

Frequently Asked Questions:

Q: Who can initiate ADR?

A: Employees, supervisors, managers and unions.

Q: Do I have to use the ADR process?

A: ADR is entirely voluntary. The parties may end mediation at any time.

Q: Who should be present during the mediation?

A: The mediator and the parties are required to attend. Each party can have a representative or can represent themselves. Civilian Personnel and Legal Office representatives will potentially be on standby.

Q: If I try ADR, do I lose my rights under the grievance or EEO complaint process?

A: If the aggrieved party thinks the proposed resolution is unsatisfactory, they are free to terminate the mediation session and pursue the traditional formal EEO complaint process.

Q: Is mediation right for me?

A: Yes, if one of the following applies to your situation (1) the issue involves a continuing relationship; (2) the parties want to resolve the matter quickly, confidentially and informally; or (3) the parties want a voice in shaping an agreement.

Q: How should I prepare for mediation?

A: Come to mediation prepared to explain your views and ready to listen to the views of others. Mediation is an opportunity to put the issues behind you.

For Additional Information Contact:

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DEPARTMENT OF THE ARMY

PRESIDIO OF MONTEREY
EQUAL EMPLOYMENT
OPPORTUNITY OFFICE
(EEO)

Workplace Alternative
Dispute Resolution
(ADR) Program



What is ADR?

Alternative Dispute Resolution (ADR) is a possible option for those wishing to resolve disputes and problems outside of traditional methods- including Equal Employment Opportunity (EEO) complaints, grievances, and/or litigation. ADR offers the chance to let others know how you view the situation, as well as offers an opportunity to work out a mutually agreeable resolution.

Mediation is informal, voluntary and provides a third-party, neutral, DA certified mediator to facilitate discussions between the parties to help them identify issues and arrive at mutually agreed upon solutions.

The mediation session will remain confidential, except for threat of physical harm or disclosure of fraud, waste, abuse, or any other illegal activity.

The mediator will not provide legal or human resources advice and has no power to make a decision or evaluate the merits of the issues on the table. Instead, the mediator works with the parties to facilitate discussion. Any agreement reached will be a voluntary agreement of the parties' own making.

Why use ADR?

While conflict is a normal part of our daily lives, it can often be an uncomfortable experience, especially when it involves the workplace. Whether you are a manager or an employee and you find yourself in a dispute with another employee, manager or other colleague, mediation can help you resolve the issue in a private, confidential and timely way.

When can ADR be used?

- EEO complaints
- Administrative grievances
- Workplace disputes
- Conduct or work performance issues
- Union issues (in accordance with Collective Bargaining Agreement/Unfair Labor Practice procedures)
- Groups or offices facing challenges

How Does the Process Work?

Mediation begins with all the participants present as your mediator explains the process and answers any questions you may have at that time.

After each party presents his or her concerns by giving some brief opening remarks, the mediator may ask questions to clarify or elaborate on a particular topic.

After the first joint session, the mediator will meet with each party separately (caucus) to discuss issues in greater detail and to gain a better sense of how the parties would like to resolve the issues.

During the joint and private sessions, your mediator will explore with you the options you have identified for resolution. If a satisfactory resolution is reached, the parties compose and sign a binding settlement agreement reviewed by the legal department which will then be enforced on both parties.

What are the Benefits of ADR?

- Resolves disputes and conflicts quickly and inexpensively at the earliest stage possible
- Improves and maintains cohesive work relationships
- Time: mediation sessions vary in length, but usually take no more than one day to resolve, whereas formal complaints sometimes take years to resolve
- Evokes feelings of empowerment. The mediator helps each party voice their concerns and interests in a controlled environment
- Improves communications between the parties
- Communications are confidential in accordance with the ADR Act of 1996
- Focuses on results and collaboration, not fault and blame
- Provides “real time” response to the issues involved
- Promotes resourceful and productive solutions
- Gets everyone focused back on the mission
- Keeps decision making control with the parties