The Air Force Alternative Dispute Resolution Program 2004

Report to the Secretary of the Air Force on the Air Force Alternative Dispute Resolution Program

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Executive Summary

Since our last report in January 2004, we are pleased to report significant new achievements by the ADR Program. First, we published and implemented Air Force Instruction (AFI) 51-1201, *Alternative Dispute Resolution in Workplace Disputes*, the first of its kind among any of the Military Departments. Following publication of this AFI, we worked with the Secretary of the Air Force (SECAF) to issue a memorandum to all senior Air Force commanders urging them to "give implementation their personal attention." As of December 2004, all active duty Major Command (MAJCOM) commanders have issued ADR policy memos to their field units and appointed ADR Champions. These memoranda show the value commanders attach to this program and demonstrate a level of senior leadership that is unmatched elsewhere in the Federal Government.

We continue to streamline dispute resolution processes, reduce dispute resolution cycle times, and avoid unnecessary dispute resolution costs. Specifically:

- The Air Force resolved 1728 civilian workplace disputes using ADR resulting in an average processing time of 27 days for EEO complaints and non-EEO disputes (e.g., employee grievances and appeals). For comparison, the average processing time for resolving all EEO complaints in FY 04 was 391 days.
- ADR helped the Air Force avoid $19.6 million in liability in contract disputes much more quickly than if we had litigated these matters.
- We built upon the foundation laid in 2003 to use ADR in environmental and land-use disputes more often and more systematically.

Results like these help explain why the Air Force ADR Program is expanding. In January 2005, Lt Gen Roger Brady, AF/DP, requested the long-term commitment of the Dispute Resolution Division of the Air Force General Counsel's Office in the implementation of the National Security Personnel System (NSPS). Lt Gen Brady stated:

> To support the deployment of NSPS, we need a systematic conflict management system that focuses on prevention, management and early resolution. SAF/GCD worked with the AF NSPS Program Office to develop outstanding supervisor training that provides negotiations skills training consistent with the Air Force's Enduring Competencies, including the skills needed to have the difficult conversations required by a performance-based personnel system. To support NSPS, we need to reinforce use of these skills through development of a knowledge management system and a support structure. ***In short, we need to expand our ADR capability into an Integrated Conflict Management System (ICMS).*** (Emphasis added.)

This memorandum makes it clear that the Air Force ADR Program and ICMS initiative will be key features of the Air Force NSPS implementation effort.

Overall, the Air Force ADR Program had a successful year in 2004, showing good results and achieving steady progress in workplace, contract, and environmental disputes.

ANNUAL REPORT TO THE SECRETARY
THE AIR FORCE ADR PROGRAM

Since our last report in January 2004, we published and implemented AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes* (21 April 2004). We formed strategic partnerships to position the ADR Program to play a key role in implementing the National Security Personnel System. Most important of all, we continued to streamline dispute resolution processes, reduce dispute resolution cycle times, and avoid unnecessary dispute resolution costs. We address each of these areas in more detail below.

A. Published AFI 51-1201, *ADR in Workplace Disputes*, on 21 Apr 04 and deployed an integrated and multi-functional effort to strengthen and expand the ADR Program.

The Air Force has the first service-wide regulation addressing ADR in workplace and employment disputes. Incorporating over 400 comments from the field, this AFI is the result of careful consideration by key stakeholders across the Air Force. The result is a regulation that gives commanders flexibility to design and implement ADR programs that fit their organizations' workplace dispute workloads and particular missions. Another unique aspect of this AFI is that its scope and implementation involves a broad spectrum of organizations working in collaboration as part of MAJCOM and installation-level ADR Programs, e.g., Commanders, Civilian Personnel, Staff Judge Advocate, EEO, unions, and other stakeholders. (See Attachment 1, ADR AFI Requirements Checklist; and Attachment 2, ADR AFI Implementation Actions).

Because the use of ADR is voluntary, the successful implementation of this program depends on the support and leadership of our senior leaders and commanders in the field. During the past six months, the Air Force ADR Program enjoyed the most robust support from leadership in its history.

- The SECAF issued a memo to MAJCOM and DRU Commanders emphasizing the importance of ADR and urging them to give implementation of the Civilian Workplace Dispute ADR regulation their "personal attention."
- MAJCOM ADR policy memos have, to date, been issued by:
  - Commander, Air Force Materiel Command (AFMC/CC) (Attachment 3);
  - Commander, Air Education and Training Command (AETC/CC) (Attachment 4);
  - Commander, Air Mobility Command (AMC/CC) (Attachment 5);
  - Commander, Air Combat Command (ACC/CC) (Attachment 6);
  - Commander, Pacific Air Forces (PACAF/CC) (Attachment 7);
  - Commander, Air Force Space Command (AFSPC/CC) (Attachment 8); and
  - Commander, United States Air Forces Europe (USAFE/CC) (Attachment 9).
- In addition, AFMC, AETC, ACC, PACAF and USAFE have implemented ADR plans for their respective commands, and AMC, AFSPC and the Air Force Academy have plans in the final stages of coordination before implementation early in CY 05.

Bottom Line: Within one year of publication of AFI 51-1201, every Air Force MAJCOM, DRU and installation with significant civilian workplace dispute activity will have an ADR plan in place, a Commander's ADR policy memo issued, and an ADR Champion appointed. This is light years from where we were just a year ago.

B. Supporting Implementation of Force Development and the National Security Personnel System (NSPS).

Implementation of NSPS will have strategic-level impacts on the scope and direction of the Air Force ADR Program. NSPS implementation will put in place new procedures and systems for determining employee pay levels, bonuses and promotions. In addition, NSPS will substantially change the DOD labor-management relations environment and employee grievance and appeals procedures. These developments provide enormous opportunities and challenges for the ADR Program to provide value-added services designed to assist in the implementation of NSPS. The ADR Program has been asked to provide training to all Air Force supervisors to help equip them to have the difficult conversations that a performance-based pay system will require. We have worked with a number of offices to ensure this training is consistent with the AF Force Development Construct. We have also tested this training to ensure that supervisors find it useful.

To support implementation of the AF Force Development Construct and NSPS, we have partnered with key Air Force stakeholders and outside experts, as discussed below.

1. Forming Cross-Functional Partnerships

Over the course of 2004, SAF/GCD formed strategic partnerships with key offices within the Air Force to ensure we provide the services our clients need.

a. Air Force Senior Leader Management Office (AFSLMO) (Attachment 10)

AFLSMO is responsible for establishing the AF Force Development Construct that establishes a framework for the professional development of all Air Force personnel. The Force Development Construct envisions three tiers of "Enduring Competencies," those skills and abilities that all Air Force personnel, military and civilian, need to have at particular levels of their careers. At the middle tier, or operational level, one of the major Enduring Competencies is "Influencing and Negotiating." Good negotiation skills are a fundamental part of many Air Force functional specialties, from acquisition officers, to lawyers, to program managers, to commanders and first sergeants, to supervisors and managers in the field. Yet, up to now, no recurring Air Force training program, military or civilian, has focused on teaching our personnel how to be effective negotiators. Recognizing this deficit, SAF/GCD partnered with AFSLMO to develop negotiation skills training that would meet the requirements of this Enduring Competency.

b. Air Force NSPS Program Office (AF/DPPN) (Attachment 11)

SAF/GCD formed a cross-functional and cross-command partnership to develop and test the value of providing negotiation training to Air Force supervisors. The training was designed to prepare them to handle difficult conversations required by a performance-based pay system like NSPS. Three offices were critical to this effort:

1. The Air Force NSPS Program Office (AF/DPPN), responsible for implementing NSPS within the Air Force;

2. Air Force Materiel Command, Director of Personnel (AFMC/DP), responsible for providing field-level support for approximately 60,000 Air Force civilian employees – the largest concentration of civilians in any Air Force MAJCOM; and
3. The Executive Director of the Oklahoma Air Logistics Center (OC-ALC/CD), responsible for the development and sustainment of the OC-ALC workforce.

These offices recognized the need for training to provide supervisors with the tools they need, not only to effectively manage conflict at the organizational level, but also to intelligently respond to disputes, such as grievances and appeals, that go beyond the immediate organization. To meet this need, SAF/GCD entered into an agreement with AF/DPP, AFMC/DP, and OC-ALC/CD to develop and test a supervisory skills course that focuses on interest-based problem solving, conflict management, and communication skills. The parties agreed that if this course met its objectives and received good reviews from supervisors taking the course, they would recommend it be adopted Air Force-wide as part of the "soft skills" training requirement for NSPS.

c. Deputy Chief of Staff, Personnel (AF/DP) (Attachment 12)

Recognizing the value of an integrated conflict management approach as the Air Force civilian workforce faces NSPS, BRAC, and other significant changes to their working environment, AF/DP specifically requested SAF/GCD to lead the implementation of a two-pronged Integrated Conflict Management System (ICMS). ICMS combines (1) effective, efficient dispute resolution techniques that are the hallmark of alternative dispute resolution with (2) the enhanced ability of Air Force management across the spectrum to effectively manage workplace conflicts at the earliest possible opportunity and at the lowest organizational level. These two aspects of ICMS, working together, offer the greatest promise that workplace conflicts will not detract from mission accomplishment. On 5 January 2005, Lt Gen Roger Brady officially requested SAF/GCD to expand its ADR program to include an ICMS component in support of AF/DP's efforts to implement NSPS.

2. Securing Support and Trainers from the Private Sector

The Air Force did not have sufficient organic resources to provide the large-scale training contemplated by NSPS implementation, so SAF/GCD sought assistance from the private sector. Highlights of our efforts are discussed below.

a. Contractor Support

In FY 04 the five-year Air Force ADR Program Services Support contract expired, and SAF/GCD conducted a new nationwide source selection. A total of 17 vendors from all over the country submitted proposals dealing with three broad support areas: 1) mediation and mediation services support (including mentoring); 2) training in ADR, mediation, and interest-based negotiation; and 3) ADR program support, including design and upgrade of the Air Force ADR website. In June, the Air Force awarded a contract to four firms: Centre Federal, Dispute Settlement Center, Key Bridge Foundation, and LAITCO Mediation Services.

These four contractors provide mediators, mediation mentors, third-party neutrals, and instructors in support of Air Force ADR program objectives. SAF/GCD has enlisted the services

of these contractors to help deliver training to supervisors in preparation for NSPS implementation and in support of the AFSLMO Force Development Construct.

We are committing a substantial part of our budget to provide this training and have completed two spirals of a three-spiral development program at the Oklahoma City Air Logistics Center at Tinker AFB. The completion of spiral development is anticipated in mid-February 2005, allowing for deployment of the training (in support of NSPS Spiral 1.1) in the spring of 2005.

b. Endorsement from ADR Experts

We briefed the American Bar Association Section of Dispute Resolution regarding our vision and plan for providing negotiation skills training to Air Force supervisors. The feedback and comments we received from distinguished ABA ADR professionals was extremely favorable. In fact, on August 8, 2004, the senior leadership of the Dispute Resolution Section unanimously adopted the text of the resolution below:

> The American Bar Association Section of Dispute Resolution recognizes the Department of the Air Force for its latest initiative in the area of dispute resolution: making a corporate decision to provide negotiation on a systematic basis. The Air Force has long been a leader in the field, and its latest - and potentially most far-reaching - initiative combines the core elements of negotiation training with expanded potential uses throughout a range of disciplines. The Air Force initiative starts with the recognition that negotiation techniques can be modeled, studied, and applied in virtually all Air Force activities involving civil law disputes. While negotiation training is not new, systematically developing and refining such training based on real-world experience is on the forefront of the negotiations and dispute-management field.
>
> We congratulate the Air Force on this exciting new program and look forward to cooperating with the Air Force in its efforts to make negotiations a corporate capability.

We are told that the Air Force is the only federal agency to receive this recognition. The support of the ABA will be of value to us as we move forward on this project.

3. Conclusion

SAF/GCD, working in partnership with AF/DP, is poised to provide supervisor training to approximately 33,000 Air Force Personnel. This training will:

- Be consistent with the AF Force Development Construct;
- Emphasize negotiation skills training;
- Be of the highest possible quality;
- Build on the success of the ADR Program and be a key feature in a new Air Force-wide Integrated Conflict Management System; and
- Be centrally funded (using GCD resources) and delivered primarily by contractors.

Our efforts will ensure that the highest quality training is provided to AF supervisors. This training will be linked to an Integrated Conflict Management System designed to help AF supervisors make NSPS a success.

C. Achieved Significant Results.

1. Air Force Contract Disputes ADR

Continuing a government-wide trend, FY 04 saw a decline in contractor claims against the Air Force. From the end of FY 01 through the end of FY 04, active cases at the Armed Services Board of Contract Appeals (ASBCA) that were not in awaiting-decision status declined by 44 percent. Because contractors filed fewer claims, ADR resolutions of disputes also declined. Air Force commitment to ADR in contract cases remained high, however (Table One). The Air Force offers ADR in more than 75% of the cases eligible for ADR. More contractors agree in principle to use ADR than reject ADR. These statistics reflect that ADR is the Air Force default position.

ADR Offer, Acceptance & Rejection[1]

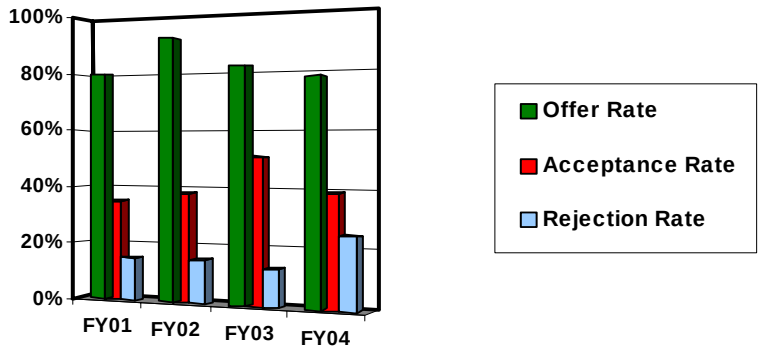


Table One

a. ADR Reduces Resolution Time

ADR takes far less time to resolve disputes than does the formal trial process. The data through FY 04 show that ADR resolves disputes in less than half the time, on average (Table Two).

Case Resolution Time Comparison
FYs 2000-2004 Docket to Resolution (in Months)

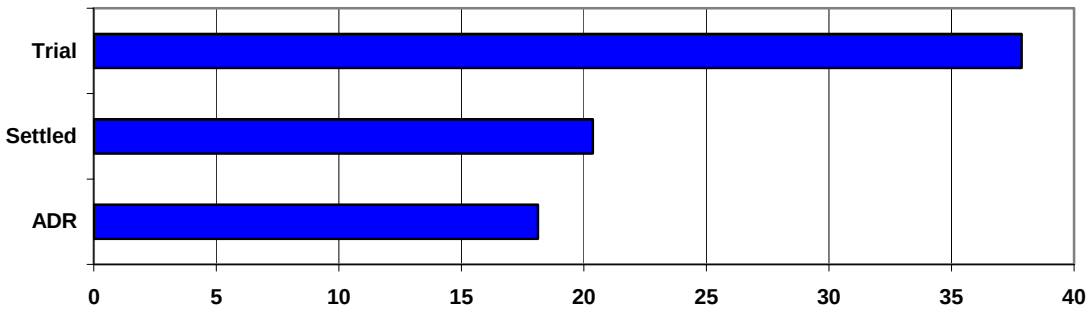


Table Two

[1] Statistics reflect annual average of quarterly snapshots of active cases.

Once parties formally agree to use ADR, the time to resolution is, on average, less than eight months (Table Three). By resolving the controversy early, ADR can avoid much of the cost of full litigation on the merits, including the government's liability for interest on contractor claims. Early resolution through ADR also means less disruption to Air Force programs and to the AF's working relationship with its contractors.

ADR AGREEMENT IN PRINCIPLE TO CONCLUSION

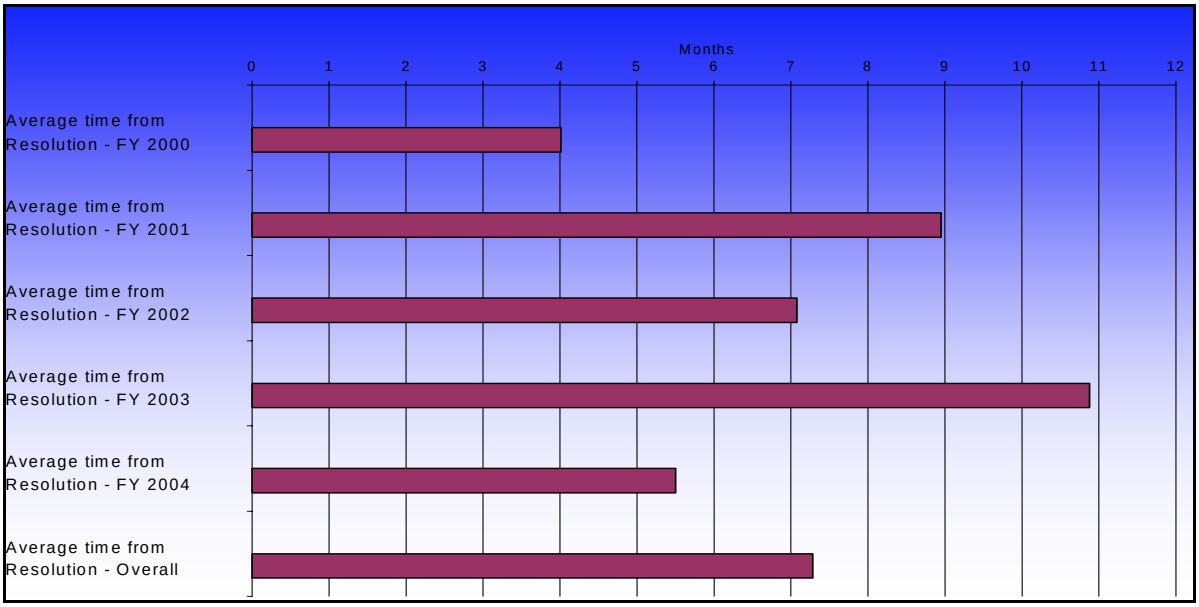


Table Three

b. Value of Disputes Resolved Through ADR

The Acquisition ADR Program is now an established and mature program. Again this year, ADR helped the Air Force avoid paying a substantial amount - $19.6 million - in contractor claims. We achieved results similar to those we anticipated if the matter had been fully litigated, but did so in months rather than years.

SAF/GCD conducts a continuing analysis of data pertaining to contract disputes to ascertain if the use of ADR has any perceptible effect on the ultimate resolution of the dispute. Thus far, the data indicate that ADR is "outcome neutral"—that is, the amount the Air Force pays on contract claims is not increased as a result of using ADR to resolve contract claims. For fiscal years 1994-1999 (before the Air Force "ADR First" policy), the Air Force paid 33.97 percent of contractors' claims. For fiscal years 2000 to 2004 (after the "ADR First" policy), the Air Force paid 33.57 percent of contractors' claims. These results are corroborated by a Department of Justice study that showed that ADR had no effect on the amount paid on claims against the government.

c. Maintained our "ADR First" Policy for the Resolution of Contract Controversies.

Air Force Policy Directive 51-12 encourages the voluntary use of ADR to resolve disputes at the earliest feasible stage, at the lowest possible organizational level, and by the fastest and most cost effective method. AFFARS Part 5333 (revised 5 Feb. 2004) encourages the

acquisition team to use ADR to the maximum extent practicable to resolve both protests and contract disputes. The AFFARS requires contracting officers to establish ADR agreements for ACAT I and II programs and to consider establishing ADR agreements for other programs. Contracting officers are also required to use ADR to the maximum extent practicable to resolve requests for equitable adjustment, and to seek legal review of proposed final decisions to ensure that opportunities for resolution through ADR are not overlooked.

d. Directorate of Contract Dispute Resolution

The Directorate of Contract Dispute Resolution within the Air Force Materiel Command Law Office (AFMCLO/JAB) handles Air Force contract disputes in ADR proceedings and litigation at the Armed Services Board of Contract Appeals (ASBCA). JAB has expanded its ADR workload to include "early involvements"– ADRs initiated before formal appeal to the ASBCA. Although attorneys throughout JAB use ADR, JAB created a separate ADR Division with ten attorneys whose practice emphasizes ADR. This special ADR Division provides an important ability to focus on ADR and can provide extremely efficient resolution of disputes. Last year we worked with AFMCLO/JAB to conduct briefings for approximately 1,800 contracting officers and legal staff within the various buying commands.

e. Early Warning System

SAF/GCD is developing another tool – the Dispute Early Warning System – as part of an increased focus on resolving disputes early. The latest available information from Air Force, DOD, and GAO reports, and the defense press is reviewed to help identify programs – like the Commando Solo program – facing challenges that might warrant legal review or involvement. Budget trends are reviewed to identify programs that are likely candidates for cuts or terminations, to permit review of termination clauses and other information that may be relevant to the Air Force's ultimate liability. SAF/GCD is also collaborating with the Defense Contract Management Agency, which is developing a tool to provide early prediction of industrial base problems such as suppliers' financial instability or quality assurance system weaknesses.

2. Air Force Workplace Disputes ADR

The Air Force ADR Program covers all types of civilian workplace disputes. Specifically, the Air Force employs ADR to help resolve EEO complaints, Unfair Labor Practice disputes, Merit Systems Protection Board (MSPB) appeals, grievances brought under a Negotiated Grievance Procedure or Agency Grievance System, and other workplace disputes not fitting a particular category.

a. What We Track and Why

AFI 51-1201, paragraph 38, requires all Air Force activities that process workplace disputes to keep track of four performance metrics and report them periodically to GCD. Those metrics are:

1. ADR attempt rates;
2. ADR resolution rates;
3. ADR processing times; and
4. Customer satisfaction.

In deriving these metrics, GCD requires bases to track and report ADR activity in EEO complaints (informal and formal), negotiated grievances, Unfair Labor Practice cases, MSPB appeals, administrative grievances, and "other" disputes not fitting specifically within the aforementioned categories. GCD collects this data through the use of a computerized database file. A more detailed explanation of changes to our data collection methodology for FY 04 can be found at Attachment 12.

b. Workplace ADR Attempts and Resolutions

ADR data reported to GCD for FY 04 is reflected in Attachment 13, showing the total number of workplace disputes, ADR attempts (including informal EEO complaints using an interest-based technique), ADR resolutions, and ADR attempt and resolution rates for each Major Command and significant Direct Reporting Unit. The results are summarized in Table Four below:

ADR Attempt and Resolution Rates in Workplace Disputes FY 04

	FY 2003	FY 2004	Change
Total Disputes Filed	6054	5565[2]	-8%
ADR Attempts	2724	2352	-14%
ADR Resolutions	2008	1728	-14%
Attempt Rate	45%	42%	-6%
Resolution Rate	74%	73%	--

Table Four

As Table Four illustrates, the 5565 disputes initiated in FY 04 was 8% fewer than in FY 03. This is good news for the Air Force and for the ADR Program: one of the benefits of ADR is to improve the working environment to reduce the incidents of complaints. Given the precipitous drop in total disputes, one naturally would expect to see a corresponding decline in the number of ADR attempts and ADR resolutions, and we saw that in FY 04, as indicated in Table Four. Declines in ADR attempts and resolutions were slightly more than the overall drop in disputes, resulting in a decline in the ADR attempt rate and no change in the resolution rate from FY 03 levels. The 42% ADR attempt rate is comparable to the Air Force historical average of 44%, but below the Air Force goal of 50%, as established in AFI 51-1201, paragraph 38.1. The 73% resolution rate is above the Air Force goal of 70% established in AFI 51-1201, paragraph 38.2.

Overall, the results for FY 04 were mixed. EEO complaints saw modest gains in ADR attempt and resolution rates, but non-EEO disputes, primarily negotiated grievances (NGPs), saw significant decreases from FY 03. Despite a 12% increase in NGPs from FY 03 to FY 04, ADR attempts decreased by 16% and ADR resolutions decreased by 20%. Since NGPs accounted for 38% of all Air Force workplace disputes in FY 04, these declines were significant enough to pull down the overall Air Force rates. A primary reason for the change in FY 04 was guidance issued by AFMC to its bases (after coordination with SAF/GCD) clarifying the processes that should be

[2] Does not include disputes on hand from FY 03. *See* Attachment 12 for explanation of reporting methodology.

reported as ADR. As a result, AFMC bases generally reported fewer ADR attempts in NGPs than in previous years. Since AFMC accounted for 85% of all negotiated grievances in FY 04, this change in reporting criteria alone had a noticeable impact on the overall Air Force numbers. Accordingly, we view the decline in ADR attempts for NGPs as being primarily attributable to the change in reporting criteria rather than to any actual change in NGP ADR activity.

In addition to usage statistics, GCD also tracks two other metrics established in AFI 51-1201: average timeliness of ADR processes, and satisfaction of ADR users with both the process and their mediator or other neutral. As a voluntary process, the success of ADR depends on the willingness of management and employees to use it. This willingness is a function of ADR's ability to resolve disputes quickly, using a process that participants perceive as fair and impartial.

c. Workplace ADR Timeliness

This is a new metric this year, and our review of reports indicates that some bases need to improve their tracking methodology. Most, however, were able to report with little difficulty. The standard for ADR timeliness is 45 days from the date the parties agree to use ADR until its termination, either by settlement or impasse. As Table Five indicates, ADR was completed in all cases in an average of 27 days, with formal EEO cases averaging the longest (50 days), and informal EEO complaints averaging the shortest (13 days). The overall averages are well within the metric standard of 45 days.

ADR Timeliness in Workplace Disputes
FY04 (Averages)

	FY 2003	FY 2004	Change
Informal EEO	N/A	13 days	--
Formal EEO	N/A	50 days	--
All EEO	N/A	29 days	--
Non-EEO	N/A	21 days	--
Average for All Disputes	N/A	27 days	--

Table Five

d. Workplace ADR Customer Satisfaction

With the publication of AFI 51-1201, a new customer service metric was added to gauge the percentage of ADR users who were satisfied with the process and, if applicable, with the third-party neutral conducting it. Ratings of the process range from "very satisfied" to "very unsatisfied," and ratings of the neutral range from "excellent" to "poor." The goal for the process rating is a rating of "satisfied" or better from at least 80% of the respondents. The goal for the neutral is a rating of "good" or better from 80% of the respondents. Table Six summarizes the Air Force average of ratings reported to SAF/GCD for FY 04. Since this metric was not part of our reporting before the AFI was published last April, data for FY 04 represent only the second half of the fiscal year.

ADR Customer Satisfaction FY04
Air Force Average

Process	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
	69%	20%	7%	2%	2%
Neutral	**Excellent**	**Good**	**Average**	**Fair**	**Poor**
	83%	12%	4%	>1%	>1%

Table Six

From the FY 04 data available to us, 89% of all ADR users who completed evaluations were "very satisfied" or "satisfied" with the process. This far exceeds the 80% goal for this metric, and shows that a significant majority of ADR users view ADR positively. At the same time, 95% of respondents rated their neutral as "excellent" or "good," which is significantly higher than the 80% goal for this metric, with more than three-quarters of the respondents rating their neutral as excellent. Although this is partial year data, the results are very encouraging. SAF/GCD analyzes individual installation breakdowns of customer service data and will report the results to the MAJCOMs, with recommendations as required.

3. EEO Complaints: A Closer Look

Each year the Air Force reports its EEO statistical data, including the use of ADR in both the informal and formal stages of the complaint process, to the Equal Employment Opportunity Commission. According to the Air Force's report for FY 04 (EEOC Form 462):[3]

- The Air Force offered ADR in 1114 of the 1651 cases in which informal counseling was done, yielding an offer rate of 67%. Of those 1114 offers, ADR was accepted by both parties (complainant and management) in 501 cases, for an acceptance rate of 45%.
- Of the 486 ADRs completed at the informal stage in FY 04, 300 resulted in settlement or no formal complaint filed, producing a resolution rate of 62%.
- At the formal stage, the Air Force offered ADR in 302 of the 1398 complaints on hand during FY 04, for an offer rate of only 22%. Of those offers, ADR was accepted by both parties in 159, for an acceptance rate of 53%.
- Of the 188 ADRs completed at the formal stage in FY 04, 141 resulted in settlement or withdrawal of the complaint, for a resolution rate of 75%.

These data suggest that when ADR is offered to the parties in EEO complaints at both the informal and formal phases, a substantial percentage agree to use it. This is especially true of management.

[3] Air Force Annual Federal EEO Statistical Report of Discrimination Complaints for FY 2004 (EEOC Form 462), Parts X and XI. Because of differing reporting criteria and definitions, the ADR data the Air Force reports to the EEOC differs from the EEO data reported separately to GCD.

According to the Air Force's Form 462 report, of the 1114 offers of ADR at the informal stage in FY 04, 549 rejections came from complainants, but only 64 from management.[4] Of the 302 offers at the formal stage, 114 rejections came from complainants but only 29 from management.[5] These variances are attributable to Air Force and command policies encouraging ADR whenever practicable and appropriate. These policies are much more likely to influence management choices than individual employee choices.

Bearing in mind that ADR is, at its heart, a *voluntary* process, the Air Force goal is to have parties opt to try ADR in at least 50% of the cases in which it is available. There are few EEO complaints that are truly inappropriate for ADR, especially at the informal stage. The 67% offer rate in informal complaints is excellent; however, the 22% offer rate in formal complaints is more problematic. For several reasons, we generally expect ADR to be attempted less frequently in formal EEO complaints than in informal complaints,[6] but the 22% figure posted for FY 04 is significantly below where it should be. For comparison, the FY 03 offer rate was 45%, and the FY 02 offer rate was 64%.[7] Although some of these differences may be due to data reporting anomalies experienced in the FY 02 and 03 reports, it is more likely that ADR offers at the formal stage are decreasing because EEO counselors are not sufficiently aware of the availability of ADR in formal case processing. SAF/GCD has called attention to this awareness gap in the Air Force EEO Managers Course and will continue to do so in the new EEO Counselors Course. However, this issue should be a focus item for those managing the Air Force EEO Program, and we will be bringing it to their attention.

4. Workplace ADR: Return on Investment

The Air Force has a longstanding mechanism to track return on investment data for EEO complaints, but has little infrastructure to track such data for non-EEO complaints (e.g., union grievances, agency grievances, etc.) We address our analysis for both areas below.

a. EEO Complaints

As in past years, ADR resolved complaints in a shorter period of time than did traditional resolution methods. In FY 04, the Air Force took an average 40 days to close an EEO complaint using ADR processes versus an average 391 days using all resolution methods. This time difference is important because the longer an EEO case remains open, the more it costs to process it. An Air Force Audit Agency study of EEO processing costs found that the costs of processing an informal EEO complaint to conclusion average approximately $1,800 per case, while processing a formal EEO complaint to conclusion averages over $16,000 per case. (See Attachment 14.) More recent estimates from other agencies place the total cost of processing a formal EEO complaint through investigation and hearing as high as $90,000.[8] There are also

[4] EEOC Form 462, Part X, Section B.
[5] *Id*., Part XI, Section B.
[6] Lower ADR offer rates at the formal stage are primarily due to two factors: first, the EEOC does not identify ADR as a specific option for formal complaints, as it does for informal complaints. Second, ADR is less likely to be offered at the formal stage of a complaint if it was unsuccessfully attempted at the informal stage.
[7] EEOC Form 462, Part XI data for FYs 2003 and 2002, respectively. Copies of the 462s for FYs 02-04 are available in GCD.
[8] Department of the Navy, Guidance/Advice Memorandum #56, *Relationship of Negotiated Grievance Procedure and Discrimination Complaint Procedure* (Rev. April 2003).

significant intangible costs associated with EEO complaints: e.g., decreased productivity, diversion of resources from mission accomplishment, loss of teamwork and esprit de corps, and poor employee morale. Using ADR to resolve EEO disputes at the earliest possible time (i.e., at the informal stage) and at the lowest organizational level helps keep tangible and intangible costs low.

There are also indications that an increased emphasis on ADR in EEO complaints helps reduce the number of complaints. In FY 04, the Air Force had 49% fewer informal EEO complaints than it did in FY 99 (on a normalized per-thousand basis) and 27% fewer formal complaints than FY 99. We believe that Air Force conflict-management training and an increased emphasis on ADR have materially contributed to that decline.

b. Non-EEO Complaints

Our annual request for ADR data asks bases to quantify the cost savings using ADR to resolve non-EEO workplace disputes instead of traditional, more adversarial processes. Everyone agrees that ADR, by emphasizing collaborative problem solving, reduces the intangible costs of disputes attributable to lengthy adversarial processes, e.g., workplace discord, declining morale, and lost productivity. Tangible costs are much harder to quantify, but generally consist of the time it takes to process a dispute by everyone involved: the employee, the union official, the supervisor, the Civilian Personnel specialist, the lawyer, and senior management. ADR requires a much smaller investment of labor to achieve results that are comparable to, and in many cases better than, the more traditional processes.

If ADR prevents an employee grievance from going to arbitration, it saves management anywhere from $1,500 to $2,500 per case (most collective bargaining agreements split arbitration costs equally between management and the union). For example, Tinker AFB, one of the Air Force's busiest bases for workplace disputes and ADR, reported that its average arbitration cost is $4,000, not including labor costs for agency attorney, Civilian Personnel specialists, and managers. In other parts of the country, arbitration costs are significantly greater. By contrast, a typical four-hour mediation of the same dispute, involving an Air Force mediator, the employee and the supervisor, costs a fraction of that amount. Tinker estimated it avoided $208,000 in direct costs by taking grievances to mediation instead of arbitration. In EEO cases, Tinker estimated it saved 3,444 labor hours by mediating EEO complaints instead of pursuing them through the standard complaint processing procedures. Another high-volume base, Hill AFB, estimated it saved 29,081 labor hours in all its workplace disputes (EEO and non-EEO), using ADR instead of the traditional dispute resolution processes.

Dover AFB reported avoiding arbitration costs of $3000-$5000 each for two grievances it successfully mediated instead. In a slightly different vein, McConnell AFB reported that its reliance on ADR as its primary dispute resolution method has resulted in no formal negotiated grievances in the past five years and no Unfair Labor Practice charges filed in eight years. Total estimated cost avoidance in the non-EEO arena during this time is $134,500. Elmendorf AFB estimated cost savings from using ADR to resolve a single EEO complaint in one squadron at $14,000.

c. Conclusion

As the foregoing makes clear, ADR is a key component to controlling dispute resolution costs. It does so by replacing traditional time-consuming, resource-intensive processes such as multi-step grievance procedures and the labyrinthine EEO complaint process with a single one-step process, typically mediation or facilitation, involving fewer participants. Moreover, by fostering settlement in an average 75% of the disputes in which it is used, ADR controls costs by introducing finality. Cases that are settled do not move on for further litigation or adjudication.

5. Supporting Requests by Commanders for ADR Program Design Assistance

During the past 12 months, SAF/GCD responded to the following MAJCOM and installation requests for assistance. These requests either came directly from the Commander or Vice Commander or an officer acting on behalf of the Commander or Vice Commander:

a. Headquarters Air Force Materiel Command (AFMC)

Prior to 2004, AFMC was the only MAJCOM with an ADR Program Plan that had been approved by the American Federation of Government Employees (AFGE Council 214). In April of 2004, the Air Force published its Civilian Workplace ADR AFI. As a result, AFMC needed to review and revise its ADR plan to ensure consistency with the new AFI. Accordingly, in May 2004 SAF/GCD sponsored and helped conduct the AFMC CPO Conference at Southbridge Conference Center in Massachusetts that was attended by 60 AFMC personnel. As a result of this conference, AFMC was the first MAJCOM to negotiate implementation of AFI 51-1201 with its unions, and is revising its ADR Plan in effect since 2002 to conform to the AFI. The AFMC ADR Plan has served as the template for most other MAJCOM ADR plans as they move to comply with the ADR AFI. In short, AFMC once again solidified its place as the leader in this field within the Air Force.

b. Headquarters Air Education and Training Command (AETC)

In response to the SECAF's 10 June 04 memorandum, the Vice Commander of AETC wrote to SAF/GCD and requested our assistance to conduct an ADR Program Design workshop for the Command. In August 2004 we sponsored and led an ADR Program Design workshop for 68 personnel from AETC bases. Attendees included Employee Relations and Labor Relations specialists, EEO Managers, ADR Champions, JAGs and union officials who helped draft and ratify AETC's ADR Program Plan. AETC represents the first operational command to adopt a MAJCOM-level ADR Program Plan and its senior leaders demonstrated unparallel leadership in this effort. From our perspective, AETC has set the example that other operational commands should follow.

c. Kirtland AFB

In August 2004 SAF/GCD responded to a specific request by 377 ABW/CC to brief senior Kirtland leadership on the ADR Program and initiatives in conflict management and negotiation skills training, and to provide ADR awareness training to Kirtland supervisory personnel. Over 200 Kirtland supervisors participated in three separate 3-hour ADR awareness seminars. The vision and leadership of the 377 ABC/CC provided an exemplar to the rest of the Air Force.

D. ADR Program Outreach Efforts.

In passing the Administrative Dispute Resolution Act of 1996, Congress found that, among other things:

> Federal agencies may not only receive the benefit of techniques that were developed in the private sector; but may also take the lead in the further development and refinement of such techniques…
>
> …and an increased understanding of the most effective use of such procedures will enhance the operation of the Government and better serve the public.

Accordingly, the Air Force ADR Program conducts targeted outreach activities inside and outside the Air Force to heighten awareness of ADR, Air Force ADR resources, and Air Force policy on ADR.

1. Working with the Private Sector: Air Force Corporate Counsel Day

The ADR Program supports AFMC's Corporate Counsel Day as a unique opportunity to share perspectives with corporate counsel from contractors doing business with the Air Force. The purpose of this event is to foster communication and cooperative problem-solving between corporate counsel and Air Force lawyers – the very essence of what our ADR Program seeks to promote. We also believe this is an excellent opportunity to get unvarnished feedback from industry on our ADR policy and to provide industry with the latest lessons learned from our program.

2. Working with Federal Agencies: Intra-Agency and Inter-Agency Cooperation

a. Inter-Agency ADR Working Group

Congress and the President established the Federal Government's Inter-Agency ADR Working Group to coordinate, promote, and facilitate the effective use of ADR in the government, pursuant to the Administrative Dispute Resolution Act of 1996 and a White House Presidential Memorandum. The Air Force is a member of the ADR Steering Committee and participates in preparing documents and training programs related to issues that cut across agency boundaries, e.g., ethical standards, acquiring neutrals, etc. In recognition of the work done by the Air Force ADR Program we were invited to attend an awards ceremony at the Department of Justice and received a certificate of appreciation from the Attorney General of the United States.

b. DOD ADR Coordinating Committee

The Secretary of Defense (SECDEF) established the DOD ADR Coordinating Committee pursuant to DOD Directive 5145.5. The ADR Committee holds periodic meetings attended by the heads of the ADR programs from the military departments and components. The purpose of these meetings is to coordinate ADR activity and avoid unnecessary duplication of effort.

c. Ad Hoc Meetings with Agency Dispute Resolution Specialists

The Air Force ADR Program has formed an informal working group of Federal Agency Dispute Resolution Specialists who administer programs similar to ours or work in agencies that can assist the Air Force in resolving disputes. We use these meetings to discuss strategic-level planning and to exchange program administration tips and lessons learned.

3. Working with Coalition Partners: International Briefings and Conference

The Air Force was asked to provide an ADR briefing to approximately 100 Canadian government officials charged with implementing integrated conflict management systems by March 2005. This proved to be a tremendous opportunity to educate Canadians about what the Air Force does and the support enjoyed by our program among senior Air Force leaders. We learned that in some areas we are ahead of our Canadian counterparts and in others we have much to learn. As a result of this effort, the Air Force ADR Program will arrange for a series of informal meetings with Canadian ADR professionals to exchange ideas and materials.

In 2004 the Air Force ADR Program also responded to inquiries from officials with the Australian Government and provided an ADR Program briefing to officials with the Dutch Ministry of Justice. We plan to include both the Australian and Dutch ADR professionals in future information exchanges with our Canadian counterparts.

E. Built Upon the Foundation Laid in 2003 to Promote More Systematic Use of ADR in Environmental and Land Use Controversies.

SAF/GCD has engaged on numerous fronts to help develop a systematic approach to the Air Force's use of ADR to resolve environmental disputes. We have participated in the planning for the 2005 Environmental Conflict Resolution Conference and are collaborating with SAF/GCN to moderate an ECR Conference discussion of the use of ADR to resolve environmental and land use issues arising from base closures. We are working with SAF/GCN, JACE, JAV, and JAB to facilitate an ADR resolution of an Air Force claim for contractor contribution to CERCLA clean-up costs at an Air Force plant. We will be working with SAF/GCN and JACE to develop a systematic approach to future Air Force environmental ADRs.

F. Website: Ensuring that Air Force Personnel are "One Click Away" From Air Force ADR Information and Resources.

The Air Force ADR Program website is the centerpiece of our efforts to ensure Air Force personnel, contractors, union officials, and the public have timely access to ADR information. Located at http://www.adr.af.mil, this site provides information about Air Force initiatives to use ADR techniques to resolve a wide range of disputes.

To assist in the implementation of ADR AFI 51-1201, GCD posted an ADR Program Implementation Guide (PIRG) on our website. This guide provides comprehensive guidance and forms to implement each and every requirement specified in the AFI. See http://www.adr.af.mil/afadr/adrpirg/index.html. The PIRG is another example of how GCD seeks to use technology to make it as easy as possible to implement the ADR AFI. In addition, GCD completed and posted a new online version of The Air Force Mediation Compendium (3rd Ed.), and all the MAJCOM ADR Plans and Commander's ADR policy memos in the "What's New" section. Finally, all database files for the FY 04 ADR data call were posted for easy download by

the bases. These and other uses of the website help Air Force personnel make informed choices about the use of ADR and make the actual use of ADR as easy as possible.

Because of content like the foregoing, the Air Force website is an extremely popular source of information for users both inside and outside the government. Here are the highlights of our website's usage and rankings during the last 12 months:

- Processed 155,618 requests for information (12,968 average requests per month);
- Has an average of 1386 users per month (308 average users per week);
- Is ranked seventh of more than two million sites by the Google Search Engine when using the search term "Alternative Dispute Resolution;" and
- Is ranked first of more than two million sites by the Google Search Engine when using the search term "Interest Based Negotiation."

We plan to make this website the cornerstone of our effort to develop an Integrated Conflict Management System.

G. Secured Sufficient Resources to Meet our Mission.

Air Force Policy Directive 51-12 makes SAF/GCD responsible for: (1) submitting, managing, and executing the Air Force ADR Program budget; and (2) supporting the development and implementation of initiatives consistent with the goals set forth in AFPD 51-12. As Table Seven below demonstrates, SAF/GCD has secured sufficient funding in the Air Force POM to pay for ADR-related case support, training, travel, and neutral services in FY 05.

Current Funding Profile for the Air Force ADR Program
(Figures In Millions of Dollars)

	FY05	FY06	FY07	FY08	FY09
SAF/GCD ADR Program Element	3,024	2,217	2,268	2,370	2,410

Table Seven

Equally important, we spent the vast majority of or FY 04 funding directly on ADR case support, as Table Eight shows.

FY 04 ADR Program Total Spending
SAF/GCD FY 04 Expenditures

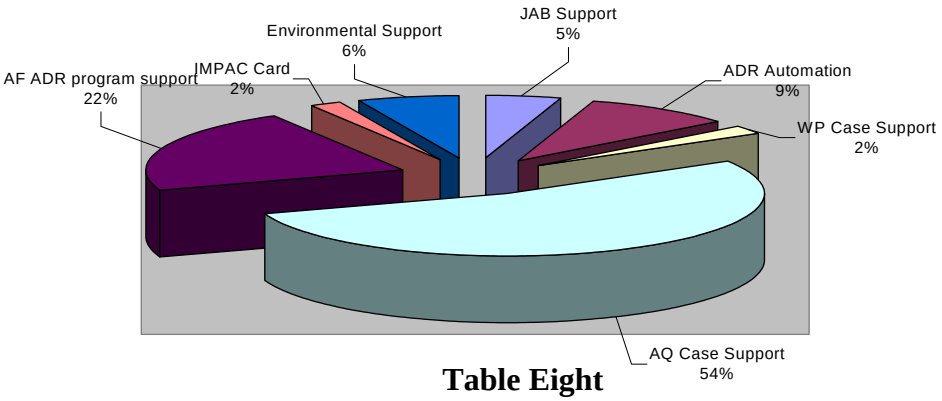


Table Eight

Fully 98%[9] of our funding was spent directly on acquisition, workplace, or environmental ADR case support. The remainder was spent on providing ADR program supplies necessary for the functioning ADR Program.

H. ADR Program Training: Providing Targeted Training.

As a key part of our mission, the ADR Program Office offers a range of training designed to suit potential Air Force needs.

1. Civilian Workplace Mediation Training

a. Basic Mediation Skills Training

The Air Force Civilian Personnel School has a fully accredited four-day basic mediation skills training course to train Air Force personnel to be collateral duty mediators. In addition to the in-residence course at Maxwell AFB in Montgomery, AL, the Air Force Civilian Personnel School sends the course on the road periodically to conduct MAJCOM or location-specific mediation training. SAF/GCD provides one of the course's instructors (our Director of Workplace Disputes ADR Programs), fully underwrites at least one "road show" course per year, and finances the instructor support for others. In June 04, we helped fund an additional residential Basic Mediation Course at the Civilian Personnel School (for a total of two in-residence courses in FY 04), sponsored a Basic Mediation Course "road show" at Kirtland AFB in March 04, and sponsored specialized mediation training at Tinker AFB.

b. Intermediate Mediation Training: The Mediation Mentor Program

The Air Force Mediation Mentor training initiative matches experienced mediators with trained, but inexperienced, Air Force mediators. The inexperienced Air Force mediator either co-mediates a case with an experienced mediator or simply observes an actual case. At the end of the mediation, the mentor then reviews each stage of the mediation to help the inexperienced mediator understand the techniques and strategies employed. If the mediation resolves the matter, the Air Force receives the twin benefits of a successful resolution and apprenticeship training. In FY 04, SAF/GCD used mediation mentoring in approximately 50% of mediations in which it procured the mediator (either Air Force or contract mediator), implementing our plan to emphasize mediation mentoring to provide practical training opportunities for Air Force collateral duty mediators.

c. Mediation Refresher Training

With the publication of AFI 51-1201, a minimum of eight hours mediation refresher training per year is now mandatory for all Air Force active mediators. SAF/GCD has partnered with the Air Force Civilian Personnel School, which manages all Air Force mediation training, to create a modular eight-hour refresher training program that can be packaged for presentation by base ADR Champions or delivered by experienced mediation instructors. The use of individual one-hour training modules provides flexibility and keeps training fresh from year to year.

[9] 54% of our funding was spent on Acquisition Case Support, 5 % on JAB Support, 9% on ADR Automation, 2% on Workplace Case Support, and 6% on Environmental ADR Support.

Modules on ethics (standards of conduct) and settlement agreement writing are mandatory and must be included in each eight-hour refresher training session. We rolled out an initial version of the refresher training at the ACC EEO/MEO Conference at Offutt AFB and will continue developing additional modules throughout 2005.

2. Negotiations and Alternative Dispute Resolution Course (NADRC)

Every year SAF/GCD, in conjunction with the Air Force JAG School, funds and conducts the Negotiation and Alternative Dispute Resolution Course at the JAG School. The five-day course trains Air Force judge advocates and civilian attorneys in interest-based negotiation and ADR techniques. This year's course, held in March, trained 64 Air Force and other service attorneys using extensive skills-building exercises, negotiation exercises, and mock mediations. The next course will be held at the JAG School in August 2005.

3. ADR Awareness Training

The Air Force provides ADR awareness training to approximately 3,000 personnel in the field – commanders, supervisors and managers, union officials, and rank-and-file employees. In FY 04, we trained over 200 supervisors at Kirtland and Tinker AFBs on how to use ADR and interest-based negotiation techniques to better manage workplace conflict and disputes.

4. Supervisor Training

Under the terms of a Memorandum of Agreement (MOU) with AF/DPPN (the Air Force NSPS Program Office); AFMC/DP, and OC-ALC/CD, SAF/GCD agreed to develop, test, evaluate and fund training for Air Force supervisors that would be consistent with: (1) Air Force Enduring Competencies; and (2) NSPS training requirements. SAF/GCD developed training consistent with the foregoing requirements and embarked on an extensive testing and evaluation effort. The tests and evaluation of our training are discussed below. We also briefly summarize changes we made to ensure this training was of the best quality, and best value possible, and that it was ready for Air Force-wide deployment.

a. Alpha Testing

We conducted Alpha testing on a hand-picked group of very senior personnel specialists with extensive experience with pay-for-performance systems initiated in the Air Force acquisition and lab demonstration programs. As a result of the Alpha testing we validated that negotiation training would be valuable to supervisors, as long as the examples and exercises used to reinforce teaching points were related to realistic workplace problems. We developed additional content consistent with the feedback we received and prepared our training for Beta testing.

b. Beta Testing

We conducted Beta testing with the help of 60 personnel from AETC drawn from a wide range of backgrounds (union officials, EEO counselors, Civilian Personnel Officers, JAGs). This training received an overall score of 4.9 / 5.0 from the AETC attendees. Accordingly, we concluded that this training was on target and made only minor changes to our course content. We then prepared the training for a larger scale evaluation effort.

c. Spiral Development

Upon completion of our Beta testing efforts, GCD embarked on a training test program composed of three spirals. The purpose of this approach was to:

- Demonstrate that Air Force-developed training can be successfully delivered to an audience of Air Force personnel by private-sector contractors.
- Test the course content on field-level supervisors to refine its content and continue to test its validity.
- Develop past performance records for four contractors so that the Air Force ensures that we have high quality contractors providing future training services.

The results of Spirals One and Two are discussed below along with a brief discussion of the final deployment configuration of the supervisor training that will be made available to 33,000 Air Force supervisors.

i. Spiral One

Spiral One training was delivered to approximately 70 supervisors at Tinker AFB. This training was designed to test whether contractors could provide this training and receive results similar to those that SAF/GCD achieved during its Beta test at AETC. Upon completion of this training, when asked the question "Would you recommend that program personnel from within your organization (and their counterparts) attend this workshop?" approximately 81% (53 out of 65) responded "Yes," while 8% responded "No," and 11% responded "Not Sure." Spiral One proved that Air Force-developed training could be taught to Air Force supervisors by private contractors. This training opportunity also provided SAF/GCD with valuable feedback regarding content changes that were necessary to improve the quality of this training. Equally important, this training effort demonstrated that some (and perhaps all) contractors have the capacity to achieve student feedback scores similar to those achieved by Air Force trainers.

ii. Spiral Two

Spiral Two training was provided to approximately 100 supervisors at Tinker AFB. This training was designed to:

- Demonstrate that the private-sector contractors have either mastered or are steadily improving toward successful delivery of the Air Force-developed training to an audience of Air Force personnel; and

- Determine what (if any) improvements needed to be made to our training effort.

Upon completion of the training, when asked the question "Would you recommend that program personnel from within your organization (and their counterparts) attend this workshop?" approximately 93% responded "Yes," while 4% responded "No," and 3% responded "Not Sure."

Day two of our training received good reviews, but was consistently the source of comments indicating that the day two training may be more sophisticated than some supervisors need or want. In addition, after analyzing the budget implications of deploying a two-day training course across the Air Force, we have concluded that we cannot afford to do so. Accordingly, we have decided that the deployment configuration for Air Force-wide NSPS supervisor training should be a one-day (rather than a two-day) course. This will allow SAF/GCD to provide a core-training unit that will be helpful in training supervisors to deal with potential managerial problems due to NSPS, while staying within budgetary guidelines. We understand that reducing our training to one day will place a premium on following up with students to challenge them to apply the skills learned through the training. To address this problem, SAF/GCD is looking to create a knowledge management system that will support employees in supervisory positions and give them contact personnel and further information regarding the subject matter.

iii. Deployment Configuration

Spirals One and Two proved that contractors can teach Air Force-developed training content to Air Force supervisors. They also provided SAF/GCD with invaluable feedback regarding content changes that are necessary to improve the quality of the training. Equally important, this training effort demonstrated that all four contractors have the capacity to teach the courses in an effective manner. However, because of content, budget, and logistics concerns, the deployed version of the NSPS Supervisory Skills training will be only one day long and will be supported by intensive follow-up effort to reinforce the skills taught in this course, including a sophisticated support infrastructure (e.g., an online knowledge management system; e-learning modules, streaming video modules, etc.)

I. Air Force Recruiting (Co Op Program).

For the last four years, the Air Force ADR Program office has relied extensively on graduate degree students – principally in MBA and International Affairs programs – for special projects in the office. These highly talented and motivated individuals work on matters such as our contract early warning system, the Air Force negotiation project, SAF/GC budget issues, and workplace ADR, among many others. The Co Op program not only serves the ADR Program, but also provides a source of outstanding candidates for Air Force career civilian service.

J. Data Collection and Evaluation.

1. MAJCOM Evaluation Reports

The Air Force ADR Program has been collecting workplace disputes ADR data from the field for several years. GCD analyzes that data and gives feedback to the MAJCOMs and DRUs on the health and direction of their ADR programs. This feedback is even more important now that the MAJCOMs are required by AFI 51-1201 to have formal ADR programs in place and to track their ADR data as metrics. We anticipate completing the reports and sending them out to the MAJCOMS in early CY 05. These reports will be used to identify ADR trends, highlight those areas where bases are doing well, identify areas needing improvement, and make appropriate recommendations.

2. Automated Data Collection Initiatives

As previously noted, SAF/GCD converted to an all-electronic data reporting format for the FY 03 reporting period, and used that format again for the FY 04 report. The FY 05 report will be entirely web-based, thanks to a new online system developed and partially deployed in FY 04. In addition, enhancements to the system will allow bases to enter and track their ADR data on a continuing, real-time basis, giving them greater flexibility and case management capabilities, while eliminating the need for burdensome end-of-year reports. We expect the system to be fully operational by Summer 2005. In addition, we are working with AFMCLO/JAB to refine and update their litigation/ADR database to permit both offices to track, review and analyze the results of our contract dispute resolution policies.

K. Challenges: Positioning the Program to Adopt to Dramatic Changes in Air Force Budgets and Programs.

1. Challenges in the Workplace ADR Program

NSPS implementation beginning mid-2005 will present twin challenges to SAF/GCD: (1) providing negotiation and communication skills training to all affected supervisors in advance of Spiral deployment; and (2) ramping up ADR services in anticipation of employee workplace disputes. This second challenge will be intensified if there is a new round of proposed base closures and realignments in 2005. In the meantime, SAF/GCD must ensure that support and enthusiasm for ADR remains strong at MAJCOMs and individual bases. Given the profile of NSPS and BRAC, for example, it is easy for dispute resolution to fall below the radar. Moreover, as a mature program in workplace disputes, ADR is vulnerable to a sense of complacency by managers and employees alike, so our challenge is to counteract that complacency.

An additional challenge is the quality of those who serve as third-party neutrals in Air Force workplace dispute mediations. By design and necessity, the Air Force must rely principally on internal collateral duty mediators (i.e., Air Force employees who serve as mediators as an additional duty) to mediate the bulk of our workplace disputes. There is a wide disparity in the quality and experience levels of Air Force collateral duty mediators, and SAF/GCD is taking measures to correct that imbalance. During FY 04, we began putting together a voluntary mediator certification program that will be unveiled in 2005. This program will create a corps of highly qualified, experienced mediators who are available for virtually all Air Force mediations. This should significantly enhance the basic quality of the Air Force mediator corps and the value of mediation to its users.

2. Challenges in the Acquisition ADR Program

We face a period of program reviews and budget cuts and realignments that we believe are likely to lead to more contract disputes. The current review of contract actions undertaken by senior Air Force officials during the past decade may reopen contract actions completed years ago. In addition, Air Force procurement accounts are expected to be used to pay unfunded bills in FY 05. We also expect significant reductions/realignments of major weapon system programs in FY 06 that may include large-scale terminations. Finally, the review of the roles and missions of the Military Departments pursuant to the Quadrennial Defense Review (QDR) is likely to generate still more changes to weapon system procurement programs. We believe that the

combination of the foregoing factors is likely to increase (perhaps significantly) the contract disputes activity of the Air Force.

Within this context, we believe the major challenge for contract dispute resolution is to shift from reactive use of ADR to early involvement in contract disputes. Although reactive use of ADR, which does not attempt to resolve the dispute through ADR until a claim has been denied and appealed to the ASBCA, is substantially better than formal litigation, it will not achieve the full potential of ADR to save time and money. The reactive approach limits the benefits of ADR by allowing the parties' positions to harden and by failing to cut off CDA-interest liability and time-consuming litigation procedures. Future efforts must focus on identifying disputes early, quickly involving the ADR specialists at AFMCLO/JAB, and implementing the ADR agreement early before the dispute gets bogged down in the formal litigation process. Moreover, addressing disputes even earlier – at the initial negotiation stages through skilled negotiation techniques – will allow the Air Force to better manage disputes at all stages.

L. Current Initiatives.

1. Deployment of an Integrated Conflict Management System

NSPS implementation provides an historic opportunity for the Air Force to shift to a more holistic approach to management of workplace disputes that focuses on prevention and early resolution. The goals of any such initiative are outlined in Air Force Policy Directive 51-12:

- Promote voluntary informal and consensual dispute resolution.
- Promote creative, efficient, and sensible outcomes in dispute resolution.
- Reduce the tangible and intangible costs, in time and resources, associated with dispute resolution.

The key to realizing these goals is to recognize that ADR is part of a wider, more comprehensive construct called Integrated Conflict Management (ICM).[10] While ADR has proved itself very effective in resolving disputes, ADR processes normally require the intervention of a third party and generally occur after a conflict or disagreement has developed into a genuine dispute. It is far more efficient and effective to focus our efforts on the management of conflict, so as to prevent full-blown disputes from developing. Integrating the use of high-quality negotiation skills training and ADR processes into our daily operations will help the Air Force resolve conflicts at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level.

Our vision is to develop a comprehensive training program that will provide Air Force personnel with a simple, but sophisticated, framework to assess, conduct and evaluate negotiations. Having a common negotiation model will permit us to better analyze common negotiation scenarios and to evaluate their outcomes. This, in turn, will permit us to

[10] The Canadian Government recently enacted the Federal Public Service Modernization Act that, among other things, requires certain agencies to adopt an "informal conflict management system" by March of 2005. See Section 207. The term "informal conflict management system" as used in this legislation includes ADR, but goes much further to ensure that these agencies develop conflict management *systems*. This legislation was enacted after a world-wide study and reflects the best practices identified by senior Canadian officials in this area.

systematically collect, refine and teach the best negotiation practices and techniques. Ultimately, having a common negotiation framework will help us collect and share our negotiation experiences and turn this knowledge into a "corporate capability" of the Air Force.

To realize our vision of negotiation skills as a "corporate capability," the Air Force needs to focus on three key and mutually interdependent elements: in-residence training, reinforcement and support for business processes that promote consistent behavior, and an IT infrastructure to deploy and support the processes and tools. We have already developed and deployed several in-residence negotiation training courses, including one specifically geared toward acquisition professionals and one specifically geared toward AF supervisors. However, we recognize that in order for negotiation skills to become a true corporate capability, they must be adopted at all levels within the AF and utilized on a regular basis.

By providing our workforce with state-of-the-art training that focuses on effective communication, win/win negotiation and conflict-management skills training, we can provide our workforce with the skills they need to resolve controversies without the need to resort to a third-party dispute resolution system. We can also prepare the workforce to have the confidence and skills necessary to have the difficult conversations that the new NSPS will demand of them. In addition, the combination of our award-winning ADR Program with a robust dispute prevention system will transform the Air Force's ADR Program into an Integrated Conflict Management System.

2. EEO Formal Complaint Case Streamlining Pilot Project: Compressed Orderly Rapid Equitable (CORE) Program

On August 13, 2004, DOD announced Secretarial approval of a statutorily mandated pilot to streamline the federal EEO complaint process. The Air Force, along with the Defense Logistics Agency and the Defense Commissary Agency, were selected to conduct pilot projects for a two-year period beginning October 1, 2004, with an option to extend the pilots an additional year. The Air Force pilot, known as CORE (for Compressed, Orderly, Rapid, Equitable), has been implemented at 31 Air Force test bases, representing 80% of the Air Force's EEO workload, with further expansion Air Force-wide after six months. The essential features of the CORE process, which is available to almost all EEO complainants as a voluntary option, are an initial mediation phase, followed (if mediation is declined or does not resolve the complaint) by an expedited fact-finding process that replaces both the agency investigation and EEOC hearing, reducing processing times from an average 400 or more days to 127 days or less. SAF/GCD wrote the CORE proposal approved by DOD and is responsible for procuring and funding Air Force and/or contract mediators to CORE complainants who agree to mediation.

3. Enhancing the Quality of Mediation Services Throughout the Air Force

SAF/GCD is responsible for general oversight of Air Force mediation standards in workplace disputes. The predominant mediation method for Air Force workplace disputes is the facilitative method, which requires a mediator with considerable skills and experience to be fully successful. Most mediators in Air Force workplace disputes are internal, collateral duty Air Force mediators, supplemented by contract mediators, OCI mediators (for EEO complaints) and other federal agency mediators. Under current guidelines as reflected in AFI 51-1201, paragraphs 22 and 23, an Air Force mediator must meet the following minimum standards: (1) satisfactory completion of the Air Force Basic Mediation Course or a comparable course consisting of at least 30 hours of combined classroom and role-playing mediation instruction focusing on the

facilitative method of mediation; (2) maintain acceptable proficiency through the active mediation of cases (the AFI recommends at least four per year); (3) a minimum of 8 hours of refresher training per year; (4) appointment by the installation commander or designee; and (5) adherence to the applicable Standards of Conduct. For EEO complaint mediations, the mediator must also meet EEOC requirements specified in Management Directive 110, Chapter 3, section IV.b.

Beyond these minimum requirements, there is currently no Air Force program to certify mediator competency or to formally recognize specific qualifications, such as specialized training or experience. Nevertheless, as the Air Force Dispute Resolution Specialist (AFDRS), SAF/GCD firmly believes that the health of any ADR program depends on the quality and skills of its neutrals, and that these skills must be developed and honed over time with training and experience. Moreover, effective delivery of mediation services requires matching the proper skill-level and experience of a mediator with the issues and complexities of a particular dispute. The goal of the Air Force Mediator Certification Program is to recognize mediation skills and to provide proficient dispute resolution capabilities by encouraging new and experienced mediators, and the ADR Champions who assign them to cases, to improve their skills through a combination of continuing education, training and further mediation experience.

M. Conclusion: The ADR Program Had a Very Productive Year.

The past 12 months have been productive and we have achieved significant results. The rate of use of ADR in acquisition disputes remained high, our workplace dispute ADR metrics look good, and we laid the foundation to institutionalize workplace ADR and to implement a number of new and significant initiatives. There are three other significant developments that should be highlighted:

- ADR AFI Implementation: SAF/GC has never before issued a policy that resulted in every active-duty MAJCOM Commander issuing implementing memos. These actions demonstrate the value attached to our program by commanders.

- AF/DP Request for Assistance: AF/DP's request for support means that 33,000 supervisors will receive the training we developed. It is extremely unusual for a client to ask GC to expand a legal program (" . . . we need to expand our ADR capability into an Integrated Conflict Management System") and this development provides SAF/GC an opportunity to help all Air Force supervisors resolve disputes at the lowest level possible, using the fastest and least expensive means possible.

- ABA Endorsement: The ABA Section of Dispute Resolution awarded the Air Force its prestigious “Lawyer as Problem Solver Award” in 2003 and this year passed a unanimous resolution praising the Air Force’s efforts to make negotiations a corporate capability. We are honored that the ABA continues to recognize the Air Force legal community for its leadership in the fields of ADR and negotiation.

As the Air Force responds to unprecedented challenges in 2005, the ADR Program is well positioned to manage, reduce, or avoid unnecessary costs associated with Air Force dispute resolution.

AFI 51-1201 COMPLIANCE CHECKLIST

- ***MAJCOM***
  - ❑ Champion (AFI ¶9) to Administer ADR Program (AFI ¶10.1)
  - ❑ MAJCOM ADR Plan (AFI ¶9)
- ***Installation Commander***
  - ❑ Publish policy promoting ADR (AFI ¶11.1)
  - ❑ Appoint ADR Champion (AFI ¶11.2)
  - ❑ Approve installation ADR Plan (AFI ¶11.3 & ¶20)
  - ❑ Appoint collateral duty mediators (AFI ¶11.4)
  - ❑ "Best efforts" to ensure resources for ADR training (AFI ¶11.5)
- ***Installation ADR Champion*** (AFI ¶¶12, 26 & 40)
  - ❑ Assist CC in setting ADR policies & procedures (AFI ¶12.1)
  - ❑ Negotiate agreements or plans for the use of ADR for CC's approval (AFI ¶12.2)
  - ❑ Assist CC in promoting/marketing ADR among all organizations (AFI ¶12.1)
  - ❑ Remove obstacles to the use of ADR (AFI ¶12.9)
  - ❑ Exercise oversight of ADR program (AFI ¶12.11)
  - ❑ Request ADR funding (AFI ¶12.12)
  - ❑ Designate FAMs (as appropriate) & ensure they are trained (AFI ¶¶12.3 & 12.8)
  - ❑ Consolidate ADR reports for submission to HAF (AFI ¶12.5 & ¶¶38-39)
  - ❑ Maintain list of ADR resources (AFI 1¶2.6)
  - ❑ Recommend neutrals & ensure they are trained (AFI ¶¶12.7 & 12.8)
  - ❑ ADR case screening recommendations (AFI ¶12.10 & ¶21.3)
  - ❑ Ensure functionals on base link to the AF ADR Website (AFI ¶12.13)
  - ❑ Provide ADR facilities that can accommodate private conversations (AFI ¶26.2)
  - ❑ Process mediator complaints (AFI ¶40.1)
- ***SJA***
  - ❑ Provide legal advice & ADR suitability advice to CC (AFI ¶¶14.1 & .2)
  - ❑ Provide ***timely*** coordination and advice on ADR matters (AFI ¶14.3)
  - ❑ Review and coordinate on written settlement agreements (AFI ¶14.5)
- ***CPF***
  - ❑ Assist ADR Champion develop and implement ADR plan in non-EEO disputes (AFI ¶15.1)
  - ❑ Work with others to integrate ADR into non-EEO workplace disputes (AFI ¶15.2)
  - ❑ Provide technical support to neutrals and agency reps (AFI ¶15.3)
  - ❑ Review settlement agreements from ADR proceedings in non-EEO matters for compliance with personnel rules, regulations and policies (AFI ¶15.4)
- ***EEO***
  - ❑ Manage EEO ADR IAW EEOC directives (AFI ¶16.1)
  - ❑ Assist the ADR Champion in implementing the ADR Program (AFI ¶16.2)
  - ❑ Work with others to integrate ADR into EEO complaint program (AFI ¶16.3)
  - ❑ Review settlement agreements resulting from EEO ADR efforts (AFI ¶16.4)

CIVILIAN WORKPLACE ADR AFI COORDINATION AND IMPLEMENTATION EFFORTS

- **SAF/GCD & AF/DPP Joint Memorandum to MAJCOM/FOA/DRU Commanders (May 2004).**
  - Purpose: (1) Demonstrates partnership between SAF/GC and AF/DP; (2) Provides a roadmap on implementing the ADR AFI; (3) Provides Commanders a detailed assessment of their installation's ADR program; and (4) Provides GCD points of contact to the field.
  - Outcome: Memorandum officially kicked off ADR AFI implementation efforts.

- **SAF/GCD Memorandum to Staff Judge Advocates (May 2004).**
  - Purpose: (1) Ensures the legal community is aware of the ADR AFI's requirements; (2) Affirms partnership between GC and JA in promoting fair and effective dispute resolution solutions to commanders.
  - Outcome: Keeps field-level JAGs in the loop and ensures their participation in the implementation of the AFI at all levels of command.

- **AF/JA Memorandum to all AF Attorneys via Online News Service (May 2004).**
  - Purpose: Ensures the JAG Community knows that TJAG supports the ADR Program and expects the same from them.
  - Outcome: Greater cooperation from MAJCOM and field-level JAGs.

- **SAF Memorandum to MAJCOM/DRU Commanders (June 2004).**
  - Purposes: (1) Demonstrates leadership support for ADR program at highest levels; (2) Enlists support of MAJCOM commanders to ensure full implementation of ADR programs throughout their commands.
  - Outcome: MAJCOM DPs and SJAs are motivated to design and implement ADR programs from top to bottom in their commands. Most MAJCOMs now have plans and policies in place; those that don't are actively working them with implementation dates in early CY 2005.

- **Publicized AFI 51-1201 within the AF Civilian Personnel Community (AFMC CPO Conference, World-Wide CPO Conference, DP Newsletters and messages to the field).**
  - Purpose: Ensures civilian workplace dispute professionals are aware of the ADR AFI's requirements and our guidance on how best to implement it.
  - Outcome: Keeps field-level civilian workplace dispute professionals informed about what to expect from the ADR AFI.

- **Worked with MAJCOM/FOA/DRU Commanders to Co-Sponsor ADR Plan Development Conferences.**
  - Purpose: (1) Includes key stakeholders (EEO, LMR, EMR, CPO, JA and affected unions) in the development of ADR Plans; (2) Emphasizes that ADR programs must be custom tailored to local needs; (3) Emphasizes the need to make workplace systems more effective and to prepare the workforce for NSPS implementation.
  - Outcome: Secure stakeholder buy-in.

- **Developed a robust surge capability to ensure we can provide the ADR services and training the field will require to implement the ADR AFI.**
  - Purpose: Ensures GCD provides high-quality and consistent ADR services across the Air Force from a mix of organic Air Force and contract resources.
  - Outcomes: (1) Satisfies the demand for custom-tailored ADR services throughout the Air Force; (2) Leverages our resources to provide the best bang for the buck.

SECRETARY OF THE AIR FORCE
WASHINGTON

JUN 10 2004

MEMORANDUM FOR ALMAJCOM-FOA/CC

SUBJECT: AFI 51-1201 (Alternative Dispute Resolution in Workplace Disputes)

As you know, Air Force policy is to use Alternative Dispute Resolution (ADR) to the maximum extent practicable and appropriate. I recently approved AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes* (21 Apr 04), that implements this important policy in the context of workplace disputes. ADR saves the Air Force money and time and contributes to the amicable resolution of disputes. Together, these benefits support the overall Air Force mission.

To date, Air Force use of ADR in workplace disputes has produced very impressive results. In fiscal year 2003, the Air Force resolved over 2,000 workplace disputes using ADR. The successful use of ADR in Equal Opportunity complaints resolved disputes in just 28 days on average, compared to 440 days on average for other resolution methods. Each resolution of a dispute using ADR techniques effectively diverts that dispute from more costly, time-consuming and disruptive litigation.

The Air Force can do even more to maximize the benefits of ADR in workplace disputes. As civilians assume a greater role in our Total Force, we must employ all means possible to improve those systems designed to enhance our workforce productivity, including dispute resolution. Without your leadership, our civilian workplace ADR policy cannot realize its full potential. I urge each of you to make a personal commitment to ensuring the Air Force achieves the full measure of benefits of Alternate Dispute Resolution and this Instruction.

cc:
SAF/GC
SAF/MR
AF/DP

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE OHIO

MEMORANDUM FOR ALHQCTR/CC
ALHQSTAFF

AUG 0 8 2004

FROM: AFMC/CC
4375 Chidlaw Road
Wright-Patterson AFB OH 45433-5001

SUBJECT: Alternative Dispute Resolution (ADR) in Workplace Disputes

1. In a 10 Jun 04 memo to all MAJCOM and FOA commanders, Secretary Roche urged us to make a personal commitment to ensure implementation of the recently published AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes*. I've attached that memorandum for your review and appropriate action.

2. I'm pleased to report that AFMC has already significantly integrated ADR into our civilian workplace dispute processes, from EEO complaints to negotiated grievance procedures. Thanks to the hard work and commitment to ADR shown by the AFMC-AFGE Council 214 Partnership Council, our Civilian Personnel Officers, EEO Managers, ADR Champions, and others, AFMC leads the way in the Air Force for using ADR to resolve workplace disputes. In FY03, over half of AFMC's civilian workplace disputes were addressed using an ADR process, of which 72 percent were resolved.

3. Although AFMC can rightfully claim significant success integrating ADR into our dispute resolution processes, there is still more to be done. While ADR is not appropriate in every dispute, it is a viable alternative in the great majority. Center commanders and their staffs are responsible for making every reasonable effort to ensure the work force, supervisors and employees alike, have the tools to resolve disputes at the lowest possible level, by the least expensive means, in a way that preserves the integrity of the workplace and ensures mission accomplishment. ADR has proved itself, in AFMC and elsewhere, to be a valuable tool for achieving those objectives.

4. I strongly support the Secretary's call for personal commitment to promote the use of ADR in workplace disputes and expect you to do the same. The AFMC ADR Champion is Mr. Leif Peterson, HQ AFMC/DP, DSN 787-2400, leif.peterson@wpafb.af.mil. He and his staff stand ready to support your efforts.

GREGORY S. MARTIN
General, USAF
Commander

Attachment:
SAF Memo, 10 Jun 04

cc: (Listed on next page)

cc:
AFGE Council 214, Mr. Scott Blanch
SAF/GCD
46 TW/CC
66 ABW/CC
72 ABW/CC
75 ABW/CC
78 ABW/CC
88 ABW/CC
95 ABW/CC
96 ABW/CC
377 ABW/CC
412 TW/CC

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

06 OCT 2004

MEMORANDUM FOR SEE DISTRIBUTION LIST

FROM: AETC/CC
1 F Street, Suite 1
Randolph AFB TX 78150-4324

SUBJECT: Alternative Dispute Resolution (ADR) in Workplace Disputes

1. In a 10 Jun 04 memo to all MAJCOM and FOA commanders, Secretary Roche urged us to make a personal commitment to ensure implementation of the recently published AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes*. As part of AETC's commitment, our DP and JA recently teamed with the Air Force General Counsel's Office to conduct an ADR Program Design Workshop to develop the AETC ADR plan and obtain buy-in from ADR stakeholders at all AETC bases. As a result, I am pleased to report that AETC is the first Air Force operational MAJCOM to implement a Command-wide ADR plan for workplace disputes. It is attached for your review and action.

2. It is AETC's policy to maximize the use of ADR in workplace disputes to the extent practicable and appropriate. While ADR is not appropriate in every workplace dispute, it is a viable alternative in the great majority. Installation commanders and their staffs are responsible for making every reasonable effort to ensure supervisors and employees have the tools to resolve disputes at the lowest possible level, by the least expensive means, in a way that preserves the integrity of the workplace and furthers mission accomplishment.

3. Adoption of the AETC ADR plan begins the next phase of ADR implementation. All AETC installations are expected to design and implement their own plans commensurate with their workplace dispute workloads and mission requirements. As you develop your plans, maintaining a strong partnership with all ADR stakeholders, including DP, EEO, JA, and affected unions, is essential to your success.

4. I strongly support the Secretary's call for personal commitment to promote the use of ADR in workplace disputes and expect you to do the same. The AETC ADR Champion is Colonel Mike Hudson, HQ AETC/DP, DSN 487-3109. He and his staff stand ready to support your efforts.

DONALD G. COOK
General, USAF
Commander

Attachments:
1. SAF Memo, 10 Jun 04
2. AETC ADR Plan

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR MOBILITY COMMAND

MEMORANDUM FOR 18 AF/CC **ALL AMC WING COMMANDERS** NOV 2 9 2004
AMWC/CC **AMC STAFF**

FROM: AMC/CC
402 Scott Drive, Unit 3EC
Scott AFB IL 62225-5310

SUBJECT: Alternative Dispute Resolution (ADR) in Workplace Disputes

1. In a 10 June 2004 memo to all MAJCOM and FOA commanders, the Secretary of the Air Force urged us to make a personal commitment to ensure we achieve the full measure of benefits of ADR and AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes.*

2. The ADR processes have proven to be highly effective in resolving workplace disputes fairly and quickly. Additionally, they help to maintain a productive work environment which is essential to mission accomplishment. I want to maximize the use of ADR in workplace disputes to the most practicable and appropriate extent. Although ADR may not apply to every workplace dispute, it is a viable alternative for a majority of them. Commanders and their staffs are responsible for making every reasonable effort to ensure supervisors and employees have the tools to resolve disputes in a way that preserve integrity in the workplace.

3. Many of you already have appointed an ADR Champion to manage your program and to develop your plan commensurate with the dispute workload and mission requirements at your base. Your ADR Champions should be regarded as fair and impartial to all stakeholders (i.e., employees, management, and labor unions) and should be of sufficient grade or rank to effectively discharge these duties.

4. The attached draft AMC ADR plan is forwarded for your review and comments. The plan encompasses AFI requirements and existing ADR processes which will allow the bases with a current plan to modify, enhance, or expand their processes instead of developing an entire new set of processes. Bases without a formal ADR plan will have the flexibility to choose any of the defined processes suitable for their workplace dispute environment. As you develop or enhance your plan, ensure all stakeholders (i.e., MSS, EEO, JA, and affected unions) are involved to ensure successful implementation.

5. SUSPENSES:
a. 15 December 2004: All bases should have ADR Champions appointed in writing.
b. 17 December 2004: Provide comments on the draft plan to the AMC ADR Champion, Ms. Diana Hendrix, HQ AMC/A13, DSN 779-8031.

6. I strongly support the use of ADR in workplace disputes and highly encourage you to do the same.

John W Handy
JOHN W. HANDY
General, USAF
Commander

Attachments:
1. Draft AMC ADR Plan
2. SAF Memo, 10 Jun 04

From: ACC/CC Commander
Sent: Monday, December 06, 2004 10:45 AM
To: ACC Units Down to Wing
Cc: ACC/CC Commander; ACC/CV Vice Commander; ACC/CS Director Of Staff; ACC/DP A-1 Director of Personnel; Otzelberger James R Civ ACC/DPCW; HQ ACC Staff - Directors
Subject: (U) Air Combat Command Policy on Alternative Dispute Resolution (ADR)

UNCLAS

MEMORANDUM FOR NAF/WING COMMANDERS

SUBJECT: Air Combat Command Policy on Alternative Dispute Resolution (ADR)

1. In a 10 Jun 04 memorandum to all MAJCOM and FOA commanders, Secretary Roche urged us to make a personal commitment to ensure implementation of the recently published AFI 51-1201, Alternative Dispute Resolution in Workplace Disputes.

2. We're proud to say that ACC has already significantly integrated ADR into its civilian workplace dispute processes and established a solid track record of great success and tremendous cost savings. In FY 03, ACC led the Air Force in incorporating ADR processes into its civilian workplace dispute procedures. ACC's overall ADR attempt rate of 50% and ADR resolution rate of 84% significantly exceeded Air Force averages. In addition to the savings in time, dollars and lost productivity, ADR adds a dimension of communication between parties that is invaluable. Managers, union officials, and employees find that ADR, used under the right circumstances, produces better and faster results than the traditional complaint and appeal processes.

3. Attached is the ACC ADR plan for your review and action. All ACC installations are expected to design and implement plans commensurate with their own workplace dispute workloads and mission requirements. As you develop your plans, maintaining a strong partnership with all ADR stakeholders, to include DP, EEO, JA and affected unions, is essential to success.

4. We are firmly committed to using ADR to resolve disputes in all of our activities. We urge you to review your workplace dispute resolution procedures and implement ADR where appropriate. The ACC ADR Champion is Mr. Dwayne Walker, ACC/DPCW. If you have questions or desire additional information, please contact him at DSN 574-3690.

//SIGNED//
BRUCE A. WRIGHT
Lieutenant General, USAF
Commander

2 Attachments:
1. SAF Memorandum, 10 Jun 04
2. ACC ADR Plan

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

23 Nov 04

MEMORANDUM FOR PACAF WING COMMANDERS

FROM: PACAF/CC
25 E Street, Suite G-214
Hickam AFB HI 96853-5420

SUBJECT: Alternative Dispute Resolution (ADR) Plan

1. For the past several years, the Air Force has led the federal sector in effectively employing ADR methods to resolve civilian workforce disputes. In FY03 alone, over 2000 disputes were resolved through ADR, and Equal Employment Opportunity (EEO) complaints took an average 28 days to resolve as opposed to 440 days via traditional channels. PACAF's results have also been impressive. ADR use in FY03 produced a 92% resolution rate out of 106 attempts. In addition to savings in time, money, and lost productivity, ADR offers individuals a chance to resolve differences in a non-threatening, neutral environment. Feedback from ADR administrators as well as managers and employees reflects high satisfaction levels across the command.

2. In order to further maximize the benefits of ADR, the Air Force recently published AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes*, mandating that commanders develop a plan for utilizing ADR techniques. Attached is our PACAF ADR Plan for your reference as you develop your own installation plan. Our goal is to implement and institutionalize a flexible command-wide ADR approach that provides a framework for the development of installation-level dispute resolution processes serving the "total force." With your help, we will continue to reap the huge rewards associated with ADR use and improve our excellent record of success.

3. I am convinced that using ADR to resolve workplace disputes enhances our ability to focus on our mission with minimal distractions. I urge you to embrace it as a necessary element in keeping our PACAF workforce combat ready! Should you have any questions or desire additional information, please contact our PACAF ADR Champion, Mr. Eddie Wroblinski, PACAF/DPCE, at DSN (315) 448-0939.

Paul V. Hester

PAUL V. HESTER
General, USAF
Commander

Attachment:
PACAF ADR Plan, October 2004

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS AIR FORCE SPACE COMMAND

MEMORANDUM FOR SEE DISTRIBUTION NOV 2 4 2004

FROM: AFSPC/CC
150 Vandenberg St Ste 1105
Peterson AFB CO 80914-4020

SUBJECT: Alternative Dispute Resolution (ADR) in Air Force Space Command

1. On 10 Jun 04, the Secretary of the Air Force sent a memorandum to all MAJCOM commanders charging them to make a commitment to use ADR in resolving workplace disputes to the maximum extent possible. Secretary Roche approved AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes*, 27 Apr 04, to implement ADR policy throughout the Air Force. It is our policy to utilize ADR in resolving workplace disputes whenever and wherever practicable and appropriate.

2. As part of that ADR policy, each major command and each subordinate installation is required to accomplish two objectives in the short term. First, each MAJCOM will appoint an ADR Champion to act as the command focal point for ADR processes, develop a command ADR plan and provide oversight of the command's ADR program. Each installation commander will appoint, in writing, their own ADR Champion to work with the command champion and local leadership. Second, an ADR plan designed to implement the policies in the AFI will be developed by the MAJCOM and each subordinate installation. The ADR Champions will play a key role in plan development.

3. The development of the AFSPC ADR Plan will begin immediately as a coordinated effort involving HQ AFSPC/MS and HQ AFSPC/JA. Installation ADR plan development should involve the personnel community, local unions, JA, EEO and MEO.

4. I support and endorse the Secretary's call for a commitment to promote the use of ADR whenever possible and ask you to do the same. The AFSPC ADR Champion is Mr. John King, HQ AFSPC/MSPCW, DSN 692-3481. He is prepared to work with your installation ADR Champions as you develop your ADR plans.

LANCE W. LORD
General, USAF
Commander

Attachments:
1. Distribution List
2. SECAF Memo, 10 Jun 04

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

16 Nov 2004

MEMORANDUM FOR HQ USAFE/DSJA

FROM: USAFE/CC

SUBJECT: Appointment as ADR Champion, USAFE

1. In accordance with AFI 51-1201, Alternative Dispute Resolution in Workplace Disputes, paragraph 11.2, you are hereby appointed ADR Champion for USAFE. This appointment shall be effective until withdrawn in writing or superseded by subsequent appointment.

2. As ADR Champion, you will exercise the functions and responsibilities set forth in AFI 51-1201, paragraph 10, and the USAFE Supplement, with respect to workplace disputes occurring in or under the jurisdiction of USAFE.

ROBERT H. FOGLESONG
General, USAF
Commander

cc:
SAF/GC
USAFE/A1

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

16 Nov 2004

MEMORANDUM FOR SEE DISTRIBUTION LIST

FROM: USAFE/CC
Unit 3050 Box 1
APO AE 09094

SUBJECT: Alternative Dispute Resolution (ADR) in Workplace Disputes

1. In a 10 Jun 04 memo to all MAJCOM and FOA commanders, Secretary Roche urged us to make a personal commitment to ensuring the Air Force achieves the full measure of ADR benefits with the implementation of the recently published AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes*. USAFE stands committed to this important program which encourages positive communication and resolution of issues at the lowest possible level.

2. USAFE will implement ADR IAW AFI 51-1201 and adoption of a USAFE Supplement to this instruction. While ADR is not appropriate in all workplace disputes, it is a time-tested and viable alternative which should be considered. Installation commanders and their staffs are responsible for ensuring supervisors and employees have the necessary tools to resolve disputes at the lowest possible level, by the least expensive means in a way that protects and preserves the integrity of the workplace and furthers mission accomplishment. All USAFE installations are expected to design and implement their own ADR plans commensurate with their workplace dispute workloads and mission requirements. As you develop and forward your plans, success is conditioned upon maintaining a strong partnership with all ADR stakeholders, including DP, EEO, MEO, JA and your civilian workforce.

3. I echo the Secretary's call for commitment to encourage and promote the appropriate use of ADR in workplace disputes and expect the same commitment from you. The USAFE ADR Champion is Colonel Dan Rogers, Deputy Staff Judge Advocate, HQ USAFE/JA, DSN 480-6826. Col Rogers and his staff stand ready to support your efforts in this important people and mission focused program.

ROBERT H. FOGLESONG
General, USAF
Commander

3 Attachments
1. SAF Memo, 10 Jun 04
2. AFI 51-1201, 21 Apr 04
3. Draft USAFE Supp AFI 51-1201

AIR FORCE INSTRUCTION 51-1201

UNITED STATES AIR FORCES IN EUROPE
(USAFE)
Supplement 1

(Date)

Law

ALTERNATIVE DISPUTE RESOLUTION IN
WORKPLACE DISPUTES

AFI 51-1201, 21 April 2004, is supplemented as follows:

2.1. (Added.) The ADR processes prescribed in this instruction do not specifically apply to workplace disputes raised by local national employees, whose conditions of employment and dispute procedures are governed by host nation law, prevailing practice and negotiated agreements. Some informal ADR techniques, however, may be useful in facilitating communication and achieving early resolution of conflicts involving local national employees.

2.2. (Added.) Since there is no union representation for U.S. civilian employees within USAFE, any requirements in the AFI to work or negotiate with local labor unions and coordinate with labor relations officers will be disregarded. Likewise, any references to negotiated grievance procedures, provisions of collective bargaining agreements, labor law or labor regulations do not apply to USAFE U.S. civilian employees or USAFE ADR processes and will be disregarded.

10.4. (Added.) Ensure unit compliance inspection checklists include mandatory items required of installation commanders, the installation ADR Champion for Workplace Disputes, Staff Judge Advocate and involved functional area managers, consistent with the AFI and this supplement.

12.2.1. (Added.) Forward a copy of each current, approved ADR plan to the Command ADR Champion for Workplace Disputes.

13.4. (Added.) AFI 36-2706, 29 July 2004, Section 4B, authorizes use of ADR to resolve informal military equal opportunity (MEO) complaints. That AFI requires the MEO office to offer services of an MEO specialist who has been trained in the use of facilitation/mediation and interest-based negotiation to serve as a facilitator whenever disputants voluntarily agree to the use of ADR. Trained MEO specialists may serve as resources to facilitate resolution of other workplace disputes, based on current manning, training, and consistent with an installation's ADR plan or at the direction of the installation commander.

13.5. (Added.) The frequent turnover of U.S. civilian employees in overseas areas and the resultant difficulties in maintaining trained collateral-duty mediators makes having a strong ADR plan a must.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) establishes a partnership between the Air Force Senior Leader Management Office (AFSLMO) and the Deputy General Counsel for Dispute Resolution (SAF/GCD) to develop and deliver negotiation training as part of the Force Development Construct.

BACKGROUND

AFSLMO is responsible for defining the "Enduring Competency" training requirements under the Force Development Construct. AFSLMO also integrates the training at the tactical, operational, and strategic levels. "Influences through win/win solutions" is one of the competencies that cuts across all three levels, and SAF/GCD's courses in negotiations directly support this competency.

SAF/GCD's mission includes providing negotiation training. All of the negotiation training designed and delivered by SAF/GCD has received extraordinarily high marks from students for general learning experience and its relevance to their professional development. The results obtained by SAF/GCD have earned the Air Force six national awards for excellence.

AGREEMENT

AFSLMO and SAF/GCD agree to the following roles and missions:

SAF/GCD will:

1. Develop scalable negotiations training (in-residence and e-learning modules of varying lengths) for the tactical, operational and strategic levels.
2. Deliver negotiation training to institutions and/or contractors, and AF members responsible for instruction (if SAF/GCD's capacity to deliver training is exceeded).
3. Evaluate and refine the in-residence and e-learning courses to ensure their academic quality.
4. Continually update course materials with current case studies and lessons learned.
5. Provide funding to deliver the course within the limits of the current budget.
6. Meet monthly with AFSLMO to ensure negotiation training is systematically integrated into the tactical, operational, and strategic levels of the Force Development Construct.

AFSLMO will:

1. Ensure negotiation training is systematically integrated into the tactical, operational, and strategic levels of the Force Development Construct.
2. Facilitate meetings between SAF/GCD and the educational institutions/contractors responsible for delivering Force Development-related training.
3. Assist SAF/GCD in defending the negotiation-training budget requirement.
4. Ensure SAF/GCD receives timely notice of significant developments that could impact the systematic integration of this training into the Force Development Construct.

6/2/04

RICHARD S. HASSAN, BGen, USAF
Director, AFSLMO

JOSEPH M. MCDADE, JR., SES, USAF
Deputy General Counsel
(Dispute Resolution)

MEMORANDUM OF UNDERSTANDING

The purpose of this memorandum between SAF/GCD, AF/DPPN, AFMC/DP, and OC-ALC/CD, Tinker AFB OK, is to ensure the Air Force develops and deploys training consistent with the AF Force Development Construct (Force Development) and the AFMC Leadership Training Initiative, while at the same time preparing the workforce for implementation of the National Security Personnel System (NSPS).

I. REQUIREMENTS

A. Provide training targeted for supervisors (Supervisor Training) that will not exceed two days in length and will include instruction modules that cover the following topics:

1. Enhancing active listening skills;
2. Enhancing supervisor/manager communication skills with a focus on framing and reframing techniques;
3. A win-win, problem-solving methodology that prominently features interest based negotiations techniques.

B. Provide training targeted for non-supervisory employees (Employee Training) that will mirror the content developed for managers/supervisors but not exceed one day in length.

C. All training development work will be done on a spiral development basis to ensure it is tested, evaluated and refined to achieve the quality needed for potential Air Force-wide deployment.

II. DELIVERABLES

A. Supervisor and Employee Training must be ready for deployment to Air Force Bases selected for the 1st Spiral of NSPS by January 30, 2005 (Deployed Training). The products and services to be delivered include:

1. Instructor guides;
2. Student materials;
3. Teaching instructors (a combination of Air Force employees and contractors) sufficient to cover the Deployed Training; and
4. Funding sufficient to implement the Deployed Training.

B. A knowledge management system (Knowledge Management Tool), consistent with the Deployed Training will be made available to the Air Force Bases selected for 1st Spiral of NSPS. This system will be web-based, hosted on the Air Force ADR Program website at www.adr.af.mil, and include the following features:

1. Copies of all training material;
2. Links to optional supplemental training opportunities;
3. Additional educational materials that provide more in-depth coverage of Deployed Training;
4. A list of mentors that can provide "just in time" mentoring for managers and supervisors (this list will be base specific, if possible).

III. ROLES AND RESPONSIBILITIES

A. Air Force National Security Personnel System Program Office (AF/DPPN) is responsible for:

1. Ensuring SAF/GCD, AFMC/DP and OC-ALC/CD are timely informed of developments that could materially impact the development or deployment of Supervisor or Employee Training.
2. Assisting in the design, development, testing and evaluation of the Supervisor and Employee Training and the Knowledge Management Tool.
3. Approving the Supervisor and Employee training for Air Force-wide deployment.
4. Approving the Knowledge Management Tool for Air Force-wide dissemination
5. Assisting SAF/GCD, as necessary, to ensure there are sufficient resources to deploy this training Air Force-wide.

B. AFMC/DP is responsible for:

1. Assisting in the design, development, testing and evaluation of the Supervisor and Employee Training and the Knowledge Management Tool. AFMC/DPE shall be included in training design and development.
2. Approving the Supervisor and Employee Training for deployment within AFMC.
3. Approving the Knowledge Management Tool for AFMC-wide dissemination.

C. Tinker Air Force Base is responsible for:

1. Assisting in the design, development, testing and evaluation of the Supervisor and Employee Training and the Knowledge Management Tool. OC-ALC/DP will exercise oversight of this responsibility for Tinker Air Force Base.
2. Evaluating and recommending approval of the Supervisor and Employee Training for AFMC-wide deployment.
3. Evaluating and recommending for approval the Knowledge Management Tool for AFMC-wide dissemination.

D. SAF/GCD is responsible for:

1. Supervising, funding and coordinating the design, development, testing and evaluation of the Supervisor and Employee Training and the Knowledge Management Tool.

2. Working with AF/DPPN, AFMC/DP and OC-ALC/CD to ensure that pertinent content, quality, schedule and funding issues are raised and decided in a timely manner.
3. Deploying Supervisor and Employee Training approved by AF/DPPN and/or AFMC/DP and/or OC-ALC/CD.
4. Deploying the Knowledge Management Tool approved by AF/DPPN and/or AFMC/DP.

IV. SCHEDULE

6/25/04	GCD begins development effort.
8/11/04	Training objectives review and content development workshop: AF/DPPN, GCD, AFMC/DP, OC-ALC/CD and GCD contractor support.
9/1/04	Begin testing, evaluation and refinement of Supervisor and Employee Training at OC-ALC (using a combination of AF employees and contractor personnel).
10/1/04	GCD develops options (addressing manpower, funding, schedule & quality concerns) for training deployment: • Train-the-trainer • Contractor-staffed deployment • Contractor and AF employee-staffed deployment
1/15/05	Supervisor and Employee Training content finalized for review and approval and SAF/GCD completes the Knowledge Management Tool.
1/30/05	AF/DPPN and/or AFMC/DP and/or OC-ALC/CD approve the deployment of Supervisor and Employee Training.
2/28/05	AF/DPPN and/or AFMC/DP and/or OC-ALC/CD approve the deployment of the Knowledge Management Tool.
3/1/05	Begin deployment of Supervisor and Employee Training to Air Force Bases selected for 1st Spiral of NSPS.
3/1/05	Deploy the Knowledge Management Tool.
7/30/05	Complete deployment of Supervisor and Employee Training to Air Force Bases selected for 1st Spiral of NSPS.

V. DEPLOYMENT DECISION METRICS

A. Qualitative Feedback: Student feedback, focus group feedback, and functional representative feedback (from the appropriate offices) must demonstrate that the training:

1. Communicates information considered to be useful by the participants,
2. Engages the students in the learning process, and
3. Employs effective instructors.

B. Quantitative feedback.

1. Goal: Affirmative response by greater than 80% of attendees to the evaluation question, "*Would you recommend that program personnel from within your organization (and their counterparts) attend this workshop?*"

2. Goal: When asked the following questions, students should give this training an average score of 4.5 or better, on a 5.0 scale (5.0 being "strongly agree"):

a. "I consider this course a valuable experience in my professional development."

b. "I would rate the overall quality for this course as "Excellent" or better."

JOSEPH M. MCDADE, JR.
Deputy General Counsel

Date: 7/27/04

JUDITH L. MAYROSE
Chief, AF NSPS Program Office

Date: 7-29-04

LEIF E. PETERSON
Deputy Director of Personnel
Air Force Materiel Command

Date: 3 Aug 04

ROBERT CONNER
Executive Director
Oklahoma City ALC

Date: 19 Aug 04

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

06 JAN 2004

MEMORANDUM FOR SAF/GC

FROM: AF/DP

SUBJECT: Request for Assistance from SAF/GCD in Implementing the National Security Personnel System

My office is responsible for implementation of the National Security Personnel System (NSPS). To succeed in this effort, the Air Force needs a robust alternative dispute resolution (ADR) capability to help resolve workplace disputes and an Integrated Conflict Management System to prevent, or at least manage, workplace conflict. I am requesting your long-term commitment to provide these services to our office.

To support the deployment of NSPS, we need a systematic conflict management system that focuses on prevention, management and early resolution. SAF/GCD worked with the AF NSPS Program Office to develop outstanding supervisor training that provides negotiation skills training consistent with the Air Force's Enduring Competencies, including the skills needed to have the difficult conversations required by a performance-based personnel system. To support NSPS, we need to reinforce use of these skills through development of a knowledge management system and a support structure. In short, we need to expand our ADR capability into an Integrated Conflict Management System (ICMS).

I understand SAF/GCD has the funding and manpower to support these efforts. Accordingly, I request that SAF/GCD continue to enhance the effectiveness and efficiency of the Air Force ADR Program and develop an ICMS (including large-scale training, a knowledge management system, and associated support structures) in support of NSPS. My staff is ready to assist as needed.

ROGER A. BRADY
Lieutenant General, USAF
Deputy Chief of Staff, Personnel

cc:
SAF/MR
SAF/FM
SAF/AA
SAF/GCD

Air Force Civilian Workplace Dispute Data Collection Initiatives and Methodology

In 2004, GCD initiated a three-phase acquisition to design and deploy a secure, web-based data collection solution that allows designated personnel at each level--installation, MAJCOM and Headquarters--to directly report and access relevant ADR data, in real time, according to their level of access. All data input immediately goes into a secure server maintained by the Air Force for GCD, potentially eliminating the need for annual reports and giving us instant access to the most up-to-date information. The new system is at least 90% complete and will be deployed for Air Force-wide use during FY 05. We anticipate all ADR data for the FY 05 report will be collected by this new web-based system.

In FY 04 GCD introduced two new data elements for the annual report. The first affects the number of "Total Disputes" reported. In previous years, we asked bases to report only the total number of disputes filed, without taking into account disputes filed in a previous year but still on hand during the reporting period. This tended to artificially shrink the pool of disputes, creating a risk of inflated ADR attempt rates. Accordingly, in FY 04 we asked bases to report both the number of disputes filed in each category and the number pending from the previous year. This gives us a more accurate picture of the total dispute workload, but also has the potential effect of reducing ADR attempt rates because of the larger pool of cases. Since this is the first year for this additional information, any comparison with past years' data would be unfair and misleading, so we are not including it in our comparison. Next year, however, we will include pending cases in "total disputes" for our comparisons and trend analyses.

The second data element makes an important clarification. GCD makes it clear that it is asking installations to report informal EEO complaints that do not technically qualify as "ADR" (because they do not include a "neutral") but in which a facilitative, interest-based technique was used to try to resolve the dispute. Previously, such cases were being reported to us as ADR cases. This new data element was introduced to tighten up ADR definitions, while continuing to ensure that Air Force EEO offices get full credit for their use of ADR processes. It paints a more complete picture of the scope of early-resolution efforts at the informal stage of the EEO process. Accordingly, ADR attempt and resolution rates as summarized in Table Four below include these cases.

Air Force Final Report

Informal EEO Complaints

MAJCOM	Pending	Filed	Non-ADR Using IBN	IBN Resolutions	ADR Attempts	ADR Resolved	Total Days	Timeliness	Attempt Rate*	Resolution Rate**
11th Wing	15	22	4	3	6	5	131	21.8333333	27.03%	80.00%
ACC	15	109	20	15	34	24	451	13.2647059	43.55%	72.22%
AETC	28	215	82	31	32	21	1275	39.84375	46.91%	45.61%
AFMC	109	817	109	153	423	300	15451	36.5271868	57.45%	85.15%
AFRC	4	30	1	0	10	4	212	21.2	32.35%	36.36%
AFSPC	37	111	94	23	38	28	1722	45.3157895	89.19%	38.64%
AIA	1	7	1	0	2	0	0	0	37.50%	0.00%
AMC	9	126	12	6	52	40	259	4.98076923	47.41%	71.88%
PACAF	6	42	34	9	14	10	222	15.8571429	100.00%	39.58%
USAFA	13	27	32	10	8	5	80	10	100.00%	37.50%
USAFE	2	65	6	6	57	55	716	12.5614035	94.03%	96.83%
	239	1571	395	256	676	492	20519	12.5614035	59.17%	69.84%

Formal EEO Complaints

MAJCOM	Pending	Filed	ADR Attempts	ADR Resolved	Total Days	Timeliness	Attempt Rate*	Resolution Rate**
11th Wing	14	9	4	3	81	20.25	17.39%	75.00%
ACC	27	47	8	6	347	43.375	10.81%	75.00%
AETC	115	132	28	15	755	26.9642857	11.34%	53.57%
AFMC	264	357	156	112	2678	17.1666667	25.12%	71.79%
AFRC	46	67	17	13	919	54.0588235	15.04%	76.47%
AFSPC	3	18	16	11	2315	144.6875	76.19%	68.75%
AIA	3	5	1	1	188	188	12.50%	100.00%
AMC	32	54	14	12	58	4.14285714	16.28%	85.71%
PACAF	12	17	3	3	0	0	10.34%	100.00%
USAFA	8	14	3	3	218	72.6666667	13.64%	100.00%
USAFE	1	17	15	12	610	40.6666667	83.33%	80.00%
	525	737	265	191	8169	30.8264151	21.00%	72.08%

EEO ADR Totals

Total EEO Disputes Filed	2308		
*Total EEO ADR Attempts**	1086	*Overall EEO ADR Attempt Rate**	46.99%
Total EEO ADR Attempts	941	*Overall EEO ADR Attempt Rate*	40.72%
*Total EEO ADR Resolutions**	939	*Overal EEO ADR Resolution Rate**	86.46%
Total EEO ADR Resolutions	683	*Overall EEO ADR Resolution Rate*	72.58%

Total Number of Days to Process EEO ADR Attempts 28688

Average Number of Days to Process EEO ADR Attempts 26.416206262

*** Amounts are calculated to include non-ADR counselings/resolutions using an interest-based technique**

ULP Disputes

MAJCOM	Pending	Disputes	Days	Timeliness	Attempts	Resolutions	Attempt Rate	Resolution Rate
11th Wing	0	0	0	0	0	0	0.00%	0.00%
ACC	4	45	6	1.814814815	27	11	55.10%	40.74%
AETC	0	38	417	19	2	2	5.26%	100.00%
AFMC	114	313	19781	2.497076023	171	155	40.05%	90.64%
AFRC	0	3	182	1	3	3	100.00%	100.00%
AFSPC	1	7	0	2.666666667	3	0	37.50%	0.00%
AIA	0	0	0	0	0	0	0.00%	0.00%
AMC	3	20	748	2.555555556	9	3	39.13%	33.33%
PACAF	0	9	425	1	9	9	100.00%	100.00%
USAFA	1	4	8	1.25	4	3	80.00%	75.00%
USAFE	0	0	0	0	0	0	0.00%	0.00%
	123	439	21567	0	228	186	40.57%	81.58%

MSPB Disputes

MAJCOM	Pending	Disputes	Days	Timeliness	Attempts	Resolutions	Attempt Rate	Resolution Rate
11th Wing	0	0	0	0	0	0	0.00%	0.00%
ACC	4	6	2	3.333333333	3	1	30.00%	33.33%
AETC	2	22	164	1.6	15	8	62.50%	53.33%
AFMC	2	155	756	2.907407407	54	16	34.39%	29.63%
AFRC	2	11	273	2.6	5	3	38.46%	60.00%
AFSPC	0	2	0	0	0	0	0.00%	0.00%
AIA	1	0	0	0	0	0	0.00%	0.00%
AMC	6	10	160	1.777777778	9	2	56.25%	22.22%
PACAF	0	6	0	1.2	5	0	83.33%	0.00%
USAFA	0	2	25	1	2	2	100.00%	100.00%
USAFE	1	0	0	0	0	0	0.00%	0.00%
	18	214	1380	0.010752688	93	32	40.09%	34.41%

AGS Disputes

MAJCOM	Pending	Disputes	Days	Timeliness	Attempts	Resolutions	Attempt Rate	Resolution Rate
11th Wing	0	0	0	0	0	0	0.00%	0.00%
ACC	2	16	118	3	6	3	33.33%	50.00%
AETC	0	24	13	6	4	3	16.67%	75.00%
AFMC	2	78	489	5	16	11	20.00%	68.75%
AFRC	1	4	0	0	0	0	0.00%	0.00%
AFSPC	3	7	0	0	0	0	0.00%	0.00%
AIA	0	5	0	0	0	0	0.00%	0.00%
AMC	2	18	32	2.857142857	7	6	35.00%	85.71%
PACAF	0	4	0	1	4	1	100.00%	25.00%
USAFA	0	2	5	1	2	2	100.00%	100.00%
USAFE	0	9	24	3	3	2	33.33%	66.67%
	10	167	681	0.214285714	42	28	23.73%	66.67%

NGP Disputes

MAJCOM	Pending	Disputes	Days	Timeliness	Attempts	Resolutions	Attempt Rate	Resolution Rate
11th Wing	0	0	0	0	0	0	0.00%	0.00%
ACC	2	78	14	0.110497238	42	23	52.50%	54.76%
AETC	0	52	0	0.071823204	15	8	28.85%	53.33%
AFMC	94	1774	357	2.580110497	568	430	30.41%	75.70%
AFRC	5	38	377	0.059392265	17	16	39.53%	94.12%
AFSPC	3	11	4	0.019337017	3	3	21.43%	100.00%
AIA	0	0	0	0	0	0	0.00%	0.00%
AMC	40	98	64	0.190607735	45	33	32.61%	73.33%
PACAF	27	31	90	0.080110497	31	27	53.45%	87.10%
USAFA	5	14	90	0.026243094	3	3	15.79%	100.00%
USAFE	0	0	0	0	0	0	0.00%	0.00%
	176	2096	996	0	724	543	31.87%	75.00%

Other Disputes

MAJCOM	*Pending*	*Disputes*	*Days*	*Timeliness*	*Attempts*	*Resolutions*	*Attempt Rate*	*Resolution Rate*
11th Wing	0	0	0	0	0	0	**0.00%**	**0.00%**
ACC	0	6	12	0.75	8	7	**133.33%**	**87.50%**
AETC	0	178	2342	1	178	139	**100.00%**	**78.09%**
AFMC	4	133	2393	1.201754386	114	101	**83.21%**	**88.60%**
AFRC	0	0	0	0	0	0	**0.00%**	**0.00%**
AFSPC	0	0	0	0	0	0	**0.00%**	**0.00%**
AIA	0	0	0	0	0	0	**0.00%**	**0.00%**
AMC	0	4	129	1.333333333	3	0	**75.00%**	**0.00%**
PACAF	0	9	0	0.9	10	9	**111.11%**	**90.00%**
USAFA	0	0	0	0	0	0	**0.00%**	**0.00%**
USAFE	0	11	6	1	11	0	**100.00%**	**0.00%**
	4	341	4882	0.033950617	324	256	**93.91%**	**79.01%**

Non-EEO ADR Totals

Total Non-EEO Disputes Filed	3257		
Total Non-EEO ADR Attempt	1411	Overall Non-EEO ADR Attempt Rate	39.33%
Total Non-EEO ADR Resolution	1045	Overall Non-EEO ADR Resolution Rate	74.06%

Total Number of Days to Process Non-EEO ADR Attempts	29506
Average Number of Days to Process Non-EEO ADR Attempts (Timeliness)	20.91141

ADR Totals

Total Disputes Pending From Previous Reporting Period	1095
Total Disputes Filed	5565
Total Disputes Used to Figure Attempt Rate	6660

Total Workplace ADR Attempts**	2352	Overall Workplace ADR Attempt Rate**	42.26%
Total Workplace ADR Resolutions**	1728	Overall Workplace ADR Resolution Rate**	73.47%

Total Number of Days to Process ADR Attempts	58194
Average Number of Days to Process ADR Attempts	24.74235

*** Does not include non-ADR counselings/resolutions using IBN

Air Force Audit Agency Study:
Costs Associated with Processing Air Force EEO Complaints

In 1998 the Air Force Audit Agency conducted an extensive study designed to provide Air Force management estimated average EEO complaint process costs. To estimate installation processing costs, the AFAA used a sophisticated sampling methodology to identify and collect data that was representative for the Air Force.[11]

At each Air Force installation selected for data collection, we divided the EEO complaint universe into two strata in accordance with the relative level of processing received. The first stratum consisted of those complaints that were resolved/completed during the informal stage.[12] The second stratum consisted of those complaints that proceeded to the formal stage.[13] We randomly selected 399 informal and 314 formal EEO complaints processed at the 12 bases for detailed cost determination and review. Additionally, we reviewed 30 EEO complaints that were processed by the Air Force Civilian Appellate Review Office (AFCARO)[14] in order to capture additional costs associated with that process. The chart below illustrates the scope and scale of this effort.

BASE	INFORMAL	FORMAL	TOTAL
Air Intelligence Agency	10	23	33
Altus AFB	2	3	5
Davis-Monthan AFB	26	7	33
Edwards AFB	22	26	48
Hanscom AFB	19	10	29
Hill AFB	50	41	91
Keesler AFB	50	21	71

[11] The AFAA used a probability proportional (PPS) with replacement sampling methodology to select 19 different random samples in accordance with relative EEO complaint activity as represented by statistics concerning the total number of individuals counseled at each installation. These 19 samples came from 12 separate Air Force installations. The PPS sampling design significantly increases sampling efficiency by concentrating data gathering on bases with high activity levels. For example, the sample universe consisted of 37 Air Force bases accounting for approximately 90 percent of all Air Force EEO complaints. In turn, our 12 sampled bases had approximately 48 percent of total Air Force EEO complaints. PPS sampling methodology also ensures that our sample results are indicative of the universe from which the sample derives, and the results can therefore be projected to the entire sample universe. The PPS sampling combines individual estimates from each of the samples in a weighted fashion to determine estimates of the population parameters, such as mean and standard deviation. The weightings reflect the relative activity level of each base. To derive our sample bases, we rank ordered all bases, from the largest number of individuals counseled to the smallest, and selected 19 points for sampling. Some Air Force installations were selected more than once. However, each sample taken at those installations was completely random and independent of any other. Therefore, each resulted in a separate estimator of the costs and hours parameters.

[12] Informal stage means those complaints have proceeded further than a simple contact and resulted in the filing of an informal complaint, but not a formal complaint.

[13] Formal stage means those complaints that resulted in the filing of a DD Form 2655, Complaint of Discrimination in the Federal Government.

[14] AFCARO identified 624 final agency decisions issued during the period under study. Of these, 30 were selected at random for detailed processing cost review. All AFCARO complaints are formal complaints and representative of Air Force processing in addition to and beyond base level EEO complaint processing.

Kelly AFB	60	60	120
McClellan AFB	50	50	100
Peterson AFB	30	12	42
Robins AFB	50	31	81
Wright-Patterson AFB	30	30	60
Total	**399**	**314**	**713**
AFCARO			**30**

For each sample complaint, we examined the case files and EEO complaint logs, and/or discussed the case with knowledgeable EEO office personnel, to determine how many and which Air Force personnel[15] and functional offices participated in each complaint's processing. Due to the sensitive nature of EEO complaints, our review was conducted with utmost care to minimize the number and intensity of contacts with participants. Most information was collected via telephone interviews with the complainant, complainant's representative, responsible management officials, witnesses, and others. Data requested was limited to official labor hours expended by each participant and their pay grade at the time of the complaint. In addition, we collected separate estimates of ADR transaction costs when and if ADR was used in processing the sample case.

We collected direct labor hours and calculated direct labor costs,[16] indirect overhead expense,[17] monetary awards,[18] and other support costs.[19] We summarized each sample complaint by the cost elements and functional offices involved in the complaint process. Further, we performed statistical analysis to project average EEO complaint processing cost for informal, formal, and AFCARO complaints, and for separate ADR/non-ADR categories. Finally, we performed statistical analysis on the sample data to determine projected average labor hours/costs and related confidence intervals for each functional office involved in the complaint processing.

[15] We also collected costs incurred by Office of Complaints Investigations personnel. However, we did not collect the cost incurred by the EEOC or Federal District Court personnel because the Air Force does not directly reimburse these costs.

[16] Direct labor cost was computed as estimated number of official hours multiplied by the applicable accelerated hourly pay rate.

[17] Indirect overhead expense was calculated at 12 percent (established per overall Air Force A-76 cost studies) based on the direct labor cost. Indirect overhead expense consists of operations overhead and general and administrative (G&A) overhead. The operations overhead is defined as those costs not 100 percent attributable to the activity, but generally associated with the recurring management or support of the activity. The G&A overhead includes salaries, equipment, space, and other activities related to personnel services, data processing management, and similar common services performed outside, but in support of the activity.

[18] Defined as any payments, including awards or reimbursements made to compensate complainants who have been intentionally discriminated against. Such payments are for pecuniary and nonpecuniary losses, as well as intangible injuries that result directly from the discrimination.

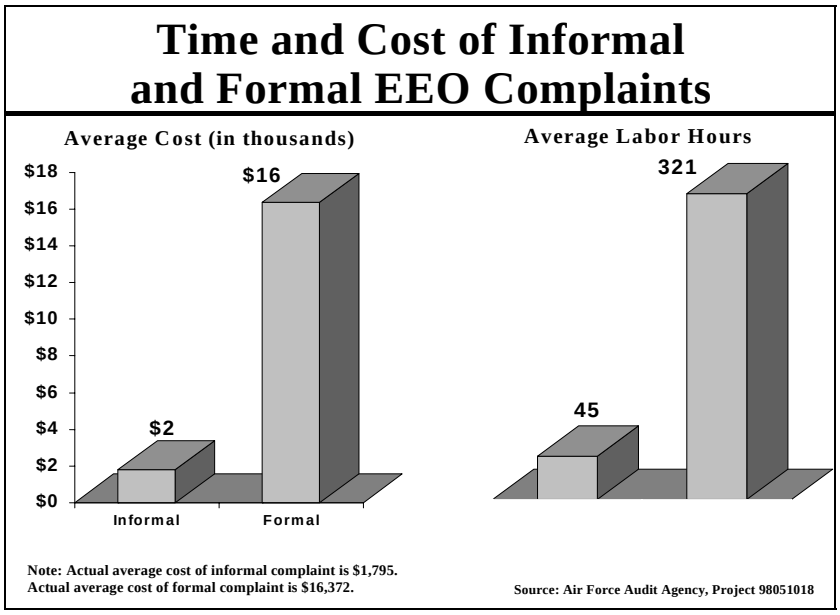
[19] Other support costs include TDY reimbursement for OCI investigators and EEOC court reporter support costs.

Projection	Lower Limit	Average	Upper Limit
Average hours and cost projections for Air Force:			
Total Informal Complaint Hours	27.62	44.87	62.13
Informal Complaint Cost	**$1,043.20**	**$1,795.39**	**$2,547.57**
Informal Complaint Cost Without Award	$1,027.10	$1,776.34	$2,525.57
Total Formal Complaint Hours	140.41	163.37	186.34
Formal Complaint Cost	**$6,213.98**	**$8,572.63**	**$10,931.27**
Formal Complaint Cost Without Award	$5,826.60	$7,058.68	$8,290.76
AFCARO Hours	79.56	158.27	236.98
AFCARO Cost	**$4,222.99**	**$7,798.95**	**$11,374.93**

The AFCARO cost represents an additive processing cost for those formal complaints referred to AFCARO for final Air Force determination. Therefore, the average total cost for an AFCARO-reviewed case would include both the formal processing cost of $8,573 and AFCARO processing cost of $7,799, for a grand total of $16,372 per case.

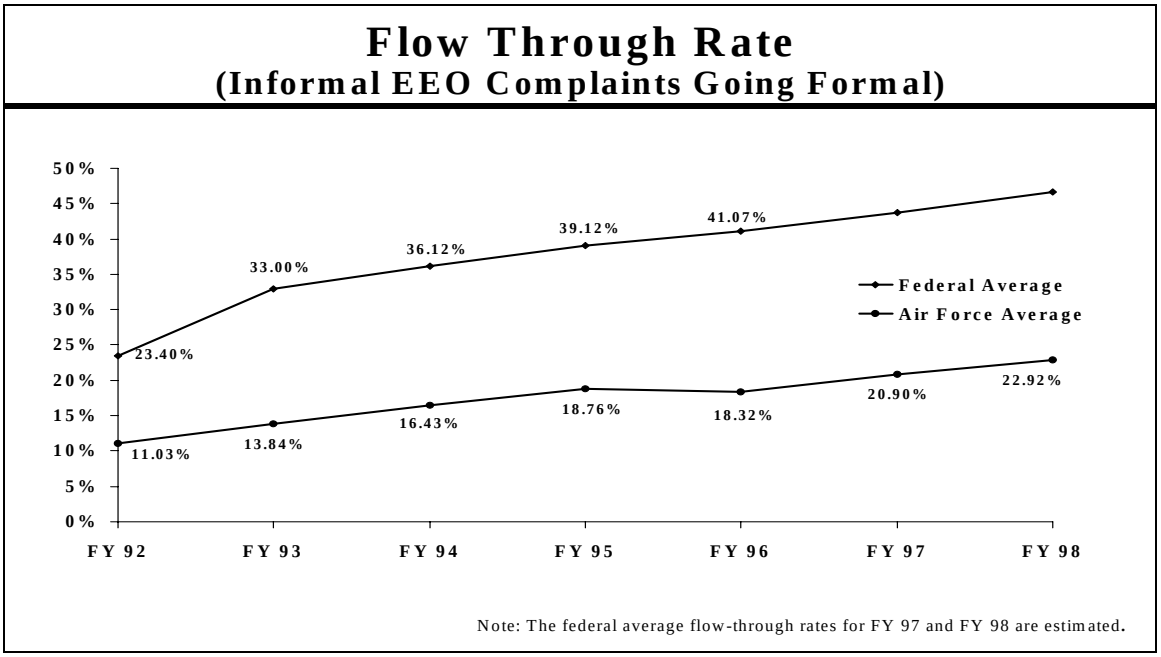
EEO complaint processing costs resulted primarily from the labor hours used in resolving cases. The expected person hours needed to process a complaint through informal, formal, and AFCARO was 321.[20]

Given the foregoing background, the results of the AFAA study are summarized in the chart below:



[20] AFAA did not do a separate breakout for non-ADR and ADR labor hours because this would triple the already voluminous amount of statistical analyses required.

The foregoing charts make clear that there is another important metric for assessing the cost effectiveness of an EEO Program, namely the flow through rate, i.e., the number of persons counseled who ultimately file an EEO complaint. The lower the rate, then the more complaints are resolved at the lowest possible level. The chart below shows the Air Force rates as compared to the government averages.



While we do not attribute our flow through rates solely to the use of ADR, we do believe use of ADR has helped the Air Force maintain the best possible rates over the past several years.