

Department of the Interior Departmental Manual

Effective Date: 12/19/08
Series: Personnel Management
Part 370: Departmental Personnel Program
Chapter 752.2: Conflict Resolution PLUS Program

Originating Office: Office of Collaborative Action and Dispute Resolution

<p>This chapter is renumbered and reissued for indexing purposes only. No changes have been made to the policy.</p>
--

370 DM 752.2

1.1 Purpose. This chapter provides policy, procedures, and requirements for the Department of the Interior's (Department) Conflict Resolution PLUS (CORE PLUS) program. The CORE PLUS program is an alternative to the other adversarial dispute resolution processes. It replaces two existing workplace alternative dispute resolution programs: CORE, previously under the direction of the Office of Human Resources, and EEO PLUS, previously under the direction of the Office of Civil Rights. CORE PLUS is an integrated conflict management system that emphasizes early cooperative problem-solving and constructive conflict management in addition to alternative dispute resolution processes.

1.2 Authority. Administrative Dispute Resolution Act of 1996, P.L. 104-320; 5 U.S.C. §§ 571-584.

1.3 Policy. The Department is committed to attract, retain, and support dedicated, talented, and resourceful employees who work cooperatively to provide exemplary service to the public. The ability to proactively manage and resolve workplace conflict improves the Department's quality of work life and productivity. All employees (non-supervisory, supervisory, managerial, and senior executives) are free to participate in the CORE PLUS program without restraint, interference, coercion, discrimination, or reprisal of any kind. Bureaus/Offices may not issue supplemental CORE PLUS program policy but may issue supplemental implementing guidance as needed by seeking review and clearance from the Office of Collaborative Action and Dispute Resolution (CADR).

A. The CORE PLUS program does:

- (1) Address any issue/concern raised by any Department employee;

(2) Provide all employees with fair, equitable, and effective means for constructively resolving workplace conflicts or disputes at the earliest opportunity, at the lowest organizational level, and to the mutual satisfaction of all parties; and

(3) Rely on a coordinated network of information and resources to help all employees promptly address issues and concerns in the workplace and reduce destructive disputes.

B. The CORE PLUS program does not:

(1) Replace any legal or administrative avenues of redress available to employees or provide any extension of time frames in which to seek redress under any formal administrative processes unless otherwise provided for within a specific administrative process (e.g., Equal Employment Opportunity (EEO) complaint process, or Administrative Grievance Procedures); or

(2) Delay any pending disciplinary action unless management decides or concurs that the action can be held in abeyance based on the particular circumstances of the case.

1.4 Objectives. The CORE PLUS program focuses on maximizing the use of early conflict management tools such as open door policies for supervisors, training, team building, and open dialogue, as well as ADR processes such as mediation or facilitation, to improve interpersonal communications between and among employees and supervisors, and to preserve relationships between and among employees and supervisors rather than advancing adversarial positions and win-lose outcomes. It encourages better communication and early resolution of concerns and conflicts by providing:

A. Information that will address specific workplace issues/concerns; and

B. When appropriate, neutral conflict resolution assistance to address employee and management concerns.

1.5 Coverage.

A. The CORE PLUS program policies, procedures, and requirements apply equally to all bureaus/offices of the Department.

B. The CORE PLUS program covers all Department employees, regardless of type and tenure of appointment. However, for bargaining unit employees to have access to the CORE PLUS program, there must be specific authorization in the collective bargaining agreement, a Memorandum of Understanding (MOU), or other written agreement between the union and local management.

C. Some matters have specific administrative processes and time frames that an employee must follow in filing a formal complaint. These matters include but are not limited to EEO, sexual orientation discrimination claims, administrative grievances, whistleblower complaints, and prohibited personnel practices. If an employee seeking assistance from the

CORE PLUS program has raised an issue/concern in one of these areas, the CORE PLUS Neutral will inform the employee of other available avenues as appropriate to the circumstances and refer the employee to other sources of information on those avenues.

1.6 Key Terms.

- A. Agreement. A resolution agreed to by the parties. Agreements should be in writing.
- B. Alternative Dispute Resolution (ADR). Any assisted negotiation process which has the goal of resolving a conflict or dispute between two or more parties. ADR exists in a variety of forms ranging from informal (e.g., interest-based problem-solving, facilitation, conciliation, or mediation, with neutral third party assistance) to formal (e.g., early neutral evaluation, arbitration, mini-trial, etc., where a third party makes a decision which may be binding or advisory as agreed to in advance by the parties). In general, ADR includes any consensual method used to resolve conflicts or disputes without needing a decision from an administrative review forum or a court. ADR processes are generally more flexible and utilize more cooperative problem-solving approaches. In the Federal agency context, ADR is usually thought of as informal methods used to resolve conflict where those involved work with a neutral third party to find a mutually acceptable resolution. CORE PLUS Neutrals can assist parties in selecting an appropriate process.
- C. ADR Practitioner or Third Party Neutral. An impartial individual, from within or outside the Department, agreed upon by the parties to provide conflict management assistance or ADR services and who has no stake in the outcome of the matter.
- D. Bargaining Unit Employee. An employee included in an exclusive bargaining unit. A bargaining unit is a grouping of employees that a union represents (or seeks to represent) and that the Federal Labor Relations Authority finds appropriate for collective bargaining purposes.
- E. Bureau Dispute Resolution Specialist (BDRS). The bureau official responsible for representing the bureau on the Interior Dispute Resolution Council; and coordinating with CADR to provide consistent guidance on CORE PLUS policies and procedures and oversee implementation of the CORE PLUS program in the bureau.
- F. Conciliation. An informal ADR method in which a neutral third party assists the parties to build a positive relationship.
- G. Conflict. The tension or struggle that arises when individuals have differing wants, needs, ideas, beliefs, values, or goals. Conflict may result in dissatisfaction, disagreement, or frustration over unmet expectations or misunderstandings in the workplace.
- H. Conflict Management. The ability to recognize conflict and respond appropriately to resolve the underlying concerns before adversarial positions are hardened.
- I. CORE PLUS Neutrals. Employees certified by CADR as qualified ADR practitioners and conflict management experts who deliver CORE PLUS services either full-

time, part-time, or as a collateral duty. External ADR Practitioners or Third Party Neutrals found qualified by CADR may also provide CORE PLUS Neutral services. For purposes of implementing the policies and procedures in this DM Chapter, any reference to CORE PLUS Neutral also includes external ADR Practitioners or Third Party Neutrals. CORE PLUS Neutrals provide or arrange for various types of assistance appropriate to each circumstance and acceptable to the parties involved. Assistance may include, and is not limited to, providing information (including personnel policies, and access and time frame information on administrative, EEO, or other forms of redress), referring employees to other appropriate sources of assistance (such as the employee's supervisor or the Employee Assistance Program, helping define issues or specific concerns, suggesting effective communication and conflict resolution strategies and techniques or training, coaching parties in their attempts to resolve conflicts on their own, facilitating meetings, conciliating, gathering information relevant to a particular conflict (when needed to enhance resolution efforts), mediating (when it is appropriate and the parties are willing to participate), or securing the services of other ADR practitioners acceptable to the parties.

J. Days. Refers to consecutive calendar days. If the date that ordinarily would be the last day for filing falls on a Saturday, Sunday, or Federal Holiday, the final date will be the first workday after that date.

K. Dispute. A conflict becomes a dispute when someone makes a claim, demand, or request of another (employee, supervisor, or manager) and it is denied, rejected or not acted upon.

L. Employee. A current Department of the Interior employee including a manager/supervisor or senior executive.

M. Group Facilitation. An informal ADR method used to improve the effectiveness of a group. A neutral third party assists a group of participants with communication and sharing information, identifying issues, developing problem-solving steps, maintaining direction, and keeping focused on resolution of the issues/concerns to achieve agreed upon goals.

N. Issue/Concern. A matter that engages a person's attention, interest or care, or that affects a person's welfare, performance, or job satisfaction. An expression of dissatisfaction (including disputes) by an employee or group of employees, on a matter arising in the workplace.

O. Manager/Supervisor. May be a party in the conflict or dispute who participates in good faith to resolve workplace concerns including with other managers or supervisors. The manager/supervisor participating in an ADR process must have the authority to approve and implement a written agreement, subject to appropriate administrative, technical, and legal review. Alternatively, a manager/supervisor may refer employees to the CORE PLUS program or other resources to assist in the handling of the workplace issues/concerns.

P. Mediator. A neutral third party, trained to assist parties in negotiating an agreement or other mutually acceptable resolution of a dispute. The mediator has no independent authority

and does not render an opinion, but rather assists the parties in finding their own mutually acceptable solutions that reflect their interests and objectives.

Q. Notice of Results and Options. A document addressed to the employee that outlines the issues/concerns, and documents the final disposition of any action taken on the issues/concerns raised in the context of the CORE PLUS program. This document also provides information on other available avenues of further redress.

R. Representative. An individual chosen by the employee or management and who has agreed to represent that party in resolving issues/concerns.

1.7 Responsibilities.

A. Director, Office of Collaborative Action and Dispute Resolution (CADR).

(1) Supervises the development and implementation of the Departmental CORE PLUS program as set out in 370 DM 770, by establishing policy, implementation guidance, and standard operating procedures for the management of the program.

(2) Coordinates program development and implementation efforts with DOI's Director, Office of Human Resources and the Director, Office of Civil Rights to ensure consistency with all related laws, regulations, Departmental policies, and related performance goals; and provides standard program information to employees, managers, and supervisors.

(3) Sets standards and qualifications for certification of CORE PLUS Neutrals, and external ADR Practitioners and Third Party Neutrals available to assist DOI employees; develops and maintains a roster of certified CORE PLUS Neutrals available to employees requesting or inquiring about CORE PLUS services; and ensures access to qualified sources of external ADR Practitioners or Third Party Neutrals.

(4) Develops education and training to support the implementation of the program; and develops and disseminates standard marketing materials for use in educating employees about the program.

(5) Develops reporting requirements to support the management of the program; and develops a standard tracking, monitoring, and evaluation system for use in managing the program across the Department.

(6) Coordinates administrative support for the program to maximize efficiencies and support the bureaus, such as the use of blanket purchase agreements for acquiring neutral third party services; and provides CORE PLUS program assistance for the Office of the Secretary.

B. Director, Office of Human Resources. Consults on the administration of the CORE PLUS program relative to the Department's Administrative Grievance Procedure, 370 DM 771,

and supports providing information and training to all bureau Human Resource Officers regarding CORE PLUS.

C. Director, Office of Civil Rights. Consults on the administration of the CORE PLUS program for ADR services related to EEO claims and supports providing information and training to all bureau EEO Officers, EEO Specialists, and EEO Counselors regarding the CORE PLUS program. Supports CORE PLUS program by providing information and training to Office of the Secretary managers, supervisors, and employees regarding the use of ADR in both the informal and formal stages of the EEO discrimination complaints process.

D. Senior Counsel for Collaborative Action and Dispute Resolution. Shares leadership with and supports CADR's role in the CORE PLUS program; provides legal advice on issues related to the CORE PLUS program, ADR, and collaborative problem-solving; and provides CORE PLUS program assistance for the Office of the Solicitor.

E. Associate Solicitor, Division of General Law, and Regional Solicitors. Provide legal advice on issues related to personnel and civil rights adjudication and litigation; review and, if appropriate, approve any agreement contemplating payment of legal fees and payment of funds in amounts totaling less than \$40,000 so long as no single component exceeds \$20,000.

F. Solicitor. Reviews and, if appropriate, approves any agreement contemplating payment of legal fees and compensation in amounts totaling \$40,000 or more, or where any single component exceeds \$20,000.

G. Heads of Bureaus and Offices.

(1) Ensure implementation of the CORE PLUS program; provide adequate support for bureau and office participation in the CORE PLUS program; and assign accountability for the operation of the CORE PLUS program to the Bureau Dispute Resolution Specialist (BDRS) or the CADR office.

(2) Ensure support by the bureau's Human Resources and Civil Rights/EEO officials for implementation of the CORE PLUS program; and ensure appropriate participation by management officials with settlement authority.

(3) Support the CORE PLUS program by notifying all managers/supervisors and employees of the assistance available; encourage employees to bring issues/concerns to the attention of their supervisors personally or through this program; and encourage managers/supervisors to support the CORE PLUS program and participate in good faith in the CORE PLUS processes.

(4) Ensure that CADR approved training is provided for managers/supervisors in conflict management and ADR.

(5) Issue supplemental implementation guidance or instructions deemed necessary to implement this policy, following consultation with, review and surname by CADR.

H. Bureau Dispute Resolution Specialists.

- (1) Oversee, monitor, and coordinate implementation of the CORE PLUS program in collaboration with appropriate Departmental and bureau officials; and coordinate the delivery of training to support operation of the CORE PLUS program.
- (2) Ensure that employees (including a manager/supervisor or senior executive) receive appropriate conflict resolution advice and assistance consistent with the requirements of the CORE PLUS program including obtaining appropriate technical or legal review of negotiated agreements.
- (3) Manage the roster application process identifying bureau employees seeking certification as CORE PLUS Neutrals consistent with the Department's requirements and standards for certification.
- (4) Monitor and evaluate implementation of the CORE PLUS program in the bureau using the tracking, monitoring, and evaluation system developed by CADR; and submit data and/or reports on the bureau use of CORE PLUS, as required, to CADR.
- (5) Recommend CORE PLUS Neutrals qualified to perform the functions; and ensure that they maintain certification. (Services provided by CORE PLUS Neutrals such as mediation or other ADR services may also be provided by a contractor or other qualified person from outside the Department, when appropriate, and agreed to by the parties.)
- (6) Designate additional CORE PLUS program coordinators as necessary to assist in ensuring implementation of the CORE PLUS program and in providing all bureau employees with equal and timely access to assistance from a CORE PLUS Neutral.
- (7) Identify other sources of qualified neutral third party assistance available to bureau employees, either in lieu of or in addition to CORE PLUS Neutrals, in coordination with CADR.
- (8) Ensure that an employee serving as a collateral duty CORE PLUS Neutral or having other CORE PLUS program responsibilities does not also have advocacy duties (e.g., representing management or employees in disciplinary proceedings, grievances, EEO cases, etc.) that would or could create an actual or perceived conflict of interest or position.

I. Bureau Human Resources Officers.

- (1) Provide information on the CORE PLUS program to the servicing human resources offices (SHRO); and ensure that SHRO staff receive training on the CORE PLUS program and their conflict management role and can provide advice, assistance, and guidance to supervisors and managers on ADR options. The HR Officer or SHRO staff also may refer employees and/or managers to the CORE PLUS program for additional assistance as appropriate.

(2) Provide technical advice or assistance to CORE PLUS Neutrals as needed, and provide technical review of proposed agreements as appropriate.

J. Bureau Equal Employment Opportunity Officers.

(1) Provide information on the CORE PLUS program to bureau EEO Specialists and Counselors; and provide technical advice or assistance on EEO discrimination complaint cases to CORE PLUS Neutrals, review draft settlement agreements to ensure accuracy regarding regulatory and legal requirements, and retain the settlement agreements of EEO complaints to assure compliance requirements are met. The EEO Director, EEO Specialists, or EEO Counselors also may refer employees and/or managers to the CORE PLUS program for additional assistance as appropriate.

(2) Ensure that EEO Counselors receive training on the CORE PLUS program and their conflict management role and provide advice, assistance, and guidance to employees, supervisors, and managers on the EEO complaint process and ADR options; and provide training on the use of CORE PLUS in the EEO complaints process as part of EEO training for managers, supervisors, employees, and EEO Counselors and encourages the use of ADR.

(3) Ensure that ADR is offered to employees at pre-complaint and formal stages of the EEO complaint process and the sexual orientation complaint process, as appropriate.

K. CORE PLUS Neutrals.

(1) Meet certification standards and annual requirements to maintain roster certification; and comply with Interagency Guide for federal mediators and ethical standards for federal mediators.

(2) Provide information and education to employees and management about the CORE PLUS program.

(3) Keep supervisors apprised of time spent on CORE PLUS Neutral duties.

(4) Complete intake forms and assist employees to frame, clarify, and record their issues/concerns.

(5) Advise employees and management participants of procedures, time frames, and/or special procedures that may be applicable to the issues/concerns; and clarify that contact with a CORE PLUS neutral does not satisfy any requirements for contacting human resources or EEO personnel.

(6) Provide early conflict resolution assistance, which may include coaching, joint problem solving, conciliation, facilitation or mediation. Discuss and explain approaches that might be appropriate to each situation. Arrange and/or conduct ADR or other form of neutral assistance as appropriate and acceptable to the parties. Assist the parties in securing the services

of other ADR practitioners when appropriate and acceptable to the parties. CORE PLUS Neutrals must be viewed as competent, impartial, and trustworthy.

(7) Subject to the agreement of the parties, act as third party neutrals to assist in resolving workplace issues/concerns.

(8) Assist parties in securing services of an external third party neutral if the parties agree that they would prefer an outside neutral to assist them in resolving their issues/concerns.

(9) Offer coaching and advice, when appropriate, to encourage parties in conflict to communicate in an attempt to resolve matters without third party assistance.

(10) Protect the confidentiality of the CORE PLUS process used to resolve issues/concerns, consistent with legal and policy requirements (See Section 1.11).

(11) Draft agreements reached by parties, and ensure appropriate technical and legal review is obtained before the parties sign the agreement.

(12) Ensure parties in any CORE PLUS process are encouraged to complete appropriate evaluation form.

(13) Input accurate data into the CORE PLUS tracking system in a timely manner.

(14) Issue written Notice of Results and Options to parties on any other avenues of redress available when CORE PLUS efforts do not resolve all issues or concerns.

L. Managers/Supervisors.

(1) Maintain open and consistent communication on work issues/concerns with employees, clarify misunderstandings, make reasonable adjustments to address work problems and relationships with employees, and actively seek resolution of workplace issues/concerns at the earliest opportunity.

(2) When appropriate, attempt to directly resolve issues/concerns with employees prior to using a third-party neutral. As needed, seek advice and support from a CORE PLUS Neutral.

(3) Provide employees with communication, education, and access to information regarding the CORE PLUS program.

(4) Ensure that management's representative in an ADR process has authority to settle and participates in good faith in mediation or other dispute resolution efforts.

(5) Protect the confidentiality of the CORE PLUS process used to resolve issues/concerns, consistent with legal and policy requirements.

(6) When necessary, provide funds to cover travel for the CORE PLUS Neutral or costs of acquiring external ADR Practitioner or Third Party Neutral services.

M. Employees.

(1) Raise issues/concerns as early as possible and attempt to resolve issues/concerns with other employees or supervisors prior to using a third party neutral. As needed, seek advice and support from a CORE PLUS Neutral.

(2) Maintain open and consistent communication on work issues/concerns with supervisor and other employees.

(3) Participate in good faith in mediation or other agreed upon process or efforts.

(4) Protect the confidentiality of the ADR process consistent with legal and policy requirements. (See Section 1.11).

(5) Seek information and comply with established time frames and other requirements for alternative complaint processes.

1.8 CORE PLUS Program Requirements. Each bureau/office will ensure that the procedures for implementing the CORE PLUS program are followed.

A. CORE PLUS Program functions. Each BDRS must:

(1) Carry out the responsibilities listed in Section 1.7H and keep bureau management informed of CORE PLUS program progress and needs.

(2) Recommend employees who are qualified to function as CORE PLUS Neutrals and able to provide impartial conflict resolution assistance and services on request in accordance with CORE PLUS program procedures. CORE PLUS Neutrals must be viewed as competent, impartial, and trustworthy.

(3) Designate additional CORE PLUS program coordinators as necessary to assist the BDRS in ensuring implementation of the CORE PLUS program and providing all bureau employees with equal and timely access to assistance from a CORE PLUS Neutral.

(4) Identify other sources of qualified neutral third party assistance available to bureau employees, either in lieu of or in addition to CORE PLUS Neutrals, in coordination with CADR.

B. Time Frames and Compliance with Other Processes. Each bureau/office must:

(1) Ensure compliance with the Federal labor relations statute (5 U.S.C. Chapter 71) and collective bargaining agreements when bargaining unit employees seek assistance

through CORE PLUS. (Specific authority must be provided in the collective bargaining agreement or by MOU. See Section 1.5B, Coverage.)

(2) Allow employees to bring any issue/concern to the CORE PLUS program without time constraints. However, this provision does not act to change or extend time limits in formal avenues of redress (such as EEO complaints, administrative grievances, or negotiated grievances) unless provisions allowing for extension of timeframes exist in the applicable administrative procedure.

(3) Inform each employee bringing an issue/concern to the CORE PLUS program that if he/she is interested in using the EEO discrimination complaints process, he/she must raise any issue that involves an allegation of discrimination or harassment with the EEO Office or an EEO Counselor within 45 days of the incident that gave rise to the issue/concern or the effective date of the personnel action. This information will be contained in a document that must be signed by the CORE PLUS Neutral and the employee and a copy provided to the bureau EEO Officer.

(4) Inform each employee bringing an issue/concern to the CORE PLUS program that he/she must present a grievance in writing within 15 days of the date of the challenged action or inaction or the date he/she became aware of it in order to retain the right to file a formal grievance, although the deadline for filing an informal grievance may be extended by the grievance official in some circumstances. See 370 DM 771, Section 1.10A. This information will be contained in a document that must be signed by the CORE PLUS Neutral and the employee and a copy provided to the bureau Human Resources Director. The time frames required for presentation of a grievance under a negotiated grievance procedure may be different, and employees are responsible for the complying with the applicable time frames.

C. Steps and Procedures. Each CORE PLUS Neutral must:

(1) Complete the CORE PLUS Intake Form and transfer intake data to CORE PLUS tracking system.

(2) Within 15 days of the initial contact (as documented on the CORE PLUS Intake Form), informally gather relevant information and discuss and recommend an appropriate method or approach to address the issues/concerns presented by the employee.

(3) If mediation is deemed appropriate by the CORE PLUS Neutral and agreed to by the parties, provide the parties with scheduling information and ask them to sign an "Agreement to Mediate" covering confidentiality and other aspects of the mediation process.

(4) Extend the time frame beyond the first 15 days of the initial visit, in no more than two 15-day increments, if the parties agree to continue an attempt to resolve the issue/concern within the CORE PLUS program. The ADR process may continue beyond this time frame only if the parties involved jointly agree to an extension and in the judgment of the CORE PLUS Neutral they are making progress toward a resolution. In EEO discrimination complaint cases, the ADR process may be invoked at any time. While the informal complaint

process may not exceed 90 days when ADR is invoked in that process, the ADR process may continue beyond that time if agreed to by the employee. [See 29 C.F.R. § 1614.105 (e) and (f).] In other words, ADR may voluntarily continue even after a Notice of Final Interview has been issued signifying that informal, pre-complaint counseling has ended.

(5) Provide a Notice of Results and Options to the parties upon determining that the issue/concern is likely to remain unresolved or the time frame expires, and, in the CORE PLUS Neutral's judgment, the parties are not close to resolution.

(6) Inform an employee that, upon receipt of a Notice of Results and Options, or at any time during the CORE PLUS process, an employee may:

(a) Take no further action; or

(b) As appropriate, take action under any other applicable formal avenue of redress.

(7) Complete the process evaluation form and encourage the parties to do the same.

1.9 **Agreements.**

A. Agreements effecting final resolution of the issues/concerns may be entered into at any point in the ADR process.

B. If full or partial resolution is achieved, all appropriate parties sign the agreement. When necessary, proposed agreements will receive appropriate technical, legal, and administrative review. The participating parties are bound by the terms of agreements to the extent legally permissible. (See paragraph (E) below.)

C. Each signer is to receive an original copy of the agreement. In addition, the appropriate bureau/office (e.g., SHRO or EEO Officer) will retain an original copy of the agreement.

D. Agreements between parties will be specific to the issue/concern being resolved and will not be considered precedent-setting or controlling concerning future matters in which similar issues/concerns may arise. Parties are encouraged to include a provision for resolving any conflict that might arise in the implementation of the agreement. If an allegation arises that a party to an agreement has not implemented or complied with a term of the agreement, the bureau/office should allow the party to raise the allegation with the BDRS who will obtain appropriate technical and legal advice to discuss and recommend appropriate options to resolve the concerns. The exception for non-compliance claims regarding agreements in EEO complaint cases is detailed in the following item.

E. If the agreement resolves a matter raised in the EEO complaint process, the agreement must be in writing, signed by the parties, and state clearly the terms of the resolution

and the procedures to follow in the event that a breach of the agreement is alleged. (See 29 C.F.R. Section 1614.504.)

F. No party in an ADR process may be coerced to reach an agreement and any party may terminate an ADR process at any time.

1.10 Settlement Authority. Management representatives must have authority to settle or access to appropriate settlement authority during a mediation process, including access to legal and technical assistance (Human Resources in each instance, and EEO if appropriate) regarding the terms of settlement. See DM chapter on Authority to Settle Administrative Employment-Related Claims.

1.11 Confidentiality of Information. To maintain credibility and facilitate success, any third party neutral (including CORE PLUS Neutrals or external ADR practitioners, as defined below) must, to the maximum extent permissible by law, keep information given to them confidential unless given permission by all parties to use the information for specific purposes. In addition, the mediation process requires confidentiality in accordance with 5 U.S.C. § 574. In mediation, participating parties must feel free to discuss the issues involved and trust that the discussions will be held confidential. The limitations placed on parties and mediators relating to confidentiality must be explained to the parties to a mediation or other ADR process before it begins. (See DOI Confidentiality Policy and Agreement to Mediate Form in CORE PLUS Handbook.)

1.12 Training. Education and training are critical to the success of the CORE PLUS program. Each bureau/office must:

- A. Educate all employees about the CORE PLUS program.
- B. Encourage all managers and supervisors to receive basic conflict management training provided or approved by CADR.
- C. Ensure that all bureau personnel responsible for providing advice and assistance on human resources and EEO matters are educated about the CORE PLUS program and can make appropriate referrals for ADR assistance.
- D. Ensure that the designated BDRS, CORE PLUS managers, and coordinators satisfy all training requirements established by CADR.
- E. Ensure that all individuals recommended for certification as CORE PLUS Neutrals satisfy the education and training requirements established by CADR, including annual refresher training. The minimum qualifications, education, training, and experience required for certification as a CORE PLUS Neutral are provided in more detail in the CORE PLUS Implementation Handbook. (See 1.20, below.)

1.13 Certification standards for CORE PLUS Roster of Neutrals.

A. CORE PLUS Roster of Neutrals. CADR will maintain a Departmental roster of individuals certified to serve as CORE PLUS Neutrals. The roster will provide employees and managers/supervisors with easy access to individuals qualified to assist them in resolving workplace concerns. The roster will be managed to ensure that all certified CORE PLUS Neutrals have a reasonable opportunity to participate in CORE PLUS processes in order to maintain a high skill level, while also ensuring sufficient capacity to provide prompt assistance at the lowest possible cost. To avoid any potential conflict of interest or appearance of bias, employees selected to serve as CORE PLUS Neutrals should not be assigned advocacy duties of any type including representing management or employees in disciplinary proceedings, grievances, EEO cases, etc. that would create an actual or apparent conflict of position. A conflict of interest may arise from involvement with the subject matter of the dispute or any relationship between a CORE PLUS Neutral and any participant in CORE PLUS processes, whether past or present, personal or professional, that reasonably raises a question of the CORE PLUS Neutral's impartiality.

B. Selection and Certification of CORE PLUS Neutrals. CADR is responsible for the selection and certification of a representative group of CORE PLUS Neutrals. The BDRSs will conduct the application process for CORE PLUS Neutrals using the application forms and guidance provided in the CORE PLUS Implementation Handbook and recommend qualified candidates to CADR for selection and certification. Additional guidance for recruiting and selecting neutrals and the requirements for certification as a CORE PLUS Neutral are provided in the CORE PLUS Implementation Handbook. (See 1.20, below.)

C. Operation of DOI Roster of CORE PLUS Neutrals. The Roster of Neutrals will be maintained by CADR in consultation and coordination with the BDRSs for use by all bureaus/offices.

1.14 Management Participation. Each bureau or office must ensure that a management representative participates in ADR when requested by a party bringing an issue/concern to the CORE PLUS program. If an employee's supervisor is directly involved in the issue/concern and does not voluntarily agree to participate, then another management representative, preferably in the employee's chain of command, is required to participate. There may be limited circumstances when ADR is not appropriate and management will not be expected to participate. A decision that ADR is not appropriate will be made in consultation with CADR. In EEO complaint cases, the EEO Officer will determine if ADR is not appropriate in accordance with guidelines jointly established by CADR and the Director, OCR, or in case specific consultation with CADR.

1.15 Representation. Employees may represent themselves, or be represented by someone of their choice. However, the choice of representative, if a DOI employee, may be denied if it would result in a conflict of interest or position, a conflict with mission priorities, or unreasonable costs. Management may also elect to have representation. Designation of a representative must be provided in writing to the CORE PLUS Neutral. Bureaus have the authority to deny the choice of representative for the reasons stated and this decision cannot be appealed. Attorney fees and other costs of representation are the responsibility of the employee.

1.16 Use of Official Time. Employees and their representatives, if Department employees, shall be permitted a reasonable amount of official time (generally a matter of hours, not days), if otherwise in a duty status, to prepare and present their issues/concerns and to communicate with a CORE PLUS Neutral, management, and other sources of procedural guidance such as human resources staff or EEO counselors. "Presenting" means discussion with the manager/supervisor, meeting with a CORE PLUS Neutral, or participating as required in any stage of the CORE PLUS process. Preparation for presentation of an issue/concern means meeting with an attorney or other representative, conducting research, or preparing a written response. A reasonable amount of official time will be allowed without charge to leave or loss of pay in accordance with pertinent regulations. Official time must be requested and approved in advance by the appropriate supervisory official. (However, initial contact with a CORE PLUS Neutral does not require prior supervisory approval.) Expenses related to travel, if deemed necessary by all parties, must also be approved in advance.

1.17 Evaluation.

A. Annual Report. Each bureau and office must submit an annual evaluation report to the CADR Office in accordance with guidance included in the CORE PLUS Implementation Handbook.

B. Program Progress Meetings. In addition to the annual report, the BDRS must meet with the CADR Office every six months to discuss bureau progress implementing the CORE PLUS program. Included in these discussions will be the identification of trends, evaluation of procedural issues, and program effectiveness. Periodic feedback and evaluation will allow for continuous improvement.

1.18 Records Management. The CADR Office will provide requirements and guidance to bureaus and offices on the establishment of reporting and tracking systems that will assure the integrity of the CORE PLUS program. Bureaus and offices will maintain a records system to comply with the Department's requirements under National Archives and Records Administration (NARA) General Records Schedule 1/27, including ADR general files and ADR case files. At a minimum, the following records must be maintained on file in accordance with the NARA General Records Schedule 1, Item 27 (Transmittal No. 12, July 2004), but in no instance less than three years:

- A. Intake Form
- B. Agreement to Mediate
- C. Notice of Results and Options
- D. Participant Evaluation Form
- E. Original Copy of Written Agreements

1.19 **CORE PLUS Implementation Handbook.** Additional guidance may be found in the CORE PLUS Implementation Handbook developed by CADR. The Handbook is available from the CADR Office and may also be found on the web page at www.doi.gov/cadr.