

# ARS □ ERS □ NASS □ NIFA

## *Policies and Procedures*

**Title:** Alternative Dispute Resolution within the REE Mission Area

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**Originating Office:** Office of Outreach, Diversity and Equal Opportunity, AFM, ARS

**This Replaces:** This is a new P & P

**Distribution:** All REE employees

This P&P establishes a new REE Mission Area policy for the use of an Alternative Dispute Resolution Program to improve workplace communication.

## Table of Contents

1. Purpose.....	2
2. Background .....	2
3. Policy .....	2
4. Procedures.....	3
5. Responsibilities.....	5
6. Definitions.....	8

## **1. PURPOSE**

This P&P provides specific guidelines to administer the Alternative Dispute Resolution (ADR) Program within the four agencies of the Research, Education and Economics (REE) Mission Area [Agricultural Research Service (ARS), Economic Research Service (ERS), National Agricultural Statistics Service (NASS) and the National Institute of Food and Agriculture (NIFA)] of the U.S. Department of Agriculture. Federal laws and Departmental regulations contain mandates and guidance to agencies about the establishment, implementation and evaluation of a federal ADR Program. This P&P operates in conjunction with the following:

- Administrative Dispute Resolution Act of 1996 (ADR Act)
- USDA Regulation 4710-0001, Alternative Dispute Resolution, dated 05/05/06
- Administrative Grievance System Regulations 5 C.F.R., Part 771

## **2. BACKGROUND**

Conflict is an inevitable part of everyday life. The REE Mission Area agencies recognize that employees are negatively impacted by unresolved workplace conflict. The ARS, Administrative and Financial Management's (AFM) Office of Outreach, Diversity and Equal Opportunity (ODEO) established this Policy and Procedure (P&P), which sets policies, assigns responsibilities and explains rules and procedures to assist the staff in the effective management of the Cooperative Resolution Program (CRP). The CRP is responsible for assisting, upon request, any REE Mission Area employee by explaining the standards and procedures governing all employment practices of the CRP Program. The cornerstone of the CRP is the utilization of Alternative Dispute Resolution (ADR) strategies and techniques to address conflict with a proactive, preventative and problem-solving approach. The CRP is available to all REE employees, including senior management.

## **3. POLICY**

ADR is an effective tool for employees, managers and supervisors to use to resolve employee conflicts and disputes. Although preferred as an early intervention alternative to traditional methods (e.g., Administrative/Negotiated Grievance Processes, EEO Informal/Formal Complaint Processes), ADR may be used at any time. Employees have the right to participate in the ADR process without fear of penalty or reprisal.

It is the policy of the ODEO CRP to present proactive conflict management strategies, employ preventative conflict resolution measures; and, offer problem-solving tools and techniques for early intervention in support of the REE Mission Area agencies. CRP will foster a culture of respect and trust among the REE community through the use of ADR to achieve effective, mutually satisfactory conflict resolutions.

This policy provides guidance only for the USDA sanctioned REE CRP. No other employee mediation groups are recognized nor sanctioned by USDA/REE.

- A. REE will utilize ADR as a standard tool for resolving workplace conflicts between REE and its customers, employees, supervisors and managers whenever practical and possible.
- B. REE customers, employees, supervisors and managers will seek to resolve conflicts at the earliest stage possible consistent with laws and regulations.

- C. The use of ADR will not adversely affect the rights of REE employees to seek resolution of their issues through other administrative processes, including administrative and negotiated administrative grievances, informal/formal EEO Complaints Processes, and Merit Systems Protection Board (MSPB) appeal systems provided established time frames in each system are met.
- D. In any ADR process involving a workplace conflict within REE, a management official with authority to fully resolve the matter on behalf of the agency must be in attendance or readily accessible to the parties during the process.
- E. Participation in ADR is voluntary. Management officials are strongly encouraged to participate in ADR when requested to do so. All parties are expected to participate in good faith.
- F. No employee or agency management official will commit, authorize, or condone any retaliation against an individual due to his or her pursuit of, or participation in, ADR.
- G. Parties are allowed to have representation (i.e., legal, union, etc.) in attendance during the ADR session.
- H. REE will fulfill its notice and bargaining obligations under the Federal Labor Management Relations Act; and, applicable collective bargaining agreements prior to implementation of any new ADR procedures or programs affecting bargaining unit employees.
- I. Management and labor organizations are encouraged to work cooperatively to include or enhance ADR provisions in future negotiated agreements, partnership agreements, separate addenda, or memorandums of understanding. Management and bargaining units are encouraged to consider suspending time frames for a mutually agreed period in order to use ADR before and during the negotiated grievance process (not applicable to statutory EEO time frames).
- J. All resolution agreements to resolve a conflict are voluntary and mutually satisfactory for all parties participating in ADR.

#### **4. PROCEDURES**

Through ADR, CRP offers all parties the opportunity to articulate their positions in a non-adversarial setting and to resolve their disputes with the assistance of a neutral third party. Mutually agreed-upon solutions are more likely to increase the satisfaction and morale of the parties. Early resolution of disputes is cost effective and beneficial to both employees and management.

- A. Any REE employee, supervisor and/or manager may request ADR for workplace disputes, administrative grievances, negotiated grievances, actions appealable to the MSPB, or EEO complaints. Filing under procedures, which would otherwise be controlling, is not a mandatory prerequisite to seeking ADR. Any employee may request the use of ADR at any point of the complaint process unless otherwise prohibited by contract language, law, rules, or regulations covering the complaint process being used.
- B. To request ADR, an REE employee should contact the ODEO CRP staff. All requests for ADR Services are confidential. The phone numbers for the CRP staff are available through the Union, the ARS Human Resources Division (HRD), and the ODEO Website.

In cases where the employee alleges discrimination, the CRP staff will refer the employee to the EEO Office for counseling prior to the employee electing the ADR process.

- C. When an REE employee inquires about the use of ADR, or is asked to participate in this program, the CRP staff will provide information on the available ADR tools.
- D. Once contacted, the CRP staff will contact the parties to the dispute within 5 workdays to determine if ADR is appropriate and agreeable to all parties.
  - 1. If ADR is appropriate, CRP's ADR Program Specialist will identify and explain the ADR process to be used (i.e., conflict coaching, facilitation, facilitated dialogue, group intervention, mediation, communication/conflict management training, or a combination of processes) and answer questions.
  - 2. If ADR is not appropriate: in cases involving violence, when authoritative resolution of a matter is required in precedent-setting cases; when the matter in dispute has significant government policy implications; or when it is important to produce a full public record of the proceedings; the ADR Specialist will inform each of the parties of the reason, and the matter reverts back to the process from which the dispute originated. These cases are rare.
- E. When ADR is requested, CRP's ADR Program Specialist will schedule the ADR process within 10 calendar days from the date of the initial request. The process will be completed within 30 calendar days from the date of the initial request.
- F. Upon conclusion of the ADR process, parties will be issued an evaluation form for completion. Once evaluations have been completed the parties will seal them in the preaddressed envelope and mail back to the ODEO Deputy Director.

#### G. Mediation

For mediation, the ADR Program Specialist will request a mediator (and perhaps a co-mediator) and will make associated logistical arrangements. Parties will commit to their decision to participate by completing the Agreement to Mediate Form (Appendix A).

Before mediation, the mediator(s) will advise parties of their rights, responsibilities and timeframes for addressing their dispute through the traditional processes [e.g., administrative/negotiated grievance processes; Merit Systems Protection Board (MSPB) appeal and the EEO process], should the mediation be unsuccessful. Parties will acknowledge the receipt of this information by completing the Information on the Other Processes form (Appendix B).

The mediator is bound by confidentiality to the extent of the law (5 USC 574) and has no authority to impose a resolution of the dispute. The mediator will remain neutral and unbiased throughout the process and will work to facilitate a mutually agreeable resolution that is solely determined by the parties. However, if a mediator becomes aware of information regarding fraud, waste, abuse, criminal activity or imminent threat of physical harm, the mediator is compelled to disclose it. The mediation cannot be tape-recorded nor transcribed. After the mediation, notes and document copies in the mediator's possession are destroyed.

The mediator has the authority to meet separately with either party. Mediators cannot be subpoenaed to become a witness in a court proceeding (Administrative Dispute Resolution Act of 1996).

All resolution agreements will be reduced to writing. The mediator will assist the parties with the written resolution agreement. Once completed it is given to the appropriate parties for their signatures. If appropriate authorities deem a resolution agreement to be non-compliant with agency standards then parties will be notified. Parties will have the option (s) to address their concerns through the traditional complaint processes if they meet the required qualifications and timeframes.

After mediation all parties will receive a confidential survey (either in person or via e-mail) to complete and return to the ODEO Deputy Director. These surveys will be solely used for evaluation of the CRP Service and providers and services rendered.

If mediation is unsuccessful, employees will return to the appropriate stage of the ongoing process. The following provisions apply to each of the formal complaint processes.

1. In cases involving negotiated grievances, the grievant must return to the guidance found in the Bargaining Unit Agreement.
2. In cases involving administrative grievances, the grievant must return to the stage of the administrative grievance procedure (i.e., informal or formal) which they were in last while pursuing the ADR process. The grievant must adhere to the filing deadlines as outlined in the P&P 463.2, Administrative Grievance System, dated June 4, 2001.
3. For MSPB appeals, the 30-day time limit is extended by an additional 30 days if attempts at ADR were agreed to in writing prior to the timely filing of an appeal (that is, within 30 calendar days of the effective date, if any, of the action being appealed, or 30 calendar days after the date of receipt of the agency's decision, whichever is later).
4. For EEO matters, if the employee elects to participate in an ADR process, the pre-complaint processing period shall be 90 calendar days (i.e., the disputant will have 90 calendar days from initial contact with an EEO counselor to attempt to resolve the issue throughout ADR. If this process is unsuccessful, the disputant may return to the formal EEO process).
5. The CRP's ADR Program Specialist will inform the applicable management officials that the process has not been successful. Because all matters pertaining to the ADR session must remain confidential, no negative inference may be drawn from a failure of the parties to reach a written resolution agreement.

## **5. RESPONSIBILITIES**

### **A. The REE Agency Administrators have a responsibility to:**

1. Ensure that all employees are aware of, have access to, and are strongly encouraged to use the CRP consistent with this policy.
2. Endorse and actively support the earliest possible use of ADR to prevent and resolve workplace conflict.

3. Report to the Assistant Secretary for Civil Rights (ASCR) at least annually on agency usage of the ADR program.
4. Ensure that agency officials who participate in ADR are familiar with the process; the facts relative to the issues in dispute; and, have the full authority to execute an agreement on behalf of the agency.
5. Establish specific agency limits, monetary or non monetary (ex. reassignment), for authoritative officials to use to attain a clear resolution or settlement of each conflict.

**B. The REE Agencies' Civil Rights Directors have a responsibility to:**

1. Actively promote and strongly encourage the use of ADR through the Cooperative Resolution Program.
2. Advise the Agency Administrator(s) on ADR technique(s) to use to fulfill the ADR requirements found within this policy.
3. Ensure that all neutrals providing ADR-related services within the REE Mission Area have received (in compliance with USDA Reg. 4710-001) to conduct mediation or any other ADR-related activity (i.e., conflict coaching, facilitation, or training).
4. Ensure that no employee or management official commits, authorizes, or condones any retaliation against an individual due to his or her pursuit of, or participation in ADR.

**C. CRP's ADR Program Specialists have a responsibility to:**

1. Promote and encourage the use of ADR.
2. Provide ADR activities throughout the REE Mission Area.
3. Manage their programs, track usage, ensure compliance with Departmental requirements, and report at least annually to the USDA Office of the Assistant Secretary for Civil Rights on ADR activities.
4. Develop and issue standards for qualifications and evaluation of mediators and other neutrals within the REE Mission Area consistent with Departmental regulations (USDA Reg. 4710-001) and this policy.
5. Maintain updated information on qualified neutrals, external alternative resources and provide relevant, effective and innovative ADR-related services as needed or requested

**D. Mediators have the responsibility to:**

1. Serve as a neutral third party trained in dispute resolution.
2. Ensure the parties understand that the mediator has no authority to make decisions, nor is acting as an advocate for any party.
3. Advise parties of the ADR process, including rules of confidentiality and terms.

4. Consult with appropriate agency officials (e.g., Human Resources Division) for technical assistance to clarify or resolve issues if needed.
5. Assist parties in reaching mutually agreed upon resolutions to disputes.
6. Promote and encourage the use of ADR.
7. Maintain the confidentiality of ADR.

**E. Management Officials have the responsibility to:**

1. Seek resolution of workplace disputes at the earliest possible stages consistent with laws and pertinent regulations, using ADR services provided by CRP.
2. Cooperate in good faith during all phases of any ADR process in which they are involved.
3. Require that someone with authority to fully resolve the matter on behalf of the agency is readily accessible to the parties during the ADR process.
4. Provide all documents and information related to the case requested by the mediator during the ADR process.
5. Complete the evaluation form once the ADR process has concluded. These evaluations are confidential and will be used solely for program evaluation purposes.
6. Inform the CRP staff of any special accommodations, such as auxiliary aids, interpreters, and so forth, that are needed in conjunction with the ADR process.
7. Ensure that no employee or management official commits, authorizes, or condones any retaliation against an individual due to his or her pursuit of, or participation in, ADR.
8. Promote and encourage the use of ADR.
9. Maintain the confidentiality of ADR.

**F. Employees have the responsibility to:**

1. Participate in good faith during all phases of any ADR process in which they are involved.
2. Notify the CRP as soon as s(he) has decided to have a representative in attendance during the ADR session. Employees who are part of a bargaining unit must follow the guidelines set forth therein. The employee must designate his or her representative in writing providing the designated representative's name, complete mailing address, and telephone number (including area code) to the CRP office 20 calendar days prior to the date of the ADR session. The agency may disallow a representative if it determines that the representative would:
  - be in a position which constitutes a conflict of interest,
  - be required to perform other priority work for the agency, or



- give rise to unreasonable delays (in excess of 30 days) in conducting the ADR session.
3. Inform the CRP staff of any special accommodations, such as auxiliary aids, interpreters, and so forth, that are needed in conjunction with the ADR process.
  4. Comply with all established time frames to submit any complaint as follows:
    - a. Administrative Grievance Process: Employees must submit an informal grievance within 15 calendar days from the date of the aggrieved event or from the date the employee became aware of the act or occurrence. Employees may seek informal resolution of a grievance through the CRP. Follow the guidelines and instructions found in P&P 463.2, Administrative Grievance System, dated June 4, 2001.
    - b. Negotiated Administrative Grievance Process: For information on the negotiated administrative grievance process, contact the appropriate union representative or the Administrative and Financial Management, Human Resources Division, Labor Management Officer.
    - c. EEO Complaint Process: Contact an EEO Counselor within 45 calendar days of the alleged discriminatory action. The EEO Counselor will advise the employee of his or her rights and responsibilities and request that s(he) determine which process to pursue in the informal stage, by **electing in writing**: traditional counseling *or* ADR.

If the employee elects traditional counseling, the EEO Counselor will try to resolve the complaint in the informal stage within 30 calendar days. If the employee elects ADR, then the informal stage is extended an additional 60 days for a total of 90 days from the initial date of contact to schedule and conduct the mediation. And, the EEO Counselor refers the case to an approved mediator to conduct the mediation.

If the complaint is not resolved through traditional counseling, at the end of the 30 calendar days, the EEO Counselor issues the employee a Notice of Right to File (NRF) in the formal EEO Complaint Process. If the complaint is not resolved through ADR, the mediator returns the case to the EEO Counselor and the EEO Counselor then issues the employee a NRF. The NRF allows the employee an opportunity to determine whether or not to pursue their complaint through the formal EEO Complaint Process. ADR is available to employees throughout the EEO Complaint Process (informal/formal). Employees who engage in EEO ADR mediation will meet with a Responsible Management Official and a Resolving Official in an attempt to reach a mutually satisfactory resolution.

- d. MSPB Appeals: MSPB regulations contained in 5 CFR 1201.22 state that “an appeal must be filed no later than 30 [calendar] days after the effective date, if any, of the action being appealed, or 30 [calendar] days after the date of receipt of the agency’s decision, whichever is later. Where an appellant and an agency mutually agree in writing to attempt to resolve their dispute through an alternative dispute resolution process prior to the timely filing of an appeal, however, the time limit for filing the appeal is extended by an additional 30 [calendar] days – for a total of 60 [calendar] days”.

5. Provide all documents and information related to the case requested by the mediator during the mediation process.
6. Complete the evaluation form once the ADR process has concluded. These forms are confidential and will be used solely for evaluation of the ADR Program.
7. Maintain confidentiality of ADR.

## 6. DEFINITIONS

**Alternative Dispute Resolution (ADR)** – Any of a number of informal conflict resolution processes/techniques where employees, managers, agencies, and REE customers voluntarily agree to try to resolve their disputes with the assistance of a third party neutral.

**ADR Program Specialist** – A neutral, impartial third party professional responsible for managing the ADR Program. The services provided include mediation, conflict coaching, consultation, facilitation, facilitated dialogues, group intervention, team building, communication and conflict management training.

**Combinations of Processes** – Often processes may be combined to provide advantageous aspects of more than one method. For example, if in mediation the mediator finds that the parties are able to speak directly to each other in a productive way, the mediator may utilize the facilitator role and follow-up with the mediator role later. CRP is not limited to using only one method or process. Using various methods in combination may also yield fruitful results and be very effective in reaching resolution.

**Communication/Conflict Management Training** – Skills-based training to assist individuals to identify and explore personal communication styles; identify and respect different working styles; demonstrate active listening skills; eliminate roadblocks that undermine effective communication and build collaborative working relationships that emphasize trust and respect.

**Conflict** – Any disagreement, discord, argument, complaint, or legal action, as well as the circumstances leading up to it.

**Conflict Coaching** – A confidential process that helps people on a one-on-one basis to develop or enhance their skills, knowledge and competencies to more effectively engage in and manage interpersonal conflict. Any REE employee who contacts the CRP to request conflict coaching will engage in a one-on-one relationship (coach-coachee) with a CRP ADR Program Specialist over a specific period of time to work toward a particular conflict management goal.

**Consultation** – A confidential conversation between a CRP ADR Program Specialist and an REE employee where information about ADR services is provided to enable the REE employee to make informed choices about the use of the CRP services.

**Customer** – Individuals, organizations, or businesses external to USDA that provide services to or receive services from REE or that have contact with any REE office or employee.

**Early Intervention** - An attempt to resolve a conflict at the earliest possible stage outside of the traditional formal complaint processes (e.g., EEO, Administrative/Negotiated Grievance, etc.).

### **Equal Employment Opportunity (EEO) Complaint Process Stages and ADR:**

- **Informal Process** – The counseling stage of an EEO complaint and during which ADR *is* offered and conducted.
- **Formal Process** – The stage of an EEO complaint initiated by the filing of a written complaint with the Office of Civil Rights and during which ADR *is* offered and conducted.

**Facilitation** – A process that involves the use of techniques to improve the flow of information in a meeting between participants in conflict. It serves to help a group complete a task, solve a conflict problem (group intervention), or come to an agreement to the mutual satisfaction of the participants. Successful facilitation takes preparation and planning, a constructive attitude and behaviors on the part of the participants, a collection of process tools, and a planned implementation for results.

**Facilitated Dialogue** – A structured conversation between two or more parties involved in a conflict. Participants engage in an open-minded exploration of the issues at hand, rather than remain stuck in adversarial negotiating positions. Facilitators will act to ensure that all parties have the opportunity to share their thoughts, feelings and experiences about the conflict as well as seeking mutually satisfactory resolutions.

**Good Faith** - An effort to honestly, sincerely, and fully discuss problems and matters in conflict, and to explore solutions to those problems or conflicts.

**Grievance** – A request by an employee, or a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management, relating to the employment of the employee(s).

**Group Intervention** -- A facilitated process that addresses group or team conflict, difficult team communications and damaging group dynamics which have become a distraction to the group's success and have contributed to an unproductive work environment. Each process is designed to address specific team issues, resolve conflict issues, and guide the team to develop conflict management strategies to self-monitor and address future conflict in a positive and collaborative manner.

**Mediation** - A form of ADR in which a trained neutral third party (usually a CRP ADR Program Specialist) facilitates a confidential discussion among two or more parties in conflict in an attempt to assist them to create and agree upon a mutually satisfactory resolution that is acceptable to all parties.

**Mediator** - A qualified neutral third party who assists parties in conflict to work toward a variety of goals. Mediators have no decision-making authority and are bound by confidentiality. Mediators work to: facilitate communication among the parties; help them explore mutual understanding; assist in defining and clarifying issues; maximize the exploration of alternatives; assist in exploring reconciliation and resolution.

**Neutral** - The person who is authorized to conduct, lead, or facilitate an ADR session. The neutral has no personal interest in the outcome of the conflict and acts impartially and without bias. Neutrals include mediators, facilitators, and arbitrators.

**Parties** (also known as “participants”) – The agencies, employees, managers, or customers in conflict who voluntarily participate in the ADR process with the goal of reaching a mutually agreeable resolution.

**Resolution Agreement** – A written decision reached by the parties that results in the total or partial end or closure of a conflict, complaint, grievance, appeal, or litigation. Prior to the final signature by all parties, those Agreements that require functional action (e.g., personnel or pay action) will be reviewed by the appropriate subject- matter expert to confirm the terms are correct, actionable and implementable.

**Resolving Official** – The ADR mediation official in an EEO complaint who the responding agency has designated and assigned the authority to prepare, change, accept and approve proposals for resolution during an ADR mediation. The Resolving Official binds a responding agency by signing an EEO settlement agreement.

**Responsible Management Official (RMO)** – The EEO, ADR mediation official(s) who, according to the complainant’s allegations, is (are) responsible for the action or made the decision that allegedly harmed the complainant. A RMO may not be the designated Resolving Official in an ADR mediation. The RMO is sometimes identified as the “Responding Management Official.”

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Edward B. Knipling  
Adminstrator, ARS

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Date

Appendix A

**COOPERATIVE RESOLUTION PROGRAM  
AGREEMENT TO MEDIATE**

The parties voluntarily agree to engage in mediation to resolve their workplace issues and concerns. The parties understand that the mediator has no authority to decide the outcome and is not acting as advocate or attorney for any party. The parties understand that they have a right to have a representative assist them during the mediation process. The parties have been informed of other avenues of redress, namely the grievance and equal employment opportunity (EEO) complaint processes, and the time frames for initiating those processes. By agreeing to mediate, the parties do not waive their right to pursue these other avenues of redress. This agreement to mediate does not change the time frames for initiating other avenues of redress. Parties understand they may withdraw from mediation at any time.

Mediation is a confidential process to the extent allowed by the ADR Act (5 U.S.C. § 574(a), (b)), and does not extend to fraud, waste, abuse and threats of imminent physical harm. Any documents submitted to the mediator and statements made during the mediation are for resolution purposes only. The parties understand and agree not to subpoena the mediator or require the mediator to testify or produce records, notes or work products in any future proceedings and that they will make no recording or records of the mediation session(s). If an agreement is reached, the agreement shall be reduced to writing and, when signed and approved by the appropriate authorities for all parties, it will be executed by them in good faith. By signing below, we acknowledge that we have read, understand and agree to the terms of this Agreement to Mediate.

\_\_\_\_\_  
PARTY 1 (FIRST NAME, LAST NAME)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REPRESENTATIVE 1 (FIRST NAME, LAST NAME)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PARTY 2 (FIRST NAME, LAST NAME)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REPRESENTATIVE 2 (FIRST NAME, LAST NAME)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MEDIATOR (FIRST NAME, LAST NAME)

\_\_\_\_\_  
DATE

Appendix B

**COOPERATIVE RESOLUTION PROGRAM  
INFORMATION ON OTHER PROCESSES**

**TIME-FRAMES for TRADITIONAL COMPLAINT PROCESSES**

The traditional complaint processes are governed by specific timeframes within which an employee must be in compliance with in order to seek redress of an alleged act, decision or event for which said employee can file a grievance or complaint. The following applies:

**I. Grievance Process**

**A. Administrative Grievance:**

The employee (grievant) must present an informal grievance within 15 days of the act or occurrence that is the basis for the grievance or within 15 days of the date the grievant learned of the act to the lowest level official (usually the immediate supervisor) who can make a decision on the matter being grieved.

**B. Negotiated Grievance:**

A grievant must check with their respective exclusive representative and/or the Labor/Management Agreement for specifics for the appropriate management official to receive the grievance and the time frames for filing a grievance.

**II. Merit Systems Protection Board (MSPB) Appeals Process:**

The employee must present an appeal within the guidelines and timeframes provided through the information obtained from the ARS Human Resources Division, Employee Relations Branch.

**III. Equal Employment Opportunity (EEO) Process**

**A.** In order to initiate an EEO complaint, the employee (complainant) has 45 days from the date of the action s/he believes was discriminatory, or from the date s/he learned about the action to contact an EEO counselor.

**B.** If a complaint has been filed and the complainant decides s/he would like to use the Alternative Dispute Resolution (ADR) process, the complainant or his/her representative should notify the EEO Office that s/he has elected to use the ADR process to seek a remedy to the complaint.

**C.** When the complainant elects to participate in the ADR Program, the precomplaint processing period shall be 90 days.

**D.** If the complaint has not been resolved before the 90th day, the EEO Counselor will inform the complainant of his/her right to file a discrimination complaint within 15 days of receipt of the notice.

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Party

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Date