



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JUN 19 2015



MEMORANDUM FOR WASHINGTON HEADQUARTERS SERVICES (WHS) DIRECTORS
COMMANDER, RAVEN ROCK MOUNTAIN COMPLEX
DIRECTOR, DoD CONSOLIDATED ADJUDICATION FACILITY
GENERAL COUNSEL FOR WHS & PFFA

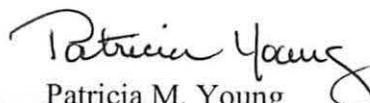
SUBJECT: WHS Management Participation in Alternative Dispute Resolution (ADR) to
Resolve Informal, Pre-Complaint, Equal Employment Opportunity (EEO) Matters

WHS has an established ADR Program for EEO matters in accordance with federal regulations promulgated by the Equal Employment Opportunity Commission (29 C.F.R. § 1614.102(b)(2)) as described in Administrative Instruction 106, Alternative Dispute Resolution Program. The ADR Program for WHS and serviced components is administered by the Office of EEO and Diversity (EEOD). I fully support utilizing the ADR process as a tool to assist in resolving EEO matters as an effective way to address workplace disputes. The benefits of resolving alleged discriminatory matters as early as possible far outweigh the cost. Such benefits include reducing the time spent in processing and defending the action, as well as other workplace implications such as negative morale which impacts productivity and retention.

As part of my support for the ADR process, I am requiring that WHS management offer and engage in mediation, with few exceptions, if the complaining individual expresses willingness to participate in mediation at the informal, pre-complaint EEO stage. WHS management within a Directorate or Office will designate a settlement authority to participate in that mediation as the management representative, and/or may designate a settlement authority as the point of contact for EEOD for all mediations. The settlement authority is generally someone at or above the grade level of the management official against whom a complaint was made.

If the settlement authority believes that mediation is not appropriate, he or she must first contact the Director, EEOD who, after seeking the advice of the Office of the General Counsel for WHS & PFFA, can determine whether mediation would be appropriate. There are only a few circumstances in which mediation may not be appropriate, such as claims involving potential fraud, waste and abuse; requests for mediation during the reply period for a proposed adverse action for cause; where criminal charges are pending or such charges could be filed against the individual; or where the remedy requested cannot be granted by the agency. If the settlement authority and the Director, EEOD disagree regarding whether management should offer mediation, the Directorate or Office head in the organization involved in the EEO dispute, the Director, EEOD, and an attorney from the Office of the General Counsel will meet with the Deputy Director, WHS to fully discuss the matter. While this policy is intended to increase the amicable settlement of EEO workplace disputes, please note that settlement is voluntary.

This policy is effective immediately. Any questions may be directed to Bea Pacheco, Director, EEOD at (571) 372-0832.


Patricia M. Young
Director



Equal Employment Opportunity Complaint Process

Directors, managers and supervisors are responsible for ensuring that the work environment is free from discrimination based on the following protected classes: race, color, religion, sex (including sexual harassment, pregnancy, and gender stereotyping), national origin, age (40 and older), disability (mental or physical), genetic information or reprisal (for participating in protected EEO activity).

Employees, former employees, and/or applicants who believe they have been discriminated against based on the above protected classes must contact the EEOD **within 45 days** of the date the alleged discriminatory act occurred or within 45 days of the effective date of an alleged discriminatory personnel action. Prior to filing a formal complaint, aggrieved persons who believe they have been discriminated against will be assigned an EEO Counselor for informal pre-complaint counseling.

As an alternative to traditional EEO counseling, parties may choose to participate in **Alternative Dispute Resolution**, which offers informal, neutral, voluntary, and confidential methods for early dispute resolution, such as mediation.

For more information, visit EEOD online at www.whs.mil/EEOP. You may also contact EEOD at (571) 372-0832 or diversity@whs.mil. The fax number is (571) 372-0847.

