 1996. This directive applies to all activities in the Department of the Air Force. Ensure that all records created by this AFI are maintained and disposed of IAW AFMAN 37-139, Records Disposition Schedule.

SUMMARY OF REVISIONS

This directive supersedes Air Force Policy Directive 51-12, *Alternative Dispute Resolution*, 1 April 1999. It replaces the Principal Deputy General Counsel of the Air Force with the Deputy General Counsel of the Air Force for Dispute Resolution (SAF/GCD) as the Air Force Dispute Resolution Specialist. It replaces the term “ADR Advocate” with “ADR Champion.” It makes commanders at MAJCOM, installation, FOA and DRU levels responsible for ADR implementation in their commands and requires them to appoint an ADR Champion to oversee ADR program planning and implementation in their respective organizations. It eliminates the reference to the deactivated office of Assistant Secretary for Manpower, Reserve Affairs, Installations and Environment, and replaces it with a reference to the activated offices of Assistant Secretary for Manpower and Reserve Affairs and Assistant Secretary for Installations, Environment and Logistics. It deletes the reference in **Attachment 1** to Executive Order 12871, *Labor Management Partnerships*, revises the reference to 29 C.F.R. 1614, and adds a reference to EEOC Management Directive 110, Chapter 3 and Appendix H. It revises and adds new definitions to the glossary of terms in **Attachment 1**. Changed or revised material is indicated by a bar (|).

1. As part of an effort to make the Federal Government operate in a more efficient and effective manner, and to encourage, where possible, consensual resolution of disputes and issues in controversy involving the Federal Government, the President and Congress have determined that each Federal agency must take steps to promote the greater use of alternative dispute resolution (ADR).

2. The goals of ADR are to:

- 2.1. Promote voluntary informal and consensual dispute resolution.
- 2.2. Promote creative, efficient, and sensible outcomes in dispute resolution.
- 2.3. Reduce the tangible and intangible costs, in time and resources, associated with dispute resolution.

3. It is Air Force policy to voluntarily use ADR to the maximum extent practicable and appropriate to resolve disputes at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level. Use of these techniques may resolve the entire issue in controversy or a portion of the issue in controversy.

4. This directive establishes the following responsibilities and authorities:

4.1. The Deputy General Counsel of the Air Force for Dispute Resolution (SAF/GCD) is the Air Force Dispute Resolution Specialist (AFDRS) and shall:

- 4.1.1. Be the proponent for establishing and implementing Air Force ADR policy, guidance, and regulations.
- 4.1.2. Submit, manage, and execute the Air Force ADR Program budget.
- 4.1.3. Encourage, develop, and implement initiatives, activities, and training related to ADR throughout the Air Force.
- 4.1.4. Identify and eliminate unnecessary barriers to the use of ADR.
- 4.1.5. Ensure Air Force personnel are aware of and have access to existing ADR resources.
- 4.1.6. Prepare a summary report to the Secretary of the Air Force by December 30 of each year regarding progress made in implementing the Air Force ADR program.
- 4.1.7. Appoint a Deputy Dispute Resolution Specialist (AFDDRS) to assist the AFDRS in carrying out the foregoing responsibilities.

4.2. The AFDDRS will:

- 4.2.1. Serve as the Department of the Air Force representative to the Department of Defense ADR Coordinating Committee.
- 4.2.2. Serve as the Air Force liaison to such government and private-sector organizations as deemed appropriate by the AFDRS.

4.3. The AFDRS will work with the Assistant Secretary for Acquisition; the Assistant Secretary for Manpower and Reserve Affairs, the Assistant Secretary for Installations, Environment and Logistics; the Assistant Secretary for Financial Management; the Administrative Assistant to the Secretary; the Assistant Vice Chief of Staff; the Deputy Chief of Staff for Personnel; the Deputy Chief of Staff for Installations and Logistics; and The Judge Advocate General to:

- 4.3.1. Develop and revise periodically as appropriate a five-year plan for the Air Force ADR program.
- 4.3.2. Ensure appropriate personnel receive ADR briefings and training.
- 4.3.3. Support the development and implementation of the Air Force's ADR program.

4.3.4. Secure resources necessary to implement the Air Force ADR policy and program.

4.3.5. Develop policy guidance for the use of binding arbitration.

4.3.6. Identify the need for amendment of existing Air Force Policy Directives and/or Air Force Instructions, or the development of new Air Force Policy Directives or Instructions, to provide for or facilitate the use of ADR, including in workplace disputes, contract disputes, grant disputes, environmental disputes, property disputes, and personal injury (torts) disputes.

4.3.7. Develop metrics for the ADR Program.

4.4. Each MAJCOM, installation, FOA, and DRU commander shall appoint an ADR Program Champion who will serve as the focal point for the coordination of ADR efforts within their respective organization. Subordinate activities and other appropriate organizations are also encouraged to establish their own ADR champions.

4.5. SAF/AQ shall ensure that Air Force acquisition processes and regulations are reviewed to determine if any changes are required to authorize and encourage use of ADR.

5. See [Attachment 1](#) for implementing and interfacing publications, and definitions of key terms used in this directive.

JAMES G. ROCHE
Secretary of the Air Force

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Public Law 104-320, *Administrative Dispute Resolution Act of 1996* (110 Stat. 3870)

Executive Order 12988, *Civil Justice Reform*, February 5, 1996

Executive Order 12979, *Agency Procurement Protests*, October 25, 1995

DoD Directive 5145.5, *Alternative Dispute Resolution*, April 22, 1996

Title 29, Code of Federal Regulations, Sections 1614.102(b)(2), 1614.105(f) and 1614.108(b), *Equal Employment Opportunity Commission Complaint Processing*, current edition

President of the United States Memorandum, *Alternate Means of Dispute Resolution*, May 1, 1998

Secretary of Defense Memorandum, *Alternative Dispute Resolution*, June 23, 1997

Secretary of the Air Force Memorandum, *Implementation of the Administrative Dispute Resolution Act of 1996*, April 21, 1998

AFPD 36-12, *Dispute Resolution*, September 27, 1993

AFI 36-2706, *Military Equal Opportunity and Treatment Program*, December 1, 1996

AFI 36-1201, *Discrimination Complaints*, July 25, 1994

AFI 36-1203, *Administrative Grievance System*, May 1, 1996

U.S. Equal Employment Opportunity Commission Management Directive 110, Chapter 3 and Appendix H (*Alternative Dispute Resolution*), November 9, 1999

Terms

Alternative Dispute Resolution (ADR)—Any procedures in which parties agree to use a third-party neutral to resolve issues in controversy, including but not limited to, facilitation, mediation, factfinding, minitrials, arbitration or use of ombuds, or any combination thereof.

ADR Champion—An official designated by the commander of a MAJCOM, installation, FOA, DRU, or other office or organization responsible for the implementation of the Air Force ADR Program for that organization or installation.

Deputy Dispute Resolution Specialist (DDRS)—An Air Force employee who is designated by the Dispute Resolution Specialist to assist in developing and implementing the Air Force's ADR policy and program.

Dispute Resolution Specialist (DRS)—The Deputy General Counsel of the Air Force for Dispute Resolution (SAF/GCD), who is responsible for developing and implementing the Air Force's ADR policy and program.

Installation—(DOD) A grouping of facilities, located in the same vicinity, which support particular functions. Installations may be elements of a base.

Issue in Controversy—An issue which is material to a decision concerning an agency administrative matter and with which there is disagreement: (1) between an agency and persons who would be substantially affected by the decision; or (2) between persons who would be substantially affected by the decision.