

ALTERNATIVE DISPUTE RESOLUTION (ADR) ANNUAL REPORT

FISCAL YEAR 12

REPORTING COMPONENT DOD/OIG

REPORT CONTROL SYMBOL
DD-GC(A)2099

Please adhere to the definitions on pages 3 and 4 or, in the alternative, provide your Component's definition in the Narrative section on page 2.

Does your Component handle EEO cases? YES-X NO

--If YES, attach a copy of the relevant EEOC Form 462.

--If copy is attached, only complete the EEO column below if numbers differ from the EEOC Form.

Does your Component engage in environmental collaboration and conflict resolution (ECCR)? YES NO-X

--If YES, attach a copy of the relevant OMB-CEQ ECCR survey.

	EEO <i>(If different from EEOC Form 462)</i>	WORKPLACE <i>(Labor-Management)</i>	WORKPLACE <i>(Other)</i>	ACQUISITION	CLAIMS	OTHER <i>(Do not include ECR or EEO reporting)</i>	TOTAL NUMBER OF ADR EVENTS BY PROCESS
CONCILIATION							
MEDIATION		2	1				3
EARLY NEUTRAL EVALUATION							
NON-BINDING ARBITRATION							
SETTLEMENT JUDGE/ CONFERENCE							
FACTFINDING							
REVIEW PANEL							
OTHER							
TOTAL NUMBER OF ADR EVENTS BY SUBJECT MATTER		2	1				
NUMBER OF RESOLUTIONS REACHED BY ADR		2	1				
PERCENTAGE OF ADR CASES RESOLVED BY ADR		100	100				100

	EEO <i>(If different from EEOC Form 462)</i>	WORKPLACE <i>(Labor-Management)</i>	WORKPLACE <i>(Other)</i>	ACQUISITION	CLAIMS	OTHER <i>(Do not include ECR or EEO reporting)</i>	TOTAL NUMBER OF ADR EVENTS BY PROCESS
FACILITATION							
OMBUDSMAN		242					242
PARTNERING							
BINDING ARBITRATION							
SUMMARY TRIAL W/ BINDING DECISION							

LIST SPECIFIC ACTIONS TAKEN THIS FISCAL YEAR TO ENCOURAGE THE CONSIDERATION AND/OR USE OF ADR AND/OR CONFLICT MANAGEMENT *(Attach additional sheets as necessary)*

1. Engaged in 242 individual meetings with 147 OIG employees to address concerns.
2. Conducted 13 shuttle diplomacy sessions between two senior executives to assist them in resolving a conflict impacting an entire work unit.
3. Conducted onsite interviews and team mediation for a field office team to assist them in resolving multiple conflicts related to work products.
4. Conducted two “verbal 360” evaluation interview sessions for two managers who wanted to improve their leadership communication skill.
5. Facilitated group action planning for two OIG organizations on their Employee Viewpoint Survey results.
6. Led numerous team building sessions for intact work groups, using communications effectiveness assessments: FIRO-B, Strength Deployment Inventory.
7. Wrote article on trust building and services available from the Ombudsman, for an in-house newsletter.
8. The OIG contracted with OPM to present coaching training and performance management training to all rating officials in the organization.
9. Met with delegation from Embassy of South Africa to share best Ombuds practices with newly-appointed South African Ombuds for veterans affairs.
10. Attended training, Working with Resistance from a Whole Systems Perspective, at National Training Laboratory Institute.
11. Established monthly status and information sharing meetings with the head of human capital advisory services.

LESSONS LEARNED *(Attach additional sheets as necessary)*

- Describe lessons learned from use of ADR and/or conflict management
- Provide points of contact for each lesson

Contact: Tom Zrubek, 703-604-9112

1. Majority of Ombuds visits by employees in FY 12 related to performance management issues and quality and quantity of performance discussions between rater and employee. In discussions with unit executives, stress importance of their supervisors conducting regular performance discussions throughout year to minimize misunderstandings at mid-year and year-end rating periods.
2. Build relationships with administrative and personnel units and stress importance of oversight role in ensuring employees have up-to-date performance standards.
3. Continue to manage expectations of visitors to Ombuds, reminding them that the Ombuds is a neutral party not an advocate for the employee who comes to the office. Some visitors assume the Ombuds is an advocate for the person bringing the issue.
4. Regularly schedule outreach visits with senior executives to outline services of the Ombuds and trends in employee visits. Purpose of visits is to engage leaders on organizational improvement and de-link visits from addressing a particular problem.
5. Periodically follow up with employees whose issue has been resolved to ensure that issue has remained resolved.
6. When intervening with an entire work unit, ensure that confidences are kept. During long-term team interventions, regularly revisit confidentiality ground rules with participants.

NARRATIVE (*Attach additional sheets as necessary*)

- Other information as appropriate, including a definition that differs from that described above.

Left Blank Intentionally, etc.

COMPONENT DISPUTE RESOLUTION SPECIALIST

NAME (<i>Last, First, Middle Initial</i>) <i>Zrubek, Edward, T.</i>	TITLE Ombudsman	TELEPHONE NUMBER (<i>Include area code</i>) <i>703-604-9112</i>	E-MAIL ADDRESS <i>Edward.zrubek@dodig.mil</i>
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REPORT PREPARED BY (IF DIFFERENT THAN THE DISPUTE RESOLUTION SPECIALIST)

NAME (<i>Last, First, Middle Initial</i>)	SIGNATURE	TELEPHONE NUMBER (<i>Include area code</i>)	DATE (YYYYMMDD)
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ALTERNATIVE DISPUTE RESOLUTION (ADR) ANNUAL REPORT

INSTRUCTIONS

This form shall be used by all DoD Components to report their annual ADR Activity completed during each fiscal year. Each DoD Component should submit one collective report through their respective dispute resolution specialist. If the Reporting Component provides ADR services for other Components, list the serviced organizations in the narrative. Rows exist for ADR processes. Pick one process as the primary if more than one applies. Columns exist for subject categories.

DEFINITIONS

An **ADR event** is defined as a meeting or series of meetings between the disputing parties, jointly or individually, and a neutral or with input from a dispute resolution professional using one of the ADR methods to work towards resolution.

ADR. Any procedure that is used to resolve issues in controversy, including, but not limited to, conciliation, facilitation, mediation, fact finding, mini-trials, arbitration, and use of ombuds, or any combination thereof.

Reporting Component. Identify the DoD Component reporting.

EEO. Complete this column only if your ADR program numbers differ from those reported on the EEOC Form 462.

Workplace (Labor-Management). Include grievances pursuant to a collective bargaining agreement (negotiated grievance procedure); unfair labor practices (ULPs), impasses, negotiability disputes and other undefined disputes addressed in a labor-management context.

Workplace (Other). Include grievances pursuant to an agency administrative grievance procedure, MSPB appeals, and other disputes between employees and management or between two or more employees.

Acquisition. Include ASBCA appeals, bid protests (agency and GAO), contract claims, and federal court cases.

Claims. Include federal tort claims, employee entitlements (e.g. travel claims), property damage claims, household goods loss and damage claims, medical-related and other claims against the Government.

Other. Specify in the Narrative section other areas where ADR was used in your Component. Note that workplace (EEO) and environmental conflict resolution data is requested separately on the form.

Total Number of ADR Events by Process. This number should be the sum of all numbers in the row.

Conciliation. A process in which a third party, called a conciliator, restores damaged relationships between disputing parties by bringing them together, clarifying perceptions, and pointing out misperceptions. This process often is used prior to other ADR processes, such as facilitation and mediation.

Mediation. A process in which parties are assisted by a neutral, called a mediator, who assists in establishing negotiating procedures, identifying issues in conflict, and defining options for resolution. Mediators are not vested with any decision making authority and cannot impose resolution on the parties; the parties make the decision themselves.

Early Neutral Evaluation. A process which involves informal presentation by the parties to a neutral with respected credentials for an oral or written evaluation of the parties' positions. The evaluation of the strengths and weaknesses of the parties' positions on a specific issue may be binding or non-binding.

Non-Binding Arbitration. A formal adversarial hearing before a neutral, called the arbitrator, with a relaxed evidentiary standard. The arbitrator is usually a subject matter expert. An arbitrator or an arbitration panel serves as a "private judge" to render an informed decision based on the merits of the dispute. The decision of the arbitrator is non-binding.

Settlement Judge/Conference. A judicial ADR process in which a judge hears the positions of the parties and provides them with a non-binding evaluation. The judge may attempt to mediate the resolution of the dispute or simply evaluate the strengths and weaknesses of each of the parties' positions.

Factfinding. The use of an impartial expert (or group) selected by the parties, by the agency, or by an individual with the authority to appoint a fact finder, in order to determine what the "facts" are in a dispute.

Review Panel. A problem-solving process where a dispute is presented to a group or panel for a decision before it becomes a formal complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR) ANNUAL REPORT *(Continued)*

Other. Provide the number of ADR events which used an ADR method not otherwise described on this Form. In the Narrative section on Page 2 provide a descriptor and definition of the method(s) used.

Total Number of ADR Events by Subject Matter. This number should be the sum of all numbers in the column.

Number of Resolutions Reached by ADR. Provide the number of resolutions reached by ADR, whether through a formal written settlement agreement or some less formal action, such as a handshake, or other agreement.

Percentage of ADR Cases Resolved By ADR. For each column, calculate by dividing the Number of Resolutions Reached by ADR by the Total Number of ADR Events by Subject Matter.

Facilitation. A process in which the neutral, called a facilitator, provides procedural assistance to parties engaged in interest-based negotiation. Facilitation efforts frequently do not produce written settlement agreements. Data including the use of a facilitator to effectively manage known or potential conflict should be identified as such in the Narrative section on Page 2.

Ombudsman. A designated, impartial person receives complaints and questions from individuals concerning people within an entity, the functioning of an entity, or a program administered by the entity. An ombudsman works for the resolution of particular issues and, where appropriate, makes recommendations for the improvement of the general administration of the entities they serve. Data reported might include contacts or issues closed.

Partnering. A formal process that brings key project participants (stakeholders) together with the aid of a facilitator to communicate effectively and work as a team in an orderly, efficient and progressive series of steps to identify problems, implement solutions, and resolve disputes.

Binding Arbitration. A formal adversarial hearing before a neutral, called the arbitrator, with a relaxed evidentiary standard. The arbitrator is usually a subject matter expert. An arbitrator or an arbitration panel serves as a "private judge" to render an informed decision based on the merits of the dispute. The decision of the arbitrator is binding.

Summary Trial with Binding Decision. A judicial ADR process used by federal government Boards of Contract Appeals. In this process, the parties make a summary presentation to an administrative judge who renders a binding decision.

Conflict Management. A systemic process used to proactively identify and manage, at the earliest stage possible, conflict that can lead to one or more disputes, for the purpose of reducing the incidence of disputes and increasing the likelihood that any disputes that do arise may be resolved efficiently, effectively, and expeditiously. Techniques used in the process include, but are not limited to, structured unassisted negotiation (e.g., use of interest-based negotiation techniques), joint or collaborative problem-solving, coaching, and the design of an integrated conflict management system.