



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **ACTION:** Mandatory Participation in the
FHWA Sponsored Mediation Process for
Issues Raised in the Equal Employment
Opportunity Complaint Process

Date: November 15, 2010

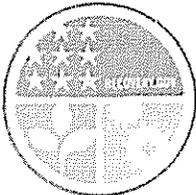
From: 
Jeffrey E. Bantari
Executive Director

In Reply Refer To: HCR-40

To: Associate Administrators
Acting Chief Counsel
Chief Financial Officer
Director, Innovative Program Delivery
Directors of Field Services
Federal Lands Highway Division Engineers
Director of Technical Services
Division Administrators

The purpose of this memorandum is to provide the leadership team with information on FHWA's requirements for mediation of allegations raised under the laws covered by the Equal Employment Opportunity (EEO) complaint process. The Equal Employment Opportunity Commission (EEOC) requires Federal agencies to implement an Alternative Dispute Resolution (ADR) process to resolve EEO matters. Whenever agencies offer ADR, the EEOC requires the agencies to ensure that all appropriate managers participate in the ADR process. There are several forms of ADR. The FHWA has selected mediation as the form of ADR to be used to resolve EEO matters.

Mediation is facilitated by a neutral third party who facilitates open communication between parties to jointly explore and communicate differences and reach a solution acceptable to both parties, if possible. Mediation affords early informal resolution, is cost-effective, uses fewer resources, and enhances employee morale. Mediation has proven to be an effective way to resolve conflict and to further FHWA's proactive approach to resolving allegations raised in the EEO complaint process.



The Office of Civil Rights will review all allegations of discrimination to determine if the matter is appropriate for mediation. Once it has been determined that mediation is appropriate and the offer of mediation is made, it will be mandatory for all FHWA managers to participate in mediation. The use of this mandatory process will ensure that FHWA is taking the necessary steps to effectively resolve EEO matters and meet the requirements designated by the EEOC.

Please share this memorandum with all of your managers, supervisors, and team leaders. If you have any questions about the contents of this memorandum, please contact, Mr. Allen Masuda, Associate Administrator for Civil Rights.

cc:

HOA-1

HOA-2