



**Human Capital Issuance System
ISSUANCE NOTICE**



Chapter: 900-010

Transmittal Number: TN-10-001

Date: August 16, 2010

Office: Office of Civil Rights and Diversity

Subject: Management Participation in Alternative Dispute Resolution (ADR) During the Equal Employment Opportunity (EEO) Process

1. **PURPOSE.** Require management participation in Alternative Dispute Resolution (ADR) in the EEO process when it is offered by the Agency and the complainant agrees to participate in ADR to resolve the issue(s) that initiated the complaint.
2. **SCOPE.** The Directive applies to all Bureaus, offices and organizations in the Department of the Treasury. This Order shall not be construed to affect the authority and responsibilities of the Treasury Inspector General, the Treasury Inspector General for Tax Administration (TIGTA), or the Special Inspector General for the Troubled Asset Relief Program, as set out in the Inspector General Act of 1978, as amended, 5 USC App. III, and Treasury Orders 114-01 and 115-01. The provisions of this policy shall not be construed to interfere with that authority.
3. **CANCELLATION.** *Use of Alternative Dispute Resolution (ADR)*, October 9, 2003
4. **EFFECTIVE DATE.** This policy is effective upon issuance of this chapter.
5. **REFERENCES.**
 - A. 29 C.F.R. Part 1614, Section 1614.603
 - B. Administrative Dispute Resolution Act of 1996 (September 1996), 5 U.S.C. § 571 and § 572

- C. EEOC Management Directive-110 (November 1999), Chapter 3, Alternative Dispute Resolution
- D. EEOC Management Directive-715 (October 2003), Responsiveness and Legal Compliance, Section I. Efficiency.

6. BACKGROUND.

- A. The Administrative Dispute Resolution Act of 1996 (ADR Act) required each federal agency to adopt a policy on the use of alternative dispute resolution (ADR).
- B. The Equal Employment Opportunity Commission (EEOC) Management Directive 110 required all federal agencies to establish or make available an ADR program during the pre-complaint and formal complaint stages of the EEO process. EEOCs regulation, 29 C.F.R. § 1614.603, requires agencies to make reasonable efforts to voluntarily settle EEO discrimination complaints as early as possible in, and throughout, the administrative process. Additionally, EEOC Management Directive 715 states when ADR is offered in a particular EEO workplace matter, an Agency is responsible for ensuring managers at all levels will participate in the ADR process.

7. POLICY. All Treasury managers and supervisors have a duty to cooperate in ADR during the EEO process. Once the Agency has determined that the issues in a complaint are appropriate for ADR and has offered ADR, if the complainant accepts the offer in the administrative complaint process, a management official must participate in the ADR session.

8. RESPONSIBILITIES. Treasury Bureaus shall:

- A. Within 90 calendar days of issuance of this Chapter, develop or revise their internal ADR policy to comply with this issuance.
- B. Satisfy any labor bargaining obligations in order to develop or revise their ADR policy.
- C. Identify which issues are not appropriate for ADR or state determinations will be made on a case by case basis. The Treasury Complaint Center will only offer ADR in the formal complaint process based on whether an offer of ADR was made by the bureau in the informal complaint process or the bureau requests TCC to offer ADR.
- D. Ensure an official with delegated authority to enter into a binding settlement agreement is accessible while the ADR session is being conducted.
- E. Ensure all EEO ADR sessions are conducted by a trained, third party neutral person (e.g., certified mediator). Mediators may be available through Treasury's

Shared Neutrals Program or a bureau may use any other source that provides certified mediators.

- F. Distribute the new or revised policy to all bureau employees and post on bureau's intranet site. Bureaus are encouraged to provide training to employees on the benefits of ADR and to train managers and supervisors on how to represent the bureau in ADR proceedings.
 - G. Provide a copy of bureau's new or revised ADR policy to the Office of Civil Rights and Diversity within 30 calendar days of its issuance.
 - H. Report quarterly to the Office of Civil Rights and Diversity the number of completed EEO counselings (informal process) which complainants were offered ADR and accepted to participate in ADR.
9. OFFICE OF PRIMARY INTEREST. Office of the Deputy Assistant Secretary for Human Resources and Chief Human Capital Officer, the Office of Civil Rights and Diversity.

/S/

Rochelle F. Granat
Deputy Assistant Secretary for Human Resources
and Chief Human Capital Officer