

VA Adopts New Neutrals Certification Standards

Gregory A. Burke

On October 1, 2010, Assistant secretary for Human Resources and Administration John U. Sepulveda signed VA Directive 5978.2: Alternative Dispute Resolution Neutrals Certification Handbook (the Handbook”), which is being certified and will soon be available electronically. The Handbook represents a milestone in VA’s implementation of its policy to encourage the use of Alternative Dispute Resolution and to provide increased opportunities under the ADVANCE initiative to provide employees an opportunity to grow their skills and further their professional development.

The Handbook allows employees who have an interest; the support of their supervisors; and local ADR coordinators to apply to become certified or recertified as neutrals, i.e., mediators, facilitators, group facilitators, or mentors to assist agency managers, staff and/or organizations resolve disputes.

Certification Requirements

The Handbook requires each category of neutral (mediator, facilitator group facilitator, and mentor) to have formal training (including 3 hours of training in EEO law and practice) and qualifying experience for certification within the 24 months before applying for certification: The Handbook also requires:

- Mediators to have 32 hour of basic mediation skills training, 3 hour of training in Equal Employment Opportunity law and practice and to have mediated or co-mediated 4 workplace disputes, with at least two EEO case mediations with a VA certified neutral with positive evaluations. Recertification for mediators requires 20 hour of refresher training and similar co-mediation experience.
- Facilitators to have 32 hours of basic facilitation skills training and 8 workplace dispute facilitation or co-facilitations, at least 4 of which should be EEO disputes and facilitated with a certified VA neutral with positive evaluations. Recertification of a facilitator requires 16 hours of refresher training in facilitations and the 8 facilitations as required for certification as a facilitator.
- Group facilitators to have 32 hours of group facilitation skills training and 3 group facilitations (1 EEO related) facilitated with a VA certified neutral with positive evaluations. Recertification as a group facilitator requires 16 hours of refresher training.
- Mentors to be certified as VA neutrals, 16 hours of mentoring training, experience in mediating or facilitating 12 workplace disputes (6 EEO cases) with positive evaluations, Recertification only requires 16 hours of mentoring training.

All certification and recertification are for 24 months.

Waivers and Decertification

The Handbook allows applicants to request waivers or substitutes in the certification and recertification requirements for training and experience requirements where circumstances prevent those requirements from being met. The Deputy Assistant Secretary for Resolution Management (DAS) has the authority to approve all applications for certification and to grant waiver or extensions.

Importantly, the Handbook also provides the DAS authority to decertify or condition the certification of any certified neutral upon credible evidence of a complaint or misconduct and after providing the certified neutral an opportunity to be heard.

Previous VA policy only provided for certification of mediators with no provision for decertification.

Roster of Certified Neutrals

Each certified neutral will be listed on an intranet webpage roster showing their name, location and certification. Each neutral will have the opportunity to embroider the roster's description of their certification status with information concerning their education, training, mediations, facilitations or description conducted, areas of specialty or any other information that may enhance their reputation and desirability as neutrals.

Existing Certifications

The Handbook allows employees certified or recertified under VA's Mediator Certification Program, which the Handbook rescinded, to retain their status until it lapses after the original 24 month certification or recertification period. Subsequent certification or recertification must comply with Handbook requirements.

Other Certification Programs

Consistent with the ADVANCE initiative for developing and growth of the professional skills of VA employees, the new Neutral Certification policy will allow employees with an interest in ADR or conflict resolution to receive credentials for developing those skills and promote, through the "Roster", those qualifications.

VA's certification requirements are at least as demanding as those of most private or public organizations and government agencies and should be fully transferable. The ADR program is pursuing memorandum of understanding with other agencies to assure that VA neutrals certification may be accepted across agencies.

Contacts

For more information contact workplaceadr@va.gov.