



ADR Newsletter

DEPARTMENT OF VETERANS AFFAIRS (VA)
OFFICE OF RESOLUTION MANAGEMENT (ORM)

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B.J. Ocker -Editor

Perception and Transparency in Mediation

by Phyllis Pollack

Perception and transparency. Both are very important in mediations and negotiations but can be so easily overlooked. This was brought home to me recently in a lengthy mediation that I conducted. It involved a commercial lease and the issue was whether money was owed by the tenant to the landlord for back property taxes and if so, how much. As one would expect, the landlord's audit revealed a higher amount owed than the tenant's.

I conducted the mediation using separate sessions. In the landlord's conference room sat one of the owners, the accounting person and the attorney. By happenstance, the owner- a very well educated sophisticated minority woman- sat on one side of a large conference table while her attorney and accounting person sat on the other side of the table. Whenever, I came into the room, I sat in the chair at the head of the table. During many of my sessions with the landlord, and her accounting person and lawyer, the accounting person did most of the talking, explaining the various spreadsheets to me and why the tenant's interpretation of them was not correct. Unconsciously, or as one might expect, I looked toward the accounting person so that my back was slightly turned towards the owner whenever the accounting person and/or the attorney was speaking. Whenever the owner was speaking, I would, naturally, face her with my back slightly turned to the accounting person and lawyer.

The matter did not settle. Suddenly, as we were ending the session, the owner told me in no uncertain terms that she had felt throughout the mediation that I had disrespected her because I had made very little eye contact with her; I had been focusing my attention on the accounting person and/or attorney. Thus, she strongly felt that I disrespected her and she did not like it one iota. I was taken aback and, apologizing profusely, explained this was not the case at all: I was simply looking a lot in the direction of the accounting person as she had been doing much of the talking throughout the day and that when it came to discussing demands and offers, I did look at her, making eye contact.

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Secretary's ADR Excellence Awards Announced

In 2013, the Office of Resolution Management recognized the individuals and groups who demonstrated exemplary performance in support of the Alternative Dispute Resolution (ADR) program. The following are recipients of the 2012 Secretary's ADR Excellence Award in their respective categories.

Category A: Individual effort by an employee

Ms. Elizabeth Jenkins
 ADR Program Manager,
 VA Medical Center (VAMC)
 St. Louis, Missouri



Category B: Individual effort by a manager

Ms. Judith A. Burke
 Associate Director, Patient Care Services
 Eastern Colorado Health Care System
 Denver, Colorado



Category C: Workplace ADR Program

VBA Regional Office
 Muskogee, Oklahoma



Category D: Certified Neutral

Ms. Suzanne Fry
 IT Specialist
 Office of Information and Technology (OIT)
 Boise, Idaho

Category E: Office of General Counsel (OGC)

Ms. Nicole Price
 General Attorney, Region 5
 Decatur, Georgia

From Top to Bottom:
 Elizabeth Jenkins, St. Louis VAMC
 Suzanne Fry, OIT, Boise, Idaho
 VBA Regional Office, Muskogee, Oklahoma
 Nicole Price, OGC, Decatur, Georgia

Category F: Senior Executive Service

Ms. Marilyn Iverson
 Director
 Veterans Canteen Service
 St. Louis, Missouri

Category G: ADR Committee/Council/ Forum
 VA Pittsburgh Healthcare System's Forum
 Pittsburgh, PA

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While the owner accepted my apology, the incident troubled me a great deal as it came out of nowhere and hit me hard. So... I shared it with a colleague who does a lot of training. She explained that the incident really had nothing to do with me and everything to do with the owner's previous experiences and her perception of those experiences. That is, she had probably encountered many situations previously in which she truly believed and perceived she was being marginalized by others; she carried that history forward into this mediation. So, when I partially turned my back on her and/or spent a large amount of time speaking with the accounting person, she again believed and perceived that she was being marginalized even though as the owner and landlord, she was actually the most important person in the room. My actions in her mind reinforced her opinion that she was not being treated equally and thus not given the respect due. Consequently, at the end of the mediation session, she let me know in no uncertain terms that she did not appreciate the disrespect.

My friend suggested several remedies. One would be to be more conscious of the seating arrangements and request that everyone (parties and their attorneys) all sit on one side of the table or such that I can sit across from them and look at them all at the same time. Another would be to consciously, make more eye contact and conversation with each participant so that each feels that I am sharing my time equally amongst them and/or finally, to be very transparent at the outset by simply explaining that while I may be spending more time speaking with one or more of them, this does not mean that they are being excluded; to the contrary, I very much want to hear what each has to say as each of them is integral to the conversation and to the resolution of the matter. That is, they should not read anything into the fact that I may spend more time talking to one person rather than another. Perception and Transparency.... Each is very important but so easy to overlook! Just something to think about.



ADR around the VA



**VISN 7 EEO/ADR Managers Meeting
September 9-12, 2013**

Ms. Alverta (Veda) Pearson, EEO/ADR Program Manager for VISN 7 hosted a meeting for the VISN 7 EEO/ADR Managers.

The meeting was held at the VA Medical Center in Augusta, Georgia. The meeting was also attended by Ms. Audrey Oatis-Newsome, Director of the VHA EEO/Affirmative Employment Office. Mr. John Jones from the Office of Resolution Management was a guest speaker at the event.

Top 5: Tips for Thriving at Work

By Beth Cabrera

Research shows that positive people, those who experience more frequent positive emotions such as joy, gratitude, hope, or love, are more creative, energetic, engaged, resilient and productive. Staying positive at work enhances your performance and your well-being. It also significantly improves your overall life satisfaction. Here are some tips for increasing the number of positive experiences you have throughout your workday.

1. Practice mindfulness.

Focusing on the present moment helps keep you positive. Staying in the here and now prevents you from worrying about the future or ruminating about the past. And while you are being mindful, try to focus on the things that are going well. We are hard-wired to pay more attention to negative events (noticing threats is what kept our ancestors alive). So it takes intentional effort to generate positive emotions by looking for and savoring what is good

2. Cultivate your strengths.

People are happiest when they have the opportunity to do what they do best every day. To do this, you first need to know your strengths. When trying to identify your strengths, look for things that energize you, you enjoy doing, are easy for you to do, and you excel at. Now find ways to use your strengths every day. Talk to your boss about modifying your role to play to your strengths, find a partner who has complementary strengths, or volunteer for a project or committee that will let you use your strengths more often.

3. Discover your purpose.

We all have a desire to make a meaningful contribution. What is the purpose of your work? How do the tasks you perform contribute to the overall goals of the company? How do your actions benefit your co-workers or customers? If you aren't sure, ask your boss to help you clarify the link between what you do and the impact it makes. Spend time, either at work or outside work, engaged in something that really matters to you.

4. Celebrate progress.

People experience the greatest joy at work when they feel like they are making progress toward meaningful goals. This first requires that you clarify your goals. Then make sure you have the resources necessary for achieving your goals. Don't be shy about asking for whatever it is you need to succeed. At the end of each day, list your accomplishments. Notice the progress you've made, and celebrate your forward momentum.

5. Nurture relationships.

Spending time with others makes you happy and minimizes stress. People who have good friends at work are more productive. So connect with others throughout the day; share a laugh or express your appreciation. Look for opportunities to collaborate with colleagues. And don't eat lunch alone at your desk! Your lunch break is a great opportunity to spend time with someone you enjoy and get to know them better.



Workplace ADR Program

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Mediation:
A Solution to Workplace Disputes

The Workplace ADR Program solicits articles for VA's quarterly ADR newsletter. The purposes of the newsletter are to communicate information relating to the use of ADR in workplace disputes, and to serve as a resource for those interested in learning more about ADR and its application within VA.

We invite you to submit ideas and articles for the newsletter through your respective administrations:

- ◇ VHA to Sherron Jernigan (10A2E),
- ◇ VBA to Johnny Logan (20M42),
- ◇ NCA to Nicole Maldon (40A),
- ◇ VACO staff offices to your VACO ADR Liaison,
- ◇ Labor organizations to your ADR Council Representative.

We are looking for ideas and articles on ADR related topics, noteworthy activities, initiatives, accomplishments, best practices, or other items designed to educate and inform VA employees and managers on ADR and its benefits in addressing workplace disputes. We hope the VA community will find the newsletters a useful resource for obtaining interesting and helpful information representing ADR activity throughout VA.

For more information, visit our website:
<http://vaww.va.gov/adr/>



Core Values "ICARE"

Integrity
Commitment
Advocacy
Respect
Excellence