



Office of Equal Employment Opportunity (OEEEO)



ADR Processes

Alternative Dispute Resolution (ADR) is a collection of processes used for the purpose of resolving conflicts or disputes informally and confidentially. The primary ADR process used at CDC is mediation, but there are several other types, including facilitated discussion, fact-finding, and conciliation, to list a few.

Mediation

Mediation is the process of bringing two or more adverse parties together (usually an aggrieved employee and management) before a neutral third-party (a mediator), to discuss a resolution to the aggrieved employee's dispute. The mediator has no authority to decide the matter, but rather engages the parties in discussion to resolve the dispute for themselves. The goal of mediation is always for parties to reach a mutual resolution at the earliest point and lowest level possible. Mediation is a confidential and informal approach to resolve disputes that is used widely throughout the federal government.

Mediation is voluntary and must be initiated by an employee. Management may suggest or encourage use of the process, but not require it. Employees may come to mediation directly by contacting the ADR office. This use of the process is considered an Early Intervention case. Employees may also request mediation to resolve an EEO complaint or grievance they have filed. Once an employee has elected ADR, CDC's policy is for management to participate.

The benefits of mediation can include addressing disputes in a timely and efficient manner. Mediation has the added of benefit of reaching a mutual resolution, not a directive or ruling from third another party. It may also improve communication and enhance working relationships.

Mediation is conducted through a platform for parties to meet face-to-face virtually through a service like Zoom or Teams. During a mediation, the mediator will thoroughly explain the process, highlight the confidentiality of the session, and allow each party to make opening remarks regarding their position on the dispute.

At some point, the mediator will separate the parties and meet with them privately (a caucus). It is an opportunity for each party to speak alone with the mediator, review the progress of the mediation, discuss aspects of the dispute that still need to be addressed, and clarify what they are seeking as relief to resolve their dispute.

Typically, an employee who initiated mediation will ask for something as reparation from management. Management can also ask for something as a concession from the employee toward reaching a mutual resolution. The mediator will continue to work with the parties, together or separately, to bring both sides closer to a mutually agreeable resolution.

If the parties can agree to terms, then a settlement agreement will be prepared in writing and signed by the parties. A signed agreement is considered a binding contract between the employee and the Agency. If no settlement is possible, then the mediator will declare an impasse. The parties will be advised of options, if any, if no settlement is reached.

Facilitated Discussion

A Facilitated Discussion uses a neutral third-party facilitator to provide an environment for parties to communicate their concerns regarding a dispute with another party, most often a coworker of a similar grade or standing. A facilitated discussion supports employees to address difficult issues in a pro-active and respectful manner.

In a facilitated discussion, the facilitator assists the parties to prepare for and engage in a conversation around the issues that are causing conflict. A facilitator will assist each party individually to clearly identify the issues to be discussed, clarify specific examples of the dispute, and prepare to have a conversation with the other person about the identified dispute.

A facilitator will then assist the parties in a joint session to communicate their concerns in a respectful way, to try to be open to understanding the other person’s perspective, and identify ways that the conflict might be resolved.

Neutral Fact-finding

Neutral Fact-finding involves the use of a neutral third-party who investigates/determines a disputed fact. This process is usually used for technical issues or in instances when significant factual issues are part of a larger dispute. Parties may negotiate to be bound or not bound by the fact-finding results.

Conciliation

Conciliation is when the parties in dispute use a conciliator to resolve the conflict. The conciliator meets with the two parties separately to gain an understanding of their complaints and objectives. The conciliator then meets with both parties together to improve communication, lower tensions, interpret issues and provide potential solutions to effectively resolve the dispute. Conciliation serves to restore a workplace relationship. Furthermore, conciliation has no legal standing and the conciliator has no authority to make a final decision or award.

Contacts

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