
ARTICLE 11

Alternative Dispute Resolution (ADR)

- A. The Department and the NCFL recognize that ADR can serve as an effective tool to resolve labor management disputes. The benefits of ADR can be avoiding protracted and costly litigation, improving working relationships between management and labor, and enhancing communication between employees and their supervisors. Therefore, the parties agree to implement ADR as stipulated in this Article.
- B. ADR may be utilized to resolve work place disputes at any time by mutual agreement between the parties, to include within the grievance procedure prior to an arbitration hearing.
- C. If a grievance is submitted to ADR, the timeframes for further processing the grievance will be suspended commencing from the day on which the parties agree to proceed to ADR.
- D. The ADR process will be grievance mediation, utilizing mediators from the Federal Mediation and Conciliation Service (FMCS) or a Shared Neutrals Program. The Department's Office of Employee and Labor Management Relations or Regional Labor Relations Office, as appropriate, will work together with the NCFL to coordinate the responsibility of communicating with mediation services for obtaining the mediators.
- E. The aggrieved employee, a union representative, the supervisor/manager and a management representative may participate during the mediation. The parties agree that all information shared during the mediation shall be kept confidential and will not be admissible before an arbitrator or other administrative or judicial court. The mediation shall proceed for no longer than two consecutive days unless the parties mutually agree otherwise. Any settlement agreement shall be reduced to writing and signed by Management, the aggrieved employee, and the Union.
- F. If the matter is not resolved through the ADR process, the employee or the Union retains the right to file a grievance. If the ADR process occurred during the grievance procedure, the timeframes for the Union to pursue or continue the grievance process are resumed.