

**FOR IMMEDIATE RELEASE**  
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**NLRB ANNOUNCES PILOT ADR PROGRAM FOR SETTLING  
UNFAIR LABOR PRACTICE CASES PENDING BEFORE BOARD**

The National Labor Relations Board has created a pilot alternative dispute resolution (ADR) program to assist the parties in settling unfair labor practices cases pending before the Board on exceptions to decisions issued by the Agency's administrative law judges. The pilot ADR program will run for a 2-year period.

Participation in the program is voluntary, and a party who enters into settlement discussions under the program may withdraw its participation at any time. The Board will provide the parties with an experienced neutral, usually an NLRB administrative law judge, to facilitate confidential settlement discussions to explore resolution options that serve the parties' interests. Where feasible the settlement conferences will be held in person, but some conferences may be held telephonically. The Board will stay further processing of the unfair labor practice case for 60 days from the first meeting with the neutral or until the parties reach a settlement, whichever occurs first. Extensions of the stay beyond the 60 days may be granted by the neutral only with the agreement of all parties.

The Board established this pilot ADR program in response to the success experienced by other federal agencies and the federal courts in settling contested cases through ADR, as well as the success of the NLRB's own settlement judge program at the trial level. In announcing the program, Chairman Robert J. Battista stated:

ADR programs provide the parties with several benefits, including savings in time and money, greater control over the outcome of their cases, and more creative, flexible and customized resolutions of their disputes. Settlement discussions conducted with the assistance of an ADR neutral may broaden resolution options, often by going beyond the legal issues in controversy, and may be particularly useful where traditional settlement negotiations are likely to be unsuccessful or have already been unsuccessful.

Other features of the Board's pilot ADR program include:

- The parties may request the use of one of the Agency's administrative law judges to serve as the neutral. The program director, however, shall also be available to serve in that capacity, time permitting. The judge who heard the underlying case will not be appointed.
- The preferred method of conducting settlement conferences is to have the parties or their representatives attend in person, and therefore the neutral will make every reasonable effort to meet with the participants face-to-face. Settlement conferences by telephone may be held where personal attendance is infeasible.
- Parties may, but are not required, to be represented by counsel at the conferences. Each party must have in attendance, however, a representative who has the authority to bind the party to the terms of a settlement agreement.
- The parties may be asked to submit to the neutral a confidential pre-conference memo setting forth what is in dispute between the parties, prior settlement efforts, and anything else that the parties would like to bring to the neutral's attention. The memo will be treated as a confidential submission unless the party that prepared the memo authorizes release to the other parties.
- The neutral has no authority to impose a settlement.
- Discussions between the neutral and the participants will be confidential, and there will be no communication between the program and the Board on specific cases submitted to the ADR program, except for procedural information such as case name, number and its status.
- Nothing in the pilot ADR program is intended to discourage or interfere with settlement negotiations that the parties wish to conduct outside the program.
- Settlements reached are subject to approval in accordance with the Board's existing procedures for approving settlements and for reviewing the approval of settlements.

Questions regarding the program may be addressed to the program director, Gary Shinnars, who may be contacted by telephone at (202) 273-3737, or by email [gary.shinnars@NLRB.gov](mailto:gary.shinnars@NLRB.gov).

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