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POLICY LETTER 04-06

From: Commanding Officer, Marine Corps Air Station, Cherry Point
To: Distribution List

Subj: POLICY STATEMENT ON ALTERNATIVE DISPUTE RESOLUTION (ADR)
PROGRAM AT THE INFORMAL STAGE IN ADDITION TO THE
TRADITIONAL EQUAL EMPLOYMENT OPPORTUNITY PROCESS

1. As the Commanding Officer, I fully support the Equal Employment Opportunity Commission (EEOC) objectives in establishing an ADR program at this Command. The Equal Employment Opportunity Office (EEO) will make available an informal ADR process/program for employees to use in addition to the traditional EEO process. ADR and EEO counseling are essential to achieving early resolution of the claim. The opportunity for informal resolution is important. ADR provides a means of improving the efficiency of the federal EEO complaint process by attempting early informal resolution of EEO conflicts.

2. The use of the ADR process will encourage participants to clearly define their claims, promptly address their most fundamental concerns early on and encourage problem solving which is healthier for the individual and the Marine Corps Air Station Cherry Point. The ADR process provides an extended period in which to resolve discrimination complaints. Instead of a maximum 30 days to gather the facts in the traditional EEO process, with the use of the ADR, the maximum time to resolve a problem/dispute is 90 days, if the employee elects to participate in the ADR process. The informal ADR techniques used in the informal process will be Mediation, Roundtable, and Conciliation. It is well documented that ADR techniques, if properly applied, prevent significant amounts of energy from being focused in a negative direction. Learning to deal with conflict in its early stages is an attribute and requires not only commitment and leadership but also communication and innovation in allowing the ADR processes to work.

3. The three techniques used in the informal ADR process are defined as:

a. Mediation. The intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party, who is a certified mediator with no decision-making authority in the process. The objective of this intervention is to assist the parties to voluntarily reach an acceptable resolution of issues in dispute, if possible. During the mediation process, the mediator may suggest some substantive options as a means of encouraging the parties to expand the range of possible resolutions under consideration. The mediator often works with

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the parties individually, in meetings, to explore acceptable resolution options, or to develop proposals that might move the parties involved to closer resolution.

b. Roundtable. Involves a neutral third party formulating resolution possibilities that could be offered to the complainant and which are also acceptable to management. Those invited to participate in the roundtable would include all parties which are privy to the issues leading to the dispute, i.e., witnesses, technical experts, and appropriate management officials. The complainant (employee) may choose to be present or absent during this session.

c. Conciliation. Involves a neutral third party who brings disputants to agreement by strengthening relationships, lowering tension, improving communication, interpreting issues, and providing technical assistance. There are no specific rules of engagement with regard to conciliation. The parties set the pace with the assistance of the third party. A settlement may be arrived at though the conciliation may set the tone to use other ADR techniques established to possibly resolve the dispute.

4. I am personally responsible for effective execution of The Department of the Navy Equal Employment Opportunity policies within the Command. This includes implementation of an informal ADR Program. The Deputy EEO Officer is responsible for the actual implementation of the ADR Program and is responsible for the overall management of the informal ADR Program.

5. Supervisors/managers are responsible for supporting EEO and ADR Programs and also for participating in ADR techniques as recommended by the Deputy EEO Officer or EEO Counselors in order to resolve allegations of discrimination at the lowest possible level.

6. Employees are encouraged to participate in the ADR techniques in order to resolve EEO complaints at the lowest possible level.


F. P. BOTTORFF

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