

Office of the General Counsel



ADR APPROACHES AND TECHNIQUES

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ALTERNATIVE DISPUTE RESOLUTION SERVICES

- Provided in Representation cases and Unfair Labor Practice cases
- Provided before and after a representation case petition or ULP charge is filed
- Services provided (Section 2423.2):
 - Facilitation
 - Intervention
 - Training
 - Education
- Criteria for providing ADR services

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ADR SERVICES IN REPRESENTATION CASES

- Meetings prior to filing a petition
Section 2422.13 (a)
Parties encouraged to meet to narrow and resolve issues. Upon request of all parties, an agent from the Region will participate.
- Meetings after filing a petition
Section 2422.13(b)
Regional Director may require parties to meet to narrow and resolve issues.

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ADR SERVICES IN ULP CASES

➡ Before a charge is filed--

Section 2423.1(a) of the regulations:

- Parties encouraged to meet and attempt to resolve ULP's.
- If requested or agreed to by both parties, representative of Region may participate.
- Does not toll time limits for filing charge under section 7118(a)(4)

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ADR SERVICES IN ULP CASES

➡ After a charge is filed--

Section 2423.1(b) of the regulations:

Representative of the Region may assist the parties as part of the investigation.

- Normal part of ULP processing

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ALTERATIVE CASE PROCESSING PROCEDURE

Section 2423.7

- If all parties agree, Region may assist parties to resolve dispute, without determining the merits of the charge
- No evidence is taken or entered into the case file
- If dispute is not resolved, the Region investigates
- Agent involved in ADR procedure not involved in investigation unless the parties and the RD agree otherwise

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ALJ Settlement Assistance After Complaint has Issued

Section 2423.25(d) Settlement Judge Program

- ALJ may assign judge or other official to conduct settlement negotiations
- Conferences by telephone or in person
- Settlement official does not discuss case with hearing judge
- No evidence regarding statements, conduct, etc. made during settlement conference is admissible before the ALJ or Authority, unless parties agree