



NATIONAL GUARD BUREAU
1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

09 MAR 2011

NGB-ZA

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM, AND THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA

SUBJECT: (All States Log Number P11-0002) Equal Opportunity Alternative Dispute Resolution Program

1. References.

- a. DoD Dir 5145.5, Alternative Dispute Resolution, April 22, 1996
- b. NGR 27-1/ANGI 51-12, Alternative Dispute Resolution

2. Purpose. It is the policy of the National Guard to use the Alternative Dispute Resolution (ADR) program in Equal Opportunity discrimination complaints to the maximum extent practicable and appropriate. ADR saves the National Guard time and money while contributing to the consensual resolution of disputes.

3. Discussion. The National Guard has produced excellent results having successfully employed ADR in workplace disputes. In fiscal year 2009, the National Guard was recognized for attaining the highest pre-complaint ADR resolution rates within the Federal sector. The National Guard has a proven track record of resolving informal disputes through practices of proactive intervention to bring about "win/win".

4. Policy.

- a. The Chief Counsel, NGB has overall responsibility and oversight of the NGB ADR programs. The Director, Office of Equal Opportunity is responsible for the Equal Opportunity ADR program. ADR for the complaints process is limited to mediation.

- b. ADR will be offered throughout the equal opportunity pre-complaint, and formal complaint process.

- c. ADR proceedings will be voluntary for the complainant or charging party, and held confidential; however ADR is waived in instances of fraud, waste, abuse, criminal behavior, harm or threats of harm to persons. In instances where a participant has a complaint against the mediator, another mediator, which is acceptable to all parties involved in the dispute, will be selected.

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d. When ADR is accepted by the complainant, management will also participate in mediation to the maximum extent practicable and appropriate.

e. The Office of Equal Opportunity is responsible for maintaining a trained cadre of ADR neutrals who are available to facilitate mediation.

5. This memorandum will expire one year from date of publication unless sooner rescinded or superseded.

6. Point of contact is Lt Col Judith Mathewson, Chief, Office of Equal Opportunity, National Guard Bureau, at Judith.Mathewson@us.army.mil or by phone at (703) 607-0768.



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