



UNITED STATES GOVERNMENT
National Labor Relations Board

Date: September 30, 2026

To: All Employees

From: James R. Murphy, Chairman
Crystal S. Carey, 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 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; religion; sex; national origin; age; disability; genetic information; pregnancy, childbirth, or a related medical condition; or in retaliation for protected EEO activity.

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 OEEO Share Point page or contact OEEO at (202) 273-3891.

/s/ James R. Murphy

James R. Murphy
Chairman

/s/ Crystal S. Carey

Crystal S. Carey
General Counsel