



UNDER SECRETARY OF DEFENSE
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MAY 11 1994

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
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DIRECTOR OF ADMINISTRATION AND MANAGEMENT
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DIRECTOR FOR PERSONNEL AND SECURITY,
WASHINGTON HEADQUARTERS SERVICES

SUBJECT: Mediation of Employment Disputes

E.O. 12871 requires Federal agencies to develop alternative dispute resolution mechanisms and procedures to address employee complaints and concerns. In furtherance of this requirement, DoD is inaugurating a program to mediate equal employment opportunity (EEO) complaints, administrative grievances, and other workplace disputes in order to maximize the voluntary settlement of these cases. DoD activities should seek mediation of EEO complaints, administrative grievances, and other civilian employment disputes whenever possible. Mediation can avoid costly, unnecessary litigation and resolve issues fairly and quickly. Mediated settlement also greatly increases the likelihood that the parties will reach a result they find acceptable--an especially beneficial outcome for workplace disputes.

Under the new program, when an installation submits an EEO complaint or administrative grievance to the Defense Civilian Personnel Management Service's Office of Complaint Investigations (OCI), that office will assess the case's potential for mediation. Whenever appropriate, OCI will recommend/provide mediation before investigating a case. OCI investigators who have been trained and certified as mediators will discuss with the parties their respective positions, the strengths and weaknesses of those positions, and possible solutions. They will encourage the parties to assess how their interests would be affected by a settlement and to consider the possible economy of settlement versus the costs of traditional dispute procedures. Additional discussions may be held as necessary.



OCI investigators are uniquely qualified to conduct a variety of alternative dispute resolution procedures. In addition to certified mediators, each OCI area office has investigators who are experienced with conciliation, early neutral evaluation, fact-finding, etc.. Management may use OCI's alternative dispute resolution expertise for all types of workplace disputes.

We solicit your support of the mediation program, which will greatly enhance its potential. Please convey this information to commanders, supervisors, and managers at all echelons, as well as to servicing civilian personnel and EEO offices. Questions or comments may be addressed to OCI Director Michael I. McGuire or Patricia Stewart, OCI Implementation Coordinator. They can be reached at (703) 325-2057 (DSN 221-2057).


Albert V. Conte
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