

What is Mediation?

Mediation is one of many voluntary dispute resolution techniques collectively called Alternative Dispute Resolution or ADR. DHRA offers the use of RESOLVE as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into solutions. A mediator does not impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution.

How RESOLVE Works?

An EEO Specialist or Manager from the DLA will contact the aggrieved and the management official concerning their participation in the RESOLVE program. If both parties agree, a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney or other representation in order to participate in DLA's RESOLVE Program, either party may choose to do so. It is important that the management official attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the aggrieved is given the right to file a formal complaint of discrimination.

The Advantages of Using RESOLVE

FREE - Mediation is available at no cost to the parties.

FAIR AND NEUTRAL - Parties have an equal say in the process and decide settlement terms, not the mediator. There is no determination of guilt or innocence in the process.

SAVES TIME AND MONEY - Mediation usually occurs early in the charge process, and many mediations are completed in one meeting. Legal or other representation is optional but not required.

CONFIDENTIAL - All parties sign an agreement of confidentiality. Information disclosed during mediation will not be revealed to anyone, including other EEOC investigative or legal staff.

AVOIDS LITIGATION - Lengthy litigation CAN be avoided. Mediation costs less than a lawsuit and avoids the uncertainty of judicial outcome.

FOSTERS COOPERATION - Mediation fosters a problem solving approach to complaints and workplace disruptions are reduced. With investigation, even if the charge is dismissed, the underlying problems may remain, affecting others in the workforce and human resources staff.

IMPROVES COMMUNICATIONS - Mediation provides a neutral and confidential setting where both parties can openly discuss views on the underlying dispute.

DISCOVER THE REAL ISSUES IN YOUR WORKPLACE - Parties share information, which can lead to a better understanding of issues affecting the workplace.

DESIGN YOUR OWN SOLUTION - A neutral third party assists the parties in the reaching of a voluntary, mutually beneficial resolution. Mediation can resolve all issues important to the parties, not just the underlying legal dispute.

EVERYONE WINS - An independent survey showed 96% of all respondents and 91% of all aggrieved

parties who used mediation would use it again if offered.

Questions?

At what point in the administrative process will mediation take place?

Mediation will usually take place early in the process prior to an investigation of the matter. Offering mediation to the parties prior to an investigation saves DHRA resources by avoiding the investigation of a matter that might be appropriately resolved through mediation. In addition, mediation prior to an investigation prevents the hardening of positions that can occur during a lengthy investigation.

Can an aggrieved individual request mediation if DHRA does not offer it?

Yes. Either party can request mediation without an offer from DHRA. As long as both parties agree to participate, DHRA will consider the matter for mediation.

Are all matters eligible for mediation?

No. The DHRA evaluates each matter to determine whether it is appropriate for mediation considering such factors as the nature of the case, the relationship of the parties, the size and complexity of the case, and the relief sought by the aggrieved party. Matters that the DHRA has determined to be without merit are not eligible for mediation.

What happens if a party does not comply with an agreement reached in mediation?

An agreement reached during mediation is enforceable in court just like any other settlement agreement resolving a matter of discrimination filed with the DHRA. If either party believes that the other party has failed to comply with a mediated settlement agreement, he or she should contact the EEO Office.

As an employer, if I believe the matter has no merit, why should I participate in mediation?

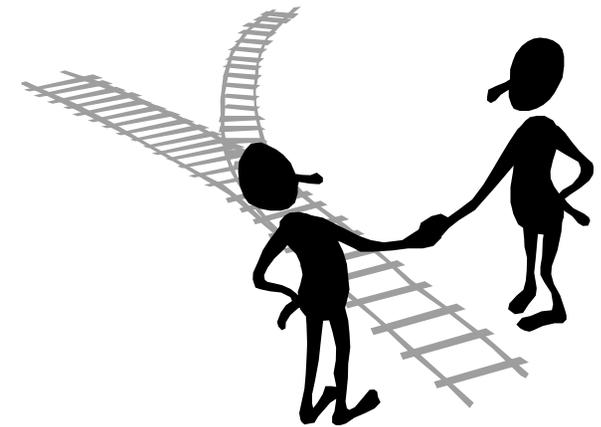
Mediation provides a neutral and confidential setting where both parties can openly discuss information about the underlying dispute. Through enhanced communication, mediation can foster improved working relationships and a better understanding of factors which may be affecting the overall workplace.

To contact the Equal Employment Opportunity Office servicing DHRA:

DEFENSE LOGISTICS AGENCY
EQUAL EMPLOYMENT OPPORTUNITY
OPERATIONS DIVISION (DO-S)
8725 JOHN J. KINGMAN ROAD
ROOM 1119
FORT BELVOIR, VIRGINIA
22060-6220
Telephone: (703) 767-6777
Fax: (703) 767-1110



MEDIATING EEO COMPLAINTS AT THE LOWEST LEVEL THROUGH



RESOLVE

Reach Equitable Solutions Voluntarily and Easily

The Defense Human Resources Activity (DHRA) has an agreement to use Defense Logistics Agency's (DLA) EEO Mediation Program, RESOLVE, to provide both employees and managers an excellent opportunity to pursue legitimate disputes in a reasonable and non-threatening manner. RESOLVE encourages maximum use of mediation as the preferred EEO dispute resolution technique.