



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Agricultural  
Marketing  
Service

Washington, DC  
20250

TO: All Employees

FROM: A.J. Yates  
Administrator

September 18, 2002

SUBJECT: Alternative Dispute Resolution

As Administrator of the Agricultural Marketing Service, I am committed to ensuring that all AMS employees have access to efficient and effective systems to resolve the disputes and conflicts that arise in the workplace. Accordingly, I want AMS to have an outstanding Alternative Dispute Resolution (ADR) program and I have directed the establishment of a formal AMS ADR Program. In my career in public service I have seen first-hand the benefits of ADR and I am confident that a good, strong program that leads to informal and mutually-satisfactory resolution of conflicts will increase our productivity, improve morale, promote open communication, and enhance mutual trust and respect throughout the Agency.

I want AMS to have an ADR program that will be viewed by all employees, supervisors, and managers as a means of resolving conflicts and disputes informally and quickly. The AMS ADR Program will be one that is accessible to everyone; scrupulously fair, unbiased, and confidential; highly professional, using mediators with demonstrated expertise; and cost-effective. Although the Program Manager will work out of Washington, DC, this program is intended to provide service to all employees, regardless of duty station or position.

A lot of work, by a great many people, has gone into helping shape my decision about AMS' ADR Program. As far back as 1999 a working group was established to provide recommendations for an AMS ADR Program. This working group included representatives from across AMS, including field and headquarters employees. The group also included representatives of the AMS Civil Rights Program, Employee Relations, and various employee interest groups. This group gathered and analyzed information, identified interests and concerns, and made thoughtful recommendations. This group put much time and effort into this project and, although I was not here when this effort was carried out, they have my personal thanks.



Page 2

I am pleased that we are moving forward with an AMS ADR Program, and trust you share my enthusiasm and support for this effort. Very soon we will have a fulltime ADR Program Manager, and policies and procedures in place. The program is however, available to you now and you should look at it as your resource. A toll free number has been established for the Program; that number is 1-866-227-0328. You can also reach the program at (202) 690-3017, or via e-mail at [AMS-ADR@USDA.Gov](mailto:AMS-ADR@USDA.Gov).

For EEO-related issues, the AMS Civil Rights Office will continue to offer ADR services, as well. Employees will have the option of utilizing either the Civil Rights Office ADR program or AMS agency-wide ADR program if their concern is EEO-related.

A brief fact sheet is attached giving some information about ADR. Please contact the AMS ADR Program if you have questions or would like to discuss the Program.

Attachment

## AMS - ADR Fact Sheet

**What is ADR?** Alternative Dispute Resolution, or ADR, is a voluntary alternative to, and not a replacement for, formal dispute resolution systems such as grievances, discrimination complaints, and appeals. Unlike more formal processes, where everyone is placed in a “winner” or “loser” position, ADR provides an arena where individuals may examine all the matters related to workplace concerns and develop solutions that are acceptable to all parties. The most common form of ADR in the workplace is **Mediation**.

**Mediation** – is a problem solving process that focuses on the future. It is designed to assist individuals experiencing conflict with creating a mutually satisfactory resolution of their differences. Mediation differs from litigation in that it is not designed to determine who is right or wrong; parties work together to create their own agreement with the assistance of a **mediator**. Mediation is a confidential process to the extent the law allows.

A **Mediator** is an unbiased, neutral third party who works with parties in conflict. A mediator is someone who is trained in mediation skills, and has no direct authority to impose a decision on the parties in the conflict.

**If I agree to try mediation, who will pick the Mediator?** The mediator will be assigned by the ADR Program Manager. Usually, mediators assigned through the AMS ADR Program will be professional mediators from outside organizations. If the parties are involved in an EEO complaint, and they wish to pursue mediation through the AMS Civil Rights office, they will continue with the CR office. If, however, either one of the parties would prefer a different source of mediation, the AMS ADR Program and the AMS Civil Rights office will collaborate and find a mutually acceptable solution.

**What about my Rights?** By agreeing to mediate, you do not give up your right to file a formal complaint or grievance. If mediation does not result in a mutual agreement, you may pursue more formal avenues to resolve your issues. You will be advised of the timelines for filing an official complaint and will need to follow them.

**Why Should I Mediate?** Mediation offers parties an opportunity to communicate directly in a non-threatening forum, and a private place to discuss issues. Mediation offers an opportunity for participants talk with each other and tell each other how the conflict has affected them personally and attempt to work through their differences. Mediation is timely, cost effective, and efficient. Formal processes are lengthy, expensive, and often have an adverse affect on the relationship.

**How Do I Contact the AMS ADR Program?** You may contact them by e-mail at [AMS-ADR@USDA.Gov](mailto:AMS-ADR@USDA.Gov); by telephone at (202) 690-3017, or toll free at (866) 227-0328.