

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

**DEPARTMENT OF THE AIR FORCE  
POLICY DIRECTIVE 51-12**



**12 JANUARY 2023**

**Law**

**NEGOTIATION AND DISPUTE  
RESOLUTION**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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(Mr. Peter J. Beshar)

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This policy directive implements and establishes additional responsibilities related to the Administrative Dispute Resolution Act of 1996, 5 United States Code (U.S.C.) 571, *et seq.* and Department of Defense (DoD) instruction 5145.05, *Alternative Dispute Resolution (ADR) and Conflict Management*. This publication applies to Department of the Air Force civilian employees and uniformed members of the United States Space Force, the Regular Air Force, the Air Force Reserve, and the Air National Guard on federal active-duty status under Title 10, U.S. Code.

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**SUMMARY OF CHANGES**

This document has been substantially revised and needs to be completely reviewed. Major changes include updating language to reflect applicability to the United States Space Force; identifying the Deputy General Counsel for Contractor Responsibility and Conflict Resolution (SAF/GCR) as the Dispute Resolution Specialist of the Department of the Air Force; including responsibilities and

authorities for essential mission partners; and relocating specific program responsibilities to the Air Force instruction.

**1. Overview.** The Department of the Air Force (DAF) must use the appropriate negotiations and dispute resolution skills, tools, and processes to reduce the emergence of unproductive conflict and encourage, where possible, the consensual resolution of disputes involving the federal government. Thus, Airmen and Guardians must be prepared to take appropriate steps to manage and resolve conflict as early as practicable. When negotiations reach impasse, Airmen and Guardians are expected to leverage dispute resolution resources to the maximum extent possible.

**2. Policy.** The DAF will develop and maintain the capabilities needed to constructively manage and resolve conflict as early as possible. Commanders, senior executives, and supervisors (hereinafter “leaders”) will use negotiation and dispute resolution skills, tools, and processes to prevent the escalation of conflict and ensure long lasting, effective solutions. Leaders will empower Airmen and Guardians to do the same. Specifically, it is DAF policy to:

- 2.1. Use negotiation to reconcile multiple perspectives and resolve problems as a first response to either preclude, manage, or resolve conflict.
- 2.2. Promote voluntary informal and consensual dispute resolution methods at the earliest stage possible to enhance communication and achieve creative, efficient, and sensible outcomes if parties in conflict arrive at impasse.
- 2.3. Foster an environment that ensures problem-solving efforts are encouraged throughout the chain of command and reinforced with expert DAF dispute resolution support.
- 2.4. Leverage negotiation and dispute resolution skills to protect resources and enhance readiness.

**3. Responsibilities and Authorities.**

3.1. The General Counsel of the Department of the Air Force:

3.1.1. Provides the Dispute Resolution Specialist (DRS) for the DAF. The DRS is the senior dispute resolution official for the DAF, in accordance with the Administrative Dispute Resolution Act (ADRA).

3.1.2. Establishes guidance and provides the DAF’s program responsible for expanding the use of alternative dispute resolution (ADR) and conflict management practices in accordance with Department of Defense instruction (DoDI) 5145.05.

3.2. The Deputy General Counsel for Contractor Responsibility and Conflict Resolution (SAF/GCR) is:

3.2.1. Delegated authority as the Dispute Resolution Specialist of the Department of the Air Force.

3.2.2. Responsible for establishing the Negotiation and Dispute Resolution Program to execute the responsibilities of the General Counsel under this policy directive.

3.2.3. Responsible for identifying barriers to the use of ADR and conflict management practices.

3.3. The Office of The Judge Advocate General (AF/JA) will:

3.3.1. Collaborate as appropriate with SAF/GCR to promote and expand the use of negotiation and dispute resolution in accordance with DoDI 5145.05 and the ADRA.

3.3.2. Collaborate as appropriate with SAF/GCR to identify barriers to the use of ADR and conflict management practices.

3.4. The Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, (SAF/AQ); the Assistant Secretary of the Air Force for Installations, Environment, and Energy, (SAF/IE); the Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR); the Assistant Secretary of the Air Force for Space Acquisition and Integration (SAF/SQ); the Deputy Under Secretary of the Air Force (International Affairs, (SAF/IA)); the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1); the Deputy Chief of Space Operations for Human Capital (SF/S1); and the Director of Diversity and Inclusion (SAF/DI) will:

3.4.1. In appropriate cases, promote and expand the use of negotiation and dispute resolution in accordance with DoDI 5145.05 and the ADRA.

3.4.2. Eliminate barriers to the use of ADR and conflict management practices as identified by the DRS in accordance with the ADRA.

3.4.3. Implement and operate ADR and conflict management practices that are appropriate to their respective organization and in accordance with law and DoD policy.

3.5. Major Commands, Field Commands, Direct Reporting Units, and Field Operating Agencies will:

3.5.1. Collaborate with SAF/GCR to promote and expand the use of negotiation and dispute resolution in accordance with DoDI 5145.05 and the ADRA.

3.5.2. Eliminate barriers to the use of ADR and conflict management practices, as identified by the DRS in accordance with the ADRA.

3.5.3. Air Education and Training Command will collaborate with SAF/GCR to advance negotiation and dispute resolution education and training objectives in alignment with the strategic priorities of the Negotiation and Dispute Resolution Program established pursuant to this policy directive, and in accordance with law and DoD policy.

Frank Kendall  
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

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

Title 10, U.S. Code

***Prescribed Forms***

None

***Adopted Forms***

DAF Form 847, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**ADR**—Alternative Dispute Resolution

**ADRA**—Administrative Dispute Resolution Act

**DAF**—Department of the Air Force

**DoD**—Department of Defense

**DRS**—Dispute Resolution Specialist

***Office Symbols***

**AF/A1**—Deputy Chief of Staff for Manpower, Personnel, and Services

**AF/JA**—Office of The Judge Advocate General

**SAF/AQ**—Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics

**SAF/DI**—Director of Diversity and Inclusion

**SAF/IA**—Deputy Under Secretary of the Air Force (International Affairs)

**SAF/IE**—Assistant Secretary of the Air Force for Installations, Environment, and Energy

**SAF/GC**—Office of the General Counsel

**SAF/GCR**—Office of the General Counsel Contractor Responsibility and Conflict Resolution

**SAF/MR**—Assistant Secretary of the Air Force for Manpower and Reserve Affairs

**SAF/SQ**—Assistant Secretary of the Air Force for Space Acquisition and Integration

**SF/S1**—Deputy Chief of Space Operations for Human Capital

*Term*

**Department of the 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.

**Leaders**—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.

**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) Manage or resolve conflict if conflict emerges or exists. 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.