



DEPARTMENT OF DEFENSE
Defense Commissary Agency
Fort Lee, VA 23801-1800

DIRECTOR'S POLICY

Use of Alternative Dispute Resolution

DP 500-16
March 8, 2011

General Counsel
OPR: DeCA/GC

1. PURPOSE. This policy communicates the Director's use of Alternative Dispute Resolution (ADR) policy.

2. POLICY STATEMENT. Through this policy statement, I reaffirm the Agency's and my commitment to using ADR principles and techniques in resolving workplace controversies. I am convinced that through the application of ADR processes, needless litigation is avoided; timely, cost-effective outcomes are assured; and the opportunity for dialogue between employees and managers is enhanced.

a. General Provisions.

(1) The Agency will utilize the full range of ADR techniques, which includes mediation, facilitation, and neutral third parties to resolve workplace disputes.

(2) ADR is voluntary for the complaining party; however, once ADR is offered and accepted by the complainant, management is required to participate in ADR, unless one of the exceptions in paragraph 2b of this policy statement applies.

(3) Parties are entitled to be accompanied, represented, and advised by a personally chosen representative in ADR proceedings in accordance with Equal Employment Opportunity Commission Directive for 29 C.F.R. Part 1614.

(4) Agreement to resolve a conflict shall be voluntary for all parties participating in ADR.

(5) The use of ADR shall not adversely affect the rights of individuals to seek resolution of their issues through the established complaint, grievance, and appeal systems, provided time frames in each system are otherwise met.

(6) No employee shall commit, authorize, or condone any retaliation against any employee because of the pursuit of, or participation in ADR.

(7) Training and educational services designed to promote effective conflict management shall be made available. These shall include explanations of available ADR services and employees' responsibilities relating to ADR participation.

b. Exclusion Provisions. Through this policy statement, the Agency remains cognizant that there are instances in which ADR may not be appropriate or feasible, such as in cases which there is a need to establish policies or precedents, where resolution of a dispute would have a significant effect on nonparties, where a full public record is important, where the Agency must maintain continuing jurisdiction over a matter, or where it would otherwise be inappropriate. However, a decision that ADR is not appropriate should be the exception, not the rule, and should be based on a significant reason, such as in the examples above.

3. RESPONSIBILITY. Supervisors and managers will communicate the contents of this policy to every Agency employee. Every effort should be made to resolve workplace conflict issues when they arise or as early as possible during the administrative process. The prudent application of ADR principles and procedures will advance the Agency's mission.

4. EFFECTIVE DATE. This Policy is effective immediately.



Joseph H. Jau
Director