



UNITED STATES GOVERNMENT
National Labor Relations Board

Date: April 23, 2025

To: All Employees

From: Marvin E. Kaplan, Chairman
William B. Cowen, Acting 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 discrimination, 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 program (ADR) 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.

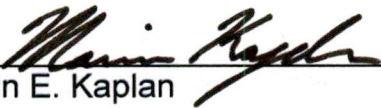
The Agency relies on mediation as an alternative to informal and formal EEO complaint processing procedures otherwise available to the parties. The Agency's ADR process ensures that a management representative other than the accused management official has settlement authority and is accessible during 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 at 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 EEO ADR in particular cases because of the bases of discrimination asserted, namely: race, color, national origin, religion, sex, pregnancy, 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 [Alternative Dispute Resolution Program tab](#) on the OEEEO Share Point page or contact OEEEO at (202) 273-3891.



Marvin E. Kaplan
Chairman



William B. Cowen
Acting General Counsel