September 8, 2003

MEMORANDUM TO: William D. Travers

**Executive Director for Operations** 

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - SECY-03-0115 - ALTERNATIVE

DISPUTE RESOLUTION REVIEW TEAM (ART) PILOT

PROGRAM RECOMMENDATIONS FOR USING ALTERNATIVE

DISPUTE RESOLUTION (ADR) TECHNIQUES IN THE HANDLING OF DISCRIMINATION AND OTHER EXTERNAL

WRONGDOING ISSUES

The Commission has approved the staff's recommendation to develop and implement a pilot program to evaluate the use of Alternative Dispute Resolution in handling allegations or findings of discrimination and other wrongdoing.

In addition to the four points for use of ADR noted in the staff's recommendation, the "early ADR" process should be revised to allow implementation regardless of the significance of the case and in lieu of an initial Office of Investigations preliminary interview. The screening process is unnecessary and any internal handling of the allegation beyond determining whether the alleger is aware of and wishes to use a licensee's ADR program would seem to take away from the benefits of ADR.

The staff should develop the additional guidance for implementing the pilot program, with public comment and participation, in 6 months from the date of Commission approval, as suggested by the Alternative Dispute Resolution Review Team (ART). The staff should consider using ADR experts from within and outside the agency to facilitate development of the implementing guidance and the pilot program.

(EDO) (SECY Suspense: 3/5/04)

CC: Chairman Diaz

> Commissioner McGaffigan Commissioner Merrifield

OGC

CFO

OCA

OIG

OPA

Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

PDR