



DIRECTOR'S POLICY 500-16

Use of Alternative Dispute Resolution

Originating Component:	General Counsel
Effective:	October 29, 2021
Releasability:	Unlimited. This Director's Policy (DP) is approved for public release and is located on the Defense Commissary Agency's (DeCA) internet website at www.commissaries.com .
Reissues and Cancels:	DP 500-16, "Use of Alternative Dispute Resolution," June 29, 2018

1. PURPOSE: This DP communicates the Director's use of the Alternative Dispute Resolution (ADR) policy.

2. POLICY. Through this policy statement, I reaffirm the Agency's and my commitment to using ADR principles and techniques, as appropriate, in resolving workplace controversies. I am convinced that through the application of ADR processes, needless litigation is avoided; timely, cost-effective outcomes are assured; and the opportunity for dialogue between employees and managers is enhanced.

a. General Provisions.

(1) When appropriate, the Agency will use the full range of ADR techniques, including mediation, facilitation, and neutral third parties, to resolve workplace disputes.

(2) ADR is voluntary for the complaining party. However, once ADR is offered and accepted by the complainant, management is required to participate in ADR, unless one of the exceptions in paragraph 2b of this policy statement applies.

(3) Employees are entitled to be accompanied, represented, and advised by a personally chosen representative in ADR proceedings, at their own expense. If the selected personal representative is a federal employee, serving as a personal representative must not present a conflict of interest or appearance of a conflict of interest in light of his/her duties or position. DeCA's Office of General Counsel will provide legal advice, counsel and representation to managers, as appropriate.

(4) Agreement to resolve a conflict shall be voluntary for all parties participating in ADR.

(5) The use of ADR shall not adversely affect the rights of individuals to seek resolution of their issues through the established complaint, grievance, and appeal systems, provided time frames in each system are otherwise met.

(6) No employee shall commit, authorize, or condone any retaliation against any employee because of the pursuit of, or participation in ADR.--

(7) Training and educational services designed to promote effective conflict management shall be made available. These shall include explanations of available ADR services and employees' responsibilities relating to ADR participation.

b. Exclusion Provisions. Through this policy statement, the Agency remains cognizant that there are instances in which ADR may not be appropriate or feasible, such as in cases which there is a need to establish policies or precedents, where resolution of a dispute would have a significant effect on nonparties, where a full public record is important, where the Agency must maintain continuing jurisdiction over a matter, or where it would otherwise be inappropriate. However, a decision that ADR is not appropriate should be the exception, not the rule, and should be based on a significant reason, such as in the examples above.

3. RESPONSIBILITY. Supervisors and managers will communicate the contents of this policy to every Agency employee. Every effort should be made to resolve workplace conflict issues when they arise or as early as possible during the administrative process. The prudent application of ADR principles and procedures will advance the Agency's mission.

4. APPLICIABILITY. This DP assigns responsibility for accomplishing the requirements of DoD Publications program, IAW with DoDI 5025.01. This DP applies to all DeCA activities and all DeCA employees.



William F. Moore
Director