



**The Nuclear
Regulatory
Commission's**

EARLY ADR PROGRAM

Alternative Dispute Resolution

Administered by
Cornell University's

Institute on Conflict Resolution

What is ADR?

- ❑ The U.S. Nuclear Regulatory Commission is using alternative dispute resolution (ADR) to promote a safety-conscious work environment by facilitating timely and amicable resolution of discrimination concerns.



- ❑ ADR includes a variety of processes that emphasize creative, cooperative approaches to handling conflicts in lieu of adversarial procedures.
- ❑ Parties in ADR remain in control of the decision on whether to participate in the process and whether to agree to any resolution. In other words, *the process is completely voluntary, and any party may withdraw from the negotiation at any time.*

The Early ADR Program

- ❑ Early ADR typically occurs prior to any NRC investigation of the case.
- ❑ Early ADR may be used for a conflict between an employer or its contractor and an employee involving an allegation of discrimination in violation of the NRC's regulations after the NRC determines a potential case exists.

Who can use Early ADR, and how?

- ❑ After an allegation of discrimination is received and the NRC determines a potential case exists, the employee will typically be offered a chance to participate in ADR.
- ❑ The NRC's program administrator can advise and assist the parties in determining ADR potential for their case.
- ❑ If the employee agrees to participate, the NRC's program administrator will contact the licensee or licensee's contractor.
- ❑ If both parties agree to participate, the program administrator will help the parties appoint a neutral mediator and get started.

Why use Early ADR?

- ❑ Early ADR lets people speak for themselves and work together to find their own lasting solutions to their conflicts.
- ❑ Early ADR can help parties resolve conflicts by providing them a structured, positive environment to discuss differences and understand each other's concerns, interests, and expectations.
- ❑ It allows people to develop solutions quickly while maintaining relationships.
- ❑ Early ADR will benefit the safety conscious work environment by bringing about timely resolution of discrimination concerns.

What is mediation?

- ❑ Mediation is the ADR process normally used in the Early ADR Program.
- ❑ It is an informal process in which a trained neutral (the "mediator") works with parties to help reach resolution.
- ❑ The mediator, who has no stake in the outcome and no power to make decisions, uses consensus-building skills and knowledge of negotiation to help parties find creative solutions.



How does mediation work in the Early ADR Program?

- ❑ The mediator guides parties through an informal process to resolve their issues.
- ❑ The mediator helps parties work together to reach an agreement that meets their needs without conforming strictly to their original positions.

- ❑ The mediator will usually give each party an opportunity to explain the issues. Often, the mediator will meet privately with each party (where they are more likely to speak more freely) to understand the parties' situations better and explore and assess options.
- ❑ The mediator may ask questions that will aid parties in assessing the merits of their positions, help them converse in an atmosphere free of name calling and posturing, identify potential settlement options, and probe participants' realistic alternatives.
- ❑ A settlement agreement in Early ADR will not become binding until three days after the parties sign it to allow each party a final opportunity to review it.



Who serves as neutrals in Early ADR?

- ❑ To ensure a source of skilled, unbiased neutrals, the NRC uses Cornell University's Institute on Conflict Resolution (ICR) to select and oversee a roster of experienced mediators and administer the Early ADR program's operations.
- ❑ Parties may jointly select the mediator for their case from among a panel of three furnished by ICR.
- ❑ Parties preferring to locate their own mediator may do so.

What does Early ADR cost me?

- ❑ Nothing. The NRC will pay for the services of any ADR neutral selected from the ICR roster.
- ❑ If a neutral is selected from other than the ICR roster, the NRC will typically pay for the service; however, a review will be required.

Where do Early ADR sessions take place?

- ❑ The session will typically occur near the employee's work place, depending on site availability and party desires.

How long do sessions take?

- Many Early ADR cases will be completed in one meeting that lasts several hours. Some could require a few additional sessions.

Is Early ADR confidential?

- Yes. With limited exception, the proceedings are private and the ADR neutral is generally prohibited from discussing the mediation with outsiders.
- To obtain additional details on confidentiality in Early ADR, see the NRC's Web site at <http://www.nrc.gov/what-we-do/regulatory/enforcement/adr.html>.

Who administers the Early ADR Program?

- Cornell University's Institute on Conflict Resolution (ICR) is the neutral program administrator for the Early ADR Program's day-to-day operation, including working with parties to identify appropriate mediators.
- ICR embraces a network of independent dispute resolution practitioners who work on a regional, national, and international basis.
- ICR works in partnership with companies, unions, and government to help resolve conflicts and evaluate the efficacy of conflict resolution methods.



How do I obtain additional information?

Further information on participating in the Early ADR program (besides this brochure's overview of the Early ADR program) is available from:

- The Early ADR Program Administrator (ICR: Catherwood Library Tower, Ives Hall, Cornell University, Ithaca, NY 14853; Phone: (877) 733-9415).
- The NRC's Enforcement ADR Pilot Program on its web site: <http://www.nrc.gov/what-we-do/regulatory/enforcement/adr.html>.