

ALTERNATIVE DISPUTE RESOLUTION (ADR)

What is the FSIS Alternative Dispute Resolution Program?

The FSIS Alternative Dispute Resolution Program (ADR) is a Complaints Mediation Program (CMP) established to handle EEO disputes. It is designed to offer employees and applicants for employment an opportunity to resolve disputes at all stages of the complaint process. EEO disputants may engage in resolution discussions during the EEO pre-complaint and formal complaint processes. A neutral third party known as a mediator facilitates resolution of the dispute. The mediator has no power to make a decision or force one on any party. The mediator works with the parties to reach a voluntary agreement of their own.

Can ADR be used during the informal (pre-complaint) stage?

Yes, when ADR is selected as the method of resolution, the traditional counseling process will change. In all cases, the EEO counselor will conduct the initial counseling session, identify claims and fully inform the individual of their rights, to include the option to elect traditional counseling or ADR. Counselors must inform individuals that if the ADR process is not successful, they will receive a final interview within 90 days of the initial contact with the Civil Rights Division and given the right to file a formal complaint.

Can ADR be used during the formal complaint stage?

Yes, unless the agency has determined that a particular case is inappropriate for ADR, it is available at all stages of the formal EEO process. Management and disputants are encouraged to continue attempts to resolve disputes throughout the complaint process, whether through ADR or any other means of informal settlement.

How does the ADR process work?

The process usually begins with a joint session. During the first meeting, the mediator explains the process and how it works, and answer any questions. After each party presents his or her side of the story, the mediator may meet with each party separately to discuss the issues in greater detail and to gain a better sense of how the parties want the issue resolved.

The mediation process may then continue with a series of separate meetings or decide to continue meeting jointly with the parties. During these joint and private meetings, the mediator will explore with the parties various options for resolving the dispute. The mediator can act in any number of roles, i.e., communicator, translator, agent of reality, etc. The goal of mediation is to reach a mutually agreeable resolution.

Why should you use ADR?

Information and the proceedings are confidential. In fact, the entire process is confidential. As such, the mediator will not willingly be a witness in a court of law or an administrative process. No written record will be made of the mediation process.

Secondly, mediation is quick and hopefully result in a win-win situation for all parties. An EEO mediation settlement takes much less time to achieve than the more timely, sometimes bitter and costly process of litigation.

Finally, the disputant does not give up any rights to pursue the matter formally. While mediation is designed to be an informal settlement process, it is entirely voluntary. The parties or the mediator can end the session any time.

Is there a difference between VDIP and ADR?

The two programs are similar with minor differences and in many instances either program can be used to resolve workplace disputes. VDIP is the acronym for Volunteer Dispute Intervention Program that was initiated by the agency to address workplace disputes at the lowest level possible in the chain of command. ADR was established in response to the EEO requirement to make available an alternative dispute resolution process for employees and applicants who file EEO pre-complaints and formal complaints. While VDIP focuses on resolution at the lowest level possible, ADR requires that a Resolving Official also participate in the process. In both programs, agreements are in writing and binding on the parties.

Who should be present during the ADR?

Parties can represent themselves, or have a legal representative accompany them to the session. In some instances, management may also appoint a representative who has first hand knowledge of the situation and/or authority to enter into a resolution agreement.

Is ADR right for you?

To assist in choosing whether or not mediation is an appropriate ADR process for your dispute, you should consider the following:

1. The parties involved will have a continuing relationship.
2. The parties want it settled confidentially and informally.
3. The parties want to have a **voice** in shaping an agreement.



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**For additional information contact: EEO Counseling and Mediation Branch
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