

August 22, 2008

ALTERNATIVE DISPUTE RESOLUTION PROGRAM

1. PURPOSE: This Veterans Health Administration (VHA) Directive provides VHA policy regarding the use of alternative dispute resolution (ADR) methods to resolve workplace disputes.

2. BACKGROUND

a. VHA is committed to providing its employees with a work environment that enables them to deliver quality patient care and services to the Nation's veterans. To do this, employees must have access to effective and efficient mechanisms for resolving workplace disputes. In addition to the traditional administrative adjudication processes, every VHA employee needs to have the opportunity to utilize an ADR process to resolve a workplace dispute.

b. VHA supports the use of ADR, to the maximum extent practicable, as a method to resolve workplace disputes. While mediation is the most popular ADR technique currently being used in the Federal sector, the Equal Employment Opportunity Commission (EEOC) does not mandate the use of a particular ADR technique. The resolution of Equal Employment Opportunity (EEO) complaints must be in accordance with Title 29 Code of Federal Regulations (CFR) §1614 and EEOC Management Directive 110. Local facilities may benefit from offering employees other types of ADR techniques to resolve workplace disputes such as: facilitation, fact finding, early neutral evaluation, settlement conferences, mini-trials, and peer review. These techniques are used by a neutral third-party to assist parties to reach an acceptable resolution to their dispute.

3. POLICY: It is VHA policy to make ADR services available to VHA employees at all levels.

4. ACTION

a. **Chief Workforce Management and Consulting Officer for VHA Central Office.** The Chief Workforce Management and Consulting Officer for VHA Central Office is responsible for establishing policy to ensure that VHA employees have access to ADR as a method for resolving workplace disputes

b. **Principal Deputy Under Secretary for Health.** The Principal Deputy Under Secretary for Health is responsible for ensuring that VHA Central Office Program Directors, and VISN and facility Directors (through the Deputy Under Secretary for Health for Operations and Management) implement the following VHA ADR program objectives by:

(1) Establishing an ADR Coordinator position on a full-time, part-time, or collateral duty basis, and who is provided the necessary resources.

(2) Implementing an ADR program to ensure that an ADR is available to all employees.

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- (3) Ensuring that the ADR program is coordinated in a fair and neutral manner.
- (4) Resolving workplace disputes at the earliest possible stages. This may include ADR or other informal conflict resolution techniques.
- (5) Ensuring VHA supervisors are evaluated in terms of their efforts to implement and utilize ADR to resolve workplace disputes. VHA supervisors are to support, participate in, and encourage early dispute resolution through ADR; and are to have open and honest communication with employees to demonstrate effective conflict resolution skills.
- (6) Approving, as appropriate, facility settlement agreements negotiated through ADR.
- (7) Providing ADR awareness training and program information to all their employees.
- (8) Ensuring all their employees have access to ADR as a method of resolving workplace disputes.

5. REFERENCES

- a. Administrative Dispute Resolution Act of 1996, Title 5 U.S.C. §§#571-584.
- b. Equal Employment Opportunity Commission (EEOC) 29 CFR §1614 (requiring that each Federal agency make available an ADR program for employees who believe they have been the victims of a prohibited discrimination).
- c. EEO Management Directive 110.

6. FOLLOW-UP RESPONSIBILITIES: The Chief Workforce Management and Consulting Officer (10A2) is responsible for the contents of this Directive. Questions may be referred to VHA's National ADR Coordinator (10A2E) at (202) 461-7274.

7. RESCISSIONS: None. This VHA Directive expires August 31, 2013.

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