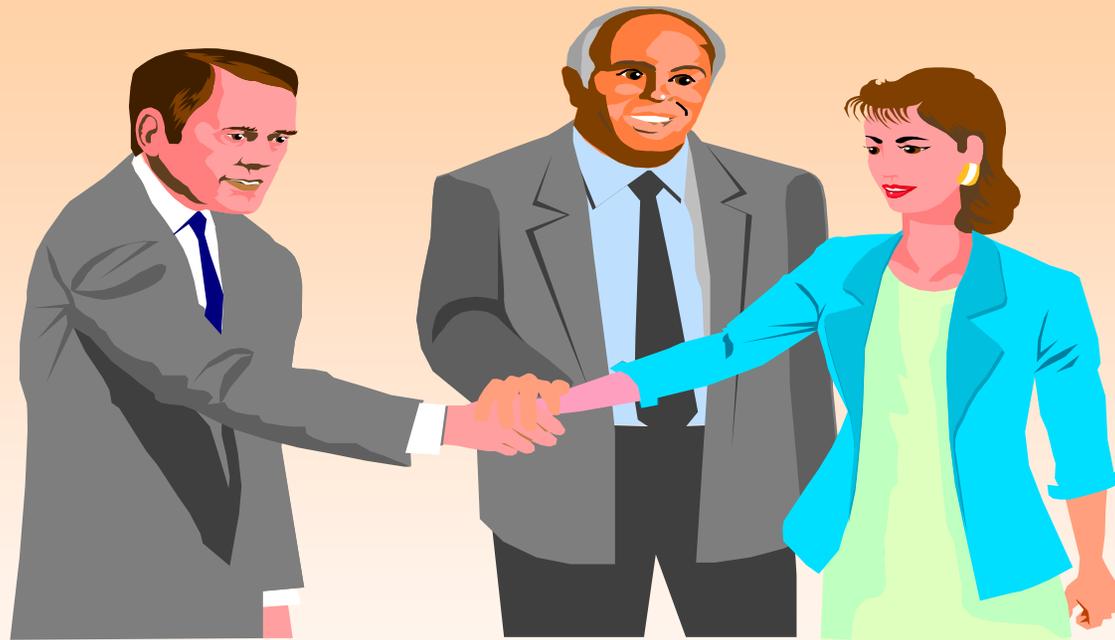


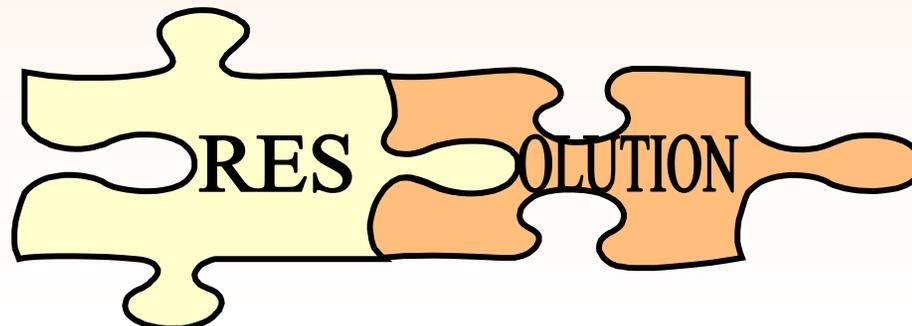
ALTERNATIVE DISPUTE RESOLUTION



MEDIATION

WHAT IS MEDIATION?

- **An ADR Process for Workplace Conflicts.**
- **An Opportunity to Gain an Early Understanding of a Dispute and Remain in Control of Resolution Possibilities.**
- **Management of Conflict.**
- **A Process that Brings those Personally Involved to the Table .**



MEDIATION IS:

- **Voluntary.**
- **Based on the Self-Determination of Parties.**
- **Not a Legal/Adversarial Proceeding.**
- **No Cross Examination or Burden of Proof.**
- **Not About Right/Wrong, Fault/Blame, Good/Bad...it's About Results.**

KEY PRINCIPALS OF MEDIATION



- **Neutrality**
- **Confidentiality**
- **Voluntariness**
- **Self Determination**
- **Enforceability**
- **Facilitate**

“HEAR Workplace Disputes”

(Helping Employers/employees Alternatively Resolve)

- **HRO Norfolk’s ADR Program**
- **15 Neutrals Trained Under Navy Guidelines**
- **Fast & Cost Effective Means of Dealing with Workplace Disputes such as:**
 - **Conflicts between Employees and Supervisors**
 - **Equal Employment Opportunity (EEO) Complaints.**
 - **Administrative Grievances.**
 - **Union Issues (IAW Collective Bargaining Agreement).**

STATISTICS

HEAR Workplace Disputes

# ADR Sessions FY02	=	88
# ADR Sessions FY03	=	71
# ADR Sessions FY04 (To date)	=	35
Resolution Rate FY02	=	72%
Resolution Rate FY03	=	81%
Resolution Rate FY04 (To date)	=	80%



WHY USE MEDIATION?

ADR SAVES \$\$\$\$\$\$ & TIME

Total \$ Paid out FY04 \$1,000 (\$500 was Attorney's Fees)

- **EEO Complaint Process Average Days = 576**
- **ADR Process Average Days = 1**
- **Processing an EEO Complaint > \$ 50,000**
- **Finding of Discrimination \$?**
 - **Compensatory Damages, Attorney's Fees, Back Pay**



WHY USE MEDIATION?

- **To Resolve Conflicts in a Mutually Acceptable Manner.**
- **Fast and Less Expensive in Terms of Time Spent & Money Required.**
- **Solution to Conflict not Imposed by an Outside, 3rd Party, such as an Administrative Judge.**
- **Continuing Work Relationships are Involved.**
- **Brings the Parties Personally Involved to the Table.**
- **Improved Communications/Reduces Tension.**
- **Builds Trust.**

PATH OF CONFLICT

What happens to...

- **Productivity?**
- **Customer satisfaction?**
- **Mission?**
- **Morale?**
- **Performance?**

Conflict is costly

- **Absenteeism...**
- **Loss of employees**
- **Rehiring costs...**
- **Retraining costs...**
- **Learning curve...**
- **Administrative fees...**
- **Legal fees**



WHAT ARE THE “COSTS” OF CONFLICT?

- **Low Morale. / Dispute Filters into Other Areas of Life.**
- **Stress. / Loss of Job Enjoyment. / Fear.**
- **Feeling Like your Not Being Heard. / Absenteeism.**
- **Low Productivity. / Loss of Respect. / Anger.**
- **Poor Customer Service. / Poor Performance.**
- **Feeling that Your not Valued. / Disciplinary Problems.**
- **Physical and Emotional Problems. / Lack of Trust.**



WHAT HAPPENS AT MEDIATION?

- **Participants Explain Their Issues & Concerns.**
- **Participants ask Questions and Get Answers.**
- **Participants jointly Discuss the Problem.**
- **Participants Caucus Privately With Neutral.**
- **Participants Can Bring a Representative.**
- **Participants Can Bring Documentation.**

WHAT HAPPENS AT MEDIATION?

(continued)

- **Options for Resolution Are Discussed.**
- **If Resolution Reached, a Written Settlement Agreement is Signed.**
- **If Resolution Not Reached, all Administrative Processes Remain Available to Parties.**
- **If an EEO Complaint, the Party Alleging Discrimination would Withdraw Complaint.**



WHAT'S YOUR COMMITMENT?

- **Before and During Mediation Think of Ways the Dispute Could be Settled...Think “Out of the Box.”**
- **Willing to Commit One Day.**
- **Willing to Follow the ADR Process.**
- **Be Prepared to Discuss Your Dispute and Listen to the Other Person's Issues.**
- **Good Faith Effort to Work with the Other Party Toward Resolution.**



MEDIATOR'S TRAITS

- **Impartial.**
- **Listens Actively.**
- **Looks for Interests not Positions.**
- **Does Not Make a Decision for the Parties.**
- **Helps Parties Attack the Problem.**
- **Helps Parties Focus on the Future.**
- **Helps Parties Develop Options for Resolution.**



ADR PROGRAM GUIDELINES

- **29 Code of Federal Regulation 1614.**
- **Administrative Dispute Resolution Act of 1996.**
- **SECNAVINST 5800.13 “Alternative Dispute Resolution.”**
- **DoD Directive 5145.5 “Alternative Dispute Resolution.”**



WHAT DO YOU HAVE TO LOSE? WHAT DO YOU HAVE TO GAIN?

In the Way of:

- Working Environment?
- Working Relationships?
- Time?
- Money?
- Morale?
- Productivity?
- Customer Service?

ADR PROGRAM CONTACT

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- **HEAR website: www.hronorfolk.navy.mil**
- **DON's website: www.adr.navy.mil**