

# **MAJOR FEDERAL AVIATION ADMINISTRATION ADR PROGRAMS**

## **Alternative Dispute Resolution (General)**

### ***FAA Alternative Dispute Resolution Office (AGC-20)***

The Associate Chief Counsel for ADR is the FAA's appointed Dispute Resolution Specialist (DRS). He is responsible for implementing the provisions of the Administrative Dispute Resolution Act, developing FAA ADR policy, and increasing the understanding and use of ADR techniques within the FAA. He is also a Deputy Dispute Resolution Specialist in the DOT ADR system, and works in partnership with the DOT Dispute Resolution Specialist and the DOT ADR Council.

While the DRS does not administer a formal dispute resolution process, his office provides ADR policy direction, leadership, expertise, and support for all ADR programs in the FAA.

The DRS also provides legal guidance related to ADR, coordinates ADR initiatives, is available to assist offices in designing conflict management systems, and provides training on ADR and other collaborative problem-solving issues and methods to managers and employees, as well as to those involved in providing dispute resolution services.

The DRS and his staff are available to advise and consult with employees and managers seeking assistance in avoiding or resolving workplace or other conflict. His office also provides, or arranges for the provision of, intervention services, as requested. These services include mediation, conflict coaching, facilitation, neutral evaluation, and other ADR processes.

## **Alternative Dispute Resolution (Equal Employment Opportunity)**

### ***FAA EEO Mediation Program (ACR)***

The FAA Office of Civil Rights established a mediation program in 1999 to resolve allegations of workplace discrimination and/or harassment raised through the Equal Employment Opportunity (EEO) Program.

The objective of this program is to resolve allegations early and at the lowest possible level. Early resolution benefits the agency by creating a workplace where equal employment opportunity exists for all. Mediation is cost effective and avoids lengthy litigation.

An applicant or employee may initiate the EEO complaint process by contacting the National Intake Unit at 1-888-WK IT OUT (954-8688) or 1-800-877-8339 (TTY relay service) or by contacting the local Office of Civil Rights. The process may also be initiated by using the FAA EEO National eFile system at <https://faaefile.icomplaints.com>. During the initial contact the applicant or employee will be offered traditional EEO counseling or mediation to resolve the dispute.

In accordance with 29 CFR 1614, contact must be initiated within 45 days of the alleged discriminatory action. A counselor will conduct an initial interview and offer the applicant or employee once again, the option of proceeding with counseling or attempting resolution through the mediation process. Participation is voluntary for both of the parties (management official or the aggrieved).

An applicant or employee may proceed with the processing of their pre-complaint if resolution is not reached within 90 days of initial contact. Although mediation normally occurs during the pre-complaint counseling stage, it is available at every step of the EEO complaint process.

There are three full-time Alternative Dispute Resolution Specialists in the Office of Civil Rights. They discuss the mediation process with the parties and conduct mediations. Mediation services are also provided by internal collateral duty mediators as well as Federal Executive Board Shared Neutrals program mediators. Additional information may be found at: <https://employees.faa.gov/org/staffoffices/acr/>.

### ***ONEDOT Sharing Neutrals Program***

As an alternative method of resolving EEO disputes, the Department of Transportation has elected to offer mediation during any stage of the EEO complaint process, when ADR has been determined to be appropriate for resolving the complaint. The efficient and effective use of mediation helps resolve discrimination disputes at an early stage, in an expeditious, cost-effective, and a mutually acceptable manner.

All modal administrations may make use of this program, but the case must be referred by the modal administration's civil rights office. Like the FAA EEO Mediation Program, it uses a cadre of collateral duty mediators and some outside shared neutrals. At the present time, a private firm is also providing some contractual services in the areas of training, evaluation, and mediation services.

Representatives of the FAA's Office of Civil Rights (ACR) and of the FAA's Alternative Dispute Resolution Staff (AGC-20) have served as members of the ONEDOT Sharing Neutrals Steering Committee.

## **Alternative Dispute Resolution (Workplace – Non-EEO)**

### ***FAA Air Traffic Organization (ATO) Mediation Program***

The ATO mediation program is an expedient intervention for resolving workplace disagreements at the earliest possible stage that have the potential to escalate to more serious complaints and inhibit positive performance. It is a program intended to facilitate communication and understanding between people involved in workplace disputes. Most importantly, the program requires voluntary participation and uses informal, yet confidential, services of a neutral, objective mediator to facilitate the resolution of disputes.

While the ATO mediation program may serve as an alternative to the formal administrative processes such as the administrative grievance procedures and the Equal Employment Opportunity (EEO) complaint process, it does not replace them. The time requirements of the administrative grievance, or other agency procedures, will not be extended as a result of the ATO mediation program. Title 29 Code of Federal Regulations 1614 lists the timeframes associated with the pre-complaint processing for EEO issues. An aggrieved employee must seek counseling within 45 days of the discriminatory act. Participating in the ATO mediation program does not extend the 45 days.

The ATO mediation program is available to all AFSCME bargaining unit and non-bargaining unit employees who work in the ATO. The mediation program was expanded in October 2006 to cover ATO service areas. Employees represented by a labor organization other than AFSCME, will continue to use the applicable negotiated dispute resolution process or other processes available to them.

The ATO Mediation Program consists of a cadre of one program manager and multiple mediators for each ATO service area who serve on a collateral duty basis that are available to provide assistance in the resolution of workplace disputes.

## **Alternative Dispute Resolution (Procurement)**

### ***Office of Dispute Resolution for Acquisition (ODRA)***

The Office of Dispute Resolution for Acquisition (ODRA) is the sole, statutorily designated tribunal for all contract disputes and bid protests under the FAA's Acquisition Management System. The ODRA dispute resolution process recognizes that it is in the best interests of the FAA and its private sector business partners to work collaboratively to avoid and, where possible, voluntarily resolve acquisition-related controversies in a timely and fair manner. The ODRA provides dispute resolution services focused on the use, to the maximum extent practicable, of a variety of alternative dispute resolution (ADR) techniques. For those matters that cannot be avoided or resolved through the

use of ADR, the ODRA provides a flexible, efficient and transparent adjudication process.

The ODRA dispute resolution process has been recognized as a leader in the public contracting field. In 2003, the FAA received the Office of Management and Budget's Outstanding ADR Program Award for its "innovative and effective" ODRA Program. In 2008, the ABA Section of Public Contract Law recognized the ODRA for "a decade of excellent service to the public contracting community by advancing the use of alternative dispute resolution as a means to resolve bid protests and contract disputes."

The ODRA is staffed with a director, three senior attorney dispute resolution officers and a paralegal. All members of the staff are experienced dispute resolution and adjudication professionals. The ODRA's website is located at: <http://odra.faa.gov>.