



**UNITED STATES GOVERNMENT**  
National Labor Relations Board

**Date:** September 22, 2022

**To:** All Employees

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

**Subject:** Alternative Dispute Resolution (ADR) Policy Statement

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It is the policy of the NLRB to maintain effective, affirmative programs that foster an equal employment opportunity for all Agency employees. 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 has designed an ADR process that relies on mediation as an alternative to informal and formal EEO complaint processing procedures otherwise available to the parties. By making experienced external mediators available, through the Shared Neutrals Program, the Agency promotes the amicable and voluntary resolution of differences. The Agency's ADR process ensures that a management official, other than the management official alleged to have engaged in EEO violations, has settlement authority and is available 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 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, the OEEO and the Office of Employee Development (OED) have developed an ADR training module 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 informal counseling stage by the EEO counselor when the Notice of Rights and Responsibilities is provided.

/s/ Lauren McFerran  
Lauren McFerran  
Chairman

/s/ Jennifer A. Abruzzo  
Jennifer A. Abruzzo  
General Counsel