



DEFENSE CONTRACT MANAGEMENT AGENCY

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DCMA-DPS 005

MEMORANDUM FOR ALL DCMA EMPLOYEES AND APPLICANTS

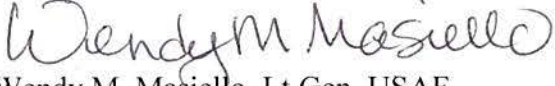
SUBJECT: Policy Statement on Alternative Dispute Resolution

As the Director, Defense Contract Management Agency (DCMA), I fully support Equal Employment Opportunity Commission (EEOC) objectives in establishing an Equal Employment Opportunity (EEO) Alternate Dispute Resolution (ADR) program within DCMA. The agency has designated the Director of EEO as the responsible proponent for administration and oversight of the EEO ADR program. The EEO Office will make available an informal EEO ADR process/program for employees to use in addition to the traditional EEO process. The EEO ADR program is a subset of the agency ADR program that is maintained by DCMA's General Counsel.

DCMA's preferred method of ADR is mediation. Mediation offers disputing parties an opportunity to openly express their positions and interests in resolving disputes in a mutually satisfactory fashion. Additionally, ADR provides an impartial and independent forum for parties to discuss the dispute and develop a realistic assessment of each other's position. DCMA's mediation process is designed to ensure timely processing (e.g. to include the reinforcement of EEOC's core principles of voluntariness, neutrality, confidentiality and enforceability).

- *Voluntariness.* Participation in EEO ADR is voluntary. However, participation is mandatory for managers/supervisors once the aggrieved has elected ADR. As the proponent responsible for managing the program, EEO will decide on a case-by-case basis whether it is appropriate to offer mediation. If mediation is offered, the Directorate with settlement authority will determine who will participate in mediation. Participants are required to negotiate in good faith but are under no obligation to settle.
- *Neutrality.* To ensure neutrality, mediation will be conducted by a neutral third party, called a mediator. It is the responsibility of the EEO Office to ensure that the mediator is neither acquainted with nor an employee from the same unit as the aggrieved party or the management official with settlement authority. The role of the mediator is to facilitate the process rather than to evaluate positions of the parties.
- *Confidentiality.* As a means to promote open and frank discussion, all participants must agree, in writing that any information disclosed during the mediation process, other than discoverable documentation, will remain confidential whether or not mediation is successful.
- *Enforceability.* If resolution is achieved in mediation, the terms of the resolution will be set forth in a written negotiated settlement agreement that is binding upon both parties.

Problem prevention and early resolution is DCMA's primary objective. Therefore, I encourage employees to participate in the EEO ADR process in order to resolve workplace disputes at the lowest possible level, eliminate complaints of discrimination, and improve productivity throughout DCMA.


Wendy M. Masiello, Lt Gen, USAF
Director