

Alternative Dispute Resolution (ADR) References

Equal Employment Opportunity Commission

(EEOC): <https://www.eeoc.gov/>

EEO MD - 110, Chapter 3: https://www.eeoc.gov/federal/directives/md-110_chapter_3.cfm

29 C.F.R. 1614.102 (b) (2): Federal Sector EEO: <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>

Title VII Civil Rights Act of 1964: <https://www.eeoc.gov/laws/statutes/titlevii.cfm>

DoD Directive 5500.11 - Nondiscrimination in Federally Assisted Programs: www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/550011p.pdf

Equal Employment Act, 1972: https://www.eeoc.gov/eeoc/history/50th/thelaw/eeo_1972.cfm

The Rehabilitation Act, 1973: https://www.eeoc.gov/eeoc/history/50th/thelaw/rehab_act-1973.cfm

Americans With Disabilities Act, 1990: <https://www.eeoc.gov/laws/statutes/ada.cfm>

Executive Order 12778 (Civil Justice Reform, 1991) and 12871 (Labor-Management, 1993): http://www.presidency.ucsb.edu/index_docs.php

Important Websites and Contact information

MCI-East: <http://www.mcieast.marines.mil/>

Intranet: <https://www.lejeune.marines.mil>

Intranet: <https://intranet.mcieast.usmc.mil>

Defense Equal Opportunity Management Institute: <http://www.deomi.org>

Department of Labor EEO Laws: <http://www.dol.gov>

Department of Justice: <http://www.usdoj.gov>

Computer/Electronics Accommodations Program (CAP):

The mission of CAP is to provide assistive technology and accommodations to support individuals with disabilities and wounded, ill and injured Service members throughout the Federal Government in accessing information and communication technology.
<http://cap.mil/>

MCI-East EEO Office Contact Information

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Alternative Dispute Resolution (ADR)



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What is Alternative Dispute Resolution (ADR)?

ADR generally refers to a continuum of processes and approaches that are designed to resolve disputes in a manner which avoids the cost, delay, and unpredictability of more traditional adversarial and adjudicatory processes, such as, litigation, hearings and appeals. Numerous types of ADR techniques exist, including mediation, facilitation, fact finding, and neutral evaluation.

The goal for ADR is to resolve workplace disputes at the earliest possible stage. Early resolution benefits the organization by fostering a more harmonious workplace where managers, supervisors, and employees can focus on accomplishing the mission of the agency. Early resolution of disputes also reduces the significant costs in time and resources associated with the traditional dispute resolution processes.

Agencies and complainants have realized that utilizing ADR during the EEO process has many advantages. ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually-satisfactory fashion. Rather than receiving a decision from an unknown third party, such as an administrative judge, the parties have the opportunity to write their own agreement in a manner in which satisfies both of their needs. Not only does ADR provide a win-win resolution for the parties, but it also costs less, uses fewer resources, and the agency could minimize the use of investigators, legal staff, official time, and court reporter fees.

How Does the ADR Process Work?

The revised regulations do not require federal agencies to conduct ADR in every EEO case; rather, agencies have the discretion as to which EEO cases are offered ADR. Complainants may not file a new complaint based on the agency's denial to offer ADR in their particular case.

If the agency offers ADR during the pre-complaint or the informal stage of the EEO process, the complainant may choose between participating in the ADR program or traditional counseling. Once the complainant elects to participate in the ADR program, all EEO counseling activities will end. It is also important to note that electing ADR increases the EEO pre-complaint processing period from 30 to 90 days. In the event that the matter concludes without resolution after 90 days, the agency will conduct a final interview, and issue a notice of right to file a formal complaint to the complainant. If the complainant files a complaint, the agency may also choose to offer ADR during the formal complaint stage. The 180-day processing period for the formal complaint stage may be increased by an additional 90 days in order to conduct ADR, if the parties agree to do so in writing.

ADR FAQs

- 1) I understand that all agencies are required to have an ADR program available in the EEO process. Does this mean that an agency must offer ADR in every case? No, agencies are not required to offer ADR in every case. There may be cases where ADR is not appropriate or feasible.
- 2) Can an employee file a complaint against an agency if it refuses to offer ADR in a particular case? No, an agency's decision to offer ADR for a particular case cannot be made the subject of an EEO complaint.
- 3) Can an employee who has elected ADR withdraw from the process? Yes, the ADR process is voluntary and the aggrieved party can withdraw at any time.
- 4) I understand that ADR is a confidential process. What exactly does this mean? If a party tells the neutral something in private and asks the neutral to keep the matter confidential, the neutral is bound by law not to disclose this information voluntarily. There are some exceptions to this rule. For example, if a party confesses to the commission of a criminal offense, or to an act of fraud, waste or abuse, or that the party plans to commit a violent physical act, the neutral may be required to share this information with appropriate authorities. If a judge determines that disclosure of private confidential discussions is necessary to prevent harm to the public health or safety, the neutral may be required by a court to disclose the private discussions.