



Discrimination Complaint Processing Update

From the Deputy Assistant Secretary
for Resolution Management
Office of Resolution Management
Department of Veterans Affairs

From the Deputy Assistant Secretary

Spring 2004



Cost Avoidance Through Mediation

One of our primary focuses in ORM is the early resolution of workplace complaints and disputes. The time consuming and costly disruptions that arise when workplace disputes occur or employees believe they have been mistreated can be avoided by the early resolution of the issues leading to the complaint or dispute.

Engaging the involved parties in addressing the causes of the dispute and in designing a mutually satisfactory resolution, through techniques such as mediation, is one of the most effective methods of addressing these types of issues. VHA recently mandated the use of mediation to resolve workplace disputes involving EEO issues at all of its facilities. If you haven't, you may want to consider this option in your workplace.

Mediation and other early resolution techniques save time and money. It's fair, neutral, confidential, and often avoids unnecessary litigation. Mediation is an alternative to the formal EEO complaint process, with it's estimated cost of \$25,000 to \$70,000 per complaint when it goes through the investigation stage. Virtually all of these costs come straight from your operations and they reduce your effectiveness. These cost, however, do not include the intangible costs to productivity and team cohesiveness that result from lower morale and the break down in communication between employees and management when employees may view the workplace as hostile.

Mediation offers a process by which issues can be brought to the table in a voluntary, confidential, non-confrontational environment that assures all parties are heard, with the aim of resolving the issues under discussion. Mediation can be used whenever a workplace dispute or complaint arises. Part of our strategy to encourage the increased use of mediation in VA is to offer mediation during the EEO complaint process. We also want you to consider using mediation in addressing workplace disputes, not just EEO complaints. Mediation promotes a better work environment, reduces costs and works for the employer and the employee. It's a win-win situation.

James S. Jones

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Program Highlights

ADR Awareness Web Presentation - Mediation Zone Web-cast and Survey

The Department of Veterans Affairs (VA) has several initiatives designed to provide employees information about Alternative Dispute Resolution (ADR). One initiative is ADR awareness training for all VA employees. A fiscal year 2004 goal in VA's Strategic Plan 2003-2008 is to train 80 percent of VA employees on ADR techniques as an option to address workplace disputes.

VA and ORM encourage the use of ADR to promote principles and practices that will help improve communications and working relationships. A widely used form of ADR is mediation. Using ADR to resolve disputes demonstrates a commitment to a positive approach and joint ownership of concerns and solutions free of retaliation or reprisal. The ADR process allows parties to resolve their differences quickly in a less formal and adversarial environment, and with more effective use of resources than traditional dispute mechanisms, i.e. litigation.

We are stepping up our efforts in ORM to encourage the use of mediation throughout the complaint process and within VA. As part of these efforts we are launching VA's ADR Awareness Web Presentation entitled "The Mediation Zone." This 31-minute web-cast, featuring video and audio streaming, demonstrates and explains the mediation process. It is available at <http://vaww.va.gov/lrc/adr/survey.htm>. After viewing the video, employees are asked to complete a ten question web-based survey. The survey results will be analyzed to determine if additional awareness training may be needed at VA facilities.

If you have questions about mediation or ADR, please contact ORM's Mediation Co-Managers, MaryEllen Garcia at (650) 614-9843 or LaMont Johnson at (202) 501-2925. ■

Stakeholders Council Meeting

The Office of Resolution Management held its quarterly Stakeholders Council Meeting on Thursday, March 25, 2004, in Washington, DC. The next meeting will be held in June 2004.

The Stakeholders Council is a forum for ORM to share information with our primary VA customers, identify new program areas, and work on shared projects. The Council is made up of representatives from:

- ❑ ORM
- ❑ Each VA Administration
- ❑ Office of General Council
- ❑ OEDCA
- ❑ Human Resources

- ❑ Office of Policy and Planning
- ❑ Office of Dispute Resolution



James S. Jones, (center) Deputy Assistant Secretary for Resolution Management, addressing the ORM Stakeholders Council at the March 25, 2004 meeting,

Topics discussed at this meeting included updates on:

- ❑ ADR activities
- ❑ ORM Training Calendar
- ❑ Stress and Aggression in the Workplace
- ❑ Root Cause Analysis
- ❑ Annual Senior Managers Report
- ❑ EEO Complaint Comparison Data
- ❑ Completing EEO Complaints within 180 days
- ❑ ORM Regional and National Conferences
- ❑ ORM Web page
- ❑ ORM Annual Report

To find out more about the Stakeholders Council, contact Denise Bryant at (202) 501-2800. ■

Mediation Offered During EEO Complaint Process

The Office of Resolution Management (ORM), as part of our effort to promote the use of early resolution techniques to resolve workplace disputes within VA, is offering mediation during the counseling, intake, and investigative stages (by letter to the complainant and Responding Management Official) of the EEO complaint process. Early resolution of workplace disputes is an integral part of ORM's philosophy for efficient complaint processing.

Our aim is to encourage the use of mediation. Mediation is VA's preferred method of alternative dispute resolution. It is cost-effective and timely. Mediation is confidential, focuses on issues – not people, is non-adversarial, and is risk free. To find out more, contact your regional ORM Field Office at 1 888 737-3361. ■

VA EEO Complaint Comparison Data

ORM prepares and issues a comparison of EEO informal and formal complaint activity data in the Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA). The data (in the form of charts) is not an in-depth analysis of the reasons why complainants initiated EEO complaints, but simply a comparison of complaint activity during the periods covered.

This data includes:

- A comparison of EEO complaint activity by Administration (VHA, VBA, NCA).
- A breakdown of each Administration into major operating components.
- A conversion of the number of informal and formal filings into rates per 1,000 employees, to provide a comparison of facilities based upon a consistent reference point.

This information contained in the *Office of Resolution Management Comparison Charts, Informal and Formal Complaint Activity* is available to assist VA managers in monitoring EEO complaint activity at facilities under their direction. For more information contact the Office of Policy and Compliance at (202) 501-2680. ■

VHA Alternative Dispute Resolution Program Directive

Veterans Health Administration (VHA) has issued *VHA Directive 2004-001*, dated January 6, 2004, that details VHA policy regarding the use of alternative dispute resolution (ADR) methods to resolve disputed issues pertaining only to matters involving Equal Employment Opportunity (EEO) issues.



It is VHA policy to offer mediation for all appropriate EEO related issues regardless of the stage of the complaint process. These issues are reviewed on a case-by-case basis to determine the appropriateness for mediation. When an aggrieved employee has agreed to pursue resolution through mediation, management must participate in the process.

Questions concerning this Directive may be referred to the Associate Deputy Under Secretary for Health for Operations and Management (10N) at 202 273-8907. ■

VA No FEAR Act Data on the Web



The No FEAR Act requires federal agencies to post, on their public Web sites, a link to summary statistical data pertaining to complaints of employment discrimination filed by employees, former employees, and applicants for employment.

VA equal employment opportunity (EEO) complaint processing data through March 31, 2004 (2nd Quarter FY 2004) along with end of the year data for 1999 to 2003 is available at <http://vaww.va.gov/orm/>, click on "What's New." ■

Mediation Training Update

ORM, through its Learning Resources Center, offers the following mediation training courses and videos. For more information call ORM Learning Resources at (727) 319-1232 or visit our Web site at <http://vaww.va.gov/orm/>.

- **Senior Executive Mediation Training**
 - Training ensures participants are well versed in mediation principles
 - Approximately 412 Senior Executive Service and other managers (GS14-15) trained since fiscal year 2000.
 - Approximately 113 ADR coordinators, attorneys, and others have attended this course since fiscal year 2003.

- **Basic Mediation Skills**
 - Provides knowledge and skills needed to be a successful mediator.
 - Approximately 515 new mediators trained for VA Networks and facilities since April 2002.

- **Advanced Mediation Skills**
 - Focus is on complex EEO cases and multiple-party disputes.
 - Approximately 60 mediators have completed this course.

- **Mediation for Management and Union Officials**
 - Provides union and VA management with an understanding of mediation, how it works, and when it would be helpful.
 - Provides frontline supervisors and union officials the basic skills to assist in resolving workplace disputes that do not require formal mediation or would not result in a formal complaint.

- **Managing Group Conflict**
 - Stages of group formation and development.
 - Techniques for assessing group conflict and how to identify whether it exists.
 - Instruction on how to design group conflict interventions.
 - Skills and methods for group conflict intervention.
 - Instruction on managing a group conflict intervention.

- **Mediation Zone Video**
 - Demonstrates and explains the mediation process.
 - Covers EEOC and VA National Policies on ADR.
 - Distributed to VA ADR Coordinators in January 2003.

- **The Three Little Pigs Mediation Video**
 - Designed to raise awareness of the mediation process.
 - Available online at <http://vaww.va.gov/orm/adr.htm>. ■