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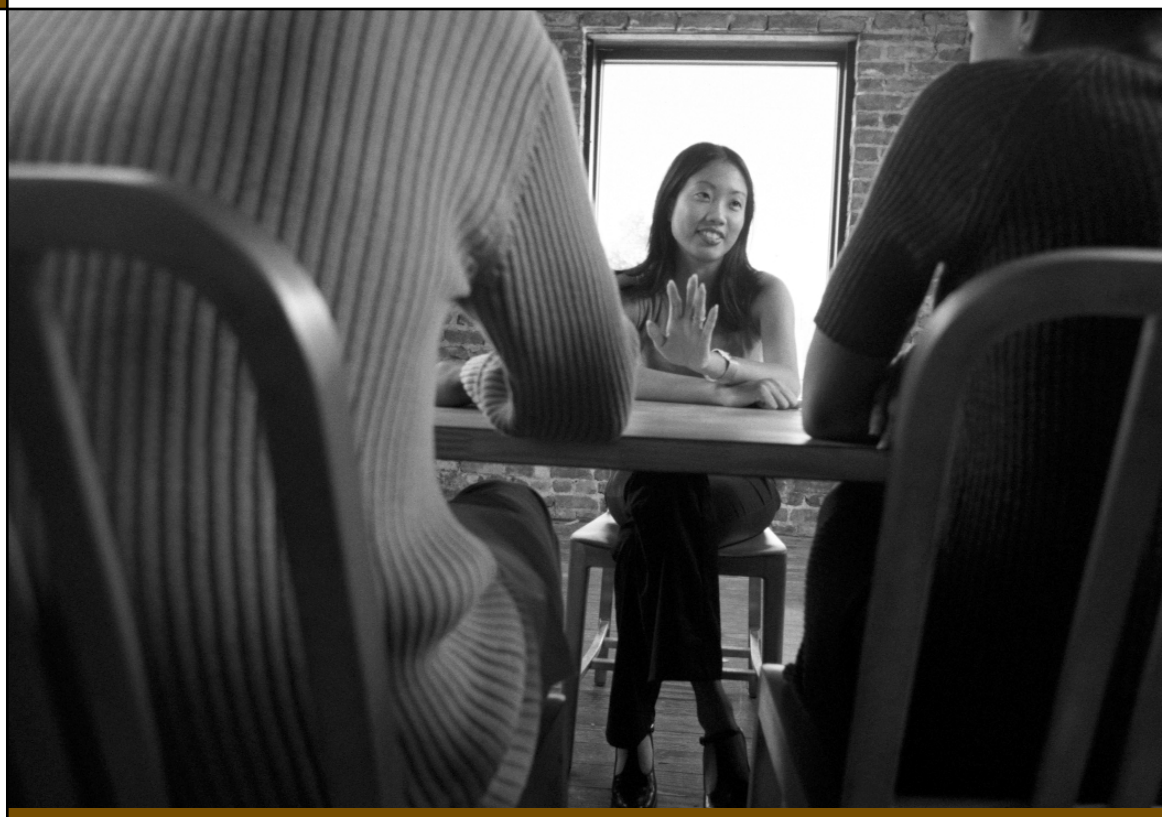
Mediation at Work: Transforming Workplace Conflict at the United States Postal Service



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IBM Center for
The Business of Government

Human Capital Management Series

HUMAN CAPITAL MANAGEMENT SERIES

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FOREWORD

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On behalf of the IBM Center for The Business of Government, we are pleased to present this report, "Mediation at Work: Transforming Workplace Conflict at the United States Postal Service," by Lisa Bingham.

This report describes the United States Postal Services' (USPS) innovative approach to the handling of Equal Employment Opportunity disputes arising out of employee claims of discrimination under federal law. The process, known as REDRESS (Resolve Employment Disputes Reach Equitable Solutions Swiftly) is a form of alternative dispute resolution (ADR). ADR involves a mediation process using independent, outside neutral individuals as a means to resolve workplace conflict. This approach contrasts with the more traditional adjudicatory processes, such as binding arbitration.

Begun in 1994 as a pilot program, REDRESS has contributed significantly to a decrease in the number of formal complaints of discrimination filed against USPS from 1997 to 2002. Feedback from participants indicates that the great majority of employees, supervisors, and their representatives involved in REDRESS are satisfied with the mediation process and view the mediators involved as impartial, fair, and competent. Professor Bingham presents findings from her ongoing evaluation of the REDRESS experience.

While the report focuses specifically on the United States Postal Service and its attempts at ADR through the REDRESS program, we trust that the USPS experience will serve as a model for other federal agencies who are seeking new approaches to dramatically improve the workplace.

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EXECUTIVE SUMMARY

Public sector organizations are leading an innovative wave of new workplace dispute resolution systems. Agencies are experimenting with interest-based processes such as negotiation and mediation, while the private sector favors more traditional adjudicatory processes such as binding arbitration. The United States Postal Service (USPS) was among the first to implement mediation by independent, outside neutrals as a process for resolving workplace conflict. This report describes best practices in Dispute System Design, the history of the USPS program (REDRESS®—Resolve Employment Disputes Reach Equitable Solutions Swiftly), and how USPS implemented and institutionalized the program.

The report also summarizes eight years of research on the program. The great majority of employees, supervisors, and their representatives are satisfied or highly satisfied with the mediation process and the impartiality, fairness, and performance of the mediators. Most are also satisfied or highly satisfied with the outcome of mediation, which is a full or partial resolution in the majority of cases. A longitudinal analysis shows that these reports of participant satisfaction have remained stable and virtually unchanged over the past five years. There is no evidence of a new program honeymoon effect. Researchers have also found that the program contributed to a statistically significant drop in the number of formal complaints of discrimination filed against USPS (from a high of 14,000 in 1997 to under 10,000 in 2002). There is evidence that the program is contributing to improved communication between employees and supervisors during mediation. Mediation is having a positive impact on the USPS dispute system for handling complaints of discrimination.

Organizations seeking to adopt alternative dispute resolution programs should:

- Design a dispute resolution system that looks fair and is fair.
- Design the dispute resolution system to maximize participation.
- Train relevant stakeholders.
- Get the word out.
- Monitor quality.
- Provide feedback on program results.

Introduction

Over the past decade, the United States Postal Service (USPS) has emerged as a national leader in the use of appropriate or alternative dispute resolution (ADR) in employment disputes (see "An ADR Glossary" on page 8). Employment disputes include but are not limited to conflict over supervisory decisions (criticism, demeaning or improper treatment), management policies (opportunities for detail into supervisory positions or changing crafts), working conditions, pay and benefits (overtime, leaves of absence, absence for illness), and discipline. (For descriptions of sample mediated cases, see Antes, et al., 2001).

The USPS innovative program for employment disputes is named REDRESS® (Resolve Employment Disputes Reach Equitable Solutions Swiftly). REDRESS is for disputes involving complaints of discrimination under Title VII of the Civil Rights Act of 1964 (42 U.S.C. sec. 2000e, *et seq*.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. sec. 633a, *et seq*.), and the Americans with Disabilities Act of 1990 (42 U.S.C. sec. 12112, *et seq*.). It has won awards from the U.S. Office of Personnel Management (for excellence in program evaluation in 1999 and as an outstanding ADR program in 2000), the CPR Institute (2001), and the Academy of Civil Trial Mediators (2000) (see www.usps.com/redress).

USPS has been transformed from an organization under scrutiny for problems and sometimes violence in the workplace to one attracting press as "peaceful postal" (see "Excerpts from the *New York Times*" on page 6). REDRESS provides a model that other public and private organizations can use and adapt to their own context.

About ADR

A variety of federal, state, and local government agencies are experimenting with and in some cases permanently institutionalizing ADR programs in many different substantive contexts.

Agencies are using mediation in employment, procurement, and regulatory enforcement, and using facilitation, mediation, or negotiated rulemaking in the environmental and public policy arena. In some limited contexts, usually involving the determination of a disputed monetary amount such as a debt, public agencies may adopt an ADR program using advisory or binding arbitration. The legal authority for these programs takes a variety of forms, ranging from a general statutory authorization for administrative dispute resolution to a narrow, special purpose mediation statute. In some cases, agencies can infer authority to use ADR from an administrative procedure act. However, at the state and local level, binding arbitration may be considered an unlawful delegation of public authority to a private third party absent express statutory authorization.

Dispute System Design

ADR programs vary in form as agencies adapt them to the specific substantive and government context in which conflict may arise. Dispute System Design (DSD) is a phrase coined by Professors William Ury, Jeanne Brett, and Stephen Goldberg (1988)

Excerpts from the *New York Times*

(The *New York Times* on the Web http://www.nytimes.com)

Companies Adopting Postal Service Grievance Process

New York Times
Management
September 6, 2000
By Mickey Meece

In the early 1990s, the United States Postal Service had an employee crisis on its hands. Not the workplace shootings that made headlines and added the phrase "going postal" to the American vocabulary of violence. Those incidents, while often deadly, were isolated.

What really threatened the agency's productivity and morale was an avalanche of complaints by angry, frustrated employees to the federal Equal Employment Opportunity Commission. For years, charges of racial discrimination, sexual harassment, and other management abuses poured into the watchdog agency from the Postal Service, and the volume of informal complaints had built up to an incredible 30,000 filings a year, more than from any other single employer. Some of the complaints escalated into costly litigation, while others festered.

But in 1994 as part of a settlement of a class-action lawsuit, lawyers at the Postal Service, one of the nation's largest employers, started one of the most ambitious experiments in dispute resolution in American corporate history. They created a program called REDRESS™ to settle disputes using neutral outside mediators, and tested it in a few cities before rolling it out nationally in 1997.

The results were spectacular: In the first 22 months of full operation, from September 1998 through June of this year [2000], 17,645 informal disputes were mediated under REDRESS™ and of those, 80 percent were resolved.

During the same period, formal complaints, which peaked at 14,000 by 1997, dropped 30 percent. The lawyers estimate that the program has saved the agency millions of dollars in legal costs and improved productivity, to say nothing of the gains in intangibles like job satisfaction.

Before REDRESS™ was created, Postal Service employees embroiled in disputes with their bosses followed procedures that could drag on for years. Generally, they would begin by filing an informal EEOC complaint. They then had the choice of dropping the matter or going down the bureaucratic path of filing a formal grievance, starting an official investigation with all its affidavits and hearings. Ultimately, they might file a lawsuit.

The REDRESS™ program aimed to short-circuit that process by offering disgruntled workers mediation. If a person who filed an informal complaint agreed, a meeting would be set up, a mediator would hear both sides of the dispute and, in most instances, help propose a solution within a day.

Sometimes, all the worker wanted was for his boss to say he was sorry. "The power of an apology became very significant," Ms. [Mary] Elcano [former USPS chief counsel] said. "People would walk away from litigation with that because they felt it was an honest give and take."

For example, one supervisor called all of his mail carriers by a number, Ms. [Cynthia J.] Hallberlin [former USPS National ADR counsel] said. One carrier thought it was demeaning and filed a complaint. When confronted about it in mediation, the supervisor said he had had no idea that some people found the practice offensive and said he would stop it immediately. Case closed.

"You're never going to get rid of conflict," Ms. Hallberlin said, "you just want to handle it better."

Robert A. Baruch Bush, a law professor at Hofstra University who helped design a training program for the 3,000 outside mediators in REDRESS™, said the goal was to shift conversations between employees and their supervisors from destructive to constructive. "If that happens," he said, "it becomes a more open corporation, and then the parties themselves in most cases will be able to define what's bothering them and how to fix it." Resolution is a byproduct, he added.

REDRESS™ is intended to make mediation available at any stage of the grievance process, not just at the beginning. In one class-action racial-discrimination lawsuit that had originated in an EEOC complaint, black postal workers in Florida accused a white postmaster of making racist remarks about their work habits. They sought his dismissal, Ms. Hallberlin said.

It never came to that or to a dollar settlement, she said, because both parties agreed to bring in an outside mediator. In the end, the postmaster apologized, wrote a check to the NAACP and joined the Postal Service's diversity committee. "In future dealings, he had a more harmonious post office," Ms. Hallberlin said.

Elaine Kirsch, an outside mediator working in New York, recalled a case involving a postal supervisor and an employee, both women, one white and one black, neither willing to back down. The dispute was over the employee's repeated lateness, Ms. Kirsch said, but really it was about a lack of communication. After yelling at each other for one and a half hours, she said, the two became quiet.

Ms. Kirsch said she took the opportunity to point out that the two had more in common than they had thought. Sometime after that, she said, the supervisor and employee returned to hammering out particular issues and rehashing events. Finally, one said words to this effect: "You never lied. You always say what you mean."

The ice was broken, Ms. Kirsch said, "and from then on it was easy as pie." It turned out that the employee was often late because she had trouble finding care for her asthmatic child. She agreed to call her supervisor when this happened and her supervisor agreed to be more understanding.

To keep tabs on REDRESS™'s progress, the Postal Service hired Lisa Bingham, director of the Conflict Resolution Center at Indiana University. "Quantifying has been one of the problems with the field of dispute resolution for some time," Ms. Bingham said.

Her exit-survey research showed that postal employees and their union representatives and supervisors were highly satisfied with the process and the mediators. And, to a lesser degree, the parties were satisfied with the outcome.

Mary P. Rowe, an adjunct professor at the Sloan School of Management at M.I.T., said REDRESS™ "was large, elaborate and better evaluated than virtually any other component or system like it."

In the meantime, the good news continues for the Postal Service. Karen Intrater, one of the lawyers who came up with the idea of REDRESS™, said the program had been so successful it was catching on among government agencies.

"It's not a magic pill, but you can see the difference," Ms. Intrater said. "I've never seen anything that has such a potential for change as this."

An ADR Glossary

Appropriate or Alternative Dispute Resolution (ADR) refers to a continuum of processes for addressing conflict, including unassisted negotiation and consensual or quasi-judicial processes usually involving neutral or impartial third parties who have no personal interest at stake in the outcome of the case. A glossary of ADR terms, organized from consensual to quasi-judicial processes, appears below:

Consensus: This goal of many processes is defined as unanimous concurrence of all stakeholders, although in some instances the stakeholders themselves may agree on a different definition, such as a majority or supermajority vote.

Facilitation: A third party assists a group of stakeholders in conducting discussions on a matter of public policy with the goal of reaching consensus. This process often involves many disputants representing a variety of interest groups and is widely used in environmental conflict.

Negotiated Rulemaking or Reg-Neg: A public agency uses a facilitator to assist a representative committee of stakeholders in reaching consensus on language for a rule or regulation that the agency will then submit for adoption through traditional rulemaking.

Mediation: A mediator is a third party who assists the disputants in negotiating a voluntary agreement on or settlement of their dispute. Mediation may be voluntary or mandated by an agency or court, but communications in the process are generally confidential. Mediation agreements are generally enforceable as contracts.

Conciliation: Often used interchangeably with the term *mediation,* this term suggests a less structured effort to assist parties in negotiating a resolution to their dispute. The term is used in Title VII of the Civil Rights Act of 1964 to describe intervention by the EEOC to attempt to resolve a complaint of discrimination through voluntary settlement.

Caucus: The mediator or third party may meet privately with only one party or set of disputants. Generally, information shared in caucus is treated as confidential unless the disputant authorizes the mediator to share it.

Joint Session: The mediator or third party may meet with all parties for mutual exchange of information.

Early Neutral Assessment or Early Neutral Evaluation: A neutral or impartial third party meets with the disputants in joint session and in caucus to collect information about and hear disputants' perspectives on the dispute. The third party then gives the parties an assessment or evaluation on the merits of the dispute, including strengths and weaknesses of each party's position and the likelihood that each party might prevail in a traditional forum such as court.

Mini-Trial: The disputants' chief executive officer and/or agency head authorized to settle the dispute and their legal counsel meet in the presence of a third party to exchange abbreviated opening statements and descriptions of evidence and witnesses to be presented at trial. The role of the third party is to give advisory opinions on the admissibility of evidence and to moderate the process. The principals then attempt to negotiate a settlement, often after excusing legal counsel from the room. Sometimes, the parties may ask the third party for an early neutral assessment.

Fact-Finding: A third party conducts a quasi-judicial hearing to collect information or evidence from the disputants. The third party may be asked to make binding or non-binding findings of fact for the disputants. They then may attempt to negotiate a settlement on the merits of the dispute. If they fail to settle, they may submit the findings of fact as stipulations in court to narrow any subsequent trial.

Advisory Arbitration: A third party conducts a quasi-judicial hearing to collect information or evidence and hear arguments from the disputants on the merits of the dispute. The third party then writes a decision on the merits, called an arbitration award, and recommends a remedy or outcome. This award is not binding on the parties, who may use it as the basis for negotiating a settlement.

Summary Jury Trial: In this process, the disputants present abbreviated forms of their cases to an actual civil jury, but unlike a traditional trial, the disputants are not bound by the jury's findings. The jury is not told that its determination is advisory. After the verdict, the disputants attempt to negotiate a settlement of their dispute.

Binding Arbitration: A third party conducts a quasi-judicial hearing to hear evidence and argument from the disputants, and then renders a decision, or arbitration award, on the merits of the case. In binding arbitration, the disputants forego resort to a judge or jury, and the resulting award is subject to only limited judicial review for arbitrator misconduct such as evident partiality, bias, collusion, exceeding the scope of her authority, or denying the disputants a chance to present their case. Evident partiality includes overt favoritism of one party.

Med-Arb: The third party attempts to mediate a settlement of the dispute; if mediation fails, the third party becomes an arbitrator, conducts a hearing, and renders a binding award on the merits.

Arb-Med: The third party conducts an arbitration hearing and writes a binding award that is sealed and not distributed to the disputants. The third party then attempts to mediate a settlement to the dispute. If mediation succeeds, the arbitration award is destroyed. If mediation fails, the third party distributes the arbitration award to the disputants.

Administrative Dispute Resolution—The Legal Context

Federal or state law may expressly authorize ADR, or legal counsel may determine that an agency has inherent authority to engage in it.

Federal Law: Two statutes give federal agencies general authority to use ADR. In addition, agency-enabling legislation may provide specific authority. For comprehensive resources on ADR in the federal government, see the website of the Federal ADR Interagency Working Group, www.adr.gov. For an example of one agency's gateway website on mediation of discrimination complaints, see www.eeoc.gov.

The Administrative Dispute Resolution Act of 1996 (ADRA, 5 U.S.C. sec. 571, *et seq.*): The ADRA authorizes ADR for disputes that would otherwise involve agency formal or informal adjudication or other agency action that is not rulemaking. Under its terms, agencies can use any ADR process, including but not limited to negotiation, conciliation, facilitation, mediation, fact-finding, mini-trials, and binding or advisory arbitration. Binding arbitration is subject to judicial review under the Federal Arbitration Act.

The Negotiated Rulemaking Act of 1996 (NRA, 5 U.S.C. sec. 561, *et seq.*): The NRA authorizes facilitation and mediation to reach consensus on proposed rules or regulations (negotiated rulemaking or reg-neg). The agency first appoints a convener who reports on whether negotiated rulemaking is feasible (there is a reasonable number of identifiable stakeholders, there is a good likelihood of reaching unanimous concurrence or consensus, and the agency is willing to use the product in subsequent rulemaking process. The agency has exclusive authority to decide whether or not to use reg-neg. It identifies a negotiated rulemaking committee (no more than 25 stakeholders ordinarily), provides a facilitator for negotiations, and works toward consensus. If consensus is reached, the committee issues a proposed rule and report, and the agency proceeds with traditional rulemaking based on the proposed rule.

State Law: Some states have statutes similar to the ADRA (Texas, Oregon) and NRA (Texas, Idaho, Oregon). Some states authorize mediation, but not negotiated rulemaking or arbitration (Indiana). Some states have adopted shorter, more general amendments to their state administrative procedures acts (New Mexico). Other states have implemented dispute resolution pursuant to an executive order by the governor (Massachusetts). Most agency counsel agree that agencies have authority to use mediation under a state's administrative procedure act. There are over two dozen state offices of dispute resolution (Ohio was among the first). These offices help agencies develop ADR programs, implement them, and evaluate them. For a helpful and comprehensive collection of resources on state government use of dispute resolution, see the website of the Policy Consensus Initiative (PCI), www.policyconsensus.org.

Local Government: Municipalities have exercised inherent police powers and budgetary and legislative authority to use dispute resolution. Often they collaborate with local community mediation programs—nonprofit organizations with volunteers who are available to mediate typical neighborhood disputes. For example, Bloomington, Indiana, has a Safe and Civil City Office that is active in promoting the use of community mediation and consensus processes. For more information on ADR at the local government level, see the website of the National Association for Community Mediation, www.nafcm.org.

to describe the purposeful creation of an ADR program. They theorize that organizational dispute systems will function better for stakeholders if they are designed to resolve disputes based on the disputants' interests, rather than rights or power. Interest-based systems focus on the disputants' underlying needs (interests), such as those for security, economic well-being, belonging to a social group, recognition from others, and autonomy or control. These differ from rights—for example, legal rights under the language of a contract, statute, regulation, or court decision. Power is least effective as a basis for resolving conflict; an example would be the use of physical force, as in warfare. Ury, Brett, and Goldberg theorized that a healthy organization would have a Dispute System Design that would resolve the great majority of disputes based on interests, would use rights-based approaches as a fallback when disputants reached an impasse, and would not generally resort to power.

Their work grew from experience with industrial disputes in the coal industry. After a series of wildcat strikes, it became clear that the traditional multi-step grievance procedure culminating in binding arbitration was not meeting the needs of coal miners, unions, and management. Ury, Brett, and Goldberg suggested an experiment: grievance mediation. This involved providing mediation, a process for resolving conflict based on interests, as

Best Practices in Dispute System Design: A Synthesis

Step 1: Assess Conflict. How does the organization handle conflict now? Do people avoid it, use power, appeal to authority, or collaborate? Who are the stakeholders? What avenues are available? Are they used? Have they produced identifiable outcomes? How do stakeholders view them? What resources are available? What skills do people have?

Step 2: Involve Stakeholders. The best way to ensure that a Dispute System Design meets stakeholders' needs is to involve them in the process of creating it. Organizations use focus groups, working groups, and other forms of teams in conflict assessment, design, implementation, monitoring, and evaluation.

Step 3: Emphasize Interests. Interests, not legal or contractual rights, should be the focus of the system. Interests are defined by basic human needs for financial and personal security, autonomy, recognition, and belonging to a group.

Step 4: Give Disputants Control. Build organizational conflict resolution capacity by giving disputants control over the choice of process for resolving conflict, the authority to resolve their own disputes, and the training and skill building necessary to do so effectively. For the person initiating a complaint or concern, all processes should be voluntary.

Step 5: Organize Alternatives. Provide multiple points of entry and multiple options for addressing the dispute (fit the forum to the fuss). Organize these alternatives to make multiple interest-based processes easy, fast, and available at the lowest possible organizational level. Start with options inside the organization, but fall back to interest-based options outside the organization. Make rights-based processes voluntary options of last resort.

Step 6: Implement Comprehensively. Nothing works unless people use it. Effective implementation includes training, publicity, informational materials, point people as resources, goal setting, outreach, intake, and monitoring use.

Step 7: Support the Program. A program's credibility depends on top-down and bottom-up support. Top-down support includes adequate resources in financial and human terms, public statements of support from organizational leaders, and use of the program by key stakeholders. Bottom-up support includes testimonials from satisfied participants, success stories, newsletters, and word-of-mouth on the street.

Step 8: Create a Feedback Loop: Evaluate. Continuous data collection can help provide objective accounts of a program's function and point to ways to improve it. Stakeholder feedback is essential to a program's success. It encourages ownership, and if feedback is positive, this encourages others to use the program. It also identifies strengths and weaknesses. Objective data about program outcomes can help create internal support for budget and human resources.

soon as disputes arose. The addition of the grievance mediation step changed the traditional rights-based grievance arbitration Dispute System Design to one including an interest-based "loop-back," i.e., a step that returned the disputants to negotiation, albeit with assistance. It focused on the disputants' immediate needs or underlying interests as distinguished from their rights under the contract.

The field of Dispute System Design, or DSD, has grown considerably. Mary Rowe, ombudsperson at the Massachusetts Institute of Technology, pioneered the development of organizational ombuds programs and current thinking on integrated conflict management systems (ICMS). ICMS involves Dispute System Designs in which there is a central point of coordination but multiple processes for resolving various disputes. An ICMS may have an ombuds office and multiple points of entry for separate procedures addressing workplace conflict, sexual harassment, workplace injuries, and consumer complaints, for example (Rowe, 1997).

Christina Sickles Merchant and Cathy Costantino (1996) used organizational development principles to identify best practices in DSD, calling this synthesis interest-based conflict management systems design. They too emphasize the importance of focusing the system on the disputants' interests or basic human needs for security, economic well-being, belonging, recognition, and autonomy rather than legal or contractual rights. Key components of this synthesis are involving stakeholders in each stage of design and implementation and using

interests as the measure of the resulting design. This design should realistically accept conflict, use collaborative methods to manage it, focus efforts on interest groups, and make key players partners in conflict management. Others advocate: (1) providing for prevention and early intervention; (2) building in systematic collaboration through the use of policies; (3) identifying roles and responsibilities; and (4) providing appropriate documentation, selection, training, support, and evaluation for the ADR program (Slaikeu and Hasson, 1998).

Contrasting Public and Private Sector Dispute System Designs

A key difference between private and public sector Dispute System Designs is the use of arbitration, a rights-based ADR method (Bingham and Nabatchi, 2003). Merchant and Costantino both served as federal agency dispute resolution specialists; this cadre of professionals emerged in response to the Administrative Dispute Resolution Act of 1996 (ADRA) (Bingham and Wise, 1996). The overwhelming process of choice among federal agency ADR programs is mediation; arbitration is a relative rarity.

In contrast, the private sector has imposed binding arbitration on employees. The legal mechanism for this is the adhesive contract clause. A contract clause is termed "adhesive" if the economically stronger party presents it on a take-it-or-leave-it basis to the weaker economic party; essentially, the clause "sticks" to the transaction. Private sector employers do this by placing arbitration clauses in job applications, personnel manuals, and individual form contracts, and requiring that employees accept the clauses as a condition of employment. These private sector Dispute System Designs have come under substantial criticism, because they generally have not involved stakeholders, do not use interest-based dispute resolution methods, and instead are intended to minimize company exposure to the risk of a damage award in litigation by foreclosing resort to the courts. Moreover, there is substantial litigation over the enforceability of these unilateral, mandatory arbitration programs in various contexts. Issues concern availability of class actions, punitive damages, due process protections such as the right to counsel and discovery, and denials of access to justice through excessive fees and costs.

In contrast, there has been no similar set of legal challenges to interest-based mediation designs, because the disputants retain the ultimate control over the outcome. USPS chose mediation for its Dispute System Design, the REDRESS program. What is unique about this program is that it provides outside neutral mediation services on a voluntary basis for employees who file complaints of discrimination, and it uses a model of mediation practice that focuses on the interaction between the disputants rather than an evaluation of who is right and who is wrong. It is the largest employment mediation program in the world and the first to produce hard, longitudinal data demonstrating a positive impact on the workplace.

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The United States Postal Service REDRESS Program

The EEO Complaint Process

The United States Postal Service REDRESS program provides mediation for equal employment opportunity (EEO) disputes, specifically those arising out of a claim of discrimination under federal law. Federal law prohibits discrimination based on race, sex, color, national origin, religion, age, and disability, and also prohibits sexual or racial harassment or retaliation for raising a claim of prohibited discrimination or harassment.

The traditional Dispute System Design established by the Equal Employment Opportunity Commission (EEOC) for federal discrimination claims is primarily rights based (see generally, 29 C.F.R. sec. 1614, *et seq*.). An employee may contact an EEO counselor regarding a potential claim. This is called the informal complaint or counseling stage of the process. In USPS and other federal agencies, this EEO counselor is a federal employee who will conduct an informal inquiry into the dispute and attempt to resolve it, sometimes in face-to-face meetings between the disputants, but more often through telephone diplomacy. If counseling fails, the employee may file a formal EEO complaint. This triggers a formal investigation into the dispute and may include the taking of sworn statements and depositions. If the complaint is not abandoned or resolved, it may proceed to a formal adjudicatory hearing before an administrative judge. The judge's decision is submitted to the agency for final agency decision. If the employee is dissatisfied with the result, federal court litigation may ensue. This traditional regulatory process is largely rights based (focusing on legal or contractual rights, obligations, and remedies), although it does provide for conciliation efforts.

This report examines the development and evaluation of REDRESS I, which involves the use of mediation at the informal complaint stage of the EEO process. REDRESS I was designed, pilot-tested, and rolled out nationwide between 1994 and 1999. In November 1999, after the national rollout was complete, the EEOC adopted regulations on standards for federal ADR programs. REDRESS meets, or exceeds, those standards. USPS recently expanded the program to encompass mediation at the formal complaint stage, REDRESS II (see Intrater and Gann, 2001; see USPS Publication 902 at www.usps.com/redress). An evaluation of that program is under way.

The EEOC has recently adopted a mediation program for its caseload, again as an alternative to allow disputants to resolve a dispute based on their interests and not simply their legal rights. During 2002–2003, the EEOC and the Postal Service experimented with having all cases in which a postal employee requested a hearing before an EEOC judge referred back to the Postal Service for mandatory mediation through the REDRESS II program. The resolution rate, however, was significantly lower than for voluntary mediation, and having both voluntary and mandatory components of the same program was causing confusion. Thus, the EEOC stopped ordering cases into REDRESS II on October 15, 2003.

The Mediation Experiments

USPS designed the REDRESS pilot program in 1994 in settlement of a class action lawsuit alleging race discrimination in USPS facilities in the Florida Panhandle (Hallberlin, 2001; for a history, see "Chronology of REDRESS and Its Evaluation" on page 14). The pilot program involved employees in Tallahassee, Panama City, and Pensacola, Florida, and was in place between October 1994 and January 1998. The pilot program used voluntary, facilitative mediation.

USPS conducted focus groups with stakeholders as part of its initial design process, but did not negotiate over the specifics of the program. The key system design features that continue to be part of the program are that mediation is voluntary for the EEO complainant, but mandatory for the supervisor respondent, who represents USPS as an organizational entity. As required by EEOC regulations (29 C.F.R. sec. 1614.605), complainants are entitled to bring any representative that they choose to the table. These can include lawyers, union representatives, professional association representatives, family members, co-workers, or friends. USPS, as a party, may also designate a representative. The supervisor respondent must have settlement authority or be in immediate telephone contact during the process with someone else in the organization authorized to approve the settlement. Mediation occurs during work hours, is private, and generally occurs within two to three weeks of a request.

Models of Mediation Practice

One critical Dispute System Design feature is the model of mediation practice. While mediation practices span a wide spectrum (Riskin, 1996), there are three general models that predominate: evaluative, facilitative, and transformative. *Evaluative* mediation most commonly occurs in court-based Dispute System Designs. This model is most commonly practiced by retired judges and experienced civil trial litigators when they serve as mediators. In this model, the mediator generally asks the parties to make formal opening statements presenting their case, and then the mediator conducts one or more caucuses with each side. The mediator focuses on collecting facts and identifying issues and on the parties' legal arguments. The mediator then develops a sense of the worth of the case, evaluating whether the complaining party is likely to win and, if so, how much the party would probably recover. In order to pressure the parties to settle, the mediator will judiciously share this evaluation with each side at strategic moments. The mediator may propose a particular settlement. This model also tends to involve a more directive mediator, one who will not hesitate to "arm-twist" the parties to achieve settlement. Attorneys sometimes appreciate this approach because it helps them control unrealistic clients.

The *facilitative* model of practice differs in both its focus and the tactics mediators will employ. While the goal is still settlement of the dispute, the mediator focuses on getting the parties to identify their interests rather than emphasizing the merits of legal arguments. The mediator will generally still listen to opening statements and may conduct caucuses, but the focus of the process is not on the legal merits of the dispute so much as on the parties' underlying needs and how they might be met in an interest-based settlement. The mediator generally will avoid evaluating the case, but may engage in a practice known as reality testing to help the parties achieve a more objective sense of their alternatives to a negotiated settlement. The mediator will help the parties engage in brainstorming to generate ideas for resolving the dispute. The mediator will also suggest options to include in a settlement.

The *transformative* model of mediation as described by Professors Baruch Bush and Joseph Folger in their book *The Promise of Mediation* (1994) does not have settlement as its objective. Instead, the mediator's goal is to foster opportunities for the disputants to experience empowerment and recognition. Empowerment entails a sense of personal control and autonomy engendering the self-confidence necessary for disputants to take responsibility for addressing their own conflict. Recognition entails achieving a new understanding of the other disputant's views, motives, goals, or actions and somehow acknowledging this change. Recognition can take the form of statements acknowledging the legitimacy of the other participant's concerns or judgments, and it can result in an apology. In this model, the mediator does not unilaterally structure the process by setting ground rules, asking for

Chronology of REDRESS and Its Evaluation

REDRESS evolved from an initial pilot program, through a period of experimentation, to national implementation and permanent institutionalization. It is unique in that USPS has worked with Indiana University (IU) to evaluate the program comprehensively since its inception.

Pilot Phase

Summer 1994
USPS negotiates a settlement to a longstanding class-action race-discrimination lawsuit involving USPS employees in the Florida Panhandle. It agrees to implement a mediation program for discrimination complaints.

Fall 1994
USPS contracts with the Justice Center of Atlanta to provide outside, neutral mediators.

October 1994
Representatives of USPS attend the Society for Professionals in Dispute Resolution Conference and arrange for IU to evaluate the pilot program. The initial evaluation design uses participant exit surveys and mediator reports to determine participant satisfaction with and outcomes in mediation.

October 31, 1994
The REDRESS Pilot Program begins.

January 1995 to Summer 1997
USPS Headquarters organizes a series of design conferences in various cities across the country to encourage experimentation with other mediation program designs.

Spring 1995 through Spring 1998
Upstate New York implements "inside neutrals" design, in which trained USPS employees serve as mediators. Tennessee makes some limited use of a "shared neutrals" design, in which Veterans Administration (VA) employees mediate USPS disputes and USPS employees mediate VA disputes.

January, June, and September 1996
IU presents data from pilot program to USPS ADR Working Group, ADR Steering Committee, and design conferences.

Summer 1996
IU conducts personal interviews of a sample of REDRESS participants in Pensacola, Tallahassee, and Panama City, Florida.

December 1996
IU presents interview study and exit survey findings to USPS Area Managers of Human Resources and Headquarters Labor Relations and Human Resource Management Team.

May and September 1997
IU presents exit survey data to design conferences. Preliminary data show higher participant satisfaction with outside neutral program design than with inside neutrals.

October 1997
USPS Law Department and IU make a 30-minute presentation to the Postmaster General and the national Management Committee on the REDRESS pilot, including data on participant satisfaction and interviewee accounts of changes in how REDRESS participants handle conflict. The timing is fortuitous in that the General Accounting Office, in testimony requested by the House Committee on Government Reform and Oversight, had recently described labor-management problems in the Postal Service as "persistent." Impressed by the results of the pilot, Postmaster General Runyon orders a national rollout of REDRESS.

National Rollout

January 1998
National implementation of the program over a proposed two-year period begins. USPS creates a special REDRESS Task Force in Headquarters to oversee implementation. The Postal Service determined to use the transformative model of mediation nationwide, using only outside (professional) mediators. The Task Force begins to create a national mediator roster and to fill over 100 temporary positions nationally for EEO/ADR coordinators and specialists.

March 1998
The Postal Service conducts a "Train the Trainers" Conference to create a cadre of mediation trainers to fan out nationwide and conduct intensive three-day advanced mediation training in the USPS program. IU presents program data to the USPS Board of Governors.

May and June 1999
IU conducts interviews with random samples of the workforce in New York City, Cleveland, and San Francisco before the rollout of the program, to establish baseline information on workplace climate.

June 1998 to July 1999
The REDRESS Task Force conducts training nationwide. It trains outside neutral mediators, EEO/ADR coordinators, and key stakeholders (managers and union leadership) in the model, and conducts stand-ups in each geographic area explaining the program to employees. It produces a promotional videotape, posters, flyers, and handouts about the program. As the program rolls out, so too does the IU evaluation.

July 1999
Rollout is complete (six months ahead of schedule). REDRESS is available in every ZIP code. The Task Force identifies "participation rate" as a key goal of the program. Participation rate is defined as the percentage of all EEO complainants who accept an offer to mediate an informal complaint.

May and June 2000
IU conducts follow-up interviews in New York City, Cleveland, and San Francisco to assess whether there are changes in workplace climate. Participation rate is over 70 percent nationally.

Fall 2000
Postal Service expands REDRESS to the next stage of the EEO complaint process, in which complainants file formal complaints of discrimination. This expansion program is named REDRESS II.

Institutionalization

July 2001
REDRESS is permanently institutionalized within EEO offices throughout the Postal Service. The Task Force is disbanded. The temporary EEO/ADR positions are replaced by permanent positions at the district, area, and Headquarters levels. Participation rate is up to 75 percent nationally.

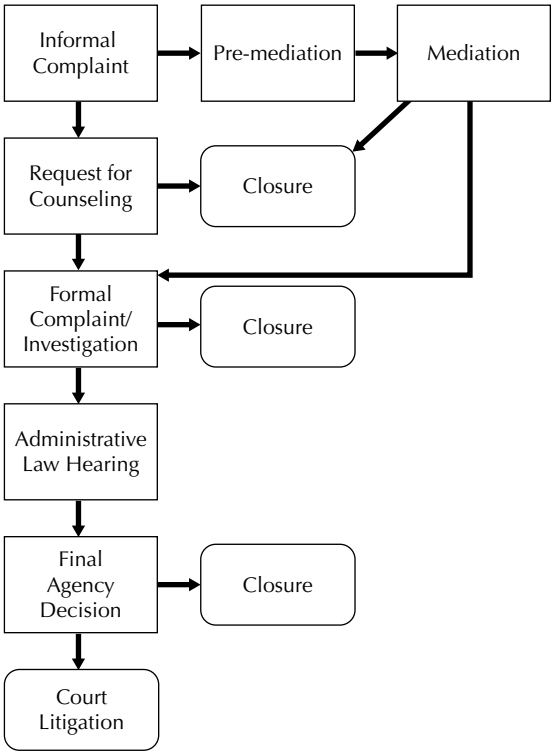
Fall 2002
Although there has been turnover in staff managing the program over a two-year period, there is no evidence of change in program results. Longitudinal study by ZIP code and accounting period reflects steady high participant satisfaction with the mediation process, mediators, and outcomes. Analysis of workplace climate interviews indicates a positive impact of the program on the Postal Service dispute system for complaints of discrimination.

opening statements, calling caucuses, brainstorming, and the like. Instead, the mediator will ask the participants how they would like to structure the process and, if necessary, will offer them a series of choices or examples. The mediator does not evaluate or offer opinions on the merits of the dispute, does not pressure participants to settle, and does not recommend particular settlement terms or options. The mediator does attempt to highlight moments in the discourse when one participant recognizes and acknowledges the perspective of the other. In theory, empowerment and recognition may enable the participants to reach a settlement, but if they choose not to resolve the dispute, it is not regarded as a mediation or mediator failure.

The USPS pilot program initially used a facilitative model of practice. After a period of experimentation, USPS chose transformative mediation for the national model. Unlike other models, the USPS model does not permit the mediator to evaluate the merits of the case, even if the participants request it. The mediator may not give a personal opinion regarding the merits, any assessment of the likely outcome in court, or specific proposals for settlement. All choices regarding the process, ideas for settlement, and the outcome of mediation are placed in the hands of the parties. This model differs from facilitative mediation in that the parties themselves design the mediation process; the mediator does not structure it for them, but instead asks them a series of questions about how they would like the process to proceed. This model of mediation is essentially participant-designed mediation.

The USPS goal for this system is to afford the maximum participant self-determination. The theory behind this choice is that by affording the participants both the power and opportunity to take responsibility for resolving their own conflict, over the long term USPS will build conflict management capacity in the workforce. Professor Bush argues that mediation "can help parties change the quality of their interaction from negative and destructive to positive and constructive, in the very midst of conflict, as they explore issues and possibilities for resolution" (Bush, 2001: 368).

Figure 1: REDRESS Flowchart



Source: Bingham, L.B. and K. Richards, work in progress

The National Rollout

USPS is among the largest civilian employers in the world; management elected to roll out the program nationally to over 800,000 employees over a two-year period. To do this, it created the REDRESS Task Force, which reported directly to the Office of the Deputy Postmaster General at Headquarters, and it authorized the two-year detail (temporary assignment) of 120 EEO/ADR specialists and coordinators nationwide. To roll out the program nationwide, the Task Force had to develop an implementation plan and provide qualified mediators, institutional support, training for participants, and informational literature. It also had to get programs in place, publicize them, and implement evaluation in each area.

The Task Force created a national roster of experienced mediators (Gann and Hallberlin, 2001). The initial roster of about 3,000 mediators nationwide was the product of a massive outreach effort. USPS REDRESS program staff attended mediator conferences and bar association meetings in an effort to deliver roster application forms (called the ADR Provider Survey) to the most experienced mediators in each geographic area. Minimum qualifications for consideration included at least 24 hours approved mediator training and experience as the lead mediator in at least 10 cases. In addition, mediators had to agree to attend at least two additional days (20 hours) of transformative mediation training sponsored by USPS. Finally, successful applicants had to agree to mediate one case pro bono to afford an opportunity for USPS staff to observe their effectiveness in the transformative framework. Persons who serve as arbitrators for disputes involving USPS or who have brought litigation against USPS within two years prior to application were not eligible for inclusion on the roster. No current or former employees are eligible for inclusion on the roster. This exclusion of current and former employees is intended to maintain the perception of fairness among employees.

In keeping with the transformative model, USPS did not limit the roster to mediators with employment law expertise, because mediators were not expected to evaluate the merits of the cases. Instead, USPS opened the roster to mediators from varied professional backgrounds, including psychology, counseling, and social work. The roster included teachers, academics, human resource professionals, and retirees from these professions. Many of the mediators had extensive experience in family and domestic relations practice. This outreach produced the most diverse roster then available, composed of 44 percent women and 17 percent minorities (Gann and Hallberlin, 2001).

USPS pays for all program costs, including mediator fees, administration, and training of mediators and participants, from the Labor Relations budget at Headquarters. Mediator fees are negotiated locally on an individual basis. The policy is to pay mediators per session—not per hour or per case—and also to cover travel expenses. In general, USPS has recouped its investment in mediator training through the requirement that each mediator do one case pro bono.

USPS took steps to institutionalize quality control. In collaboration with Professors Bush and Folger, it developed specialized advanced 20-hour transfor-

mative mediation training for experienced mediators from a variety of different practice models. USPS identified a cadre of experienced mediation trainers and convened a "train the trainers" retreat in March 1998 at which they were taught the REDRESS model. The trainers' job was to fan out across the country to train mediators. USPS developed a code of ethics and standards of practice for the program, because there were certain USPS policies, such as zero tolerance for threats of violence, with which mediators had to comply as a condition of participation in the program. Not all mediators were comfortable practicing in this model, and some elected not to participate after training.

To ensure mediators did in fact practice the model in which they had been trained, USPS EEO/ADR specialists observed at least one mediation session for each mediator used from the roster, and often they observed multiple mediation sessions. Surveys of these specialists about what they observed mediators do or say during these sessions indicated both that the specialists understood the model and that they were screening mediators based on implementation of this form of practice (Nabatchi and Bingham, 2001). After two years of this screening, the national roster ultimately stabilized at about 1,500 active mediators.

As the trainers fanned out across the country to train mediators, USPS Task Force staff trained key stakeholders and participants. The EEO/ADR coordinators all received 40-hour mediation training and attended the advanced mediator training for potential roster members in their region. Other key stakeholders—including union leadership and shop stewards, plant managers and supervisors, and local postmasters—received four-hour training about mediation and the program. A brochure was mailed to each employee's home. Lastly, supervisors conducted "stand-ups," brief workplace meetings at which they explained the program to craft employees. Information was also provided through the internal USPS video network and through literature in EEO counseling offices.

Institutionalization

A key step in institutionalization was to build an esprit de corps among the EEO/ADR specialists and coordinators, while at the same time fostering cooperation between the REDRESS program staff and EEO counselors. One source of possible resistance to any new program is a group that feels its job security is threatened by the program. From the outset, the Task Force was identified as a temporary organization and the EEO/ADR positions as temporary assignments. There were initially 11 area ADR coordinators and 85 district ADR coordinators. It was made clear that when and if the jobs became permanent, they would be open to bidding and not simply filled by those previously "detailed" into the positions. This created an incentive for others to learn about the program and support it. The notion was that USPS would not be eliminating EEO counseling positions, but instead converting some of these positions to permanent ADR jobs. Moreover, the plan from the outset was to transfer responsibil-

Key Steps in the National Rollout and Institutionalization of REDRESS I

- Design of the model
- Mediator outreach for the national roster
- Appointment of USPS EEO/ADR specialists and coordinators
- Development of advanced mediator training
- Development of participant and key stakeholder training
- Development of informational video, promotional materials and press kit
- Creation of mediator code of ethics and practice
- Train the trainers retreat
- Training of regional mediators, participants, and stakeholders
- Development of procurement procedures
- Development of EEO/ADR specialist mediator observation criteria
- Implementation of data collection
- Monitoring of participation
- Regular feedback to EEO/ADR specialists and coordinators on participant satisfaction
- Monitoring of case closure rates
- Planning for permanent institutionalization
- Transfer of responsibility from Task Force to EEO and HR
- End of two-year detail and permanent filling of EEO/ADR positions

ity and budget for the program from the Task Force to the EEO functions at the USPS Headquarters. This reduced internal institutional resistance to the innovation.

At present, there are nine EEO/ADR coordinators, one for each of the current geographic areas, to oversee the REDRESS program in their areas and to provide support to the districts. There is a manager of dispute resolution and from one to three dispute resolution specialists in each of the districts (of which there are currently 80). These are in addition to EEO staff at the area level, including a manager, EEO compliance and appeals officer, one or more appeals review specialists, a senior EEO investigator, and an EEO technician. Headquarters staff include the REDRESS national program manager, an ADR analyst, and three dispute resolution specialists.

Another key element of institutionalization was regular program feedback for the EEO/ADR specialists and coordinators. Indiana University conducted analyses of participant satisfaction with the program every six months by geographic district (initially 85) and area (initially 13, then reduced through reorganizations to nine). This data was shared with USPS program staff through a form called the Exit Survey Analysis Report. A one-page summary separately showing employee and supervisor satisfaction with the mediation process, mediators, and the outcome of the mediation was prepared for each geographic district. The feedback created an incentive for program staff to collect the data. USPS enhanced this incentive by creating awards and ways of recognizing geographic areas with the highest participant satisfaction.

A last element of institutionalization was to set an appropriate goal by which to measure the program's success. Typically, programs before REDRESS used *settlement rate*—the percentage of all cases submitted to mediation that resulted in a settlement—as their barometer. However, settlement is explicitly *not* a goal of transformative mediation. Instead, the goal is to provide the participants with opportunities to take control of their own conflict (empowerment) and reach a better understanding of the other participant's perspective (recognition). It is hoped that the process may provide an opportunity for participants to resolve their conflict, but that is not the mediator's objective. Thus, USPS set *participation rate*—the percentage of all employees offered mediation who agreed to participate in the process—as the key indicator of each district's and area's success (Hallberlin, 2001: 379). The reasoning was that the program could only affect workplace conflict management if people used it: "We knew that to really have an impact, we needed as many people as possible to accept mediation" (Hallberlin, 2001: 379).

In order for people to use it, someone had to provide an incentive to encourage them. Participation rate gave everyone associated with the program that incentive. In contrast, had the program used settlement rate as the measure, there would have been a counterincentive; program staff might have counseled what they perceived as hard-to-settle or intractable cases out of the program. With participation rate as the target, it did not matter whether anyone believed mediation had any likelihood of success. The goal was simply to get people to talk to each other in a safe, private environment. If they resolved their conflict, that was a good thing, but if they failed to do so, it did not reflect adversely on the program staff.

Initially, USPS set a goal of 70 percent. Subsequently, it raised the bar to 75 percent. Each time, the program met this national goal. Headquarters staff eventually developed a one-page bar chart showing participation rate graphically for each of the 85 geographic districts, with recognition and awards for those with the highest participation, to create an incentive structure for EEO staff to support the program, market it, and work to maintain its reputation among employees. At present, the participation rate is 82 percent.

USPS does maintain records on case closure rate, as distinguished from settlement rate (Hallberlin, 2001: 379). Case closure includes not only cases where the parties reached a resolution in mediation, but also cases where the parties conclude a formal settlement within 30 days thereafter, or where the complaining party drops, withdraws, or fails to pursue the case to the formal EEO complaint stage. The case closure rate varies from 70 percent to 80 percent.

National REDRESS Evaluation Project

From the initial inception of the facilitative mediation pilot in 1994 to the present, USPS has worked with the Indiana Conflict Resolution Institute (ICRI) of Indiana University's School of Public and Environmental Affairs to evaluate the REDRESS program. ICRI is a social science research laboratory that conducts field and applied research on conflict resolution programs with general support from the William and Flora Hewlett Foundation.

Early Pilot Results

An early study of the pilot program using various procedural justice measures of process and mediator performance revealed that both employees and supervisors were highly satisfied. Generally, over 90 percent of employees and supervisors who responded were either satisfied or highly satisfied with the process and mediators (Bingham, 1997). Moreover, there was no statistically significant difference in their levels of satisfaction in an index of process satisfaction and an index of mediator satisfaction.

There was a slight but statistically significant difference in satisfaction with outcome, which ranged between 60 and 70 percent; supervisors reported higher satisfaction than employees. However, this finding was consistent with other research on plaintiffs and defendants in the civil justice system, and is generally attributed to differences in the parties' expectations from the process. In a replication of the experimental research on procedural justice, analysis showed that satisfaction with various aspects of the process contributed significantly to satisfaction with the mediation outcome. An interview study revealed that supervisors believed, with some justification, that they were improving their conflict management skills through the experience of mediation; specifically, they were becoming better listeners (Anderson and Bingham, 1997).

When USPS decided to roll out the program nationally, it also made a policy decision to implement national data collection. Data collection takes the form of participant exit surveys, mediator data tracking reports, periodic interviews and other surveys, and examination of archival records maintained by USPS on objective performance variables like complaint filing rates (see "Institutionalizing Data Collection" on page 20).

Research on the program was ongoing throughout the period of national rollout. The fact that some locations had the program in place, while others did not or had a previous pilot design in place, afforded opportunities for natural experiments to test the effectiveness of different program designs. This has grown to a substantial body of published research on mediation at USPS (see Appendix I).

During the period from 1995 to 1997, USPS encouraged districts to experiment with different ADR system designs. It conducted design workshops at Headquarters and encouraged data collection on all ADR programs. One postal district in Upstate New York established a program using in-house neutrals in 1995. The national implementation of REDRESS in 1998, however, required the use of outside neutrals in all offices. The program never gave participants a choice between models. Instead, the inside neutral model was available

Institutionalizing Data Collection

Comprehensive, longitudinal data collection includes the following:

- **Exit surveys:** Participants and their representatives complete a confidential, four-page exit survey immediately upon conclusion of the mediation session and mail it directly to Indiana University.
- **Mediator data tracking reports:** As a condition of payment by USPS, mediators complete a form reporting the number of participants and completed surveys, general subject matter, and outcome of mediation (resolved or not resolved).
- **USPS participation data:** USPS maintains data on program use and the participation rate, or percentage of those offered mediation who accept it.
- **USPS archival data:** Periodically, USPS supplies information to researchers from its databases on formal EEO complaint filing rates or other related information.
- **Longitudinal interviews:** Periodically, researchers conduct in-person interviews with participants and others about the program.
- **Other surveys:** Periodically, researchers conduct surveys of other key stakeholders, for example, the mediators themselves or program staff.

for a period of time and subsequently replaced by an outside neutral model. This provided a natural experiment: Researchers could compare systematically the results of the two models of mediation examining participant satisfaction with inside neutrals and outside neutrals (Bingham and Pitts, 2002; for a full report of the analyses, see Bingham et al., 2000).

Using an index of exit survey questions to derive overall satisfaction with the process, mediator, and outcome of the mediation, researchers found that satisfaction levels were higher on all three indices for the outside model group than for the inside model. Among participants using the inside model, 87 percent were satisfied with the process, while about 91 percent of participants using the outside model were satisfied. The inside model group reported a satisfaction rate of about 92 percent in regard to the mediator, while the outside group reported about 97 percent satisfaction. Finally, about 74 percent of inside model participants were satisfied with the outcome, compared to about 80 percent of outside model participants. Though relatively small, all of these differences were statistically significant.

In addition, the settlement rate was higher in the outside model. Seventy-five percent of participants in the outside model reported that their case was fully or partially settled, while only 56 percent of the inside model group reported at least partial settlement. Again, these differences were statistically significant. These results indicated that the outside model provided a more effective mediation program overall than the inside model in circumstances where the program design did not give participants a choice between the two models. However, in each model, participants had constrained choices. In the inside model, they could choose between inside neutral mediation and the traditional EEO process. In the outside model, they could choose between outside neutral mediation and the traditional EEO process. They were never offered a choice between inside and outside neutral mediation, as they might be in an ombudsperson program or integrated conflict management system. In these latter cases, results might differ.

Results after the National Rollout

Bingham and Novac (2001) examined a natural field experiment afforded by the national rollout of mediation for employment disputes. Theory suggested that early mediation would lead to earlier, more durable settlements and transaction cost savings. Researchers examined a national dataset including the number of informal and formal EEO complaints filed each accounting period (four weeks) by ZIP code. They were able to control for fluctuations in the number of employees (employee census) and geographic area by district and area. They found that implementation of the mediation program resulted in a significant decrease in the number of formal discrimination complaints and concluded that a well-designed employment dispute mediation program could resolve disputes at an earlier stage in the administrative process, thereby reducing the number of formal complaints filed. Overall, formal EEO complaints have declined by over 25 percent since their peak in 1998 of 14,000 formal complaints.

Researchers also examined various aspects of the program design. One study looked at the role that various kinds of representatives play (Bingham, Kim, and Raines, 2002). The program differs from some private sector Dispute System Designs in that it allows employees to bring any representative they choose to the mediation session, including lawyers, union representatives, professional association representatives, and friends or family. Some employees chose not to bring a representative. Although best practices guidelines like the *Due Process Protocol for Mediation and Arbitration of Statutory Disputes Arising out of the Employment Relationship* (www.adr.org) require free access to representatives during the ADR process, some consultants have suggested it is preferable to exclude outside representatives, particularly lawyers, because they may interfere with settlement. In the private sector, Dispute System Designs are sometimes marketed as a way to avoid a union organizing campaign. Thus, REDRESS demonstrates that representatives need not be excluded in order to have a successful ADR program.

Researchers found that representation in some form had a positive impact on settlement. The settlement rate for mediations where neither party was represented was 55 percent, whereas the settlement rate for mediations where both parties were represented was 61 percent, a statistically significant difference of 6 percent. Representation was also associated with longer mediation sessions. The mean duration for mediations where neither party was represented was 152 minutes, but that number rose to 184 minutes for mediations where both parties were represented.

Researchers also compared resolution rates among different types of complainant representation: fellow employee, attorney, union representative, or "other." The highest rate of partial and complete resolution (65 percent) occurred when union or professional association representatives were present on behalf of complainants. Presence of fellow employees as representatives brought a 60 percent resolution rate, while attorney representatives corresponded to a resolution rate of only 50 percent. It is possible that the cases with attorney representation were more difficult to settle because attorney's fees become an issue; thus non-monetary resolutions are not available. It is possible that in these cases, attorneys hope to recover monetary damages in adjudication. Researchers have no way of assessing the relative strength of the participants' claims across different categories of representation.

A second key result from the exit surveys related to participant satisfaction with mediation fairness. Among complainants who were represented by union or professional association representatives, 91 percent reported being very or somewhat satisfied with the fairness of the mediation. Eighty-eight percent of those represented by fellow employees agreed, while only 76 percent of attorneys were satisfied with the fairness of the proceedings. This is not surprising, given that cases with attorney representatives had the lowest rate of partial or complete resolution of the three types of representatives, and resolution correlates with perceptions of fairness. However, complainants with no representation reported a 91 percent rate of satisfaction, with the highest percentage (67 percent) reporting that they were "very satisfied." (Had they been prohibited from bringing a representative, the result would undoubtedly have been different.)

Some of the explanation for the differences in perceived fairness could be attributed to differing levels of participation. Among complainants, 92 percent of those with attorney representatives reported being satisfied with the opportunity to participate in the mediation, compared to 97 percent of those without representation, 95 percent of those with fellow employees as representatives, and 96 percent of those with union representatives. This indicates that ability to participate in proceedings may contribute to satisfaction with mediation fairness, and both of these items are related to the type of representative involved. However, participant satisfaction was generally high with all types of representatives. Researchers concluded that the Dispute System Design allowing participants to bring whatever representative they prefer had no adverse impact on the program.

Before researchers can assess the impact of a program on agency goals, they must verify that the program has in fact been implemented in accord with its design and that it is functioning; this is called a process evaluation. Researchers looked at implementation of the transformative model through a process evaluation using surveys of USPS program staff (Nabatchi and Bingham, 2001). EEO/ADR spe-

cialists and coordinators were asked to describe what they had seen or heard mediators do or say that fostered or interfered with party empowerment or recognition between the parties. This provided a rich collection of descriptions and anecdotes about what was happening in mediation, from the perspective of an outside, dispassionate observer. An analysis revealed that USPS program staff had correctly categorized mediator moves as fostering or hindering empowerment and recognition, in that their descriptions corresponded with the hallmarks of transformative mediation practice described by Folger and Bush (1995).

There is additional substantial work in progress. The National REDRESS Evaluation Project is a longitudinal effort. Preliminary studies indicate that the quality of interaction between the disputants during mediation has an impact on satisfaction with the outcome. In particular, in cases where there is evidence that the parties listened to each other, felt heard by each other, and experienced an apology, satisfaction with mediation outcome was significantly higher (Nabatchi and Bingham, 2002).

Mediation at Work: Beyond the Honeymoon Effect

The previous section reviewed some of the past research on REDRESS. This section will present new findings. Mediation is an innovation; some have criticized it as a fad. There is a body of work on the honeymoon effect, that is, the tendency of any new program to be received favorably simply because it is new. Thus, the question naturally arises, notwithstanding the early promise of mediation for employment conflict, can it withstand the test of time? Are participants' responses to mediation a function of the fact simply that it is a new program?

REDRESS was fully implemented effective July 1, 1999, six months ahead of schedule. Thus, it has been in place nationwide for over four years at the time of this writing. In 1999, USPS held 8,274 mediation sessions in which 8,801 cases were mediated (often more than one case involving the same disputants is mediated in a single session). By 2002, it held 10,806 sessions for 11,085 cases. Each case involves at least one complainant and one respondent, and usually one or more representatives. Thus each session involves two to four USPS employees. At present there are over 60,000 exit surveys from USPS employees who have participated in the REDRESS program since its inception.

Participant Satisfaction

Participant satisfaction with the program remains high. The national exit survey analysis report for fiscal year 2002 examined the results of thousands of exit surveys completed between October 2001 and September 2002. Over 90 percent of all employees, supervisors, and their representatives who participated in the program were satisfied or highly satisfied with the mediation process (see Appendix II for more detailed data). Both complainants and respondents were particularly satisfied with the way in which mediation affords them an opportunity to present their views (93 percent) and to participate in the process of resolving the dispute (94 percent), and with the way they are treated in mediation (91 percent and 94 percent respectively).

In addition, complainants, respondents, and their representatives were overwhelmingly satisfied or highly satisfied with the mediators who were assigned to their case. On measures of respectfulness, impartiality, fairness, and performance, between 96 and 97 percent of all complainants, respondents, and their respective representatives were either satisfied or highly satisfied with the mediators. It is significant that complainants and their representatives were so satisfied with the mediators' impartiality (95 percent), given that USPS created the roster, assigns individual mediators to each case, and pays the full costs of the process. It suggests that the program design has successfully addressed any latent concerns regarding mediator bias.

The substantial majority of all employees and supervisors who participate in the program are satisfied or highly satisfied with the outcome of mediation (on average, 64 percent and 69 percent respectively). Measures of satisfaction with outcome are affected in part by whether or not the participants reach a full or partial resolution of the dispute. However, participant satisfaction with the mediation process and the mediators remains high even when the disputants do not fully resolve the dispute (Moon and Bingham, 2000).

Figure 2 shows that these satisfaction levels have remained stable and consistent for a five-year period. Researchers recently analyzed the mean process, mediator, and outcome indices nationally by four-week accounting period. Each unit on the horizontal axis equals one four-week period, beginning with March 18, 1998. Participants rate their satisfaction on a five-point Likert scale, ranging from highly dissatisfied (coded 0) to highly satisfied (coded 5). Figure 2 shows that the mean process and mediator indices exceed 4.5 consistently over a period of years, while the mean index of satisfaction with outcome is slightly over 4 for this same period.

Figure 2 shows three straight lines, but in this case, the very lack of a downward trend is important. Often, skeptics criticize claims about participant satisfaction in ADR programs based on the honeymoon effect theory. They claim that people respond positively to any new program just because it is novel. However, the USPS program is no longer new. There is no obvious decline in participant satisfaction associated with permanent institutionalization of the program in July 2001 after the termination of the REDRESS Task Force. The three lines indicate a stable program. Moreover, there is no evidence that external events (exogenous variables) affected the program, such as the terrorist attacks of September 11, 2001, and the subsequent anthrax terrorism of October 2001. Participant satisfaction with the program is remarkably steady, showing no temporary honeymoon effect from a new program.

Decreasing Formal EEO Complaints

Participant satisfaction is a necessary but not sufficient condition for a dispute resolution program's success. In its absence, the program would certainly fail due to lack of employee participation. High participant satisfaction contributes to high participation rates. High participation rates in turn make it possible to examine whether the program is having an effect on the USPS system for handling disputes. Figure 3 illustrates evidence of this effect. Since USPS implemented the mediation program, formal complaints of discrimination have dropped from a high of about 14,000 a year to under 10,000 a year.

A statistical analysis demonstrated that the turning point in this trend and subsequent drop in formal complaints correlated with implementation of the program in each geographic district (Bingham and Novac, 2001). In other words, it is fair to conclude that the program caused the drop in complaint filings. There were no extraneous factors at work during the period, and economic conditions were stable. This trend suggests that mediation has a positive impact on the USPS system for addressing complaints of discrimination in that these com-

Figure 2: Graphic of Satisfaction Indices over Time

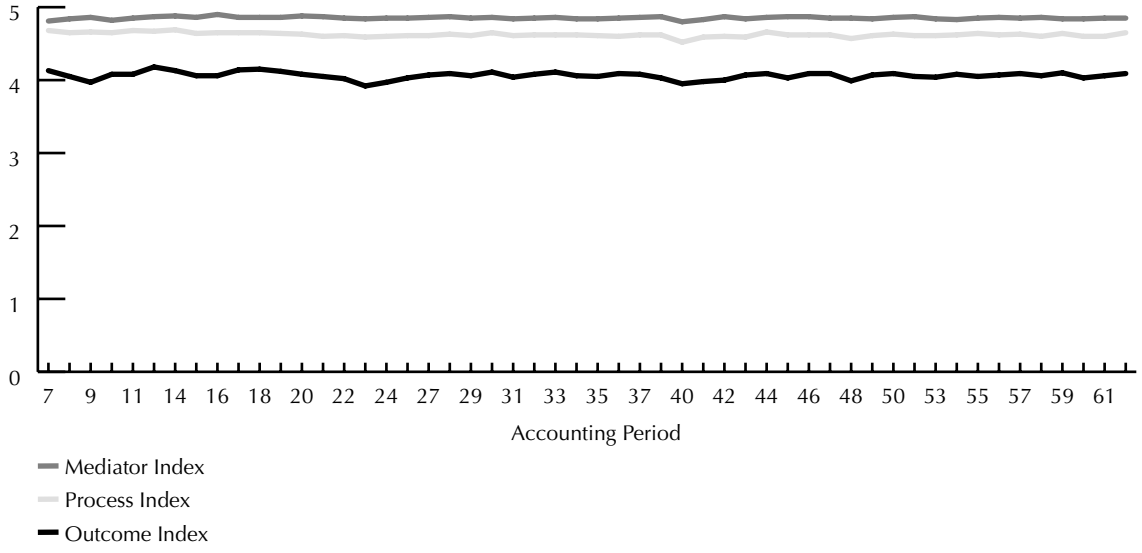
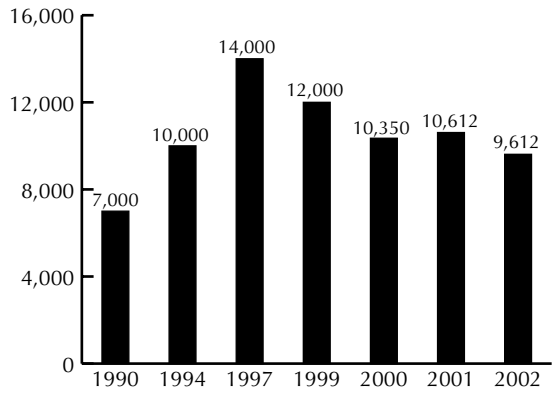


Figure 3: Formal EEO Complaint Filings over Time



plaints are resolved at an earlier step in the administrative complaint process. They are resolved through mediation at the informal complaint stage and do not reach the formal complaint stage; hence, there is a drop in formal complaint filings.

Transformation Mediators

Resolving workplace conflict earlier may have a variety of positive benefits. It avoids the hardening of positions and acrimony associated with a prolonged dispute. It may also contribute to improved communication between the disputants. There is some evidence that during mediation, the disputants experience and practice some positive conflict management skills.

Transformative mediation emphasizes fostering opportunities for disputants to experience empowerment and to recognize each other's perspectives. To measure whether the program is achieving these goals, USPS and Indiana University developed a range of exit survey indicators on a five-point Likert scale ranging from "strongly agree" to "strongly disagree." Appendix III illustrates the percentage of complainants, supervisors, complainant representatives, and supervisor representatives who agree or strongly agree with a variety of statements about the mediation in which they participated.

These indicators are grouped around evidence of transformative mediator behavior (consistent with program model), evidence of evaluative or directive mediator behavior (inconsistent with program model), and evidence of empowerment and recognition (desired mediation outcomes). An analysis of data entered into the database in the 2002 fiscal year (almost 44,000 exit surveys) revealed that the majority of complainants, supervisors, representatives of complainants, and representatives of management agreed or strongly agreed that the mediator helped disputants clarify their goals (81, 77, 77, and 78 percent respectively). More important, the majority also agreed or strongly agreed that the mediator helped them understand the other person's point of view (60, 61, 61, and 64 percent respectively). Similarly, the majority agreed or strongly agreed that the mediator helped the other person understand their point of view (58, 59, 62, and 64 percent respectively). This improved mutual understanding is a principal goal of mediation.

As a check on mediator strong-arm tactics, exit surveys ask whether participants agree that the mediator predicted who will win, evaluated the strengths and weaknesses of their case, or pressured them to accept a settlement. Ideally, in the transformative mediation model, participants should not experience this mediator behavior. In general, the rates at which participants in the REDRESS program agree or strongly agree that mediators have engaged in these behaviors is relatively low, which is good evidence that the mediators are implementing the model as designed.

There is an interesting pattern in these data, in that there is a slight difference in the rates between the complainants and all other participants. Complainants report that mediators predict who will win about 12 percent of the time, while all others report this happens in about 9 percent of the cases. Complainants report that mediators evaluated strengths and weaknesses in about 32 percent of the cases, while all others including complainants' representatives report this happened in 20 percent or less of the cases. Complainants report that they felt pressured to accept a settlement in 15 percent of the cases, while their own representatives and others report that this happened in 11 percent or fewer of the cases. While these differences are small, they are consistent. They may reflect complainant sensitivity to an outside neutral. Complainants are the moving parties; they are the ones pushing to alter the status quo by taking issue with an event or decision at work. Because they are pushing against the status quo by filing a complaint,

they may be more sensitive to any mediator communication that might be perceived to reflect on the complaint's merits. However, on the whole, these results suggest mediators are avoiding directive and evaluative behaviors in the substantial majority of cases.

Positive Interpersonal Interactions

At the core of the transformative mediation model are the concepts of empowerment and recognition. In theory, a disputant who experiences empowerment will become more open to the other disputant and more able to hear the other person's perspective. This, in turn, will lead to recognition, that is, the ability to accept and to some degree validate the other person. Empowerment and recognition may lead to settlement. This dynamic occurs to a greater or lesser degree in all forms of mediation; the distinctive nature of the transformative model is that it makes this dynamic, not settlement, the mediator's goal.

In REDRESS, 70 percent of all complainants and supervisors agreed that the other person in the conflict listened to them during mediation. Their respective representatives agreed that the other person listened to them in 75 percent or more of the cases. While it may seem a tautology that people will listen to each other in mediation, this is in fact a critical component often missing from a disputant's experience of justice in an organization. Recent studies on the REDRESS program have found that when the participants report listening to each other, acknowledging each other's views, and sometimes giving apologies, they are more satisfied with the outcome of mediation and its fairness (Nabatchi and Bingham, 2002). In mediation, the parties listen to each other. Beyond that, the majority of participants report that they agree or strongly agree with the statement that they learned about the other person's viewpoint (54 percent for complainants, 58 percent for supervisors, and still higher for their respective representatives, 62 and 66 percent respectively).

The ability to listen to each other and learn about each other's viewpoints makes it possible for the participants to move toward the ultimate goal of the model: recognition. In exit surveys, 61 percent of complainants and 69 percent of supervisors agreed or strongly agreed that they acknowledged as legitimate the other person's perspective, views, or interests. While the majority of participants report that they acknowledged the other disputant, the data suggest that the other disputant does not always hear this acknowledgment. Not quite half of complainants (49 percent) and supervisors (45 percent) report that the other person acknowledged them. Nevertheless, the gap is not large, and these percentages suggest that there is substantial exchange of perspectives during mediation.

The most telling indicator of recognition is the apology. An apology is often not possible in litigation, because it can be treated as an admission against interest and evidence of liability. It is significant that complainants and supervisors generally agree on the frequency with which apologies occur to the complainant. Supervisors report that they apologize to the complainant about some aspect of the dispute about 30 percent of the time, and complainants report they received an apology about 29 percent of the time. That these numbers corroborate each other suggests they are reliable. There is less agreement about complainants apologizing to supervisors; complainants report they apologize 23 percent of the time while supervisors hear an apology in 16 percent of their exit survey reports.

The nature of this communication—listening, acknowledging, apologizing—is bilateral and between those closest to the dispute. This is substantially different from what happens to disputants in an adjudicatory process, for example, arbitration, administrative adjudication, or litigation. By practicing these communication skills and by having the mediator model them when he or she paraphrases or highlights a moment of recognition between the parties, the participants in mediation may be learning conflict management skills to take back to the workplace.

Upstream Effects

There is evidence of this "upstream effect" from mediation. Informal EEO complaint filings have dropped 30 percent since their peak before USPS implemented REDRESS, adjusted to account for the decline in the size of the postal workforce since 1999. Moreover, there is a change in the composi-

tion of the complainant pool. The complaints are now coming from 40 percent fewer people; this means that the people now filing complaints are more likely to be repeat filers. Interviews with a random sample of employees in three cities before and after implementation of the program suggest that there is higher satisfaction with the EEO process after REDRESS (Bingham, Hedeen, Napoli, and Raines, 2003 in preparation). This result suggests that the EEO process may be functioning differently because cases amenable to mediation are resolved quickly, allowing other complaints of discrimination to progress more effectively within the system.

There is also evidence of changes in the way that supervisors describe how they handle conflict at the workplace after REDRESS mediation training (Napoli, 2003 in progress). There are reports of more listening, more openness to expressions of emotion, and less top-down hierarchical response to conflict. Finally, there has been a gradual increase in "pre-mediation," or efforts by the parties to a dispute to resolve it after a request for mediation is made, but before they get to the table. The rate at which cases are resolved before mediation has risen over five years from 2 percent and is now 14 percent. This too is evidence that conflict management skills are moving upstream. Longitudinal research on these trends is continuing.

Resolving Employment Disputes in the Public Sector: Lessons Learned and Conclusion

Cynthia J. Hallberlin, who headed up the REDRESS Task Force, observed that she learned several significant lessons "from the experience of designing, implementing, and managing the world's largest employment mediation program":

- Institutions are change resistant.
- Conflict is big business.
- Collaboration with key stakeholders is critical.
- Think big but act small through pilot programs.
- Conducting research and evaluation and communicating the results to stakeholders is essential to a program's success. (Hallberlin, 2001: 381-2)

Karen Intrater and Traci Gann, members of the USPS Law Department team involved with the REDRESS program from its inception, observed that barriers to increasing the use of ADR included a contentious, adversarial professional culture among lawyers; they had to work "to align attorney goals and attitudes with the organizational goal of increasing use of ADR" (Intrater and Gann, 2001: 472).

The Postal Service's experience with mediation is one that can generalize to any large organization that follows good Dispute System Design practices. The general lessons learned are:

- Design a dispute resolution system that looks fair and is fair.
- Design the dispute resolution system to maximize participation.
- Train, train, train.
- Get the word out.
- Monitor quality.
- Provide feedback on program results.

The key to mediation's success at USPS was an overarching concern with fairness, participation, understanding, and quality.

Lessons Learned

1. Design a Dispute Resolution System That Looks Fair and Is Fair.

ADR is an outgrowth of dispute resolution processes used in labor relations. In that context, Dispute System Designs are the product of collective bargaining. The collective bargaining process carries within it certain safeguards; unions do not agree to grievance procedures that are skewed in favor of management. Unions and management are repeat players in the system and their relationship is continuous. They can screen out mediators and arbitrators who are unsatisfactory to either party and they can modify the system based on experience.

All of these factors help reduce the risk of structural bias. *Structural bias* is a phrase used to denote a rule system that operates to favor one party. For example, in one classic case, the Supreme Court ruled that it violated due process of law for a state to allow a regulatory board consisting exclusively of private optometry practitioners to regulate competing optometrists not in private practice. The two groups split the economic market for services, and

the private practitioners tried to regulate the profession in such a way as to put the others out of business. This, of course, was predictable from the very structure of the regulatory board; hence, the term *structural bias*.

Organizations should use control over Dispute System Design to eliminate sources of perceived and actual structural bias. No safeguards are in place when an organization unilaterally designs a dispute resolution system for its employees. Most Dispute System Design *within organizations* is unilateral; while employee input can and should be solicited through focus groups, surveys, interviews, or conferences, the final decisions are often made by management. In contrast, when third parties (courts or administrative agencies) control Dispute System Design, these entities are not parties to the dispute. Thus, a key lesson from the USPS experience is that the appearance and reality of fairness is paramount in Dispute System Design. In the public sector, it is not only good policy; it may be required by due process of law.

The USPS system has several key indicators of fairness. As required by EEOC regulations, complainants may bring any representative or person they choose to assist them in mediation. Mediation is entirely voluntary for the complainants. There is no binding outcome from the process unless the participants mutually agree to it. Neither participant compromises his or her legal rights by participating in the process. There is no rule restricting what remedies are available. The model is designed to maximize participant self-determination as to the outcome of mediation. The mediators are outside, independent contractors—professionals who have already established themselves and have substantial experience. Program goals are set in terms of participation, not particular outcomes. The process is made accessible in that participants do not have to contribute toward its cost. All of these elements help assuage any concerns about or perceptions of structural bias in the system.

2. Design the Dispute Resolution System to Maximize Participation.

A program cannot work unless people use it. A dispute resolution program is no exception. USPS designed its program to maximize participation in several ways. It designed the program with the twin goals of actual fairness and the perception of fairness. It adopted a presumption that almost all cases were appropriate for mediation and screened out very few, usually cases involving alleged criminal activity by the complainant. It made it mandatory that supervisors or respondents to a complaint sit down at the mediation table to at least discuss the conflict if the complainant agreed to mediate. Most important, it made the rate at which complainants accept offers of mediation a key goal and target by which it measured program success. This created an incentive structure for program administrators to become champions of the process and maintain a fair, credible, and responsive process that would, in turn, attract employees to the program. For a mediation program to have any measurable benefit on the dispute system, people must use it. Participation is the key.

3. Train, Train, Train.

People are reluctant to use a process that they do not understand. Even if they use it once, if their experience is a bad one, they will not use it again. To dispel misapprehensions about mediation and at the same time assure that participants made the best use of it, USPS engaged in extensive training tailored to its differing audiences and constituencies. The Task Force trained over 20,000 people in over a hundred cities before implementing REDRESS (Hallberlin, 2001: 382).

For example, USPS trained mediators in the basics about USPS as an organization subject to extensive federal regulation. USPS is a hybrid, similar in some ways to private sector businesses and in other ways to federal agencies. USPS also trained mediators to practice the transformative model, so that the program offered a consistent and uniform alternative to the traditional EEO process. It provided advanced mediator training, observation, and feedback for all the mediators on the roster.

USPS also trained internal stakeholders whom it expected to use and support the program. For key stakeholders, organizational leaders, and program administrators, it provided 40-hour mediation training. In other words, it provided the same basic training necessary to make them novice mediators. While these internal stakeholders are not eligible

for inclusion on the roster, they can use mediation skills outside USPS, informally on the job, and in everyday life. This creates a pool of advocates for the process.

For managers, supervisors, and union stewards, USPS provided four-hour training. The focus of this training was information about the program design, the process, and how mediation works. It explained the roles of all participants and how the program dovetails with existing traditional EEO complaint processes and collectively bargained grievance procedures. This training helped overcome resistance to a new process in an entrenched bureaucracy.

USPS also provided ongoing conferences and retreats for program administrators to keep them abreast of developments in the field and the program's performance. As USPS rolled out REDRESS II, the mediation program for formal complaints of discrimination, it designed specialized two-day training for postal attorneys to get them involved in examining the nature of conflict, models of conflict resolution, transformative mediation, and the Postal Service's practical business reasons for adopting that model (Intrater and Gann, 2001: 472). USPS even attempted to educate complainants' lawyers outside the Postal Service through the development of a special website explaining transformative mediation and the USPS program (www.usps.com/redress), and providing resources and links. Training contributes to a program's success; without it, at USPS, implementation of REDRESS would have failed.

4. Get the Word Out.

People cannot choose mediation unless they know it is an option. USPS engaged in extensive internal promotional efforts to inform employees that this new option exists. It created press packets, videotapes, brochures, posters, and testimonials. It widely publicized the program within USPS. It mailed a brochure to the home of each of its over 800,000 employees. Word of mouth also helped disseminate information, as employees, supervisors, and union stewards with experience in mediation returned to the workplace and shared their experience with others. Getting the word out requires continuous effort, but it is critical to success.

Lessons Learned from the USPS Experience with Mediation at Work

- Design a dispute resolution system that looks fair and is fair.
- Design the dispute resolution system to maximize participation.
- Train, train, train.
- Get the word out.
- Monitor quality.
- Provide feedback on program results.

5. Monitor Quality.

Word spreads about a good program; so, too, it will spread about a bad one. It is essential to engage in and to be seen as caring about ongoing quality assurance. USPS does this through periodic observation of mediators, informal feedback from participants, regional geographic analyses of participation, and regional geographic analyses of exit survey data.

By observing mediators in their geographic area directly, program administrators ensure that the mediators on their roster are practicing mediation in a manner that is consistent with the national model. This allows USPS to refine and improve the national roster. By soliciting feedback from all participants, including their representatives, USPS communicates that it cares about the quality of participants' experience. It also communicates transparency about the program.

By tracking and publishing participation rates, USPS communicates that this program is not simply window dressing, but real. Finally, by examining regular analyses of exit survey data and comparing them to past results and results in various geographic areas, USPS ensures that the program's quality is both stable and consistent.

6. Provide Feedback on Program Results.

It is not enough to monitor quality; it is important to use and circulate this information. There will be problems and bad experiences in any program; the important thing is to learn from them. Absent feedback, this opportunity is lost. USPS created internal

and external feedback loops through its case tracking and evaluation system. It monitors program results in terms of participation and case closure internally. It collaborates with Indiana University to monitor participant perceptions of the program externally. Periodically, it examines other sources of information about the program and its impact on the organization. It provides this feedback to policy makers, program administrators, mediators, and employees.

This feedback has several effects. It helps assure that the program is being used. It helps assure that the program is, and stays, balanced and fair. For example, feedback on the program is provided to policy makers and program administrators within USPS. They examine and compare levels of satisfaction with the process and mediator among employees, supervisors, and their representatives. If these rates of satisfaction differed widely, this would be evidence of a problem.

Feedback also ensures accountability among program administrators. Mediators and program administrators know that participants will report on their experience, and that these reports will come back in the form of periodic, regional data analyses. They can compare the program results in their geographic region to their peers in other districts. If there are significant differences in performance from one geographic region to the next, one needs to ask why and pursue an answer.

Feedback on program results is also useful to the participants. Periodic reports on the program provide them with evidence that it is a useful alternative to traditional complaint processes. It provides attorneys and union representatives with objective data to justify their participation as representatives in the process on behalf of employee complainants. Feedback also signals to stakeholders that USPS is concerned about and committed to the continuing viability and quality of the program. Thus, USPS can use feedback to help market the program as well as improve it.

Conclusion

The public sector is leading the way in creating and institutionalizing new processes for resolving conflict at the workplace. As the USPS experience illustrates, public sector programs reach beyond the one-sided, adhesive plans favored in the private sector that use binding arbitration to minimize exposure to jury verdicts. Instead, the public sector aspires to new standards of workplace justice by using interest-based, consensus-building processes within which employees and supervisors can talk through and mutually resolve their conflict. Mediation programs, properly structured and institutionalized, make a richer contribution to building human capital.

Appendix I: Published Research Reports on REDRESS

Bingham, Lisa B. and David W. Pitts. (2002). *Research Report:* Highlights of Mediation at Work: Studies of the National REDRESS® Evaluation Project. *Negotiation Journal*, Vol. 18(2), 135-146 (summarizing research comparing inside with outside neutrals, on the role of legal and union representation, and on mediation's impact on formal EEO complaint filing rates).

Bingham, Lisa B., Kiwhan Kim, and Susan Summers Raines. (2002). Exploring the Role of Representation In Employment Mediation at the USPS. *Ohio State Journal of Dispute Resolution,* Vol. 17(2), 341-377 (comparing mediation outcomes and participant satisfaction with different kinds of representatives, including lawyers, union representatives, professional association representatives, and others, and finding that affording participants free choice of representation in mediation has no adverse impact on the program).

Bingham, Lisa B. and M. Cristina Novac (2001). Mediation's Impact on Formal Complaint Filing: Before and After the REDRESS™ Program at the United States Postal Service. *Review of Public Personnel Administration,* Vol. 21(4), 308-331 (finding that implementation of the program correlates with a statistically significant and substantial drop in the number of formal EEO complaints filed by USPS employees, which suggests that the program is resolving conflict at an earlier stage in the administrative process).

Bingham, Lisa B. (2001). Addressing the "Redress": A Discussion of the Status of the United States Postal Service's Transformative Mediation Program. *Cardozo On-Line Journal of Conflict Resolution,* Vol. 2. Accessed at http://www.cardozo.yu.edu/cojcr/final_site/symposia/vol_2_symposia/postal_trans.htm (providing an overview of the National REDRESS Evaluation Project and update on findings).

Nabatchi, Tina and Lisa B. Bingham (2001). Transformative Mediation in the United States Postal Service REDRESS™ Program: Observations of ADR Specialists. *Hofstra Labor & Employment Law Journal,* Vol. 18(2), 399-427 (reporting the results of a survey of program staff showing that they understand the transformative model of mediation and are using the model to observe and assess mediators for screening the roster).

Bingham, L. B. and L. M. Napoli (2001). Employment Dispute Resolution and Workplace Culture: The REDRESS™ Program at the United States Postal Service. In Breger, M. and J. Schatz (eds.), *The Federal Alternative Dispute Resolution Deskbook,* 507-526. Washington, D.C.: The American Bar Association (discussing the theoretical potential for mediation to have an impact on workplace climate and culture).

Bingham, Lisa B., Gregory Chesmore, Yuseok Moon, and Lisa Marie Napoli (2000). Mediating Employment Disputes at the United States Postal Service: A Comparison of In-house and Outside Neutral Mediators. *Review of Public Personnel Administration,* Vol. XX(1), 5-19 (comparing inside USPS mediators with outside mediators and finding the outside neutral program design more effective).

Anderson, J. F. and L. B. Bingham (1997). Upstream Effects From Mediation of Workplace Disputes: Some Preliminary Evidence from the USPS. *Labor Law Journal,* Vol. 48, 601-615 (reporting on interviews with participants in facilitative mediation pilot project and finding enhanced listening skills among supervisors).

Bingham, L. B. (1997). Mediating Employment Disputes: Perceptions of REDRESS at the United States Postal Service. *Review of Public Personnel Administration,* Vol. XVII(2), 20-30 (analyzing exit surveys from the facilitative pilot project and finding employees and supervisors highly and equally satisfied with the process and mediators, and the majority of them satisfied with the outcome).

Appendix II: Current Participant Satisfaction Rates

REDRESS® Exit Survey Descriptive Statistics—FY 2002 (National Level Analysis)

Procedural Justice Indicators

Percentages of Complainants and Respondents who reported being "Very Satisfied" or "Somewhat Satisfied"

Number of Surveys	Complainant		Supervisor		Representative of Complainant		Representative of Management	
	12,603		12,314		9,519		9,545	
	%	n	%	n	%	n	%	n
Satisfaction with Process								
Average Percent Satisfaction	91%		92%		92%		93%	
Information about Process	90%	11,174	89%	10,734	91%	8,488	91%	8,537
Control over Process	86%	10,638	85%	10,246	86%	7,959	87%	8,193
Opportunity to Present Views	93%	11,525	93%	11,324	93%	8,572	94%	8,815
Fairness with the Process	87%	10,649	92%	11,061	90%	8,341	94%	8,771
Participation in Process	94%	11,588	94%	11,385	93%	8,632	95%	8,896
Understanding of Process	94%	11,676	96%	11,646	96%	8,972	97%	9,135
Treatment in Process	91%	11,264	94%	11,433	94%	8,787	96%	9,045
Satisfaction with Mediator								
Average Percent Satisfaction	96%		97%		96%		97%	
Mediator Respect	98%	12,152	98%	11,933	97%	9,126	98%	9,282
Mediator Impartiality	95%	11,765	96%	11,687	95%	8,914	97%	9,129
Mediator Fairness	96%	11,867	97%	11,753	96%	8,947	97%	9,164
Mediator Performance	96%	11,905	96%	11,693	95%	8,905	97%	9,101
Satisfaction with Outcome								
Average Percent Satisfaction	64%		69%		67%		72%	
Overall Outcome	59%	7,283	66%	7,982	62%	5,802	69%	6,456
Speed	82%	10,137	75%	9,150	82%	7,658	78%	7,375
Expectations of Outcome	59%	7,260	66%	8,033	62%	5,782	70%	6,572
Fairness of Outcome	60%	7,331	69%	8,377	63%	5,870	73%	6,906
Control over Outcome	66%	8,124	73%	8,880	68%	6,307	77%	7,222
Long-Term Effects of Mediation	57%	6,885	65%	7,809	61%	5,581	67%	6,303

Appendix III: Evidence of Transformative Mediation

REDRESS® Exit Survey Descriptive Statistics—FY 2002 (National Level Analysis)

Transformative Indicators

Percentages of Complainants and Respondents/Supervisors Who Reported "Strongly Agree" or "Agree"

Number of Surveys	Complainant		Supervisor		Representative of Complainant		Representative of Management	
	12,603		12,314		9,519		9,545	
	%	n	%	n	%	n	%	n
Transformative Mediators								
Average Percent Agreement	67%		66%		66%		69%	
Mediator Helped:								
Clarify My Goals	81%	10,001	77%	9,312	77%	7,069	78%	7,299
Me Understand Other Person,s View	60%	7,613	61%	7,492	61%	5,761	64%	6,114
Other Person Understand My View	58%	7,059	59%	7,086	62%	5,573	64%	5,904
Directive Mediators								
Average Percent Agreement	29%		22%		21%		20%	
Predicting Who Will Win	12%	1,421	9%	1,092	9%	855	9%	860
Strengths and Weaknesses	32%	3,914	20%	2,375	20%	1,828	16%	1,514
Control of the Process	56%	6,788	47%	5,662	44%	4,027	44%	4,072
Pressure to Accept a Settlement	15%	1,847	10%	1,210	11%	1,009	9%	868
Empowerment & Recognition								
Average Percent Agreement	49%		49%		53%		54%	
Other Person Listened	70%	8,620	70%	8,514	75%	6,886	77%	7,233
Other Person Learned	57%	6,977	55%	6,620	64%	5,805	64%	5,904
I Learned Other's Viewpoint	54%	6,617	58%	7,028	62%	5,684	66%	6,115
Other Acknowledged	49%	5,894	45%	5,442	53%	4,797	52%	4,856
I Acknowledged as Legitimate	61%	7,296	69%	8,250	64%	5,819	75%	6,912
Other Apologized	29%	3,475	16%	1,904	29%	2,645	17%	1,593
I Apologized	23%	2,778	30%	3,550	21%	1,909	26%	2,369

Bibliography

Anderson, J. F. and L. B. Bingham. 1997. Upstream Effects From Mediation of Workplace Disputes: Some Preliminary Evidence from the USPS. *Labor Law Journal*, 48: 601-615.

Antes, J. R., J. P. Folger, and D. J. Della Noce. 2001. Transforming Conflict Interactions in the Workplace: Documented Effects of the USPS REDRESS Program. *Hofstra Labor & Employment Law Journal*, 18(2): 429-467.

Bies, R. J. and J. S. Moag. 1986. Interactional Justice: Communication Criteria of Fairness. *Research on Negotiation in Organizations*, 1: 43-55.

Bingham, L. B. 1997. Mediating Employment Disputes: Perceptions of REDRESS at the United States Postal Service. *Review of Public Personnel Administration*, XVII(2): 20-30.

Bingham, L. B. 2001. Addressing the "Redress": A Discussion of the Status of the United States Postal Service's Transformative Mediation Program. *Cardozo On-Line Journal of Conflict Resolution*, Vol. 2. Accessed at http://www.cardozo.yu.edu/cojcr/final_site/symposia/vol_2_symposia/postal_trans.htm.

Bingham, L. B., G. Chesmore, Y. Moon, and L. M. Napoli. 2000. Mediating Employment Disputes at the United States Postal Service: A Comparison of In-house and Outside Neutral Mediators. *Review of Public Personnel Administration,* XX(1): 5-19.

Bingham, L. B., T. Hedeen, L. M. Napoli, and S. S. Raines. 2003. *A Tale of Three Cities: Interviews with USPS Employees Before and After REDRESS®*. Indiana Conflict Resolution Institute Report to USPS.

Bingham, L. B., K. Kim, and S. S. Raines. 2002. Exploring the Role of Representation In Employment Mediation at the USPS. *Ohio State Journal of Dispute Resolution*, 17(2): 341-377.

Bingham, L. B. and T. Nabatchi. 2003. Dispute System Design in Organizations. In William J. Pammer, Jr. and Jerri Killian, eds., *The Handbook of Conflict Management*, 105-127. New York: Marcel-Dekker.

Bingham, L. B. and M. C. Novac. 2001. Mediation's Impact on Formal Complaint Filing: Before and After the REDRESS™ Program at the United States Postal Service. *Review of Public Personnel Administration*, 21(4): 308-331.

Bingham, L. B. and D. W. Pitts. 2002. *Research Report:* Highlights of Mediation at Work: Studies of the National REDRESS® Evaluation Project. *Negotiation Journal,* 18(2): 135-146.

Bingham, L. B. and C. R. Wise. 1996. The Administrative Dispute Resolution Act of 1996: How Do We Evaluate Its Success? *Journal of Public Administration, Research and Theory*, 6(3): 383-414.

Bush, R. A. B. 2001. Handling Workplace Conflict: Why Transformative Mediation? *Hofstra Labor & Employment Law Journal*, 18(2): 367-373.

Bush, R. A. B. and J. P. Folger. 1994. *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey-Bass Publishers, Inc.

Costantino, C. A., and C. S. Merchant. 1996. *Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations*. San Francisco: Jossey Bass Publishers, Inc.

Dunlop, J. T., and A. M. Zack. 1997. *The Mediation and Arbitration of Employment Disputes.* San Francisco: Jossey-Bass Publishers, Inc.

Folger, J. P. and R. A. B. Bush. 1995. Transformative Mediation and Third-Party Intervention: Ten Hallmarks of a Transformative Approach to Practice, *Mediation Quarterly,* 13: 263-__.

Gann, Traci Gabhart and C. J. Hallberlin. 2001. Recruitment and Training of Outside Neutrals. In Breger, M. J., ed., and G. S. Schatz and D. S. Laufer, co-eds., *The Federal Administrative Dispute Resolution Deskbook*, 623-629. Washington, D.C.: The American Bar Association.

Hallberlin, C. J. 2001. Transforming Workplace Culture Through Mediation: Lessons Learned From Swimming Upstream. *Hofstra Labor & Employment Law Journal*, 18(2): 375-383.

Intrater, K. A. and T. G. Gann. 2001. The Lawyer's Role in Institutionalizing ADR. *Hofstra Labor & Employment Law Journal*, 18(2): 469-477.

Lind, A. E. and T. R. Tyler. 1988. *The Social Psychology of Procedural Justice.* New York: Plenum Press.

Moon, Y., and L. B. Bingham. 2000. Transformative Mediation at Work: Employee and Supervisor Perceptions. Presented at International Association for Conflict Management, St. Louis, Missouri, June 20, 2000.

Nabatchi, T., and L. B. Bingham. 2001. Transformative Mediation in the United States Postal Service REDRESS™ Program: Observations of ADR Specialists. *Hofstra Labor & Employment Law Journal*, 18(2): 399-427.

Nabatchi, T., and L. B. Bingham. 2002. Expanding Our Models of Justice in Dispute Resolution: A Field Test of the Contribution of Interactional Justice. Paper presented at the International Association for Conflict Management Conference, Parke City, Utah, June 11, 2002.

Napoli, L. M. 2003. Doctoral Dissertation in Preparation at Indiana University School of Public and Environmental Affairs, Bloomington, IN (on file with author).

Riskin, L. L. 1996. Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed. *Harvard Negotiation Law Review,* 1: 7-37.

Rowe, M. P. 1997. Dispute Resolution in the Non-Union Environment: An Evolution Toward Integrated Systems for Conflict Management? In Sandra E. Gleason, ed., *Workplace Dispute Resolution: Directions for the Twenty-First Century*. East Lansing, Mich.: State University Press.

Sheppard, B. H., R. J. Lewicki, and J. Minton. 1992. *Organizational Justice*. Lexington, Mass.: Lexington.

Slaikeu, K. A. and R. H. Hasson. 1998. *Controlling the Costs of Conflict: How to Design a System for Your Organization*. San Francisco: Jossey-Bass Publishers, Inc.

Ury, W., J. Brett, and S. Goldberg. 1988. *Getting Disputes Resolved: Designing Systems to Cut the Cost of Conflict*. San Francisco: Jossey-Bass Publishers, Inc.

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Bingham joined the faculty of Indiana University in 1989 as a lecturer at the School of Law. In 1992, she joined the faculty of the School of Public and Environmental Affairs. Previously, she practiced labor and employment law for 10 years and became a partner in the law firm of Shipman and Goodwin of Hartford, Connecticut.

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