

# Mediation/ADR

## ... is the road to complaint resolution

### The ADR Program “Promptly Addresses VA EEO and Non-EEO Employment and Workplace Disputes.”

*It is a program that provides a speedy alternative to resolving EEO and Non-EEO employment and workplace disputes in more formal processes.*

The ADR Program within the Department of Veterans Affairs allows employees to use Mediation/ADR for both their EEO and Non-EEO employment and workplace disputes.

## Mediation/ADR

It gives employees the option to mediate their disputes in a safe environment without risking right to pursue EEO and other options if case is not resolved in mediation.



### Consider Mediation/ADR if:

- You are looking for a new faster way to resolve your EEO and non-EEO related employment or workplace disputes.
- You believe that a mediator may assist you in resolving your EEO and non-EEO related employment or workplace disputes.



Contact your local EEO Manager, local ADR Coordinator, VISN, VBA area offices, NCA Lead ADR Coordinator, an EEO Counselor, Union Representative and/or an ORM Office for more detailed information at 1-888-737-3361, or go to the following websites: (For ORM, [www.va.gov/orm](http://www.va.gov/orm) or [vawww.va.gov/orm](http://vawww.va.gov/orm) or for VA website, [www.va.gov/adr](http://www.va.gov/adr) or [vawww.va.gov/adr](http://vawww.va.gov/adr))

ADR Coordinator Name: \_\_\_\_\_ Telephone number: \_\_\_\_\_

### How Does Mediation/ADR Work?

Alternative Dispute Resolution (ADR)/Mediation Process: ADR/Mediation is available within the Department of Veterans Affairs for all employees nationwide. Employees participation in ADR/Mediation is voluntary, however, VA's policy encourages employees to use mediation to help resolve workplace conflicts as early as feasible, to the maximum extent practicable in an appropriate and cost effective manner, and at the lowest organizational level.

1. On an EEO dispute, which is from an employee, former employee, and/or applicants for employment who believes that he/she has been discriminated against on the basis of race, color, religion, sex, national origin, age (40 years and above), disability, or reprisal based on prior EEO activity, is defined as an EEO Dispute, must contact ORM first. An EEO Counselor will get an agreement by both parties before they are entered into mediation. It is important to contact ORM first to retain your rights to proceed in the EEO arena should mediation not result in resolution of the dispute.
2. For non-EEO related employment or workplace disputes, you may enter ADR/mediation through the appropriate venues by contacting your local ADR Coordinator/Manager. It is important to contact the appropriate venues first to retain your rights to proceed in the non-EEO arena should mediation not result in resolution of the dispute. If your dispute involves allegations of discrimination, your decision to engage in the ADR process DOES NOT relieve you of your obligation to meet the 45-day deadline for contacting an EEO counselor and/or your 15-day deadline for filing a formal EEO complaint.
3. Your request for mediation will be addressed as soon as possible.
4. The mediation process starts with a joint session with you and the person responsible for the dispute where the mediator(s) will explain how the process works and answer your questions. Then you and your supervisor will each get to tell your side of the dispute. Afterwards, the mediator(s) will meet with each of you separately to discuss the problem and help you and your supervisor find a solution.
5. If a settlement is reached on an EEO dispute, it will be binding on everyone and the EEO dispute will be withdrawn. If an EEO settlement is not reached, you can pursue your EEO rights through the appropriate EEO venues.
6. If a settlement is not reached on a non-EEO related employment and/or workplace dispute, you can continue to pursue your rights through the appropriate venues if you are within your timeline, e.g. VA and Union Grievances, Unfair Labor Practice (ULP), Merit System Protection Board (MSPB), etc.

### Why Choose Mediation/ADR Under the ADR Program?

#### MEDIATION IS FAST.

It gives you a chance to meet face to face in a controlled environment with your supervisor soon after the dispute arises.

#### MEDIATORS DO NOT MAKE DECISIONS OR FORCE DECISIONS ON YOU.

Mediators are trained to work with all parties to help them find solutions to their dispute. An agreement crafted by the people involved is almost always more satisfying and more lasting than one dictated by an outside third party.

#### MEDIATORS ARE IMPARTIAL.

They are trained, experienced, third party neutrals

#### MEDIATION IS INFORMAL.

No witnesses are called, nobody testifies under oath, and no complicated procedures and technicalities get in your way. Bring a representative if you wish, but the process is designed for people who are handling the problem themselves.

#### MEDIATION IS FREE.

There is no cost to you for mediation.

#### MEDIATION IS CONFIDENTIAL.

What you tell the mediator(s) when you are alone is kept between the two of you unless you agree to let the mediator(s) share it with the disputing individual. After the mediation is over, the mediator(s) destroys all notes of discussions with you.

The Department of Veterans Affairs prohibits discrimination on the basis of race, color, sex, national origin, religion, age (40 years and above), disability, or reprisal based on prior EEO activity.

The Department of Veterans Affairs is an equal employment opportunity employer.