



State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2008-052

ENTERING INTO A REGIONAL UNIVERSAL AGREEMENT TO MEDIATE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WHEREAS, the Richardson administration remains committed to ensuring that state government utilizes Alternative Dispute Resolution (ADR) processes as more efficient, less expensive, and more satisfying methods of resolving disputes;

WHEREAS, this administration's 2003 performance review of state executive agencies, "Moving New Mexico Forward", recommended that state government increase its use of ADR to prevent or resolve legal complaints, thereby avoiding traditional adjudicatory processes that are increasingly costly, time consuming, and contentious;

WHEREAS, the use of ADR as an efficient and mutually satisfying means of conflict resolution has been facilitated by Executive Order 2005-047, Establishing the ADR Advisory Council, and enactment of the Governmental Dispute Prevention and Resolution Act, Sections 12-8A-1 through 12-8A-10, NMSA 1978;

WHEREAS, ADR has been used with great success in the public sector of New Mexico to enhance the operation of state government and to better serve the public;

WHEREAS, in furtherance of this administration's commitment to ADR, the State of New Mexico has become the first state to enter into a Regional Universal Agreement to Mediate with the federal Equal Employment Opportunity Commission (EEOC), establishing a presumption that state agencies will engage in voluntary mediation processes to resolve complaints filed against the State of New Mexico with the EEOC;

WHEREAS, cooperation with the EEOC will increase the ability of the State of New Mexico to resolve disputes in a manner beneficial to both state executive agencies and their employees; and


WHEREAS, the Regional Universal Agreement to Mediate requires the State of New Mexico to appoint a designated representative.

NOW THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the Laws of the State of New Mexico, do hereby order the following:

1. The General Services Department, Risk Management Division, shall act as the State of New Mexico designated representative for the implementation and execution of the Regional Universal Agreement to Mediate between the State of New Mexico and the EEOC.
2. All state executive agencies shall cooperate with the General Services Department, Risk Management Division, in the implementation and execution of the Regional Universal Agreement to Mediate. All inquiries about and the scheduling of mediations pursuant to this agreement shall be directed to the General Services Department, Risk Management Division.
3. Each state executive agency that has not already appointed an ADR Coordinator shall appoint one as the point of contact for the Risk Management Division's designated representative and inform the Division of such appointment by December 1, 2008.
4. Upon receipt of an EEOC complaint against an agency, each agency's ADR Coordinator shall immediately forward a copy of the complaint to the designated representative at the General Services Department, Risk Management Division.

THIS ORDER supersedes any previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
29th DAY OF OCTOBER, 2008

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO


BILL RICHARDSON
GOVERNOR

