

Frequently Asked Questions (FAQ)

1. What is Alternative Dispute Resolution (ADR)?

ADR is a voluntary process that allows disciplinary appeals to be resolved more quickly and informally than through a traditional Civil Service appeal hearing.

2. Who can use ADR?

Employees who have timely filed a disciplinary appeal with Civil Service and whose Appointing Authority agrees that the matter is appropriate for ADR.

3. How do I request ADR?

You must request ADR within 30 days of filing your appeal and before the initial hearing date.

4. Is ADR mandatory?

No. Participation is completely voluntary and requires agreement from both parties.

5. Can either party refuse ADR?

Yes. Either the employee or the Appointing Authority may decline to participate in ADR.

6. What happens if both parties agree to ADR?

Both parties must sign a written agreement acknowledging that the arbiter's decision will be final and binding and that no further appeal will be permitted.

7. Can I change my mind after agreeing to ADR?

No. Once both parties agree to ADR and execute the required agreement, the election is final.

8. Can I appeal the arbiter's decision?

No. By choosing ADR, the employee waives the right to appeal the decision to the Civil Service Commission or the Fourth Circuit Court of Appeal.

9. Who serves as the arbiter?

The parties select an arbiter from a Civil Service-maintained list of current Civil Service Commissioners or Hearing Examiners under contract with the Commission.

10. Can I have representation during ADR?

Yes. Employees may be represented by a union representative or an attorney.

11. Who may represent the Appointing Authority?

The Appointing Authority may be represented by an attorney or a Human Resources Manager.

12. Is ADR conducted like a court hearing?

No. ADR is less formal than a traditional hearing. Formal rules of evidence do not apply, and there is no formal discovery process.

13. Can documents and witnesses still be required?

Yes. The arbiter has authority to require relevant documents to be produced and to order witnesses to attend the hearing.

14. Is a transcript made of the ADR hearing?

No. ADR proceedings are not transcribed.

15. How long does it take to receive a decision?

The arbiter must issue a written decision within seven days after the ADR hearing is completed.

16. What decisions can the arbiter make?

The arbiter may:

- Sustain the disciplinary action.
- Reverse the disciplinary action.
- Modify the disciplinary action or penalty.

17. Will the Civil Service Commission review the arbiter's decision?

No. The Commission does not review ADR decisions.

18. Will the decision be publicly published?

No. ADR decisions are not published by the Department of Civil Service.

19. Why would someone choose ADR?

Potential benefits include:

- Reduced legal and administrative costs.
- A less formal process.
- A final decision within a short timeframe.
- A more private process. The decision will not be published on the Civil Service website.

20. What happens if one party does not comply with the arbiter's decision?

Either party may file a motion with the Civil Service Commission to enforce the decision.