

ADR Newsletter

APR / MAY / JUN 2009

The Manager as Coach

Coaching Skills for Managers

INSIDE THIS ISSUE:

The Manager as Coach	1
The ADR Umbrella	2
Monetary Damages in Agreements	3
ADR in the Informal Process	4
Challenges	5
ADR Award Nominees	6
Upcoming Conferences	7

By Mitch McCrimmon ©

Managers need to be good coaches because they don't have all the answers and employees have the power to walk if not engaged. Coaching aids development as well.

The need for managers to coach team members is understood, but what is the real purpose of coaching in management? Employee coaching is not merely a development tool. It is a total repackaging of the manager's role. Effective managers today see themselves more as coaches than as the decision makers of old.

Managers are buyers of services provided by employees reporting to them. Just like any business unit, managers are in the middle between their suppliers and their customers, internal and external. They will always need to make strategic decisions about how best to use the resources and suppliers available to them. The main difference today is that managers no longer have enough information or power to make all the decisions they used to make. Their employees or suppliers often have more information. This changes the balance of power but employees are also no longer so tied to one employer. Their power to

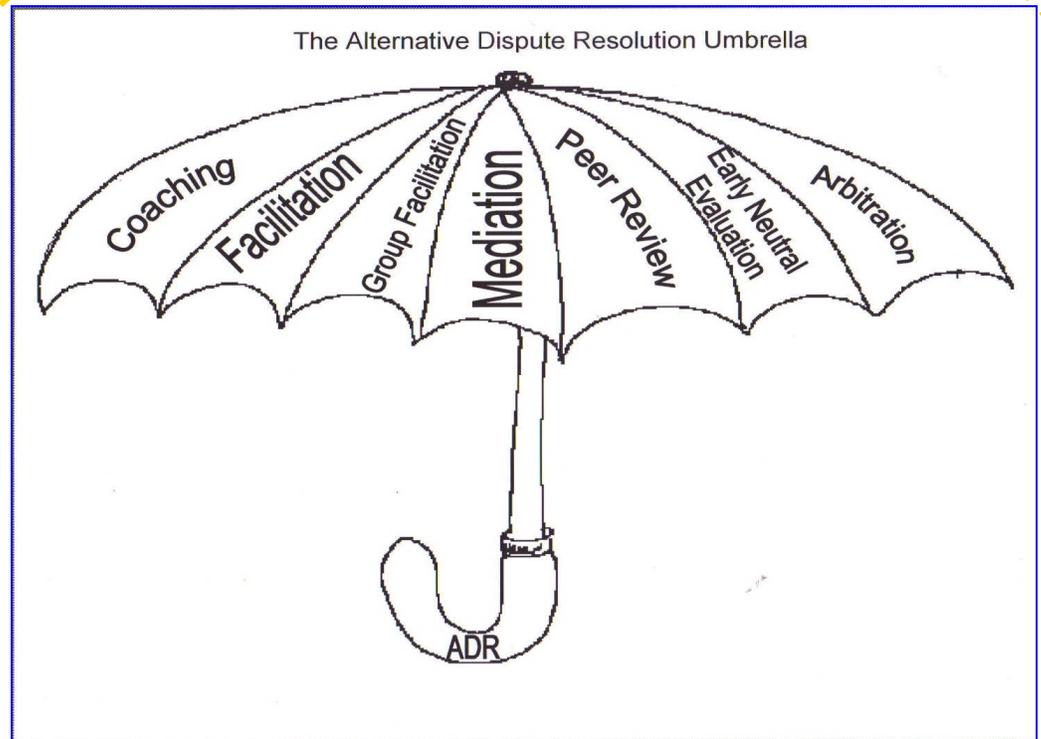
walk means that managers have to work with them as partners not as bosses.

This is why managers need to be coaches. But coaching is a tool for facilitating good decisions as well as for developing people. Given that employees have information that managers lack and the power to resist imposed decisions, managers must find new ways of engaging employees to develop workable solutions. Also, the best decisions emerge through group brainstorming. Effective brainstorming can develop solutions when no one knows what to do independently.

Coaching Employees Effectively

Simply put, coaching means asking questions, not simply to gather facts but to elicit solutions, feelings, ideas and new thoughts out of the person being coached. If the objective is to develop employees, asking them questions challenges them to think harder and more broadly about issues, thereby enlarging their perspective and improving their reasoning skills. When the need is to make decisions, the same coaching skills can generate better solutions. The skill of coaching is in being able

Go to page 7

ADR:**More
than
just
mediation**

When we think of ADR, we generally think of mediation to resolve disputes. However, ADR refers to a variety of processes that fall under the ADR umbrella. The following are the various ADR processes:

Mediation is an ADR process used to resolve problems between individuals. An impartial mediator helps facilitate communication between the parties; helps the parties discuss the problem; identify the real issues and explore options to create a voluntary, mutually acceptable solution.

Facilitation or Group Facilitation is an ADR process in which a facilitator assists employees, managers, and groups exchange information, obtain answers to questions, discuss decision-making, and otherwise support efficient and effective communication.

Coaching is when an individual works one-on-one with another individual to help them find ways to better manage a conflict.

Early Neutral Evaluation is a process whereby a neutral reviews the parties' positions and the information they provide and evaluates the relative strengths and weakness of each party's position.

Arbitration is where the parties designate a neutral or panel to decide a matter for them and may agree to be bound by the result.

Peer review is a process where a number of individuals (usually designated or pre-selected by the agency) convene to hear the disputing parties and render a recommended decision or opinion on the matter presented.

Monetary Damages in Settlement Agreements

Dear Mediator:

I have just been assigned to an EEO mediation and found out that, as part of the remedy, the complainant is requesting monetary damages. I have never conducted a mediation involving a monetary issue, so I'm not sure what needs to be addressed in a settlement agreement if the parties resolve the case. Do you have any suggestions?

Answer:

Settlement Agreements that involve money have a few special considerations that need to be considered and in some cases specifically addressed in settlement language:

Authority: All payments of money by the Department must be pursuant to a statute authorizing such payments, so be sure that a proposed monetary payment is properly authorized by a statute, such as the Civil Rights Act, Back Pay Act, etc. Fortunately, most monetary settlements in EEO mediation do have a statutory basis, but there are exceptions and variations (for example, attorneys fees are not payable in age discrimination cases), so consult with legal counsel if you are unsure about the source of authority for a monetary settlement. Also, ensure that the management representative at the mediation has the authority to agree to a monetary settlement, or has ready access to the official who does have the authority in order to reach resolution during the mediation session.

Taxation: It is important that all parties understand that most monetary settlements are subject to tax withholding. If the settlement calls for back pay, the amount will be subject to both income tax withholding and other standard deductions. If the settlement calls for a lump sum amount, the complainant receives the full amount without deductions; however, the Agency will issue an IRS Form 1099 to the complainant who is then responsible for all tax issues related to the monetary lump sum. As a mediator, it's not your job to be a tax expert or give tax advice, but it is important to know the basic issues and make sure the parties have the opportunity to consult with their own subject matter experts before agreeing to a monetary settlement.

Amount of payment: The exact amount of payment (including any applicable overtime, shift differentials, awards, as well as deductions for taxes, etc.) should always be included in the agreement so there are no questions later about the amount to be paid.

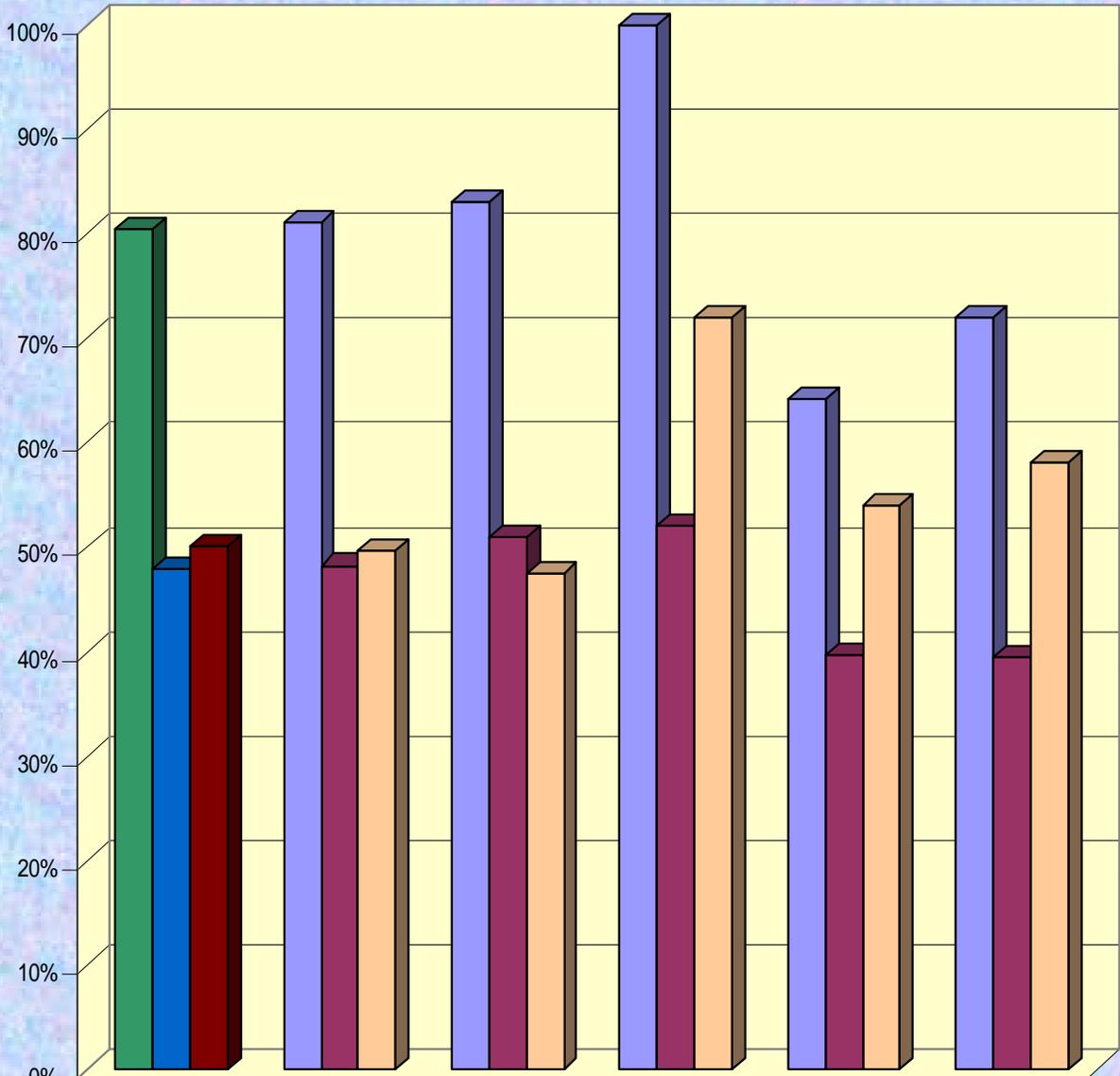
Timing of payment: It is important that an agreement is written so that all parties can comply with the timing of their obligations as part of the settlement. In many cases, management can control the internal processing necessary to provide a monetary payment to a complainant, but may not be able to control how quickly another entity will process final payment of the amount specified in the agreement. By clearly outlining responsibilities in the agreement, you help ensure a lasting settlement and satisfied parties.

Good luck in your mediation!

Do you have a question for Dear Mediator? If so, email your question to WorkplaceADR@va.gov and Dear Mediator might answer it in the next ADR Newsletter.

FY-09 Data as of 05/31/09

Department of Veterans Affairs ADR in the Informal process



	Department-wide	Veterans Health	Veterans Benefits	National Cemetery	Central Office	Canteen
Offer Rate	81%	81%	83%	100%	64%	72%
Participation Rate	48%	48%	51%	52%	40%	40%
Resolution Rate	50%	50%	47%	72%	54%	58%

Data Source: Complaints Automated Tracking System (CATS) and ADRTTracker System

Challenges

By Mary Rau-Foster

Recently I had the opportunity to listen to three people who are going through many challenges in their lives right now. As I listened to each, I marveled at the resiliency that each had in dealing in their own ways with their challenges. Following the conversations, I recalled a story that I once heard that reminded me that while everyone has challenges, some challenge are greater than others. A group of people who had gathered together began to share some of their problems and frustrations. At one point, the facilitator of the group asked them to stop, take a moment to reflect and to write down five problems that they were facing in their lives at this time. He then asked them to fold the papers and place them in a basket that he was passing around.

When all had put their papers into the basket, he mixed them all up and then passed the basket around again instructing the people to remove a paper from the basket and quietly read the paper that they had selected. He then asked if anyone in the room would choose to exchange their own problems for those listed on the paper that they had drawn. No one did. No one wanted to. No one felt that their problems were worse than the ones experienced by the author of the list that they held.

It seems unfair, and sometimes overwhelming, to face hardships and threats to life, safety, security, well-being and happiness. We may not understand the reasons for the pain and fear that result from these life challenges. Nonetheless, they offer the greatest opportunity for growth and emergence of inner strength previously unrecognized.

A favorite poem of mine that was shared many years ago by a dear friend makes the poignant point:

*I walked a mile with pleasure; she chattered all the way.
But I was none the wiser, for all she had to say.*

*I walked a mile with sorrow; not a word said she.
But what lessons I learned when sorrow walked with me.*

Author Unknown



And the Nominees are...

The first Secretary's Alternative Dispute Resolution (ADR) award nominations have been received and a subcommittee of the ADR Council is set to review and make recommendations to the Assistant Secretary for Human Resources and Administration in July.

The nominees are:

Marilyn Herndon, a mediator at the Harry S. Truman Memorial Veterans' Hospital in Columbia, Missouri

Nilda Lopez, EEO Manager and ADR Coordinator at the Caribbean Healthcare System in San Juan, Puerto Rico

Bettie Bookhart, ADR Coordinator at the VA Regional Office in St. Petersburg, Florida

Sylvia Jordan, EEO Manager/ADR Coordinator and Michael Benning, EEO Specialist at the James A. Haley Veterans Hospital in Tampa, Florida

Ralph H. Johnson VA Medical Center in Charleston, South Carolina

Susan Black, EEO Specialist at the VA Butler Healthcare System in Butler, Pennsylvania

Southern Arizona VA Healthcare System's ADR Program in Tucson, Arizona

Amarillo VA Healthcare System's ADR Program in Amarillo, Texas

Office of Diversity and Inclusion's Intervention Program at the VA Medical Center in Washington, DC

VISN 2—VA Healthcare Network Upstate New York's ADR Program in Albany, New York



Workplace ADR Program

Department of Veterans Affairs

810 Vermont Avenue, NW (08)
Washington, DC 20420

Phone: 202-501-2800

Fax: 202-461-4145

E-mail: WorkplaceADR@va.gov

Mediation:

A Solution to Workplace Disputes

The Workplace ADR Program solicits articles for VA's quarterly ADR newsletter. The purpose of the newsletter is to communicate information relating to the use of ADR in workplace disputes and serve as a resource for those interested in learning more about ADR and its application within VA. We invite you to submit ideas and articles for the newsletter through your respective administrations: VHA to Rita Reese (10A2E), VBA to Johnny Logan (20M2), NCA to Nicole Maldon (40A), VACO staff offices to your VACO ADR Liaison, and labor organizations to your ADR Council Representative. We are looking for ideas and articles on ADR-related topics, noteworthy activities, initiatives, accomplishments, best practices, or other items designed to educate and inform VA employees and managers on ADR and its benefits in addressing workplace disputes. We hope the VA community will find the newsletters a useful resource for obtaining interesting and helpful information representing ADR activity throughout VA. For more information, visit our website at:

<http://vaww1.va.gov/adr/page.cfm?pg=86>

Upcoming Conferences

Equal Employment Opportunity Commission (EEOC) Training Institute (EXCEL)
July 26, 2009—July 30, 2009

This conference will be held at the Marriott Hotels and Resorts in New Orleans, LA. In keeping with its history, this conference features top-level officials from the EEOC, other federal agencies and nationally known EEO professionals. Visit <http://eeotraining.eeoc.gov/viewpage.aspx?ID=030b9cb8-8e56-433c-a410-cc94ccb64b3a>

Federal Dispute Resolution (FDR) Conference
August 9, 2009—August 13, 2009

FDR will be held this year at the JW Marriott Desert Ridge luxury resort and spa in Phoenix, Arizona. The conference offers more than 40 unique topic-oriented workshops and sessions designed specifically to enhance the skills required of today's federal employment law professionals. Sessions target various levels of experience and audiences who are involved with human resources, labor and employee relations, EEO/diversity and employment law. Visit <http://www.fedconferences.com/fdr/>

The Manager as Coach Continued

to ask questions that help people open up. Good questions are neutral rather than judgmental or critical. They help people see new angles on issues and explore new options for dealing with them. This means avoiding closed questions, those that contain the answer or which shut discussion down prematurely. Good coaches know how to draw more out of people by offering encouragement. They say things like "That's interesting. Can you tell me more about that?" So-called active listening really means having the skills to draw more out of people than they might otherwise reveal or even know they had in them.

In addition to asking questions, the main coaching skills for managers include active listening, giving constructive feedback and knowing how to stretch employees without causing them to fail.