

MEMORANDUM OF AGREEMENT
On
Alternative Dispute Resolution (ADR)

Reference: Air Force Instruction (AFI) 51-1201, *Alternative Dispute Resolution in Workplace Disputes*, 21 April 2004

1. Through a strong and lasting partnership between The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC) (hereinafter referred to as the Union and Management, respectively), AFMC has developed an ADR program which stands as a model for programs government-wide. The Union and Management have long been committed to the maximum use of interest based, collaborative approaches to problem solving and dispute resolution. The successful AFMC program is the result of sustaining that commitment across AFMC. Installation by installation, union and management leaders came together to develop local agreements on ADR. These agreements form the basis for a variety of ADR practices now used to resolve grievances, unfair labor practices and other formal complaints. The Parties recognize ADR is not a substitute for these processes, but rather it compliments them, offering a less formal alternative with unique advantages. The Parties strongly endorse this aim.

2. The Union and Management hereby enter into this Memorandum of Agreement regarding AFI 51-1201 and the use of ADR within AFMC as it applies to bargaining unit members covered by the Master Labor Agreement (MLA) between the Parties.

3. Upon signature of the MOA, the Parties agree to the immediate implementation of AFI 51-1201. However, nothing in AFI 51-1201, as modified by this MOA, shall nullify the terms or provisions of locally negotiated ADR agreements currently in effect. When renegotiated, however, local agreements shall be consistent with AFI 51-1201, as modified by this MOA. The parties agree that the following issues shall remain appropriately negotiable at the local level:

- a. How mediators/ neutrals are appointed; the use of mediators from outside sources.
- b. How mediators/ neutrals are selected for specific dispute assignments.
- c. When and how mediators/ neutrals are dismissed or retired from service.
- d. The roles and responsibilities of union officials in the ADR process.
- e. Amount of official time, if any, for ADR related union responsibilities.
- f. The terms of the installation ADR plan.

4. The Parties agree this MOA implements AFI 51-1201, as modified below:

- a. Management will take reasonable steps to assure that legal sufficiency reviews are conducted in a fair and objective manner.

b. Appointment of an ADR Champion (ref. paragraph 11.2)--Local Partnership Councils are encouraged to provide recommendations to the Commander on the choice of an ADR Champion.

c. ADR Session (ref. paragraphs 26 and 33)--Neither the ADR Champion nor the Functional Area Manager need be present at the ADR session itself. The mediator, neutral or other designated individual may carry out the required duties.

d. Union Review of Settlement Agreements (ref. paragraph 28.1)—The local union president, or designee, will be provided the opportunity to review ADR agreements involving bargaining unit members solely for the purpose of ensuring compliance with bargained agreements. This review should take place simultaneous to the legal sufficiency review and normally will not exceed 7 calendar days. Union officials shall preserve the confidentiality of all agreements reviewed. ADR settlement agreements will be implemented as initially agreed upon. However, the Union maintains the right to contest an agreement which it believes is not in compliance with negotiated agreements.

e. Breach of Agreement (ref paragraph 28.2)--Allegations of a breach of a settlement agreement may be processed under the negotiated grievance procedure or any other appropriate/applicable complaint/appeal procedure (e.g. EEO, ULP).

f. Confidentiality of Proceedings (ref. paragraph 32.2.2.7)--The Parties endorse the specific confidentiality provisions of AFI 51-1201. In the interest of promoting free communication and mutual cooperation between the disputants, the Parties agree to extend confidentiality to include open discussions that take place across the mediation table.

g. ADR Performance Data (ref. paragraph 38)--Union locals will be provided copies of the installation level annual report prescribed by this AFI at the time the report is officially provided to Management. Management will provide the Union the corresponding command level annual report within 7 calendar days of submission to SAF/GCD.

5. All remedies available under the MLA or 5 U.S.C. Chapter 71 will remain available to the Parties if concerns cannot be cooperatively resolved.

Raymond Bush 23 Nov 04
FOR MANAGEMENT DATE

Thomas C Robinson 23 Nov 04
FOR THE UNION DATE

[Signature] 23 Nov 04
FOR MANAGEMENT DATE