National Aeronautics and
Space Administration
Office of the Administrator
Washington, DC 20546-0001

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December 14, 2004

TO: Official-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Deputy Administrator/Mr. Gregory

SUBJECT: Mandatory Management Participation in NASA's Alternative Dispute Resolution Program in the Equal Opportunity (EO) Complaint Process

REFERENCE: (a) 29 CFR Part 1614
(b) EEOC MD 110
(c) NASA Policy Directive 2010.2B

The Agency's commitment to Alternative Dispute Resolution (ADR) is strong. Mediation is always a possible solution to inevitable conflicts, and in many cases will be a preferred solution. When the Agency has determined to offer an ADR resolution procedure, managers shall participate in good faith in efforts to resolve the complaint. We should all strive to work out our problems before they result in an undesirable consequence. I count on each of you to determine the right way, using all options, to keep the NASA Family strong and intact.

Consistent with NASA Policy Directive 2010.2B, Section 1(g), of reference (c), and Paragraph 1614.105(b)(2) of reference (a), as well as paragraph IIA of Chapter 3 of reference (b), not all cases are appropriate for ADR procedures. Accordingly, the Agency maintains discretion in determining whether ADR is appropriate for complaint resolution in a particular case.

To the extent that my letter dated August 2, 2004, regarding the subject matter indicates the removal of Agency discretion to determine when ADR is an appropriate method for complaint resolution, it is hereby clarified to reflect the foregoing.

Frederick D. Gregory

cc:
EO Officers