

September 8, 2003

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - SECY-03-0115 - ALTERNATIVE
DISPUTE RESOLUTION REVIEW TEAM (ART) PILOT
PROGRAM RECOMMENDATIONS FOR USING ALTERNATIVE
DISPUTE RESOLUTION (ADR) TECHNIQUES IN THE
HANDLING OF DISCRIMINATION AND OTHER EXTERNAL
WRONGDOING ISSUES

The Commission has approved the staff's recommendation to develop and implement a pilot program to evaluate the use of Alternative Dispute Resolution in handling allegations or findings of discrimination and other wrongdoing.

In addition to the four points for use of ADR noted in the staff's recommendation, the "early ADR" process should be revised to allow implementation regardless of the significance of the case and in lieu of an initial Office of Investigations preliminary interview. The screening process is unnecessary and any internal handling of the allegation beyond determining whether the alleged is aware of and wishes to use a licensee's ADR program would seem to take away from the benefits of ADR.

The staff should develop the additional guidance for implementing the pilot program, with public comment and participation, in 6 months from the date of Commission approval, as suggested by the Alternative Dispute Resolution Review Team (ART). The staff should consider using ADR experts from within and outside the agency to facilitate development of the implementing guidance and the pilot program.

(EDO)

(SECY Suspense:

3/5/04)

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR