

LOB #90:

ALTERNATIVE DISPUTE RESOLUTION

Purpose

The Alternative Dispute Resolution (ADR) Program is an Integrated Conflict Management System (ICMS). The ADR Program envisions a workplace culture where employees at all levels are conflict competent and able to manage conflict well toward increased understanding and appreciation of a diverse and complex workplace. A conflict competent workforce produces teams that maintain high levels of productivity and respectful relationships between team members, and collaborate to effect and implement positive change aligned with County and departmental values. All ADR services are tailored to not only prevent and resolve conflict, but also increase conflict competencies of all involved parties. In addition, ADR services support departments through partnerships and projects by providing a conflict prevention and resolution lens to planning and implementation phases of change initiatives. Alternative conflict resolution processes are accessible and utilized freely by all employees.

Description

ADR provides confidential, fair, and voluntary conflict intervention processes in which neutral, impartial facilitators/mediators assist County employees and/ or supervisors to explore potential resolutions to workplace conflicts. The program coordinator conducts intake sessions with every employee requesting services. The coordinator and the parties explore and analyze the situation and together select appropriate services that result in resolution of the conflict situation. Depending on the issue or issues, services could be comprised of one or a combination of the following: mediation, conflict coaching, team peace building sessions, restorative circle, targeted workshops or conflict resolution skills training.

In addition to supporting employees to resolve existing or emerging disputes in their workplaces, the ADR Program offers tools and skills training to prevent and resolve conflict. Existing workshop modules, as well as new ones designed to optimally target a specific situation, are either presented by ADR staff or the requesting employee. ADR staff strives to empower employees, supervisors and managers to address conflict in their work environments toward the most productive outcome, to acquire conflict competency skills in the process and to model the learned proficiency.

Third party processes: Mediation is a multi-party forum for employees and management to discuss difficult issues for mutual benefit. In a peer mediation setting, each individual is given the opportunity to address their concerns and offer solutions. Mediators aid the participants in the understanding of each other's interests and positions, identifying common ground and goals for a shared future and the development of solutions and improved interaction in the future.

The County ADR program utilizes peer mediators and facilitators. These are employees who have been trained in mediation and conflict coaching skills. The three day mediation training presented by the ADR staff is accredited by the Judicial Council of Virginia.

In addition to mediation, informal consultations and conflict coaching sessions are offered to employees and managers to prevent or address workplace conflict in a timely fashion at the lowest possible level. In a conflict coaching process, a personal conflict coach assists the employee in discovering productive strategies and behaviors to manage conflict toward a positive result.

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Projects: ADR is involved in a variety of projects that facilitate the creation of a conflict competent workforce. Currently, ADR is partnering with several departments including the Fairfax County Department of Transportation (FCDOT) to develop a handbook for best practices in planning and implementing public participation meetings using a conflict prevention and resolution lens. In addition, a handbook for supervisors to effectively run team meetings to prevent misunderstandings, ensure participation and move teams to collaborative decision making and problem solving has been developed by the ADR staff. An internship program has also been developed in partnership with George Mason's School of Conflict Analysis and Resolution.

ADR staff strives to serve all employees with the goal to offer opportunities to improve employee morale and teamwork, enhance work performance and productivity, and aid employees in the development of the skills necessary to resolve future disputes in a safe, non-judgmental environment. This type of program is recognized as a cost-effective tool towards resolving some of the most common and difficult conflicts, including those involving communication, trust and respect concerns, personality or cultural discords, misunderstanding of work expectations, and differences between management and employee work styles.

Benefits

A conflict competent workforce communicates well, provides excellent customer service, demonstrates good problem solving skills and cooperates toward the implementation of positive change. Conflict is an everyday occurrence when individuals disagree. Conflict affects not only those involved, but also those who work with them. Improperly managed conflict leads to increased stress levels, health problems, loss in productivity and absenteeism due to sick leave. ADR services support employees to manage conflict, increase their conflict competency skills and prevent and respond to conflict productively toward increased learning and lasting solutions.

All ADR processes provide a forum for learning how to manage workplace conflict and acquire conflict competency skills. A conflict competent workforce results in overall increased productivity, a healthier work environment and decreased sick leave and employee turnover. In addition, citizens are better served by conflict competent employees.

There are many benefits to mediation and other ADR conflict resolution processes. Outcomes are usually mutually satisfactory and sustainable when the parties had a part in the solution versus solutions that are imposed by a third party decision-maker or manager. Parties generally are more likely to claim ownership of the agreement, follow through and comply with the terms for fundamental and longer lasting change.

In addition, ADR processes provide a forum for learning competency skills about managing workplace conflict and improving work relationships. These skills are taken back into the environment and are modeled in future conflict situations.

When ADR processes are used in lieu of the formalized grievance process, parties are able to preserve their work relationship more easily. A mediated settlement that addresses all parties' interests can often preserve a working relationship in ways that would not be possible in a win/lose decision-making procedure. Studies show that interest-based facilitated discussions, when appropriate, can result in settlements or outcomes that are more satisfactory to all parties than decisions imposed during a binding grievance process.

Mandates

This Line of Business is not mandated.

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Trends and Challenges

Trends

- Many County agencies are being asked to do “more with less” and are seeking assistance in working through conflict associated with change or other workplace situations.
- The number of requests from individual employees or referrals from supervisors, for individualized conflict coaching has increased in the last three years.
- The number of requests for targeted facilitated group discussions, with teams and groups experiencing conflict in the workplace, has increased in the last three years.
- Performance evaluations can only be appealed if an employee receives three “does not meet’s”; however, many employees are dissatisfied with performance evaluations. Requests to facilitate difficult conversations in connection with performance evaluations have increased.
- Dispute situations reflecting unfulfilled hopes in terms of promotional possibilities have increased.
- There is an increase in requests to partner with departments on projects to address conflict prevention and resolution needs dealing with County employees and/or citizens.

Challenges

- Given the increase in requests for assistance, coupled with flat staffing levels, the ability to respond in a timely manner has been adversely impacted.
- A sustainable way to gather data and evaluative information.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #90: Alternative Dispute Resolution			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$141,169	\$135,867	\$145,515
Total Expenditures	<u>\$141,169</u>	<u>\$135,867</u>	<u>\$145,515</u>
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$141,169	\$135,867	\$145,515
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	1 / 1	1 / 1	1 / 1
Total Positions	<u>1 / 1</u>	<u>1 / 1</u>	<u>1 / 1</u>

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Employees participating in at least one aspect of the ADR Program	NA	1,476	1,500	1,500	1,500
Percent of employee participation in conflict management process	NA	0	10%	10%	10%
Percent of trainees reporting increase in conflict competence	NA	NA	75%	75%	75%
ADR Services sessions performed	NA	NA	350	350	350
Peer Conflict Resolution Specialists trained	NA	NA	50	50	50
Percent of employees satisfied with services	NA	NA	85%	85%	85%
Percent of employees reporting improved work relationships	NA	NA	75%	75%	75%

The overall objective of the ADR program is to provide at least 10 percent of Fairfax County employees per year with information, training and neutral party services to prevent and resolve conflict in the workplace. The measures provided attempt to reflect performance of specific parts of the ADR program that reflect output, efficiency, service quality and outcome.

In FY 2014, under the leadership of the Civil Service commission, the ADR staff developed a new program evaluation plan. The new evaluation plan will examine the effectiveness and efficiency of the program and its individual services. Ongoing data analysis will provide information to assess performance of the program as well as implement necessary changes to address the ever changing needs of the organization.

The ADR program has developed into an Integrated Conflict Management Program that provides many different processes to all employees at all levels of management in order to obtain conflict management skills. A conflict competent workforce will excel in the ability to implement positive change and provide superior customer service to citizens.

It is difficult to measure efficiency and effectiveness of ADR processes that are applied in order to navigate and prevent conflict, because the expected outcome is the absence of unwanted activities or events. Especially cost efficiency is difficult to prove since cost associated with conflict, although reported to be high according to research, are almost impossible to track. Anecdotal evidence collected by ADR staff suggests that approximately 80 percent of employees dealing with conflict take sick leave to avoid going to work. Close to 100 percent of ADR clients report that they spend a significant amount of time dealing with the conflict instead of working. Time absent from work and work time spent dealing with disputes are unproductive and reflect a loss of revenue. It is, however, difficult to translate this loss into a reliable dollar amount.