

Policy Statement 1-37 (Rev. 1), Alternative Dispute Resolution for Equal Employment Opportunity Claims

(1) Alternative Dispute Resolution for Equal Employment Opportunity Claims

- (2) The Internal Revenue Service (IRS) is committed to early and voluntary resolution of claims of employment discrimination in order to foster a harmonious and productive working environment. The IRS recognizes that mediation and other forms of Alternative Dispute Resolution (ADR) are valuable mechanisms for resolving Equal Employment Opportunity (EEO) claims and related concerns. Accordingly, it is the policy of the IRS to offer ADR for all EEO claims except in cases involving criminal activity and managerial actions taken as a result of a 1203 violation.
- (3) All IRS managers and supervisors have a duty to cooperate in ADR as a part of the EEO process. During the EEO process, the IRS will offer to engage in ADR with the employee. Once ADR is offered and the employee elects to participate, the accused manager has a duty to cooperate, like any witness, in the EEO ADR process, but may not be the agency official that has settlement authority. Management officials representing the Service in ADR must do so in good faith and must either have authority, or have immediate access to an official with authority, to enter into a binding settlement agreement. The management official representing the Service in ADR and/or with settlement authority cannot be an individual whom the employee has alleged is responsible for the discriminatory action(s). As ADR is intended to facilitate voluntary resolution, no participant in ADR during the EEO process shall be compelled against his/her will to compromise claims or make binding commitments.
- (4) In order to derive the maximum benefit from and ensure confidence in the ADR process, all ADR sessions shall be conducted using a certified mediator or otherwise appropriately trained third party neutral person. The IRS regards the Department of the Treasury Shared Neutrals Program as a viable source for trained, neutral third parties.
- (5) The IRS shall collect data concerning the ADR process including but not limited to: the number of ADR sessions offered; the number of ADR offers accepted; and the source of the neutral third parties used in each ADR session. The IRS shall also survey or otherwise offer ADR session participants the opportunity to provide feedback on the effectiveness of the ADR session, including the effectiveness of the neutral third party utilized.
- (6) This policy supersedes all previous Alternative Dispute Resolution policies.

(7) Signed: _____
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