

Developing Consistency for Conflict Resolution in the Workplace

Spring 2024

Virginia Executive Institute

Group 1

Workplace Conflict Resolution

Agenda

- Problem Statement
- SWOT Analysis
- Case Study
- Recommendations

Workplace
Conflict
Resolution

Problem
Statement

**Code of Virginia:
§ 2.2-3000.B.4**

**Inconsistent
Adoption across
Virginia State
Agencies**

**Alternative
Dispute
Resolution**

**Improves
Productivity and
Satisfaction**

**Successful in Federal
Government, Private
Sector, Higher Ed,
and other States**

ADR: Strengths

- Confidentiality
- Flexibility
- Fast Resolution
- Informality
- Cost-Effective
- Preserve Relations
- Control over Outcome



ADR: Weaknesses

- Lack of Legal Precedent
- Enforceability of Agreements
- Voluntary Participation
- Power Imbalance
- Limited Remedies
- Limited to Simpler Cases
- Lack of Public Accountability
- Lack of Buy-In at Agency



ADR: Opportunities

- Improved Communication
- Avoid Expense, Delay, and Uncertainty of Traditional Litigation
- Creative Solutions that may better meet the needs of involved parties



ADR Threats/Costs

- Centralized Initiation / Intake System
- Issue Management Filing/Tracking System
- Marketing
- Scalability
- Training
- Lack of data



Where ADR is Utilized?

Federal Government

- U.S. Departments of Labor, Defense, Veterans Affairs,
- Office of Personnel Management

Institutes of Higher Learning

- Harvard, UVA, VCU

Fortune 1000

States

- North Carolina: Office of Human Resources
- New Mexico: The New Mexico State Personnel Office
- Texas: The State Office of Administrative Hearings
- Hawaii: The Center for Alternative Dispute Resolution



ADR Model from the Virginia Workers' Compensation Commission

Historically – Claims take over
300 days to final resolution

2012 – Pilot Program
for ADR to resolve
claims

95% of cases in Pilot
Program successfully
resolved

ADR Model from the Virginia Workers' Compensation Commission

Guiding Principles:

- Triage
- Confidentiality
- Neutrality
- Voluntariness
- Self-determination
- Ethics

ADR Model from the Virginia Workers' Compensation Commission

RESULTS

- As the use of ADR has increased, the number of claims litigated has decreased,
- The average time to completion of the judicial hearing process is now about 200 days (33% reduction)
- In 2023, the Commission's ADR department resolved:
 - 42% of all Issue Facilitations
 - 81% of all Issue Mediations
 - 91% of all Full and Final Mediations

Recommendations

- Code Change: § 2.2-3000.B.
 - Enhance Statewide Informal Dispute Resolution Program
 - Develop operational plan of implementation
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ADR Model Resources and Benefits

- Conflict Coaching Training for Program Volunteers
- Creation of Processes
- Confidential filing mechanism
- Communication and training to State Agencies
- Reduced Litigation Costs
- Faster Resolution
- Improved Workplace Relationships
- Increased Employee Satisfaction
- Enhanced Organizational Efficiency
- Confidentiality
- Customization

VEI Group 1





Questions