

**Department of
Veterans Affairs**

Memorandum

Date: DEC 04 2002

From: Under Secretary for Health (10A2)

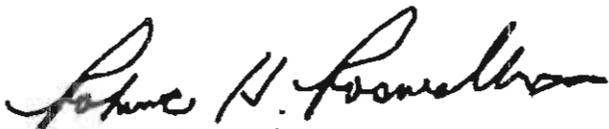
Subj: VHA ADR and Mediation Initiatives

To: VHA Key Staff Officials, VISN Directors, VAMC Directors

1. As you are aware, I strongly support and advocate the use of mediation as an effective way to resolve workplace issues in a timely, less costly manner. In addition, I believe that mediation, with its emphasis on proactively solving the problem, rather than focusing on past differences, can serve to strengthen relationships and build better workplaces for our employees, managers and staff alike.
2. I am sensitive to the fact that our employees work in a highly demanding environment in which they are expected to meet rigorous standards of productivity, quality, and timeliness while at the same time providing high levels of friendly, courteous customer service. Add to this mix the rapid changes in technology, clinical practice, and managerial initiatives, and it is inevitable that friction will occur, and misunderstandings and miscommunications will arise.
3. Mediation is a critical item in VHA's toolbox for solving workplace problems. Although workplace problems are inevitable, their early resolution provides our employees an opportunity to learn and enhance their abilities to handle other future communication issues.
4. I have personally experienced its usefulness and believe it has a significant role in the VHA workplace. Upon review of the December 2001, All Employee Survey results, staff of the Center for Organizational Development identified effective mediation programs as an area you can build upon in your efforts to recruit, retain, motivate, and recognize highly qualified, highly productive staff. I ask you to take a hard look at your network/facility mediation program to see how it can be better utilized and improved.

5. VHA Directive 2002-028 establishes policy directing that ADR and mediation services be available to employees at all levels within VHA. Per the Directive, VHA's executives are required to develop and participate in effective network/facility level mediation programs. They must also demonstrate their strong commitment to the appropriate use of mediation to resolve workplace conflicts as feasible, to the maximum extent practicable, in an appropriate manner, and at the lowest organizational level.
6. To support VHA's use of mediation, a performance monitor was added to the Network Directors' Performance Plans requiring that each facility will appoint an ADR Coordinator who is fully committed to promoting ADR. The Coordinator is responsible for implementing a program that effectively meets the needs of the facility/network and is required to report quarterly on the facility/network ADR usage.
7. Active and appropriate use of mediation is also Department policy. Deputy Secretary Mackay, in Attachment A, instructed VA executives to support early conflict resolution and mediation initiatives by directing managers in their organization to "consider using mediation to resolve all workplace problems they cannot resolve unassisted."
8. Additionally, the Department has instituted a web-based ADR Tracking System to track, among other things, where and how often mediation is used. We hope to use the data obtained through the system to monitor trends, satisfaction and savings (time and money).
9. Every network/facility ADR Coordinator is required to enroll in that system which is located at <http://vaww.va.gov/adrbwcts/enroll.asp>. Please take steps to ensure that your ADR Coordinator has properly enrolled by December 10, 2002, and is inputting appropriate information on your network/facility usage as of October 1, 2002.
10. Also by December 10th, please ensure that your Coordinator's name, location, and telephone number has been provided to Janet L. Thompson, VHA ADR Coordinator, Management Support Office, EEO & Affirmative Employment Team (10A2E).
11. I am asking each VHA manager to personally commit to strengthening the ADR program in his/her area and to proactively identify and implement steps to increase mediation participation.

12. To further demonstrate my commitment to the mediation process, I am directing that in instances where a manager refuses a request to participate in mediation, he/she provide a written explanation for that refusal. Attachment B "Notice of Refusal to Mediate" is to be completed and submitted through the appropriate channels to the VHA ADR Coordinator (10A2E) within five working days following the refusal. This information will enable VHA to monitor trends, develop additional support mechanisms, and identify how our ADR Program might be improved to achieve the best results possible.
13. I expect all supervisors and managers to strongly support VHA's ADR and mediation initiatives as the preferred method for resolving workplace disputes. Your assistance is appreciated in helping to ensure that all employees are afforded the opportunity to use mediation and that VHA has a strong and effective mediation program.



Robert H. Roswell, M.D.

Attachments

**Department of
Veterans Affairs**

Memorandum

Date: May 24, 2002

From: Deputy Secretary (001)

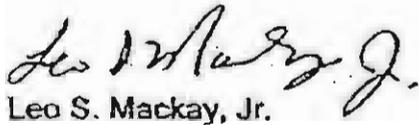
Subj: VA's ADR and Mediation Initiatives

To: Under Secretaries, Assistant Secretaries and Other Key Officials

1. VA Directive 5978, Alternative Dispute Resolution (ADR) (February 2000), sets forth VA's policy encouraging employees "to use mediation to help resolve workplace conflicts as early as feasible, to the maximum extent practicable, in an appropriate manner, and at the lowest organizational level." The Directive assigns control and responsibility for effective ADR program development and implementation to the Administrations and staff offices. To accomplish this, a number of steps should be taken.
2. You, your senior executives and other top managers in Central Office are strongly urged to attend one of several Executive Mediation Training programs that will be conducted in Washington DC. The training will be sponsored by the Office of Resolution Management and provided by the Justice Center of Atlanta, one of the country's leading mediation skills trainers. It will introduce managers in your organization to the principles of conflict resolution and the use of mediation for resolving workplace disputes. Your attendance at this four-hour training will send a clear signal of your support for the ADR program and your commitment to its success.
3. Additionally, as the Department's top executives, I look to you to support VA's early conflict resolution and mediation initiatives by directing managers and supervisors in your organizations to consider using mediation to resolve all workplace problems that they are unable to resolve unassisted. If a request to participate in mediation is refused by management, that manager should provide a written explanation for declining the request and submit this explanation to the facility director or other senior official(s) to be designated by you.
4. Certain cases may not be appropriate for mediation. The following factors suggest mediation use is inappropriate or may not be productive: (a) an indication that fraud, waste or abuse was committed; (b) an allegation of patient abuse; (c) a removal for cause, e.g., removal based upon the commission of a felony; and (d) an allegation of sustained, continuing sexual harassment.

VA's ADR and Mediation Initiatives

5. The Dispute Resolution Specialist in the Board of Contract Appeals shall serve as the overall coordinator and monitor of VA's ADR effort. At the end of each fiscal year, a report will be provided to my office concerning the use of ADR within VA and providing sufficient data to demonstrate the effectiveness of VA's ADR program.



Leo S. Mackay, Jr.

Leo S. Mackay, Jr.

Department of Veterans Affairs
Veterans Health Administration

Notice of Refusal to Mediate

This Notice indicates that _____
(Name of Manager/Supervisor/Key Staff Official)

declined to enter into Mediation/ADR of a workplace dispute on _____
(Date)

The above named individual has been advised of the Department's strong commitment to fully support early conflict resolution and mediation initiatives.

Please provide a written explanation for the refusal in the space below. This form must be completed and routed through appropriate channels to Janet L. Thompson, VHA ADR Coordinator, Management Support Office, EEO & Affirmative Employment Team (10A2E), within five working days following the refusal. This form may faxed to (202) 273-6639.

Submitted by: _____ Facility ADR Coordinator _____ Date

Received by: _____ Network ADR Coordinator _____ Date

Received by: _____ VHA ADR Coordinator _____ Date