

BY HIS EXCELLENCY
AR GEO PAUL CELLUCCI
GOVERNOR

EXECUTIVE ORDER NO. 416

INTEGRATING DISPUTE RESOLUTION INTO STATE GOVERNMENT

WHEREAS, this Administration is committed to ensuring that state agencies utilize more efficient, less expensive and more satisfying methods of resolving disputes; and

WHEREAS, traditional adjudicatory processes have become increasingly costly, time consuming, and contentious; and

WHEREAS, alternative dispute resolution (ADR) offers a means of resolving disputes more quickly, less expensively, and with more satisfying results; and

WHEREAS, ADR has been used with great success in both the public and private sectors of Massachusetts as well as throughout the country; and

WHEREAS, an increased use of ADR by state secretariats, departments and agencies will enhance the operation of state government and better serve the public; and

WHEREAS, the Massachusetts Office of Dispute Resolution can assist agencies of the Commonwealth to expand their use of ADR;

NOW, THEREFORE, I, Argeo Paul Cellucci, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby order that state agencies work diligently to fully utilize, wherever appropriate, alternative dispute resolution to resolve disputes and, to that end, I order the following:

- I. The Secretary of each Executive Office and the Director of each Department shall designate an Alternative Dispute Resolution (ADR)

Coordinator who shall encourage and facilitate the use of ADR in his or her secretariat or department and shall report directly to that secretary or director.

- II. The head of each state agency shall designate an Alternative Dispute Resolution (ADR) Coordinator who shall encourage and facilitate the use of ADR in his or her agency and shall report directly to that agency head.
- III. The Secretariat, Department and Agency ADR Coordinators shall participate in an ADR Orientation and Training conducted by the Massachusetts Office of Dispute Resolution by October 1, 2000.
- IV. The Secretariat and Department ADR Coordinators be responsible for:
 - A. Becoming familiar with ADR, where and how it might be used in their offices and agencies, regularly exploring, encouraging and facilitating the use of ADR in their respective secretariats, departments and agencies.
 - B. Meeting quarterly with the Agency ADR Coordinators within their respective secretariat or department to explore potential uses for ADR in that agency.
 - C. Submitting to the Secretary of the Executive Office for Administration and Finance by December 1, 2000 an ADR plan for their secretariat or department and each of its related agencies outlining a systematic means of reviewing cases and non-litigation matters to determine their ADR potential. The Massachusetts Office of Dispute Resolution shall be available to meet with, consult and assist Secretariat and Department ADR Coordinators to develop their ADR Plans.
 - D. Submitting a Secretariat or Department ADR Annual Report, with the first one due August 1, 2001, to the Secretary of the Executive Office for Administration and Finance, updating the Secretary on the status of the ADR Program throughout the secretariat or department, including the cases and other matters for the past year that have participated in ADR, and ADR training (such as negotiation skills training) received by their employees during the past fiscal year. The Annual Report shall also include the goals of the secretariat or department for improving their ADR Program in the next fiscal year.
- V. The Massachusetts Office of Dispute Resolution and the Executive Office for Administration and Finance shall make an annual "Commonwealth

Dispute Resolution Award” to honor a person in Massachusetts government who has played a significant role in the promotion, use, or identification of appropriate uses of dispute resolution in the Commonwealth or who played a significant role in the resolution of a dispute.

Given at the Executive Chamber in Boston
this 11th day of November in the year one
thousand nine hundred and ninety-nine.

Argeo Paul Cellucci
Governor

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS