



# CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-GC  
DISTRIBUTION: A

CNGBI 0402.01A  
24 December 2025

## NATIONAL GUARD ALTERNATIVE DISPUTE RESOLUTION AND CONFLICT MANAGEMENT PROGRAM

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard (NG) Alternative Dispute Resolution (ADR) and Conflict Management (ADR-CM) Program, in accordance with reference a, reference b, and reference c.
2. Cancellation. This instruction cancels and replaces its previous edition, Chief of the National Guard Bureau (NGB) Instruction 0402.01, 24 July 2015, "National Guard Alternative Dispute Resolution." This instruction also cancels and replaces Chief of the NGB Instruction 9600.01, 09 June 2013, "Alternative Dispute Resolution Policy and Guidance."
3. Applicability. This instruction applies to Title 32 Service members of the NG, current Title 5 civilian employees at the NGB, and NG Civilian employees in the States, Territories, and the District of Columbia, hereinafter referred to as "State" or "States." This instruction does not apply to contractors, employees of the State military departments in their status as State employees, retirees, former Title 32 Service members, or former Title 5 civilian employees of the NGB.
4. Policy. It is NG policy to voluntarily use ADR-CM to the maximum extent practicable and appropriate to resolve disputes early, quickly, and at the lowest organizational level possible.
  - a. The NG ADR-CM Program oversees Equal Employment Opportunity (EEO) complaints and Military Equal Opportunity (MEO) complaints. The program can also address matters or complaints that do not fall under the jurisdiction of EEO and MEO laws, statutes, and regulations. For example, the NG ADR-CM Program can resolve allegations of bullying or harassment not tied to a prohibited discriminatory basis, contract disputes, environmental disputes, negotiated grievances, and administrative grievances.

b. ADR-CM is waived in instances of fraud, waste, abuse, criminal behavior, or when there is harm or a threat of harm to a person. ADR-CM is not appropriate and may be declined by the NGB or a State NG for mission-specific matters such as security clearance requirements or other reasons specifically identified in reference d. The NGB or a State NG may not decline a Service member's or employee's request for ADR for reasons that do not align with reference d. The NGB and the State NGs may not refuse to offer ADR-CM in particular cases solely because of the alleged discriminatory basis involved (in other words, race, color, religion, sex, national origin, age, disability, genetic information, or retaliation).

c. Participating in ADR-CM does not oblige either party to settle the case by entering into a negotiated settlement agreement.

d. When appropriate, ADR-CM is offered throughout all stages of the EEO and MEO complaint processes including investigations in accordance with reference e and reference f. ADR-CM is also offered throughout all stages of contract disputes, environmental disputes, and administrative grievances.

e. Upon request, NG ADR-CM team members located at the NGB will provide NG ADR-CM Program support or assistance to the State NGs.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. Changes to this instruction include reestablishing the NGB General Counsel as the Dispute Resolution Specialist (DRS) for the NG ADR-CM Program, and establishing the Office of the NGB General Counsel (NGB-GC) as the Office of Primary Responsibility for the program, which includes this instruction and reference d. It establishes the requirement that Commanders at Joint Force Headquarters-State, armories, installations, and field operating agencies implement ADR-CM in their commands. This instruction also requires Commanders to appoint an ADR-CM Manager to oversee ADR-CM program planning and implementation in their respective organizations.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be reviewed annually by the Proponent/Office of Primary Responsibility for continued validity and must be revised, reissued, canceled, or certified as current every ten years.

A handwritten signature in black ink, appearing to read 'St S. Nordhaus', with a stylized, looping flourish at the end.

STEVEN S. NORDHAUS  
General, USAF  
Chief, National Guard Bureau

Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

## ENCLOSURE A

### RESPONSIBILITIES

1. NGB-GC. NGB-GC will:

- a. Serve as the Office of Primary Responsibility for the NG ADR-CM Program.
- b. Provide full spectrum legal representation and support to the NGB and its component units in MEO complaints, civilian labor and employment disputes, including formal EEO complaints, Federal Labor Relations Authority proceedings, and Merit Systems Protection Board appeals.
- c. Participate in ADR proceedings arising during such disputes.
- d. Coordinate with State Judge Advocates in disputes where NGB-GC has representational responsibility as described in paragraph b above. This coordination includes discussing how the NGB-GC attorney will participate in ADR proceedings and developing the terms of any negotiated settlement agreements.

2. NGB General Counsel. The NGB General Counsel will:

- a. Serve as the DRS for the NG ADR-CM Program responsible for the oversight of all NG ADR-CM programs.
- b. Include and submit a budget for the NG ADR-CM Program in the total annual budget submission for the NGB-GC.
- c. Establish and implement policies, initiatives, activities, and training programs throughout the NGB related to ADR-CM and its associated skills, such as mediation, negotiation, and other collaborative conflict management and dispute resolution processes. The training program must ensure that students are familiarized with:
  - (1) ADR-CM theory and techniques (for example, mediation, facilitation, and settlement conferences).
  - (2) The EEO and MEO processes as specifically related to ADR-CM with reference e, reference f, and reference g including ADR-CM timeframes.
  - (3) Reference h and the statutes that the EEO Commission enforces, including reference b, reference c, and reference i through reference o.
  - (4) The theories of discrimination (for example, disparate treatment, adverse impact, harassment, and reasonable accommodation).
  - (5) Remedies, including compensatory damages, costs, and attorney fees.

(6) Drafting the settlement agreement including the notice provision of reference e where the aggrieved Party believes the agency failed to comply with the terms of the settlement agreement and any other legally required notices.

(7) Operation of the ADR-CM programs at the NGB and in the States.

(8) Using ADR-CM to resolve environmental disputes in accordance with reference p or other policies and laws as applicable in collaboration with agencies such as the John S. McCain III National Center for Environmental Conflict Resolution, a Morris K. Udall Foundation Program.

(9) Using ADR-CM to resolve Federal contract disputes in accordance with reference q and reference r.

(10) Using ADR-CM to resolve employee grievances in accordance with reference s for Title 5 Army employees, reference t for Title 5 Air Force employees, or any applicable collective bargaining agreement.

d. Identify and eliminate unnecessary barriers for using ADR-CM. Ensure individuals covered by this policy are aware of, and have access to, existing ADR resources including reference u.

e. Request ADR data from the field for each preceding fiscal year and prepare a summary report for the Department of War regarding progress made in implementing the NG ADR program in accordance with this instruction.

f. Appoint a Deputy Dispute Resolution Specialist (DDRS) from NGB-GC who will:

(1) In the absence of the NGB General Counsel, serve as the acting DRS and assist in carrying out the NG ADR-CM Program management responsibilities as shown in paragraph 2(a) through 2(e) above.

(2) Support the DRS in performing all DRS responsibilities as shown in paragraph 2(a) through 2(e) above.

(3) Serve as the primary NG representative to the Department of War ADR Coordinating Committee and the Interagency ADR Working Group.

(4) Serve as the NG ADR-CM Program liaison with other Government and private sector organizations.

(5) Serve as the final certification authority for all NG mediators. Except for externally qualified Third-Party Neutrals approved through the NG ADR-CM Program team in the NGB-GC, no personnel may perform ADR at the NGB without attending an approved basic mediation training course and receiving certification as an NG mediator in accordance with this instruction and reference d.

(6) Serve as the final appointing authority for all ADR Specialists supporting the NG ADR-CM Program. This responsibility includes ensuring their training and certification as necessary.

(7) Submit the annual NG ADR-CM Program budget request to the DRS, then manage and execute the budget once it is approved.

(8) Maintain a cadre of trained qualified Third-Party Neutrals that are available to conduct early conflict management, mediation, or facilitation for disputes, including EEO and MEO complaints, environmental disputes, contract disputes, and administrative or negotiated grievances.

(9) Upon request from a State NG, ensure the provision of State ADR-CM program support or advice, which includes policy templates, program best practices, ADR or conflict resolution and management training, and qualified Third-Party Neutrals (for example, external mediators).

3. The Adjutants General and the Commanding General of the District of Columbia. The Adjutants General and the Commanding General of the District of Columbia, or their designee, will:

a. Appoint an individual assigned to an NG Joint Force Headquarters-State to serve as the State ADR Manager.

b. Approve the State ADR Plan.

c. Assign a State ADR Manager to:

(1) Design, implement, and update the State ADR-CM Plan that includes how EEO, MEO, Environmental, Contract, and Labor disputes are to be resolved.

(2) Serve as a State's primary point of contact for all ADR-CM activities and initiatives with subordinate bases, installations, armories, State Judge Advocates, and the NGB-GC.

(3) Review settlement agreements resulting from ADR-CM proceedings for compliance with applicable EEO, MEO, Environmental, Contract, and Administrative or Negotiated Grievance rules, regulations, and policies.

(4) Collect and report State ADR-CM data from subordinate organizations as requested by the EEO Commission and the NGB-GC.

(5) Determine the best means for recruiting and making available qualified mediators or other types of qualified Third-Party Neutrals, consistent with the State ADR-CM Plan based on need and availability.

(6) Ensure that qualified Third-Party Neutrals receive adequate initial and refresher training by submitting nominations through command channels for centrally

funded mediation or other appropriate ADR-CM skills training, by providing ADR-CM training through other sources when they are available and funding permits, or by providing in-house training.

(7) Review, on an annual basis, existing ADR-CM plans and procedures, identify barriers of ADR-CM in resolving disputes, and, on an “as needed” basis, collaborate with NGB Equal Opportunity Compliance Directorate, the NGB-GC, and other organizations to remove those barriers.

(8) Ensure that an ADR suitability determination is made for every eligible dispute in accordance with reference h, reference b, and reference c.

(9) Exercise oversight of the State ADR-CM program, ensuring parties are advised of their rights and options with respect to ADR-CM, assigning qualified Third-Party Neutrals, and coordinating requests and compulsory processes to disclose confidential ADR-CM communications.

(10) Encourage collateral-duty qualified Third-Party Neutrals to apply for voluntary certification under the NG Mediator Certification Program. Ensure they meet the standards for the level of certification for which they are applying, and review and forward applications for certification to the NGB-GC for action.

(11) Submit consolidated requests from respective subordinate commands for NG ADR-CM program support, and ensure the State’s and consolidated installation requests, or negative replies, reach the NGB-GC no later than 31 January of the year following the ADR-CM data call request.

d. Ensure that Supervisors, Managers, and Commanders:

(1) Promote using ADR-CM to resolve disputes under their jurisdiction and provide overall direction in implementing the ADR-CM program.

(2) Participate in good faith in ADR-CM proceedings whenever ADR-CM has been offered to and accepted by the Complainant.

e. Ensure that State Judge Advocates:

(1) Provide legal advice and guidance to The Adjutants General, the Commanding General of the District of Columbia, and the State ADR Managers in developing, implementing, and administering the State’s ADR-CM Plan. In disputes in which NGB-GC has representational responsibility as described in paragraph 1(b) of this Enclosure, representational responsibility will be accomplished by, or coordinated with, the servicing NGB-GC attorney.

(2) Advise on the suitability of disputes for resolution using ADR. This can be accomplished by individual case screening or by developing review procedures and guidelines for use by ADR-CM program personnel.

(3) Review and provide timely coordination on all legal matters arising in connection with ADR proceedings, particularly involving confidentiality of ADR proceedings with NGB-GC. Email with digital signature will be considered written communication.

(4) Designate a staff attorney to represent management in ADR proceedings when necessary. In disputes in which the NGB-GC has representational responsibility as described in paragraph 1(b) of this Enclosure, these functions will be accomplished by, or coordinated with, the servicing NGB-GC attorney.

(5) Review and coordinate all written settlement agreements resulting from ADR proceedings.

(6) Assist the State ADR Manager in providing personnel awareness training and briefings on ADR-CM processes and techniques in accordance with reference b, reference f, and reference g.

f. Ensure that the Civilian Personnel and Human Resources Offices (or equivalent):

(1) Assist the State ADR Manager in developing and implementing the State ADR-CM program in non-EEO and non-MEO workplace disputes and administrative or negotiated grievances.

(2) Coordinate with the State ADR Manager, State Judge Advocates or designee, functional organizations, and local unions to integrate the use of ADR into non-EEO and non-MEO disputes, in accordance with the State ADR plan.

(3) Provide technical support to qualified Third-Party Neutrals and agency representatives in ADR-CM proceedings.

(4) Review settlement agreements resulting from ADR-CM proceedings for compliance with personnel rules, regulations, and policies, if necessary.

g. Ensure that the State Equal Employment Managers:

(1) Provide ADR and other collaborative dispute prevention and resolution processes (for example, interest-based negotiating) for use in Title 5 Federal civilian employee EEO complaints, in accordance with reference a and reference d.

(2) Assist the State ADR Manager in developing and implementing the State ADR program MEO and EEO procedures and educational programs, unit climate assessments, and other elements of the NG MEO and NG EEO Programs in accordance with reference h, reference b, and reference c.



(3) Review settlement agreements resulting from ADR-CM proceedings for compliance with applicable EEO Commission, NGB, Army, Air Force, and Department of War regulations and policies.

(4) Provide a signed and dated request form for mediation or facilitation to the NG ADR-CM team only in situations where the State requests assistance from the NGB.

h. Ensure that the Army NG and Air NG Military Equal Opportunity Professionals:

(1) Advise on ADR availability and, if properly trained, provide other collaborative dispute prevention and resolution processes (for example, coaching) for use in MEO complaints.

(2) Assist the State ADR Manager in developing and implementing the State ADR program in MEO complaint procedures, MEO educational programs, unit climate assessments, and other elements of the NG MEO Program.

(3) Provide a signed and dated request form for mediation or facilitation to the NG ADR-CM team only in situations where the State requests assistance from the NGB.

i. Ensure that qualified Third-Party Neutrals aid any or all Parties in resolving one or more issues in controversy.

4. NGB Equal Opportunity Compliance Directorate. The NGB Equal Opportunity Compliance Directorate will:

a. Provide the NGB-GC with guidance and recommendations regarding the use of ADR in the NG EEO and MEO Program at the NGB.

b. For data capturing and reporting purposes only, inform the NG ADR-CM team led by the NGB-GC, and the State ADR Managers when involved in any form of conflict resolution, including counseling or coaching, during the EEO pre-complaint or MEO complaint informal stages.

c. Collaborate with the NGB-GC and the State ADR Managers in advocating for the NG ADR-CM Program.

d. Collaborate with the NGB-GC to provide ADR-CM policy and program recommendations.

5. NGB Manpower and Personnel Directorate. The NGB Manpower and Personnel Directorate will ensure that the Technician and Civilian Personnel Policy Division will:

a. Provide guidance and recommend solutions to the NGB-GC Litigation and Employment Law Division on the use of ADR in disputes involving the NG Employee program, including labor management, bargaining unit employees, the administrative

grievance procedure (including possible use of an Ombudsperson), or other Federal civilian statute, regulation, or policy, as needed.

b. Coordinate with the DDRS on implementing the NG ADR-CM policy and procedure.

c. Provide training in accordance with reference v and reference w, on the NG Employee Hearing Examiner program as requested by the DRS or DDRS.

6. NGB Acquisitions Directorate. The NGB Acquisitions Directorate will:

a. Provide guidance and recommend solutions to the NGB-GC Contract and Fiscal Law Division on the use of ADR-CM in contract disputes in accordance with reference r and reference s.

b. Coordinate with the DDRS on implementing the NG ADR-CM policy and procedure.

c. Provide training in accordance with reference r and reference s on the use of ADR in contract disputes and protests as requested by the DRS or DDRS.

ENCLOSURE B

REFERENCES

- a. Equal Employment Opportunity Commission Management Directive 110, 05 August 2015, "Equal Employment Opportunity Management Directive"
- b. Department of Defense Instruction 5145.05, 27 May 2016, "Alternative Dispute Resolution (ADR) and Conflict Management"
- c. Title 5 United States Code (U.S.C.) Sections 571 to 584, "Administrative Dispute Resolution Act of 1996"
- d. Chief of the National Guard Bureau (CNGB) Manual 0402.01, 04 January 2016, "National Guard Alternative Dispute Resolution and Conflict Management Procedure"
- e. 29 Code of Federal Regulations, 26 April 2024, Sections 1614.102(b)(2), 105(b)(2), 105(d), 105(f), and 108(b), "Federal Sector Equal Employment Opportunity"
- f. CNGB Instruction 9601.01, 27 September 2015, "National Guard Discrimination Complaint Program"
- g. CNGB Manual 9601.01, 25 April 2017, "National Guard Discrimination Complaint Process"
- h. 5 U.S.C. Sections 2301 to 2302, 3301 to 3304, 3308 to 3314, 3319 to 3326, 3501 to 3503, 4301 to 4305, 7101 to 7135, and 7301 to 7303, "Civil Service Reform Act of 1978," (Public Law 95-454)
- i. 42 U.S.C. § 2000e to 2000e-17, Title VII of the "Civil Rights Act of 1964"
- j. 29 U.S.C. §01 to 796, "Rehabilitation Act of 1973"
- k. 42 U.S.C. Chapter 126, Subchapters I, II, and III of the "Americans with Disabilities Act of 2008"
- l. 29 U.S.C. § 621 to 634, "Age Discrimination in Employment Act of 1967"
- m. 47 U.S.C. Chapter 5, Title IV of the "Americans with Disabilities Act of 2008"
- n. 42 U.S.C. § 2000ff, "Genetic Information Nondiscrimination Act of 2008"
- o. 29 U.S.C. § 206(d), "Equal Pay Act of 1963" modification of the "Fair Labor Standards Act of 1938"
- p. 48 Code of Federal Regulations, Part 33, "Protests, Disputes, and Appeals"

- q. National Guard Bureau, Executive Director of Acquisitions and Head of Contracting Activity Procurement Implementation Memorandum 2022-02, 14 October 2021, "National Guard Protest Procedures"
- r. 20 U.S.C. Chapter 66, "Morris K. Udall and Stewart L. Udall Foundation"
- s. Department of Defense Instruction 1400.25, Volume 771, 26 December 2013, "Department of Defense Civilian Personnel Management System: Administrative Grievance System," Incorporating Change 1, 13 June 2018
- t. Department of the Air Force Instruction 36-706, 14 November 2018, "Department of Defense Civilian Personnel Management System: Administrative Grievance System," Incorporating Change 2, 31 July 2025; Certified Current 31 July 2025
- u. National Guard Alternative Dispute Resolution and Conflict Management website: <<https://www.nationalguard.mil/Leadership/Joint-Staff/Personal-Staff/General-Counsel/National-Guard-Alternative-Dispute-Resolution/>>, accessed 11 September 2025
- v. CNGB Instruction 1400.25A, 11 May 2020, "National Guard Technician and Civilian Personnel"
- w. CNGB Instruction 1400.25, Volume 753, 29 June 2020, "National Guard Adverse Action Appeals and Hearing Examiner Program"

## PART II. RELATED

- x. 10 U.S.C., "Armed Forces"

## GLOSSARY

### PART I. ACRONYMS

ADR	Alternative Dispute Resolution
ADR-CM	Alternative Dispute Resolution and Conflict Management
DRS	Dispute Resolution Specialist
DDRS	Deputy Dispute Resolution Specialist
EEO	Equal Employment Opportunity
MEO	Military Equal Opportunity
NG	National Guard
NGB	National Guard Bureau
NGB-GC	Office of the National Guard Bureau General Counsel

### PART II. DEFINITIONS

Alternative Dispute Resolution -- Any procedure that is used as an alternative to litigation or formal administrative adjudicatory proceedings to resolve disputes in controversy, including facilitation, conciliation, partnering, mediation, fact-finding, early neutral evaluation, mini-trials, arbitration, and the use of Ombudsperson or any combination thereof. The term does not include unassisted negotiations (in other words, negotiations conducted without the assistance of a qualified Third-Party Neutral). During Alternative Dispute Resolution, the formally trained and certified facilitator, conciliator, mediator, or arbitrator is serving as a qualified Third-Party Neutral (as defined in reference b).

Arbitration -- A form of Alternative Dispute Resolution which involves the hearing and determining of a dispute or the settling of differences between Parties by a neutral person, called an arbitrator, chosen or agreed to by them. While arbitration is less formal than a trial, the arbitrator's decision can be binding or nonbinding. National Guard policy generally precludes arbitration outside of the collective bargaining context (as defined in reference l).

Arbitrator -- A qualified Third-Party Neutral who listens to evidence and testimony from opposing Parties and decides to resolve a dispute. Arbitrators are often attorneys, retired judges, or business professionals with expertise in a specific field (as defined in reference l).

Army National Guard and Air National Guard Equal Opportunity Professionals -- Civilian Personnel Office and Human Resource Office Equal Opportunity designees, Army National Guard Equal Opportunity Advisors and Equal Opportunity Leaders, and Air National Guard Equal Opportunity Specialists and Equal Opportunity Counselors (as defined in reference g).

**Conflict Management** -- A systematic negotiation process, unassisted by a qualified Third-Party Neutral, most often used by Managers, Supervisors, and Commanders to proactively identify and manage, at the earliest stage possible, conflict that can lead to one or more disputes. The purpose of conflict management is to decrease the likelihood that a conflict will evolve into a dispute and increase the likelihood that, if the conflict does evolve into a dispute, then it may be resolved efficiently, effectively, and quickly. Equal Employment Opportunity Specialists and Military Equal Opportunity Professionals (or similarly situated personnel) may use different conflict resolution techniques including collaborative problem-solving or coaching to help the Parties resolve or manage the conflict themselves. During conflict resolution and conflict management, Equal Employment Opportunity Specialist, Military Equal Opportunity Professionals, Managers, Supervisors, and Commanders are not serving as a qualified Third-Party Neutrals (as defined below and in reference b).

**Dispute Resolution Specialist** -- A senior official designated and trained in accordance with reference I (also known as the "Administrative Dispute Resolution Act") and Section 9 of reference I (also known as the "Administrative Dispute Resolution Act of 1996"), who is responsible for the implementation of Administrative Dispute Resolution within the agency, agency Alternative Dispute Resolution policy, and Alternative Dispute Resolution training.

**Facilitation** -- A form of Administrative Dispute Resolution that closely mirrors the mediation process with a lesser inclination to caucus throughout the process. Like a mediator, a facilitator is not a decision-maker. Unlike a mediator, a facilitator does not typically become as involved in the substantive issues of a dispute. Instead, a facilitator focuses more on procedural assistance and remains impartial to the topics under discussion. This method involves the use of effective communication techniques to improve the flow of information in a meeting between Parties to a dispute.

**Facilitator** -- This term is often used interchangeably with the term "mediator," but a facilitator does not typically become as involved as the mediator in the substantive issues. As a Third-Party Neutral, the facilitator focuses more on the communication processes involved in resolving a matter.

**Interest-Based Negotiating** -- A form of conflict management where participants work to solve problems while simultaneously fulfilling their own interests and attempting to satisfy the interests of others. Interest-based negotiating ensures that all participants contribute ideas to the group and that the group values their contributions. The principles of interest-based negotiating separate the people from the problem, focus on party interests as opposed to positions, invent options for mutual gain, and reach an agreement based on objective standards or criteria. The objective is to create a solution that all Parties agree is mutually beneficial (as described in reference a).

**Mediation** -- A form of Administrative Dispute Resolution where the Parties obtain the assistance of a qualified mediator. The mediator is not a decision-maker and thus does not decide who wins or loses. Instead, the mediator, as a Third-Party Neutral, facilitates

discussion between the Parties to help them reach a mutually acceptable resolution. Mediation is a structured, assisted process using face-to-face negotiations, separate confidential caucuses between each Party and the mediator, or a combination of the two.

Mediator -- A Third-Party Neutral that has no interest in the outcome of the mediation and helps opposing Parties reach a voluntary resolution to a dispute.

National Guard Employee -- Title 32 Military Technician (Dual Status) excepted service employee and Title 5 National Guard excepted or competitive service employee within the 50 States, Guam, Puerto Rico, the United States Virgin Islands, and the District of Columbia.

Ombudsperson -- An internal or external professional in the field of employment matters who employees may address with grievances regarding employment matters. An Ombudsperson should be perceived by the employee and the agency as able to objectively weigh the facts of a conflict and offer ideas to resolve it. The recommendations of an Ombudsperson are non-binding. An example of an internal Ombudsperson is a Human Resources representative within an agency who may or may not be assigned to the employee's division or unit. An example of an external Ombudsperson is an outside expert in the field of employee relations, such as a consultant or an attorney, who may regularly advise the agency and employees on these types of matters (as defined in reference I).

Qualified Third-Party Neutral -- A Qualified Third-Party Neutral must be formally trained through a training program approved by the Alternative Dispute Resolution and Conflict Management Program office for the Department of War, Army, Air Force, Navy, or National Guard Bureau. This person must have also received and maintained current certification from the Alternative Dispute Resolution and Conflict Management Program office for the Department of War, Army, Air Force, Navy, or National Guard Bureau in one or more of the various forms of Alternative Dispute Resolution (for example, mediation, arbitration, facilitation, and conciliation). With respect to a dispute, the qualified Third-Party Neutral functions specifically to aid the Parties in reaching resolution. The qualified Third-Party Neutral may not be Party to the dispute, and may not have an official, financial, or personal conflict of interest in the dispute, unless such interest is fully disclosed in writing to all Parties and all Parties agree that the individual may serve. A qualified Third-Party Neutral may be a current or former Federal Government employee, Service member, contractor, or someone outside the Federal Government.

Settlement -- An agreement ending a dispute or lawsuit, generally releasing all pending claims between the Parties which may or may not involve judicial or neutral participation (as described in reference a).

State Alternative Dispute Resolution Manager -- An individual appointed or designated at the State level to promote the use of Alternative Dispute Resolution processes for

resolving disputes, to facilitate developing and implementing the State's Alternative Dispute Resolution plan, and to provide oversight of the organization's Alternative Dispute Resolution Program. This individual may be civilian or military. The civilian will be a permanent, full-time civil service employee, preferably in the grade of General Schedule-13 or higher. The Service member will be a Commissioned officer, Officer-4 or higher, or a senior Noncommissioned Officer, Enlisted-8 or higher. The individual may be assigned to civilian personnel or to a Judge Advocate function.