

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE POLICY DIRECTIVE 51-12

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Law

**NEGOTIATION AND DISPUTE
RESOLUTION**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements the Administrative Dispute Resolution Act of 1996, 5 U.S.C. 571, et seq. and DoD Instruction 5145.05, Alternative Dispute Resolution (ADR) and Conflict Management, 27 May 2016. This publication establishes policy for implementing and maintaining an Air Force Negotiation and Dispute Resolution Program. Empowering Airmen to manage and resolve conflict as early as possible is essential to the effective functioning of the Air Force because it protects resources and enhances readiness. It applies to Active Duty Service Members, Air Force Reserve, Appropriated and Non-Appropriated Fund Civilian employees, and Air National Guard on federal active duty status under Title 10, U.S. Code.

SUMMARY OF CHANGES

This directive supersedes Air Force Policy Directive 51-12, Alternative Dispute Resolution, 9 January 2003. It replaces the term “Alternative Dispute Resolution” with “Negotiation and Dispute Resolution.” It replaces the Office of the Deputy General Counsel for Dispute Resolution (SAF/GCD) with Office of the Deputy General Counsel for Contractor Responsibility & Conflict Resolution (SAF/GCR). It replaces the Deputy General Counsel of the Air Force for Dispute Resolution (SAF/GCD) with the Principal Deputy General Counsel of the Air Force as the Air Force Dispute Resolution Specialist. It institutionalizes a joint GC-Air Force Negotiation Center collaborative partnership to make negotiation an Air Force-wide capability. It expands Air Force policy by adding negotiation to the existing voluntary use of dispute resolution skills, tools, and processes. It replaces the term “ADR Champion” with “NDR Manager.” It adds the

term Negotiation and Dispute Resolution (NDR). It also adds, deletes, and revises definitions to the glossary of terms in Attachment 1.

1. Overview. As part of an effort to make the Federal Government operate more efficiently and effectively, and to preclude the emergence of conflict and encourage, where possible, the consensual resolution of disputes involving the Federal Government, the President and Congress have determined that each Federal agency must take steps to promote the use of negotiations and other dispute resolution skills, tools, and processes. Pursuant to this mandate, Airmen must be prepared to take appropriate steps to manage and resolve conflict as early as possible. The expert application of negotiation skills is the first step in precluding unproductive conflict and, if needed, managing and resolving disputes with personnel outside the agency or between personnel within the agency, also known as “issues in controversy.” When negotiations reach impasse, Airmen are encouraged to leverage dispute resolution resources to the maximum extent practicable.

2. Policy. The ability to negotiate successful outcomes is a critical leadership skill for all Airmen, but the responsibility for resolving disputes resides with Commanders, Senior Executives, and supervisors (hereinafter “Commanders”). It is Air Force policy to empower Commanders and Airmen to manage and resolve conflict as early as possible and to create an environment conducive to those attempts. Commanders and Airmen are encouraged to seek expert advice and assistance from Air Force dispute resolution resources. The Air Force will prepare Commanders and Airmen to reconcile multiple perspectives and resolve problems by making negotiations an Air Force-wide capability. Specifically, it is Air Force policy to:

- 2.1. Empower Commanders and Airmen to be problem solvers through the skillful application of negotiation as a first response to either preclude, manage, or resolve conflict.
- 2.2. If conflict exists and the parties arrive at impasse, promote voluntary informal and consensual dispute resolution methods at the earliest stage possible to achieve creative, efficient, and sensible outcomes.
- 2.3. Foster an environment that ensures problem-solving efforts are encouraged throughout the chain of command and reinforced with expert support.
- 2.4. Leverage negotiation and dispute resolution skills to protect resources and enhance readiness.

3. Roles and Responsibilities.

3.1. The Principal Deputy General Counsel of the Air Force is the Dispute Resolution Specialist (SAF/GC), also the senior dispute resolution official in the Agency. The Dispute Resolution Specialist shall establish and implement Air Force negotiation and dispute resolution policy, programs, and education through the Deputy General Counsel of the Air Force (Contractor Responsibility & Conflict Resolution).

3.2. Deputy General Counsel of the Air Force (Contractor Responsibility & Conflict Resolution, SAF/GCR), with assistance from the Director, Negotiation and Dispute Resolution (SAF/GCR), shall:

- 3.2.1. Establish and implement Air Force negotiation and dispute resolution policy, guidance, and associated publications.

- 3.2.2. Develop, manage, and execute the Air Force Negotiation and Dispute Resolution Program budget.
 - 3.2.3. Collaborate and partner with the Air Force Negotiation Center to encourage, develop, and implement initiatives, activities, and training related to promoting the use of negotiation and dispute resolution throughout the Air Force.
 - 3.2.4. Identify and eliminate unnecessary barriers to the use of negotiation and dispute resolution processes, skills, and tools.
 - 3.2.5. Ensure Air Force personnel are aware of and have access to existing negotiation and dispute resolution resources.
 - 3.2.6. Collaborate and partner with the Judge Advocate General and the Air Force Negotiation Center to prioritize negotiation and dispute resolution policy, programs, resourcing, and execution and to develop the tools and training necessary to make negotiation an Air Force-wide capability.
 - 3.2.7. Develop reporting requirements and metrics for the Air Force Negotiation and Dispute Resolution Program.
 - 3.2.8. Serve as the Air Force representative to the Department of Defense (DoD) Alternative Dispute Resolution Coordinating Committee.
 - 3.2.9. Serve as the Air Force liaison to such government and private-sector organizations as deemed appropriate by the Dispute Resolution Specialist.
 - 3.2.10. Develop and submit a summary report to the Secretary of the Air Force by 30 December of each year delineating progress made in implementing the Air Force Negotiation and Dispute Resolution Program.
- 3.3. The Air Force Negotiation Center develops and delivers individualized training and education to Airmen to foster interest-based negotiation skills and will collaborate with the Director, Negotiation and Dispute Resolution to encourage, develop, and implement initiatives, activities, and training related to promoting the use of negotiation and dispute resolution throughout the Air Force.

HEATHER WILSON
Secretary of the Air Force

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Administrative Dispute Resolution Act, 5 U.S.C. 571, *et seq.*

DoDI 5145.05, *Alternative Dispute Resolution (ADR) and Conflict Management*, 27 May 2016

Title 10, U.S. Code

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

DoD—Department of Defense

SAF/GC—Office of the General Counsel

SAF/GCD—Office of the General Counsel Alternative Dispute Resolution

SAF/GCR—Office of the General Counsel Contractor Responsibility

Terms

Air Force Dispute Resolution Specialist—The Principal Deputy General Counsel of the Air Force, who is responsible for developing and implementing the Air Force's Negotiation and Dispute Resolution Program.

Commanders—Commanders, Senior Executives and supervisors.

Dispute Resolution—The process of settling disagreements to include adjudication, such as litigation or arbitration, or alternative means, such as facilitation, mediation, conciliation, or negotiation.

Issues in Controversy—Any issue material to an agency decision that gives rise to a disagreement between the Air Force and a person(s) outside the Air Force or between persons within the Air Force. See reference (a), at 5 U.S.C. 571(8). The term includes, but is not limited to, a work related issue between co-workers that adversely affects mission accomplishment or morale.

Negotiation—A deliberate discovery process between two or more people (or groups) that leverages communications and critical thinking processes. Negotiations may be used to: 1). Arrive at a mutually agreeable plan that responds to a request, 2). Preclude the emergence of conflict through discovery and leveraging of common goals and interests or, 3). If conflict emerges or exists, work to manage or resolve the conflict. Ideally, this trust-based process is based on a cooperative discovery effort as parties share and prioritize interests and then develop mutually beneficial options rather than simply declaring demands to achieve positions.