



**US Army Corps  
of Engineers<sup>®</sup>**

## **Case Study #14**

ALTERNATIVE DISPUTE  
RESOLUTION SERIES



**A Case Study in Dispute Resolution  
System Design: The Corps of Engineers  
Early Resolution Program (CEERP) for  
Allegations of Discrimination**

May 1997

IWR Case Study 97-ADR-CS-14

***The Corps Commitment to Alternative Dispute Resolution (ADR):***

*This case study is one in a series of reports describing techniques for Alternative Dispute Resolution (ADR). The series is part of a Corps program to encourage its managers to develop and utilize new ways of resolving disputes. ADR techniques may be used to prevent disputes, resolve them at earlier stages, or settle them prior to formal litigation. ADR is a new field, and additional techniques are being developed all the time. This case study is a means of providing Corps managers with information on how to apply ADR to the Corps. It also suggests a framework for managerial decision-making regarding disputes. The information in this report is designed to stimulate thinking and encourage innovation by Corps managers in the use of ADR techniques.*

*These case studies are produced under the proponentcy of the U.S. Army Corps of Engineers, Office of Chief Counsel, Lester Edelman, Chief Counsel; and the guidance of the U.S. Army Corps of Engineers Institute for Water Resources (IWR), Alexandria, VA, Dr. Jerome Delli Priscoli, Program Manager.*

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***A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program  
(CEERP) for Allegations of Discrimination***

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Alternative Dispute Resolution Series  
Case Study #14

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May 1997

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## **Table of Contents**

INTRODUCTION .....	1
SECTION 1: DESIGNING THE CORPS OF ENGINEERS EARLY RESOLUTION PROGRAM (CEERP) .....	3
SECTION 2: HOW CEERP WORKS .....	11
SECTION 3: CEERP RESOLUTION RECORD DURING PILOT TESTING .....	19
SECTION 4: SUMMARY OF INTERVIEWS .....	21
SECTION 5: LESSONS LEARNED .....	23
 <b>APPENDICES</b>	
Appendix I .....	35
Appendix II .....	39
Appendix III .....	43
Appendix IV .....	47

**A Case Study In Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegation of Discrimination**

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**List of Figures**

Figure 1: CEERP PROCESS FOR EEO PRE-COMPLAINTS ..... 15

**List of Tables**

Table 1: RESOLUTION RATES 1994 - 1996 ..... 19

**A Case Study in Dispute Resolution System Design:**

**THE CORPS OF ENGINEERS EARLY RESOLUTION PROGRAM (CEERP)  
FOR ALLEGATIONS OF DISCRIMINATION**

**INTRODUCTION**

The U.S. Army Corps of Engineers (Corps), like many federal agencies, receives several hundred informal discrimination complaints a year. Of these informal complaints, 10-13 per month would normally become formal complaints requiring administrative processing under Equal Employment Opportunity Commission (EEOC) regulations.

The procedure for processing these complaints is time consuming, labor intensive, and very costly. Average time for the full administrative process is from 1 to 3 years, and in some instances can take from 4 to 7 years. Costs for individual complaints can go as high as \$60,000 if the complaint ends up going through the full administrative and judicial process. The number of agency personnel required to administer the process and to support the agency's position and the time dedicated to these efforts strains an organization with limited resources. Finally, while litigation results in a decision, it does not fix workplace problems nor improve management-employee relationships.

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“I found the development of CEERP to be an exciting and rewarding experience because we were able to supplement the traditional adversarial discrimination complaint process with nonconfrontational ADR techniques.”

--Anita Gomez-Bennett, Chief of U.S. Army  
Corps of Engineers EEO Office

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In 1992, the Corps decided it needed to take a fresh approach for complaint procedures. A decision was made to focus on early resolution of allegations of discrimination by using Alternative Dispute Resolution (ADR) techniques. The term “alternative dispute resolution” describes its origins. ADR is an effort to find alternative means to resolve problems by means other than adversarial processes such as litigation. The goal of ADR is to reach mutually acceptable agreements. ADR uses a spectrum of techniques -- such as facilitation, mediation, and arbitration -- to achieve these agreements. Many of these techniques involve the use of a trained third party who is neutral on the issues in dispute. This third-party neutral may advise solely on how the parties work together to resolve the issue (process), or may recommend options for resolution (content).

*A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination*

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The Corps has used Alternative Dispute Resolution (ADR) techniques since 1985 to resolve contractual disputes related to its world-wide construction and environmental cleanup activities. More recently the Corps has been utilizing a technique known as Partnering, which is a preventative approach to dispute resolution. These activities are part of the Corps ADR Program, sponsored by the Chief Counsel of the Corps, Lester Edelman. The ADR program has been administered by the Corps' Institute for Water Resources, with Dr. Jerome Delli Priscoli serving as Program Manager. The entire team that set up the Corps' ADR/Partnering Program was recently awarded the Hammer Award by the Secretary of Defense, as an outstanding example of reinventing government.

In July 1992 the Corps, at the request of Ms. Anita Gomez-Bennett, the Corps Chief of Equal Employment Opportunity, established an Alternative Dispute Resolution Joint Task Force on Equal Employment Opportunity. The task force's job was to identify how ADR techniques could be applied to the traditional administrative process. Over the next four years the task force used a systems design process to develop the new program -- called the Corps of Engineers Early Resolution Program (CEERP) -- and conducted two phases of pilot testing. In December 1996 the task force recommended the adoption of CEERP on a permanent basis, and submitted it for approval by the Chief of Engineers and Secretary of the Army. The program was approved by the Department of the Army on December 18, 1996.

The CEERP project has been remarkably successful in resolving problems early and at the local level. This success has generated considerable interest on the part of other agencies, both within the Department of the Army, the Department of Defense, and in other federal departments and agencies.

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"CEERP is an idea whose time has come. It works."

--Harold C. Eaton, EEO Officer

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This report describes how CEERP was designed, how CEERP works, and how it was evaluated. It is intended to provide a one-stop description of the program for other agencies, as well as inform people throughout the Corps about the CEERP story.

Section 1 describes how CEERP was designed. Section 2 provides a detailed description of how CEERP works. Section 3 presents the resolution rates during the two-year pilot test. Section 4 is a summary of two sets of interviews with field and headquarters personnel who participated in the CEERP pilot testing. Section 5 is a summary of lessons learned during the pilot testing.



## **SECTION 1: DESIGNING THE CORPS OF ENGINEERS EARLY RESOLUTION PROGRAM (CEERP)**

### **THE DECISION TO USE ADR**

The Corps' decision to try a new approach was prodded by several considerations:

- (1) There were problems with the existing discrimination complaint process -- it was time-consuming and expensive, and when the process was over it often didn't resolve underlying workplace problems or improve management-employee relationships.
- 2) The Corps was experiencing a significant rise in the number of informal discrimination allegations and formal EEO complaints.
- 3) The Corps knew ADR worked because of its successful use in other functional areas.
- 4) The EEOC made changes in its regulations which encouraged the use of ADR by providing 60 more days for informal resolution when ADR is used.

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“Personnelists need to be part of the ADR design team because so many EEO complaints concern personnel actions.”

--Dan Carpenter, HR Specialist

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### **SETTING UP THE TASK FORCE**

The first step was the establishment of a task force called the Corps of Engineers' Alternative Dispute Resolution Joint Task Force on Equal Employment Opportunity. The task force was normally referred to as “the EEO-ADR Task Force.” The EEO-ADR Task Force was made up of EEO officers and specialists, Human Resources personnel, and Labor Counselors from all levels of the Corps (Districts, Divisions, Headquarters). The Chair of the task force was Frank Carr, the Corps' Chief Trial Attorney and Dispute Resolution Specialist, who was also active in setting up the Corp's ADR Program in his role as Chief Trial Attorney for the Corps. Jean Riggs, the EEO Office's Complaints

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“The use of a systems design approach in the development of CEERP resulted in a product that maintains the integrity of the EEOC discrimination complaint process while offering employees and managers new tools to resolve and rebuild relationships.”

--James A. Huffman, EEO Complaints Manager

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Program Manager, and Linda Beckles, Chief Labor Counselor, served as task force coordinators at Corps headquarters.

## **THE SYSTEMS DESIGN APPROACH**

The System Design Approach follows a careful deliberative process for establishing an ADR program. The basic steps in this process are:<sup>1</sup>

### ***Perform a Needs Analysis***

The needs analysis focuses on an organization's real concerns. As part of this analysis the organization identifies: (1) *interests*, what the organization wants to accomplish by using ADR, (2) *principles*, standards to follow in pursuing the interests, and (3) *sources of conflict*, the substantive, procedural, and interpersonal problem sources, and the attitudinal or institutional barriers to resolution.

### ***Design a System***

Designing a system consists of (1) selecting the ADR method(s), (2) creating procedures, and (3) preparing informational materials and (4) and considering budget constraints. Program designers need to carefully describe the method and procedures. ADR terminology is sometimes used by organizations to describe very different things, so a detailed description is needed to prevent any confusion. Program designers also develop publications describing the program, and

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<sup>1</sup> This description of ADR systems design is taken from Frank Carr, *How to Design a Dispute Resolution Program*, Commentary, Vol. 12, No. 3, March 1994 and Frank Carr, *Alternative Dispute Resolution: A Deliberative Process to Establish an Organizational Program*, Federal Bar News and Journal, Volume 40, No. 7, August 1993.

awareness training materials that will be used during pilot testing. Finally, designers identify a budget for the pilot testing including training, personnel time, and cost of external third parties (such as external mediators).

### ***Conduct Pilot Testing***

The purpose of pilot testing is to observe the designed system under actual conditions before totally committing the organization to the ADR program. It also gives a chance to test methods and implementation approaches. Initial steps include:

- Set a completion date for the testing program
- Define precisely the procedures that will be used during the pilot
- Select the sites at which these procedures will be tested
- Secure local management support for ADR and the test program
- Conduct both awareness training and skills training for individuals involved in program implementation
- Provide technical assistance to people implementing the pilot program

### ***Evaluate the System***

Collect and evaluate information from the pilot test sites to determine whether the ADR method and procedures are effective. Specific steps include:

- Identify the factors that affect the organization's perception of success
- Define measurable goals
- Identify the measurable indicators that goals are being met
- Collect the information
- Analyze the information and identify any changes that are needed

### ***Implement the Program***

Assuming the pilot has shown that the ADR approach can be effective, implement the program incorporating the needed changes identified during the pilot test. Implementation requires obtaining senior management support, providing incentives for using the program, and continued support, review, and reinforcement.

## **HOW THE CORPS USED THE SYSTEM DESIGN APPROACH**

The Corps used the system design process described above to develop the CEERP. Here is a summary of the Corps' experience:

### **CONDUCTING A NEEDS ANALYSIS AND DESIGNING THE SYSTEM**

During mid-1992 the EEO-ADR Task Force worked together in a series of workshops to analyze the existing complaint program, identify the obstacles to dispute resolution, define interests and principles for a new program, and select an ADR method. Because the task force had representatives from all levels of the organization, task force members were able to provide insights about organizational needs at each level of the Corps. The task force also reviewed the use of ADR by other federal departments and agencies to resolve discrimination complaints.

The task force considered a number of possible ADR techniques including conciliation, mediation, facilitation, peer review, disputes review panels, settlement conferences, and non-binding arbitration. After considerable research and deliberation, the task force decided to use mediation as the ADR technique most suitable for resolution of EEO complaints, and developed a procedure for offering mediation as an option to the standard administrative procedure during the pre-complaint process. The task force concluded that the new mediation option should be tested at one district in each Division of the Corps.

The task force also developed informational materials describing the procedure, prepared awareness training lesson plans, and scheduled training of Corps personnel who would serve as mediators. It also developed forms to collect the information needed for program evaluation.

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**"This system of alternate dispute resolution can and has allowed both parties to return to the business at hand without the acrimony normally associated with the adversarial process."**

**--Omar M. Zen, Labor Counselor**

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## **CONDUCTING PILOT TESTING**

The Corps issued an Engineer Circular (regulations) describing the steps to follow during the pilot program. The pilot test was the first approved use of ADR procedures to resolve EEO complaints in the Department of the Army.

The Corps concluded that, as a matter of both convenience and cost, mediators would need to be Corps employees rather than external professional mediators. The task force members and EEO Officers and specialists from each district attended a 40-hour mediation skills training course that included extensive role-playing of cases similar to those participants might be expected to mediate. The mediation training was conducted by private professional mediators under the Corps ADR Program contract.

To support CEERP, the task force developed lesson plans and slides for awareness training that would be given to managers, union officials, and employees to explain CEERP. It also issued "TIP" papers on how to implement the program.

## **EVALUATING THE PILOT PROGRAM**

At the end of the first year, the results from the pilot program were positive, but the number of mediated cases was so small that it was hard to make strong statistical claims. So the decision was made to expand the program to cover the entire organization and conduct a second phase of pilot testing.

Based on the first year's experience, however, one change was made in the program. EEO Officers who served as mediators discovered that by using the skills they had learned in mediation training, they were often successful at resolving pre-complaints when a problem first surfaced. Based on this experience, the Corps decided to authorize a front-end 3-day period during which the EEO Officer has an opportunity to intervene and attempt to resolve a problem informally before an EEO Counselor is assigned. This process is called "conciliation." At the end of the three days, if the problem has not been resolved, the EEO Officer refers the person to the normal EEO pre-complaint counseling, a process that must be completed within 30 days. After counseling is completed, but during that 30 day period, the person making the allegation may be offered the opportunity for mediation. When mediation is accepted, it must be completed within 60 days. If an issue remains unresolved, and the aggrieved person wishes

to continue with the allegation, the process reverts to the traditional EEO administrative process.

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“We all worked really hard on this project because ultimately we believed in its value.”

--Marianne E. Price, EEO Officer

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The second year of the pilot program was completed late in 1996. The results were extremely encouraging:

- The Corps was able to resolve over 77% of pre-complaint problems through conciliation within the first three days after they were brought to the attention of the EEO Officer.
- The Corps was able to resolve 65% of the remaining pre-complaint problems that used mediation.
- CEERP has reduced discrimination complaint transaction costs by approximately 90%.

In addition to these measurable benefits, CEERP has made a less tangible but no less important contribution to improved communication between Corps employees and managers. [More information about the results during the pilot testing is provided in Section 3 and Section 4.]

Following completion of the pilot program, the task force met to evaluate the program. Based upon this evaluation the task force made several changes before recommending that CEERP be made permanent. Among the changes made by the task force were:

- The list of circumstances when mediation would not be offered was simplified.
- The role of the Corps Division EEO Officers (the Corps has three organization levels: district, division, and headquarters) was expanded to include oversight management responsibility for the ADR program both at the division level, but also at all district offices within that division.

The task force also made a number of minor revisions: the Engineering Circular was rewritten as an Engineering Regulation; the awareness training lesson plan was revised to make the training shorter; a plan and criteria were developed to certify mediators; the information pamphlet for employees was revised; and the evaluation forms were simplified. The task force also recommended that there be some sort of continuing internal advisory committee for CEERP that would meet on an annual basis to advise the Corps' Director of EEO.

### **IMPLEMENTING THE PROGRAM**

In December 1996, the EEO-ADR Task Force presented a recommendation that CEERP be made permanent for handling pre-complaint allegations of discrimination. The Department of the Army approved CEERP on December 18, 1996. The Corps has begun full implementation, based on the plan developed by the EEO-ADR Task Force.

***A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination***

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## SECTION 2: HOW CEERP WORKS

CEERP has an early-resolution focus, targeting the “pre-complaint” period as the best time to resolve a problem. CEERP makes two major changes in the normal EEO pre-complaint process:

- 1) A 3-day conciliation period is inserted at the front end, before the pre-complaint processing clock begins to tick, and
- 2) If the person with the problem agrees to mediation, the pre-complaint process is extended an additional 60 days to conduct mediation in an attempt to achieve a mutually acceptable resolution. If there is no resolution of the problem, and the individual wishes to proceed with a formal complaint, the EEO Officer uses whatever time is left to complete pre-complaint processing.

These changes are exceptions to the normal EEOC procedures. However, the EEOC regulations state that if an agency has an approved ADR program, it can extend the time taken on the informal process. The Department of the Army approved the Corps’ ADR program on a pilot basis, allowing the exceptions for the duration of pilot study. Subsequently the Army approved CEERP on a permanent basis, so the exceptions remain in effect so long as the ADR program remains an option.

Here’s more information on each of the two ADR opportunities:

### Conciliation

The term “conciliation” is defined as:

“...an informal process involving a neutral third party who assists others in resolving problems by working on communications and relationships. The conciliation process is similar to mediation; however, the conciliator takes a less active role with the parties. Conciliation precedes mediation and focuses on reducing tension through clarifying facts and understanding the value of good relationships.”<sup>2</sup>

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<sup>2</sup> U.S. Army Corps of Engineers Engineering Circular No. 690-1-693, 30 April 1995, pg. 10.

As discussed above, the conciliation period was added after the first year of the pilot project. District EEO Officers involved in the program observed that after mediation training they were able to use mediation skills to resolve a number of problems before they were even referred to EEO counseling. If informal problem-solving was going to be not only permitted but encouraged, the Engineer Circular had to provide clear authority to offer this opportunity.

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“It is axiomatic that resolution of workplace disputes at the earliest practicable stage benefits both management and the aggrieved individual.”

--William E. Gulley, Labor Counselor

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Because the process is informal, each EEO Office may handle the conciliation period in a slightly different manner. One of the most frequent approaches is to have initial conversations with both the “aggrieved person” (the official term used for the person raising the problem) and the supervisor or manager alleged to have engaged in discriminatory behavior. Following this, the EEO Officer may call a meeting with the person making the complaint and the supervisor or manager, either together or separately. The purpose of this meeting is to give both parties the opportunity to be heard, identify the issue(s), and explore options for resolution. Conciliation provides a comfortable and neutral atmosphere for communication. Corps staff involved in CEERP report that an important benefit of the program is improved communications generally. They feel a real benefit of the program is an improved working relationship, not just resolution of the immediate problem.

If the individual raising the problem is satisfied with the outcome from conciliation, and has no need to pursue the problem, a Memorandum for the Record is prepared. This Memorandum is shown as Appendix I. The key sentence in the Memorandum is: “After conducting the informal inquiry, and discussing the findings with you, you stated that the matter has been resolved to your satisfaction and you accept my findings.” The Memorandum should be signed by both the aggrieved person and the EEO Officer.

If the aggrieved person is not satisfied after conciliation, the individual is referred to a counselor, which starts the 30-day clock on the EEO pre-complaint process.

### Mediation

A mediator is a neutral third party who assists the parties in reaching a mutually satisfactory resolution of a dispute.<sup>3</sup> In many ways, a mediator does most of the same things a conciliator does: makes sure people feel listened to, creates a safe environment for discussion, helps clarify the issues, and assists with generating options for settlement.

The differences between conciliation and mediation have to do with the greater formality and structure of the mediation process, the mediator's level of control over the process, and the amount of participation by the parties in defining their interests and reaching settlement. Conciliation is more informal than mediation. The parties do not elect to enter conciliation; the EEO Officer simply undertakes to do whatever can be done to improve communication and define the real problem. Often this leads to resolution. With mediation, the EEO Officer issues a formal invitation to the aggrieved person to enter into mediation, and this person decides whether to enter into it, signing an agreement to do so. The mediator is a neutral person who sets up and directs a 1-2 day mediation session, involving face-to-face meetings between the parties. The mediator can be more active in controlling the process because the parties agreed to enter mediation. The mediator may choose to caucus with the parties, work with the parties to define their interests, and may even propose a solution that might be acceptable but which neither party is willing to propose. The mediator can not make decisions for the parties. The aggrieved person may choose to leave mediation at any time.

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“Mediation allows the parties to meet and discuss the “real” issues of the conflict. Often times this is the first time the parties have ever discussed the “true” issues and sought resolution.”

--Carol Crottie, Mediator

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<sup>3</sup> EC No. 690-1-693.

*A Case Study in Dispute Resolution System Design:*

*The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination*

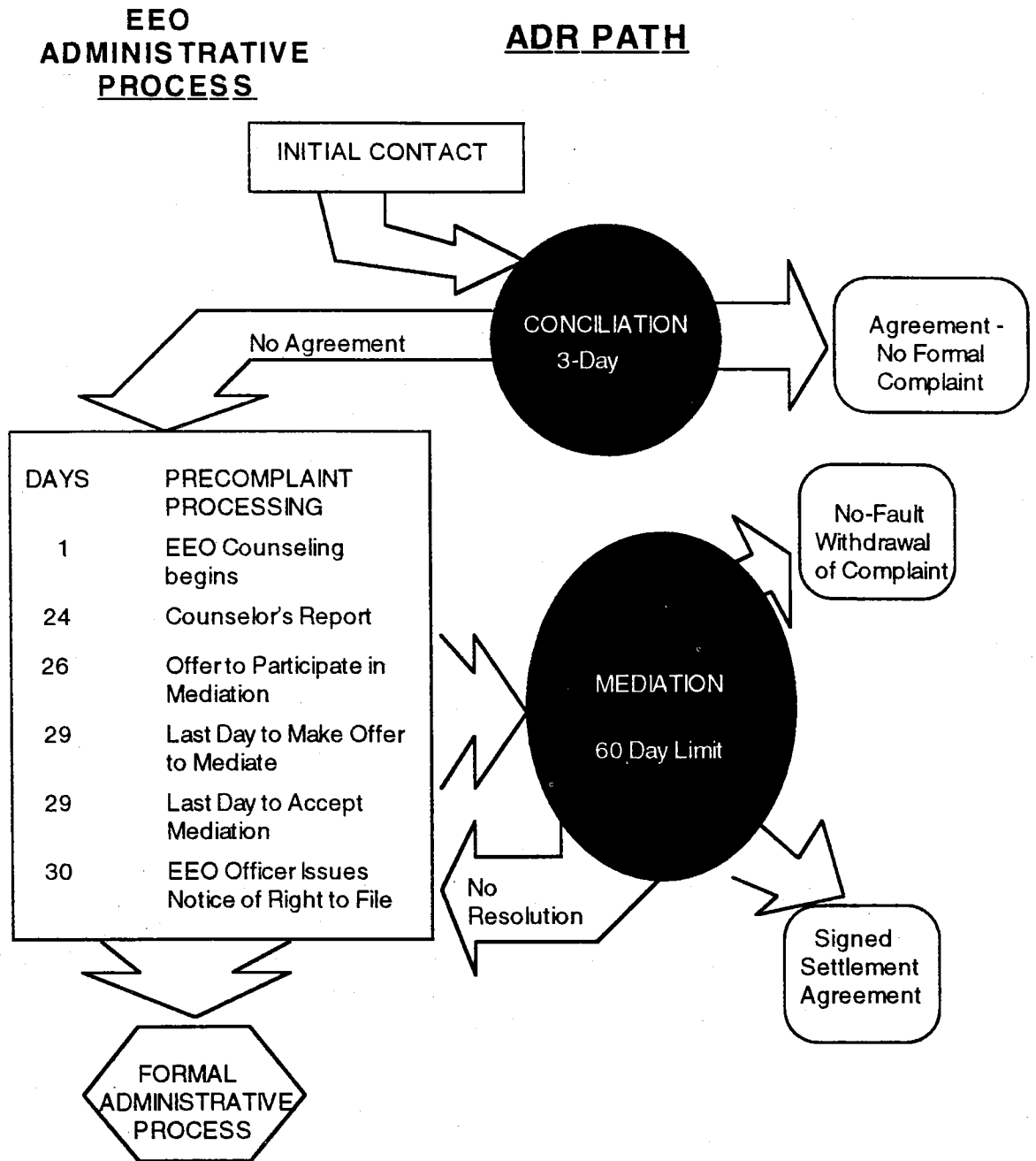
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The Corps does not make the offer to mediate in all situations. Under CEERP, the EEO Counselor provides information on the mediation process and its availability as part of the first interview. Then the EEO Counselor conducts the required inquiry into the circumstances of the complaint and briefs the EEO Officer. The EEO Officer in turn meets with the local ADR Team. The ADR Team consists of the EEO Officer, a Labor Counselor (an attorney), and a representative appointed by Human Resources. The ADR Team decides whether to offer mediation based on the circumstances of the case and an assessment of the potential for resolution. The reasons not to offer mediation are:

- The pre-complaint alleges class discrimination
- The aggrieved person is a non-Corps applicant for employment
- The pre-complaint concerns a matter which has already been decided by the Department of Army, the EEOC, or a U.S. Court

Once an offer is made, the aggrieved person must decide by the 29th day of the pre-complaint period whether to accept mediation. Once that decision is made, the pre-complaint clock is extended 60-days for mediation. The aggrieved person must sign a formal agreement to enter mediation. A copy of this agreement is provided in Appendix II. This signed agreement specifies that the aggrieved person may terminate mediation at any time, and has the right to proceed with the formal administrative process the aggrieved person so chooses.

In addition to deciding whether to offer mediation, the ADR Team also recommends a Resolution Official. The Resolution Official is the Corps



**FIGURE 1**  
**CEERP PROCESS FOR EEO PRE-COMPLAINTS**

*A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination*

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official who can make binding commitments on behalf of the Army. One of the goals of mediation is to reach a final settlement. This is more difficult if no one in the room has the authority to make commitments on behalf of the Corps. The Resolution Official has full authority to bind the Corps within the limits of the law and EEOC regulations.

In a few cases, the Resolution Official might be the manager or supervisor involved in the case, if the expectation is that a settlement can be achieved directly between the supervisor and the person making the allegation. More frequently, the Resolution Official is a senior management official from the District or Division Office. This is particularly important in cases where the person making the allegation needs to feel that the problem is being heard by someone who can resolve it, or the Corps needs to be confident that the supervisor or manager has acted in a manner consistent with EEO regulations and law. The Resolution Official will normally sit in on the mediation session, to learn all the facts of the case and be able to make commitments if appropriate.

The EEO Officer selects the mediator within seven days. Normally the mediator will be a Corps employee, trained in mediation. The EEO Officer has the option of using an outside professional mediator, but that is usually not done for cost reasons. Since the mediator must be someone other than the EEO Counselor who conducted the initial inquiry into the problem, and the number of trained mediators within a district is usually 1-2 people, the mediator is often an EEO Specialist or EEO Officer from another Corps District Office.

The mediation session takes 1-2 days. The structure of the session is at the discretion of the mediator, with the consent of the participants. If settlement is reached, a signed settlement agreement is prepared. It is also possible to have a partial settlement, i.e., some issues may be settled, but others remain unresolved and go through the formal complaint process (Appendix III). An individual may also refuse to sign a settlement agreement but decide not to press his/her claim through the formal EEO process.

*A Case Study in Dispute Resolution System Design:  
The Cops of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination*

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I have literally seen a manager and employee, at the beginning of mediation, not look at each other across the table. After a couple of days delving deeper into the conflict, the parties reached a settlement and the two were able to shake hands and smile. Two months later...the relationship is still very good!"

--Sharon K. Brown, EEO Officer

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The complete schedule of events is shown in Figure 1 on the previous page. The days shown are the final limits -- the tasks may be completed earlier than shown.

***A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination***

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### SECTION 3: CEERP RESOLUTION RECORD DURING PILOT TESTING

The resolution record for CEERP during the pilot testing demonstrates clearly the value of early dispute intervention by a neutral third party. In 1994, the first year CEERP was used, mediation was used in 16 cases with a 92% resolution rate. During 1995 and 1996, both conciliation and/or mediation were used. The 1995 - 1996 resolution rates were 72% and 92% respectively, almost twice as high as the Corps resolution rates (48% and 49%) during the same two-year period, and more than double the Army rate of resolution (38%) for EEO pre-complaints. These resolution rates are summarized below:

Table 1  
RESOLUTION RATES 1994 - 1996

Period	Conciliation	Mediation	Total ADR	Resolved	Resolution Rate
1994	-	16	16	14	92%
1995	53	38	91	72	79%
1996	151	78	229	208	91%

Although more cases were resolved by conciliation than mediation during 1995-1996, this does not mean that mediation is a less useful tool. It is far more likely that conciliation resolves the easiest problems, leaving the more difficult allegations for mediation.

When both techniques are combined, it leaves only 9% of the cases not resolved at the end of the pre-complaint process. Even if a complaint is filed, CEERP produces a better climate for settlement later in the EEO Process. A significant number of the pre-complaint problems that were not officially resolved through conciliation and mediation did not result in formal complaints or, if a formal complaint was filed, were resolved within a few weeks of filing.

***A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination***

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#### **SECTION 4: SUMMARY OF INTERVIEWS**

In addition to measuring the resolution rate, the Corps has made two appraisals of how the CEERP program is working, using informal interviews with those people most directly involved in implementing the program. The first series of interviews was conducted by Frank Carr, the EEO-ADR Task Force Chair, and Jim Huffman, who replaced Jean Riggs as the Complaints Program and Policy Manager in the Corps' EEO Office in Washington D.C. Another series of interviews was conducted by Creighton & Creighton, Inc., the Corps ADR Program contractor. Creighton & Creighton primarily interviewed task force members of EEO Officers or Labor Counselors who had been active in implementing the pilot test. A brief summary of the overall perception of CEERP as reported in these interviews is provided below, with more detail in Appendix IV. Section 5 contains a number of "lessons learned" from these interviews.

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"As a result our complaints are resolved earlier and with a higher degree of satisfaction... The program works!"

-- James E. Redic, EEO Officer

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##### Carr and Huffman Interviews

There was a high level of support for the CEERP. Employees consistently used words such as "fair" to describe the process. Also, they said that both conciliation and mediation helped them get underlying issues or the real problem out in the open. Aggrieved persons found they could raise problems they were unable to talk about in the working environment. Supervisors and managers also reported that conciliation and mediation provided a process that made communications easy. Problems could be discussed during conciliation or mediation that could not be discussed in the workplace. Supervisors and managers described the program as less formal, less threatening, and less likely to result in litigation. Both aggrieved persons and supervisors found that problems could be resolved at the local level, by the people directly involved, without intervention by outside parties.

##### Creighton & Creighton Interviews

All but two of the people interviewed rated CEERP at 8 or higher on a scale of 10 (outstanding). Five people gave the program a score of 10. The two people

*A Case Study in Dispute Resolution System Design:  
The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination*

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reporting lower scores did so not because they were unhappy with the program, but because they felt the program was still not being used as widely as it should be in the Corps. In fact, their scores for use of the program in their own Districts were both 8.

When people were asked how they thought employees would rate the program, the

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“CEERP is a process that allows two parties to sit down with each other, talk with each other and most importantly, listen to and understand each others position.

-- William T. Hill, Mediator

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average score was 7.8 on a scale of 10. A distinction was made between employees who had experienced the program, and those who had not, with employees who had gone through the program very supportive. A few people reported that employees who “didn’t get all they expected” did not rate the program as highly. The general feeling was that the more the program is used, the more employees will have a positive reaction.

Everyone who was interviewed enthusiastically supported having CEERP become permanent. They were also excited by the possibility that it might serve as a model for the rest of the Army or for other agencies. Many commented on the possibility of using the ADR approach for other workplace disputes. They could envision a dispute resolution center where employees could go to resolve a variety of issues through the use of conciliation and mediation.

