STATE AGENCY ADR ASSESSMENT CHECKLIST

A growing body of evidence suggests that state agencies can save dollars, protect important ongoing working relationships and meet their missions by an informed use of dispute resolution procedures for disputes arising out of matters regulated by state agencies. For more information on results and cost savings, see the Consortium’s website at http://consensus.fsu.edu/ADR_Project/index.html. State agencies considering their dispute resolution policies and practices should assess their current procedures and examine the mission of your agency and its structure for. Below is a summary checklist with points to consider.

Disputes in Your Agency

Think about the different kinds of disputes within your agency

Consider:

✓ The general nature of the disputes and the parties thereto;
✓ Why the disputes occur; and
✓ The frequency of these disputes.

Current Procedures

Review and analyze the present system of dispute resolution

Determine:

✓ How and with whom the disputes arise;
✓ Who has authority to resolve disputes;
✓ Whether negotiation occurs; and
✓ Whether some form of ADR is already in use.

Review Agency Results

Look at existing system for resolving disputes

Analyze:

🗑️ Decision documents that established the current system. Determine reasons for deciding disputes that way.
�니다 Any written guidelines (including law, regulations, etc.) and
⏰ The time it takes to resolve disputes

Cost Concerns

It is important to identify the resources and costs required to resolve disputes

Summarize:

✓ The total costs of resolving disputes now (including contract dollars, personnel time, management effort, employee morale and customer satisfaction). and
Who pays the costs (for example, whether litigation affects the budget; does this increase your agency’s costs or does it shift costs to another organization).

**Evaluation of the Program**

Review any feedback from your customers/disputants about the current process

Find out:

- Customer satisfaction- and any problems with the current procedures
- Changes recommended and why
- Available data
- Definition of success and
- Measurement, rating and reward systems (e.g. PB2)

**AGENCY ORGANIZATIONAL ASSESSMENT**

The mission of your agency and its structure needs to be examined.

**Management Considerations**

Determine:

- ADR goals
- Necessary approval--you may need a “blessing” to begin this project;
- The ultimate authority to authorize changes; and
- The key advisers and mid-level managers who report to the decision maker
  In this regard, note the people who can open lines of communication to them (or their staffs). You may need to consult with them, either by briefings or asking them for input.

**Agency Authority**

The most important aspect of an ADR proposal is to focus on your agency’s mission

**Points to consider include:**

- How does or can ADR help to achieve the agency’s goals?
- Contact agencies with similar missions--are they using ADR?
- Agency authority to use ADR- check executive orders, statute and other guidance
- Statutory concerns, especially an limitations on using ADR (any internal rules)

**Agency Culture**

Look at barriers and expected changes. Consider your agency’s predominant attitudes, practices and beliefs regarding the following:
Conflict management
Who has a “say” in how conflict is managed? (e.g. is top management discretion retained on all types of disputes to ensure “control”?)

Definition of Success
Much of an organization’s cultural definition of “success” is transmitted through symbolic and informal communication mechanisms, for example, war stories. Have you considered the use of such devices to further organizational perception of “fit” and appropriateness of work in the ADR arena with existing attitudes, practices and beliefs?

Response to Change
What would be the typical response to a call for change in procedure and technique? (Example: What a great opportunity for learning new skills and for improving work force morale. Answers to these questions (organizational attitudes regarding conflict management, participatory processes and change) will provide clues on how best to introduce ADR practices successfully.