



FOR IMMEDIATE RELEASE February 29, 2000

Contact: Susan Williams
(202) 653-6772 ext. 1278
V/TDD (202) 653-9896

**IN FINAL OFFICIAL APPEARANCE BEFORE CONGRESS MSPB'S
CHAIRMAN ERDREICH SUPPORTS INNOVATIVE ADR PROGRAM**

In his final official appearance before Congress, Chairman Ben L. Erdreich of the U. S. Merit Systems Protection Board (MSPB) strongly supported an innovative alternative dispute resolution (ADR) initiative before the Subcommittee on Commercial and Administrative Law of the House Judiciary Committee on February 29, 2000.

Chairman Erdreich testified that a pilot program to promote early resolution of personnel disputes in Federal agencies could avoid expensive, and often divisive, litigation before the Board. H.R. 3312, Merit Systems Protection Board Administrative Dispute Resolution Act of 1999, would authorize a three-year pilot program authorizing the MSPB to provide neutrals, who are well-versed in ADR techniques and Federal personnel law to work with the parties to resolve differences before appeals are filed with the Board.

"We believe that many cases filed with the MSPB could be resolved without formal litigation if the parties would explore settlement at an early stage and outside the adversarial context," said Erdreich. "By the time a case is before the Board, the positions of the parties have hardened, communication between the parties is difficult, and the parties are not open to discussion of alternatives to litigation. H. R. 3312 provides a clear message from the President and Congress that employees and agencies should turn to ADR at an early stage. This innovative ADR approach should be enacted," said Erdreich.

Erdreich has long advocated ADR to avoid litigation and while at MSPB led the

Board in expanding ADR in the MSPB process. During his term, MSPB reached record levels of cases settled, resolving 50 percent or more of appeals not dismissed. In 1993, Chairman Erdreich expanded MSPB's use of ADR to cover cases at the second level of MSPB review, a program that last year settled 27 percent of the cases selected for ADR. Chairman Erdreich led MSPB in making it easier for agencies to try to avoid litigation, changing filing requirements to avoid time limits operating as a deterrent to agency ADR programs, establishing a pilot project to suspend a case if the parties agree to pursue ADR and settlement discussions, and modifying regulations to allow the parties to settle a case even after an initial decision has issued.

"MSPB is uniquely suited to carry out the voluntary early intervention pilot program that would be established by H.R. 3312," said Erdreich. "Our staff is expert in both ADR techniques and personnel law, and our Office of Policy and Evaluation has 21 years of experience in conducting independent, objective analyses of civil service issues that will ensure rigorous evaluation of the pilot program."

"As I leave my MSPB office, I am hopeful that through the steps I have initiated on ADR, and with the added impetus of H.R. 3312, even more of our Federal workplace disputes will be resolved short of formal litigation," said Erdreich.

Erdreich will be leaving MSPB on March 2, 2000, to join Bradley Arant Rose & White LLP, Alabama's largest law firm, which has offices across Alabama and in Washington, D.C.

The Board is an independent, quasi-judicial agency with responsibility for deciding Federal employee appeals from personnel actions taken against them and for protecting the integrity of the civil service and other Federal merit systems. The Board also conducts studies of the civil service and other merit systems and reviews significant actions of the Office of Personnel Management.