

United States Government

Department of Energy

memorandum

Bonneville Power Administration

DATE: January 18, 2022

REPLY TO
ATTN OF: DE-1

SUBJECT: 2022 Alternative Dispute Resolution (ADR)

TO: All BPA Employees

Communication is often at the root of issues identified as workplace conflicts. When properly managed, creative differences can yield positive improvements to business processes and the organizational climate. At BPA we strive to maintain a culture that values diverse opinions and encourages constructive dialogue. To remain effective, productive, and maintain civil discourse, it is our policy to address and resolve workplace disputes quickly and at the lowest possible level through Alternative Dispute Resolution (ADR).

In 1990, the Administrative Dispute Resolution Act (ADRA) required each federal agency to adopt a policy on ADR use. In 1996, ADRA was reenacted as the Administrative Dispute Resolution Act of 1996. In 2000, the Equal Employment Opportunity Commission (EEOC) required all federal agencies to establish or make available an ADR program during the pre-complaint and formal complaint stages of the EEO process. The EEOC noted that resources should be in place to make ADR available independent of the equal employment opportunity (EEO) complaint process. It is a standalone process and its use is strongly encouraged.

ADR is a process in which a neutral third-party assists the individuals in dispute reach an amicable resolution through the use of various techniques. ADR describes a variety of approaches to resolve conflict which avoid the cost, delay, and unpredictability of traditional adjudicatory processes while at the same time improves workplace communication and morale. The most widely used form of ADR is mediation, where a neutral and independent third-party helps those in conflict voluntarily reach a resolution. ADR does not focus on who is right or wrong, nor does it subject participants to a binding decision. Rather, ADR is an opportunity for parties to educate each other on their respective positions and interests in an effort to voluntarily arrive at a mutually beneficial agreement. Ultimately, the successful resolution of destructive conflicts at the lowest possible level will support BPA's mission and goals.

A request to participate in the dispute resolution process should be viewed as an opportunity to foster better communication that serves a mutual benefit. For non-EEO matters, ADR is a voluntary option available to the workforce to resolve conflict. For matters involving EEO claims, participation in ADR is a voluntary option of an aggrieved individual. If the Agency decides to offer EEO ADR, the responding management official has a duty to participate in good faith. While the EEOC contemplates that the majority of matters are appropriate for EEO ADR, Agencies have discretion to determine whether a given dispute is appropriate for ADR.

Parties who participate in ADR are not required to reach an agreement. Neither this policy, nor the organization, requires participants to settle at all cost. You are only required to participate in good faith.

For more information about BPA's ADR options or to request ADR through the Office of Civil Rights and EEO, please email ADR@BPA.gov or call BPA's Conflict Information & Referral Line at 503-230-5126. All inquiries will be private and confidential.

Although ADR is always available, you are encouraged to explore the use of ADR at the earliest signs of counterproductive divergence and communication breakdown. We all have a charge to work diligently at managing conflict in the workplace and to create a culture of collaborative problem-solving, civil discourse, dignity, and respect.

John Hairston
Administrator and Chief Executive Officer