



UNITED STATES GOVERNMENT
National Labor Relations Board

Date: September 29, 2023

To: All Employees

From: Lauren McFerran, Chairman
Jennifer A. Abruzzo, General Counsel

Subject: Alternative Dispute Resolution (ADR) Policy Statement

It is the policy of the NLRB to maintain effective, affirmative programs that foster equal employment opportunity for all Agency employees in a workplace free of any harassment or retaliation. In meeting this objective, and to comply with federal sector Equal Employment Opportunity (EEO) guidance, the NLRB makes available an alternative dispute resolution (ADR) program to resolve disputes arising from discrimination, harassment and/or retaliation complaints in the workplace, through the Office of Equal Employment Opportunity (OEEO) ADR Administrator.

The requirements for ADR programs in the federal sector EEO complaint process are outlined in Equal Employment Opportunity Commission (EEOC) Regulations, 29 CFR §1614.102(b)(2) (2012) and in the EEOC's Management Directive 110 (EEO-MD-110) (Chapter 3), revised August 2015. Agencies are required to maintain an efficient, fair, and impartial complaint resolution process. An integral part of establishing a model EEO program is the effective use of ADR to resolve disputes.

The Agency has designed an ADR program that relies on mediation as an alternative to informal and formal EEO complaint processing procedures otherwise available to the parties. The Agency uses experienced external mediators through the Shared Neutrals Program, to promote the amicable and voluntary resolution of differences. The Agency's ADR process also ensures that a management representative, other than the accused management official, has settlement authority and is accessible during the dispute resolution process.

The Agency supports the ADR process and commits itself to participate as a party to mediation when it is requested by a complainant in either the informal or formal stage of the EEO process. We expect managers to engage in mediation *when the complainant elects ADR*, absent special circumstances, such as situations

involving sexual harassment and other instances where, in our discretion, it may be determined that a given dispute is inappropriate for EEO ADR. Otherwise, we recognize that the Agency may not decline to offer or participate in EEO ADR in particular cases because of the bases of discrimination involved (that is, race, color, national origin, religion, sex, age, disability, genetic information, or retaliation).

Participation in the confidential mediation process is especially effective when parties confront issues early, articulate concerns, and craft mutually satisfactory solutions to problems. Early intervention may reduce the number of formal EEO complaints filed as well as the time and expense involved in resolving such complaints.

We reaffirm our commitment to participate in collaborative problem-solving using ADR. For more information, click on the ADR tab <https://nlrb.sharepoint.com/OEEO/Pages/Alternative-Dispute-Resolution-Program.aspx> on the OEEO Share Point page or contact the Office of EEO at (202) 273-3891. Additionally, an ADR training module is available to assist managers, supervisors, and employees in understanding the Agency's mediation process, which can be accessed at [NLRB ADR Training](#) and which will be provided to individuals in the EEO informal counseling stage.

Lauren McFerran
Chairman

Jennifer A. Abruzzo
General Counsel