

ALTERNATIVE DISPUTE RESOLUTION (ADR) ANNUAL REPORT

REPORT CONTROL SYMBOL
DD-GC(A)2099

FISCAL YEAR 2011

REPORTING COMPONENT US DOD/OIG

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 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 conflict resolution (ECR)? YES NO

--If YES, attach a copy of the relevant OMB-CEQ ECR 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							
EARLY NEUTRAL EVALUATION							
NON-BINDING ARBITRATION							
SETTLEMENT JUDGE/ CONFERENCE							
FACTFINDING							
REVIEW PANEL							
OTHER							
TOTAL NUMBER OF ADR EVENTS BY SUBJECT MATTER							
NUMBER OF RESOLUTIONS REACHED BY ADR							
PERCENTAGE OF ADR CASES RESOLVED BY ADR							

	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			81				81
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) Seventy-seven individual employees sought assistance from the Ombuds office in FY11.
- 2) 70 additional employees from four DOD/IG organizations participated in Climate Assessment Survey team interventions led by the Ombuds.
- 3) Regularly attended Senior Staff meetings of constituent organizations to describe range of services available from Ombuds.
- 4) Maintained intranet presence with tips and reminders about Ombuds service.
- 5) Regularly met with IG Front Office to discuss patterns and trends of issues brought to Ombuds.
- 6) Provided tips for regular performance communication to managers and direct reports to manage concerns raised about performance ratings.
- 7) Established regular communication and information sharing with DOD/IG equal employment opportunity and general counsel organizations.
- 8) Recommended ADR techniques such as mediation to DOD/IG employees, as appropriate.
- 9) Met with managers to plan team building interventions when issues impacted entire work group.
- 10) Presented overview of Ombuds role, services, and access information at DOD/IG new employee orientation.

LESSONS LEARNED *(Attach additional sheets as necessary)*

- Describe lessons learned from use of ADR
- Provide points of contact for each lesson

Point of contact: DOD/OIG Ombuds, Tom Zrubek, 703-604-9112

- 1) Provide overview of the function, including limits, of the Ombuds role to prospective clients early in the process.
- 2) Actively listen with the intent to understand the content and the emotion behind the client's concerns.
- 2) Ask specifically what the client wants the Ombuds to do for them.
- 3) Define Ombuds' as an informal, confidential, and anonymous resource when providing ADR service.
- 4) Outline roles and responsibilities of all employee parties involved in an ADR process in terms of expected behavior during ADR and expected follow up, if appropriate.
- 5) Educate employees about the Ombuds role by speaking at conferences, staff meetings, orientations, and training sessions.
- 6) Create productive working relationships with EEO, General Counsel, Special Counsel, Human Resources, and Employee Assistance Program officials to streamline referral of clients when necessary.
- 8) Create productive working relationships with head of organization in order to provide feedback about patterns of conflict, concern, and opportunity prevalent in individual employee feedback.

NARRATIVE *(Attach additional sheets as necessary)*

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

DoD IG Ombuds Case Activity

REPORTING CATEGORY	FY09		FY10		FY11		Cumulative	
	#	%	#	%	#	%	#	%
Supervisory Relationships	362	34%	285	30%	130	34%	777	32%
Mission, Strategic, & Organizational Concerns	342	32%	371	39%	53	14%	766	32%
Colleague Relationships	93	9%	34	4%	37	10%	164	7%
Career Progression & Development	71	7%	139	14%	49	13%	259	11%
Values, Ethics, & Standards	60	6%	20	2%	13	3%	93	4%
Administrative & Customer Service Issues	64	6%	65	7%	73	19%	202	8%
Safety, Health, & Physical Environment	24	2%	30	3%	13	3%	67	3%
Pay & Benefits	14	1%	11	1%	8	2%	33	1%
Policy, Legal, Regulatory, & Financial Compliance	25	2%	8	1%	11	3%	44	2%
TOTAL	1055	100%	963	100%	387	100%	2405	100%

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COMPONENT DISPUTE RESOLUTION SPECIALIST			
NAME <i>(Last, First, Middle Initial)</i> Zrubek, Edward, T.	TITLE Organization Development Specialist-Ombudsman	TELEPHONE NUMBER <i>(Include area code)</i> 703-604-9112	E-MAIL ADDRESS Edward.zrubek@dodig.mil
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)

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. Components that engage in ADR activity in EEO and/or environmental disputes, should attach a copy of the appropriate report.

Rows exist for ADR processes. Pick one process as the primary if more than one applies. Columns exist for subject categories. 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.

DEFINITIONS

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 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.

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.

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.