



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND
4700 KNOX STREET
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AFPE-EE (100)

16 Sep 22

MEMORANDUM FOR Headquarters, Commands Reporting Directly to FORSCOM

SUBJECT: FORSCOM Commanding General Policy Memo 7, Alternate Dispute Resolution (ADR)

1. References:

- a. Title 29 CFR §1614.102(b)(2), Agency Program.
- b. Army Alternative Dispute Resolution Policy, 22 June 2007.
- c. Army Regulation 690-600 (Equal Employment Opportunity Discrimination Complaints), 9 February 2004.
- d. Equal Employment Opportunity Commission, Management Directive 715, 1 October 2003.
- e. Army Regulation 690-12, Equal Employment Opportunity and Diversity, 12 December 2019.

2. Purpose. To facilitate resolution of Equal Employment Opportunity (EEO) complaints in a timely and efficient manner.

3. Policy. It is the FORSCOM policy that commanders will implement and sustain a viable ADR program within their organization.

4. In concert with EEO and supported by appropriate human resources and legal personnel, the command ADR policy will be structured so that it facilitates resolution of EEO complaints in a timely and efficient manner. Early resolution of EEO complaints achieves better employee relations, cuts administrative costs, avoids protracted litigation, and is consistent with this command's commitment to EEO.

5. ADR is not a case to be won or lost but requires use of collaborative techniques that treat the dispute as a problem for employee and management to solve together. It is the Army's preferred method for ADR to provide facilitated mediation with a qualified ADR neutral/mediator; a process in which a trained, impartial third party assists in reaching an amicable resolution. The mediation process is swift, confidential, fair, low cost, and non-adversarial in nature. The ADR program must be fair and conform to the following principles:

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a. Voluntariness. Parties must enter into mediation, or another offered ADR process knowingly and voluntarily. Participation in ADR is voluntary for the aggrieved. Management officials will participate in ADR when requested by an aggrieved person in the EEO complaint process. Only the appropriate Settlement Authority can decline ADR when requested by the aggrieved. The commander's settlement team, comprised of the agency representative, the EEO officer, and a manager/supervisor above the identified responsible management official in consultation, will make a recommendation to the appropriate settlement authority to resolve complaints involving the respective activity. Any difference in professional judgment among them will be resolved by their common superior, for example, the commander, deputy commander, or chief of staff.

b. Neutrality. The ADR neutral/mediator shall have no official, financial, or personal interest in the issue at controversy or in the outcome of the dispute.

c. Confidentiality. The ADR process is confidential. As a means to promote open and frank discussions between the disputing parties, both parties and their representatives must agree in writing that any information disclosed during the ADR process, other than discoverable documentation, will remain confidential whether or not ADR is successful.

d. Enforceability. Each management official designated to represent FORSCOM in the ADR process will have the authority to resolve the matter. If a resolution is achieved, the terms of the resolution will be set forth in a written negotiated settlement agreement that is binding upon both parties.

e. ADR is not appropriate in every case, therefore, commanders, or their designees, must decide on a case-by-case basis whether to offer ADR to an aggrieved individual. Within FORSCOM, ADR has proven successful in resolving issues during the pre-complaint and post complaint stages.

6. For additional information regarding the Alternative Dispute Resolution process and FORSCOM implementation, contact the FORSCOM EEO Office at (910) 570-5132/5165 (DSN 670).

7. This policy supersedes any previous memorandum on this subject and is effective until it is superseded or rescinded.



ANDREW P. POPPAS
General, USA
Commanding