

MS 656 Alternative Dispute Resolution Program

Effective Date: May 25, 2012

Responsible Office: Office of Civil Rights and Diversity

Supersedes: New Manual Section

Issuance Memo (5/25/12)

1.0 Purpose

This Manual Section establishes the Peace Corps policy for an Alternative Dispute Resolution (ADR) Program for equal opportunity complaints and employee workplace disputes filed under Peace Corps policies and Title VII of the Civil Rights Act of 1964, as amended. Implementing procedures are set forth in the Procedures and Responsibilities for ADR. [LINK]

2.0 Authorities

This Manual Section is based on legal requirements for all federal agencies to establish an ADR Program pursuant to 29 CFR § 1614.105. Additional authorities include:

- Administrative Dispute Resolution Act of 1996, Pub. Law 104-320. 110 Stat. 3870 (1996)
- 29 C.F.R. § 1614.102 (b)(2)
- 29 C.F.R § 1614.105
- EEOC Management Directive 110, Chapter 3, ALTERNATE DISPUTE RESOLUTION
- 45 C.F.R § 1225, Peace Corps Manual, Applicant, Trainee, Volunteer Discrimination Complaint procedures.
- 5 U.S.C. 571(9)
- 5 U.S.C. 573(a)
- 29 U.S.C. 626(f)

3.0 Policy

3.1 General Policy

It is Peace Corps policy to maintain a productive work environment where disputes are avoided or settled quickly at the lowest possible organizational level. ADR, an early collaborative dispute resolution process, is used by the Peace Corps as a process for resolving equal employment opportunity (EEO) complaints and employee workplace disputes fairly and quickly, while conserving scarce resources.

3.2 Scope of Coverage

This Manual Section applies to all employees and applicants for employment with the Peace Corps in the United States and to U.S. citizens who are employees or applicants for employment with the Peace Corps outside the United States, including personal services contractors (PSCs). It does not apply to host country or third country nationals employed or applying for employment with the Peace Corps outside the United States.

This Manual Section also applies to equal opportunity disputes and complaints of V/Ts and applicants for Peace Corps service. It does not apply to V/T disputes or complaints that do not involve equal opportunity disputes or complaints.

The ADR under this Manual Section does not constitute “alternative dispute resolution” for purposes of resolving PSC contract disputes under FAR 33.124. Thus, PSCs may not use the ADR process in this Manual Section if the dispute is a contract dispute under the contracts dispute clause in the personal services contract.

3.3 Office of Civil Rights and Diversity

ADR is managed by the Office of Civil Rights and Diversity (OCRD), and the OCRD Director may mediate or assign a mediation to another mediator.

3.4 Dispute Resolution

ADR is voluntary for complainants and aggrieved individuals. Once an individual elects ADR and OCRD determines the dispute is eligible for ADR, the Peace Corps is required to participate. The individual electing ADR may cancel such election at any time. Where practical and feasible, ADR and other early collaborative dispute resolution processes (as defined in Attachment 1 to Procedures and Responsibilities for ADR) will seek to resolve workplace disputes at the earliest stage possible and at the lowest organizational level. Mediation is the preferred and recommended ADR option.

3.5 Objectives of ADR Program

The objectives of the ADR program are to:

- (a) Permit impartial third party intervention during the informal and formal stage of EEO complaint processing and at the earliest possible stage for an employee’s non-EEO workplace dispute complaint;
- (b) Make available a forum to address any employment issue or situation (both EEO and non-EEO) and V/T/applicant equal opportunity complaint that could benefit from using an ADR process (preferably mediation; see Procedures and Responsibilities for ADR for examples of other ADR methods);
- (c) Educate the parties about practical problem-solving techniques and establish a mutually acceptable approach to problem solving;

- (d) Implement an ownership process wherein the complaint or dispute at issue is resolved by the involved parties; and
- (e) Provide a cooperative and nonthreatening environment to facilitate open communication.

3.6 Procedures

Procedures implementing this Manual Section shall be developed by OCRD. Authority for approving and revising procedures is delegated to the General Counsel and the Director of Human Resource Management.

4.0 Effective Date

This Manual Section shall take effect on the date of issuance.