

ADR (Alternative Dispute Resolution) Process

ADR involves a session among the Complainant, responding management official and trained EO counselors/mediators in attempt to resolve the complaint. Processing time for ADR is no more than 90 days. Mediation and facilitation are the most popular forms of ADR employed by the Air Force.

Mediation: Mediation is a structured proceeding in which disputing parties used trained, impartial third party called a mediator to assist the parties in arriving at a mutually agreeable resolution. Mediation sessions usually involve open statements, joint discussions, and caucuses (private confidential meeting with the parties). If the complaint is resolved in mediation, a settlement agreement is written up and signed and is binding. 90 MW/JA is involved in all settlement agreements.

Facilitation: Facilitation is a flexible proceeding in which the neutral facilitator uses an interest based negotiation approach to assist the parties in achieving a better understanding of the issue (s) and a resolution of the dispute. Facilitation usually does not involve caucuses with the parties, but may do so depending on the situation.

ADR does not negate the right to file a formal complaint. If ADR does not result in a resolution of the complaint, a formal complaint may be filed within 15 days of receiving the notice of right to file.

Participation in ADR is voluntary: Both Complainant and Management must agree to use mediation as a means of attempting resolution of a complaint.

ADR has many advantages over traditional methods of dispute resolution including:

Saves time: The formal stage of a discrimination complaint can be lengthy. It may take as long as 180 days before the investigative process of a formal complaint actually begins. Mediation will be offered again at the formal stage even if it was attempted and failed to produce a resolution at the informal stage. If a hearing is requested the process can take an additional 180 days or more before a hearing is scheduled with an administrative judge from the Equal Employment Opportunity Commission (EEOC). It is estimated that a formal complaint may take an average of 449 days (about 15 months) to process from start to finish. In contrast, a complaint may be resolved within as few as 38 days if ADR is used at the informal stage.

Control: ADR gives the parties early resolution over the outcome of their dispute

Timeliness: ADR promotes early resolution of the dispute in a manner that is mutually satisfactory to both parties.

Problem solving: ADR stresses creative problem solving over adversarial positions, improving communication between the parties and enhancing the work environment.

Note: Although an employee has the right to seek redress through the EO complaints and ADR process without going through the chain-of-command, it is highly recommended and encouraged to attempt resolution of concerns through the chain-of-command before seeking EO Counseling.

More information and guidance on the ADR process is available at:

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5805 Randall Ave
F.E. Warren AFB, Cheyenne WY 82005

773-6060/2741

<http://www.adr.af.mil/compendium/index.html>

In addition, EEOC has links to ADR information on its website at :

<http://www.eeoc.gov/federal/adr>

90MWVA51-1201, 4 September 2014
Certified Current on, 27 September 2022
Supersedes: 90MWVA51-1201, 29 March 2012
RELEASABILITY: There are no releasability restrictions on this publication.
Prescribing Directive: AFI51-1201