

ALTERNATIVE DISPUTE RESOLUTION (ADR) ANNUAL REPORT
FISCAL YEAR _____

REPORT CONTROL SYMBOL
DD-GC(A)2099

REPORTING ACTIVITY

		EEO	WORKPLACE <i>(Labor- Management)</i>	WORKPLACE <i>(Other)</i>	PROCURE- MENT	ENVIRON- MENTAL	CLAIMS	OTHER
TOTAL NUMBER OF ADR EVENTS								
NUMBER OF ADR EVENTS BY METHOD:								
	BINDING ARBITRATION							
	CONCILIATION							
	EARLY NEUTRAL EVALUATION							
	FACILITATION							
	MEDIATION							
	NON-BINDING ARBITRATION							
	OMBUDS							
	SETTLEMENT JUDGE							
	SUMMARY TRIAL WITH BINDING DECISION							
	OTHER							
NUMBER OF SETTLEMENTS REACHED BY ADR								
NUMBER OF ADR EVENTS BY SOURCE OF NEUTRAL:								
	COMPONENT							
	DOD <i>(Non-Component)</i>							
	GOVERNMENT							
	PRIVATE SECTOR							
NUMBER OF COMPLAINTS THAT GO FORMAL								

NARRATIVE *(Attach additional sheets as necessary)*

- Describe lessons learned from use of ADR
- Provide points of contact for each issue or lesson
- Other information as appropriate

REPORT PREPARED BY

NAME *(Last, First, Middle Initial)*

TELEPHONE NUMBER
(Include area code)

SIGNATURE

DATE *(YYYYMMDD)*

ALTERNATIVE DISPUTE RESOLUTION (ADR) ANNUAL REPORT INSTRUCTIONS

Reporting Activity. Identify the DoD component reporting. (Use one form for each major command or similar activity, where appropriate.)

Columns by Major Subject Category: (Complete only for those categories applicable)

EEO. Include both formal and informal EEO complaints.

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.

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

Environmental. Include use of ADR to address environmental laws and regulatory requirements/liabilities arising from a DoD agency or military service's execution of its mission. Address a broad spectrum of ADR procedures, including facilitation of initiatives to avert litigation through consensus building. These ADR procedures may be used both before and after initiation of litigation to resolve allocation of liabilities between DoD agencies/military services and others. ADR initiatives can be used in both administrative tribunals and the courts to resolve allegations of environmental non-compliance brought against a DoD agency/military service.

Claims. Include federal tort claims, employee entitlements (e.g. travel claims), property damage claims, reports of survey, and household goods loss and damage claims.

Other. Specify other areas where ADR was used in your component.

Total Number of ADR Events. Include all methods. An **ADR Event** is defined as a meeting or series of meetings between the disputing parties, jointly or individually, and a third party neutral using one of the ADR methods to work towards resolution.

Number of Events By ADR Method:

NOTE: If your component uses a definition that is different than a definition below, state your definition and any other relevant information in the Narrative.

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 serve as a "private judge" to render an informed decision based on the merits of the dispute. The decision of the arbitrator may be **binding** (Note 1) (always the case in federal labor-management disputes) or **non-binding**.

Note 1: Although the Alternative Dispute Resolution Act authorizes binding ADR processes, an agency must have approved guidance prior to using a binding process unless there is other express statutory authority to conduct the binding process.

Conciliation. A problem-solving 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. The conciliator may or may not be totally neutral to the interests of the parties. This technique often is used prior to other ADR techniques, such as facilitation and mediation.

Early Neutral Evaluation. An ADR technique which involves informal presentation by the parties to a neutral third party 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. This technique is usually initiated immediately after a problem arises.

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

Facilitation. A flexible process in which the parties are assisted by a third party neutral in interest-based negotiations toward a resolution. The neutral, called a facilitator, provides procedural direction to enable the parties to effectively move through negotiation towards agreement. When used for conflict resolution, the facilitator's focus is on procedural assistance. Facilitation efforts frequently do not produce written settlement agreements, but should be counted for purposes of this report.

Mediation. A favored ADR technique, in which parties are assisted by a neutral third party, 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. Mediation techniques vary and may be procedural, evaluative, or both. One common practice is for the mediator to separate the parties and meet with them separately and, in effect, engage in interest-based bargaining with them. Because the mediator usually cannot impose a settlement and because he or she is expected to keep confidences, each party is more willing to be open with the mediator than with the other party. Because of this greater openness, the mediator is often able to see areas of possible agreement that the parties are unable to see in direct, unmediated, negotiations.

Ombuds. A process in which an organizationally designated person confidentially receives, investigates, and facilitates resolution of sensitive complaints. Ombudspersons often work as management advisors to identify and recommend solutions for systemic problems in addition to their focus on disputes from individual complainants.

Settlement Judge. A judicial ADR technique 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.

Summary Trial with Binding Decision. A judicial ADR technique 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.

Other. Provide in this section a descriptor of the ADR method used. In the Narrative, provide a definition of the method.

Number of Settlements Reached by ADR. Self-explanatory.

Number of ADR Events by Source of Neutral:

Component. The neutral is an employee/member of the Reporting Activity.

DoD (Non-Component). The neutral is an employee/member of a DoD Activity other than the Reporting Activity.

Government. The neutral is an employee of a federal agency other than DoD.

Private Sector. The neutral is not a government employee.

Number of Complaints that Go Formal. Report only for EEO.

Narrative. Describe lessons learned from use of ADR, providing points-of-contact for each issue or lesson described; and provide other information as appropriate, including a definition that differs from that described above.

Report Prepared By. Include name, telephone number, signature of preparer, and date the report is prepared.