

Issue Date: 12/12/2016

## Equal Employment Opportunity Alternative Dispute Resolution Program

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### I. Purpose

This Directive is intended to provide a comprehensive and confidential Department-wide alternative method to resolve equal employment opportunity (EEO) complaints.

### II. Scope

- A. This Directive applies throughout the Department of Homeland Security (DHS) to statutory and nonstatutory EEO complaints filed by civilian employees, former employees and applicants pursuant to Title 29 Code of Federal Regulations (CFR) Part 1614 or administrative adjudication, if applicable. EEO complaints filed by military members of the United States Coast Guard (USCG) may be resolved pursuant to policies and procedures set forth by the Commandant, USCG.
- B. This Directive is not intended to cover non-EEO workplace disputes. However, alternative dispute resolution (ADR) programs can be effectively utilized in resolving a variety of non-EEO workplace disputes. Components that desire to utilize the processes established by this Directive to resolve non-EEO workplace disputes may submit a request to the Office for Civil Rights and Civil Liberties (CRCL).

### III. Authorities

- A. 5 United States Code § 571, et seq., Administrative Dispute Resolution Act (ADRA) 1996.
- B. Title 29 CFR Part 1614, Federal Sector Equal Employment Opportunity, effective November 9, 1999.
- C. Equal Employment Opportunity Commission's Management Directive 110, effective August 5, 2015.

- D. DHS Delegation No. 19003, Delegation to the Officer for Civil Rights and Civil Liberties for Matters Involving Civil Rights and Civil Liberties, Including Equal Employment Opportunity and Workplace Diversity, issued October 26, 2012.

## IV. Responsibilities

- A. The **Officer for CRCL**, in partnership with DHS Components, implements, directs, and oversees initiatives and activities designed to establish and maintain a centralized standard for the delivery of ADR services for resolving EEO complaints throughout DHS.
- B. The **Component Heads** issue policy statements at their respective Component in support of ADR in EEO disputes, secure appropriate funding and personnel necessary for implementation, and ensure compliance with this Directive within their respective Component.
- C. **Managers and Supervisors** participate in good faith in ADR, making every reasonable effort to resolve EEO complaints, when aggrieved employees request ADR.
- D. **Employees** who choose to resolve their EEO complaints at DHS using ADR should do so in good faith.

## V. Policy and Requirements

- A. DHS is firmly committed to effectively and efficiently resolving EEO complaints at the Department by providing civilian employees with access to ADR methods. Early and effective resolution of EEO complaints is a vital component of DHS's overall mission to secure and protect the nation while preserving individual liberty, fairness, and equality under the law. As a model employer, DHS recognizes that early resolution of EEO complaints through ADR provides faster, less expensive, and longer-lasting results than litigation.
- B. Components participate in the CRCL Officer's centralized ADR program as a matter of service effectiveness and cost efficiency, as well as to eliminate duplication.
- C. Components designate an ADR program manager who promotes and ensures the delivery of ADR within the Component.

- D. Full participation in ADR by managers and supervisors is critical to the effectiveness of ADR in EEO disputes. Managers and supervisors participate in ADR when an employee engages the process, unless to do so would present a conflict of interest or otherwise undermine the integrity of the process.
- E. The Officer, CRCL, in coordination with the Under Secretary for Management, exercises funding oversight for Department-wide ADR delivery using memoranda of understanding, reimbursable agreements, resource allocation through the Working Capital Fund, or other appropriate funding scenarios. Components shall invest appropriately in the establishment and implementation of Department-wide ADR delivery as an integrated life cycle. Components may redirect existing funding streams currently supporting individually-contracted ADR programs to the Department-wide ADR delivery initiative.

## I. Questions

Address any questions or concerns regarding this Directive to the Officer, CRCL, or the DHS Director for EEO and Diversity, CRCL.



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Chip Fulghum  
Deputy Under Secretary for Management and  
Chief Financial Officer

12/12/2016

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Date