

## **OREGON EXECUTIVE ORDER NO. - 00-09**

### ***INTEGRATING DISPUTE RESOLUTION INTO STATE GOVERNMENT***

WHEREAS, this Administration is committed to ensuring that state agencies utilize the most efficient and effective means of resolving disputes in fulfilling the mission of state government; and

WHEREAS, to be effective in addressing the wide array of issues they face, agencies need to employ a variety of strategies and problem solving tools; and

WHEREAS, alternative dispute resolution (ADR) methods offer an opportunity to resolve disputes in a collaborative manner; and

WHEREAS, ADR has proven to be successful in resolving and preventing public and private conflicts throughout the State of Oregon as well as globally; and

WHEREAS, the appropriate use of ADR by state agencies and the state's partners will improve the provision of public services by providing for broad input on, and creative resolutions to, complex public policy disputes; and

WHEREAS, the Oregon Dispute Resolution Commission, the Department of Justice, and the Department of Administrative Services have statutory roles in assisting agencies with ADR and are required by ORS 183.502 to collaborate in assisting state agencies to increase the use of alternative dispute resolution to resolve disputes involving the State of Oregon and a dispute resolution steering committee was created by executive order 96-32;

#### **IT IS HEREBY ORDERED AND DIRECTED:**

Each state agency shall:

- review its processes for managing conflicts and controversies and take steps to ensure that its dispute resolution and conflict management processes are efficient and effective;
  - determine whether those systems could be improved through the use of facilitation, mediation, collaborative rulemaking, and other alternative dispute resolution processes, and;
  - take necessary steps to implement those improvements.
1. The Director of each Executive Department or Agency, with 50 FTE employees or more, shall designate an Agency Alternative Dispute Resolution Coordinator (Agency ADR Coordinator). The Agency ADR Coordinator shall work with the Dispute Resolution Steering Committee and the Public Policy Dispute Resolution Cluster Coordinators to encourage and facilitate the appropriate use of ADR within their agency and shall report with respect to such activities to the director of that department or agency.

2. The Agency ADR Coordinator of each Executive Department or agency shall participate in an ADR orientation and training conducted by the Oregon Dispute Resolution Commission and the Department of Justice **no later** than June 30, 2001.
3. The Agency ADR Coordinator shall be responsible for:
  - A. Acquiring and maintaining general knowledge of ADR processes, and the dispute resolution processes employed by their agency,
  - B. Determining where and how ADR might be applied in their or agency to increase agency efficiency, decrease the costs of resolving disputes and increase public and agency satisfaction with the process and results of agency dispute resolution activities, and
  - C. Coordinating their activities with their assigned Cluster Coordinators and with the other Agency ADR Coordinators within their cluster of agencies.
  - D. Submitting to the Governor by September 2001, an Agency ADR Needs Assessment, which shall include:
    - 1) a description of agency activities in which significant resources are used to resolve or manage disputes or controversies.
    - 2) a summary or description of the rules, policies and procedures that the agency employs, or plans to employ, to ensure that ADR is an available and effective dispute resolution option.
    - 3) a description of the process, or a proposal to develop a process, for determining which disputes or controversies could benefit from the use of ADR.
    - 4) an assessment of how well the significant dispute resolution and conflict management processes within the agency are functioning as a system.
    - 5) an assessment of ADR training needs and a strategy for meeting those needs.
    - 6) a identification of where, within the individual agency budget, funding is available to adequately meet agency ADR Plan objectives.
  - E. Submitting to the Governor, beginning on September 1, 2001, an Annual Agency ADR Report which shall include information for the previous fiscal year on:
    - 1) agency utilization of ADR,
    - 2) the effectiveness of agency ADR processes,
    - 3) ADR Training received by agency employees,
    - 4) the implementation of any new ADR programs or projects,

- 5) the status of any activities or actions proposed in the Agency ADR Plan, and,
  - 6) the goals for improving their ADR Programs in the next fiscal year.
- F. Working with the Dispute Resolution Steering Committee to ensure consistency of Agency ADR Plans and Agency Annual Reports. The cluster coordinators will be available for consultation and technical assistance in the development of these plans and reports.
4. The Governor, in consultation with the Oregon Dispute Resolution Commission and the Department of Justice, shall present an annual "Oregon Dispute Resolution Award" to recognize and honor an individual or agency within Oregon government who has performed outstanding service in the promotion or use of alternative dispute resolution in Oregon.
  5. The Director of each Executive Department or Agency shall ensure that his/her department or agency has adopted those Attorney General Model Rules of Procedure under the Administrative Procedures Act and Attorney General's Model Confidentiality Administrative Rules that the department or agency has determined are appropriate for the agency's effective use of ADR.

Done before me at Salem, Oregon on this 26th day of July 2000

John A. Kitzhaber  
GOVERNOR

ATTEST:

Bill Bradbury  
SECRETARY OF STATE