

National Aeronautics and
Space Administration
Headquarters
Washington, DC 20546-0001



August 30, 2004

Reply to Attn of:

Office of Diversity and Equal Opportunity

TO: NASA EO Directors/Officers
NASA Diversity Directors

FROM: Assistant Administrator for Diversity and Equal Opportunity

SUBJECT: NASA Alternative Dispute Resolution (ADR) Policy

Enclosed please find a copy of the NASA ADR Policy Memorandum signed by Deputy Administrator Fred Gregory. The policy makes management participation mandatory in EO disputes, which are raised at both the informal and formal stages of the EO Complaint Process, when the employee elects ADR.

Although NASA has always advocated resolution at the earliest possible point in an identified conflict because of its effectiveness and efficiency when properly administered, this new policy elevates the importance of and the expectation that EO complaints and the matters contributing to the conflicts are resolved quickly, fairly and appropriately, thereby minimizing the fiscal impact of EO complaints processing, and the human costs as reflected in distractions from mission goals, disruptions in productivity, and poor morale in the workplace.

As stated in the ADR Policy, "[t]he Agency is committed to supporting ADR, which is designed to create and maintain a work culture where managers, supervisors and employees have a constructive way to work together to maintain a productive work environment in which disputes are settled quickly."

In order for the full weight of this "major step forward" to have the greatest positive effect, we must get the message out in a way that makes a high impact at each Center. We want the entire NASA community to understand what is involved in ADR, the benefits of ADR and how ADR (e.g., pre-determination settlement negotiations, and

Thank you in advance for your leadership in this effort.



Dr. Dorothy Hayden-Watkins

Enclosures

cc:

Office of the Administrator/Mr. Sean O'Keefe
Deputy Administrator/Mr. Frederick Gregory
Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

National Aeronautics and
Space Administration
Office of the Administrator
Washington, DC 20546-0001



August 2, 2004

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: AD/Deputy Administrator

SUBJECT: Mandatory Management Participation in NASA's Alternative Dispute
Resolution Program in the Equal Opportunity (EO) Complaint Process

In October 2003, I advised you that the NASA Office of Equal Opportunity Programs (OEOP) had taken steps to streamline the Agency's discrimination complaint process and revitalize the NASA Alternative Dispute Resolution (ADR) program as a means of resolving disputes that are raised within the discrimination complaint process. The Agency is committed to supporting ADR, which is designed to create and maintain a work culture in NASA where managers, supervisors and employees have a constructive way to work together "to maintain a productive work environment in which disputes are settled quickly," as stated in NPD 2010.2B.

In accordance with the United States Equal Employment Opportunity Commission (EEOC) regulatory requirements, NASA currently makes ADR available for disputes raised during both the informal (pre-complaint) and formal stages of the EO complaint process. Since the inception of the Agency's use of ADR in the EO complaint process, participation has been voluntary for both the complaining party and management.

Effective this date, however, we are making management participation in ADR mandatory for disputes raised at both the informal and formal stages of the EO complaint process. This means that once a complaining party requests mediation, management must assure that an authorized management official participates in the ADR mediation session, which will be facilitated by a trained, third party neutral person (mediator). All management staff designated to represent the Agency in the mediation session must have training or, at a minimum, receive a briefing on the mediation process by and/or in consultation with OEOP, and have delegated authority from the Center Director or an other appropriate management official to enter into a binding settlement agreement on behalf of the Center or the Agency.

Incorporating ADR into the Agency's standard operating procedures is part of our strong commitment to ensure that the core principles of ADR, as defined by the EEOC, are fully integrated into our management policies and procedures. In order to ensure that this is accomplished Agencywide, all managers and supervisors are advised that they have a duty to cooperate in OEOP's ADR initiative.

Thank you in advance for your continued support and participation in the implementation of the NASA ADR program. Any questions should be directed to the attention of Dr. Dorothy Hayden-Watkins, AA, OEOP or your Center EO office.

A handwritten signature in black ink, appearing to read "Frederick D. Gregory". The signature is written in a cursive style with a large, stylized initial "F".

Frederick D. Gregory

cc:
EO Officers