

THE CAUCUS

The F.M.C.S. Retiree Newsletter

By Friends of FMCS History Foundation

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USCS AND FMCS ROLE IN DEVELOPING L-M ARBITRATION

During the past century, L-M arbitration gained wide usage. USCS and its successor FMCS played a significant role in that evolution. Arbitration's growth depended on union membership and collective bargaining growth. Most early labor laws and court decisions offered little help with the needed growth. Ironically, the advent of World War One (1917-19), with its War Labor Board, encouraged significant expansion, and, for the first time, some legitimacy for both. Fortunately, USCS created, four years before the war, a staff of mediators and arbitrator available to help during the war.

The labor movement and collective bargaining declined during the 20s, rebounded with the 1930 New Deal and grew more during WWII. The use of arbitration followed those trend, as it would through out the 20th century.

Over the years, USCS and FMCS:

- Initiated privatization of arbitration by created a roster of private citizen arbitrator, which ultimately diminished the government arbitrator role.
- Provided training of arbitrators and arbitration participants.
- Encouraged and assisted in creating private industry arbitration labor-management panels.
- Utilized the latest technology to administer its arbitration roster, enhancing efficiency.
- Maintained a cost-free roster for labor-management users until 1980s.
- Operated the only roster for years until a few state agencies in the 1930s and American Arbitration Associate created very limited L-M roster in 1937.
- Policed ethics of roster members, collected data to track trends and developments.

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(The words on the front page are a 250 word abstract of a paper I've been working on, off and on, mostly off, since 2009. I wrote the abstract a few days ago and submitted it to LERA as a proposal for their upcoming meeting. If it is accepted, I'll let you know.)

From Doug Hammond

Hi Jerry,

Thanks again for your efforts. The most recent *Caucus* was, as usual, informative and timely. It is a pleasure to receive this and read about the agency and it's people, past and present, who mean so much to us.

Regarding the number of employees...I joined the Service in July, 1975 as an intern and recall the large number of employees then working at FMCS, both in DC and in the field. 8 Regions...and about 360 mediators (about 4 or 5 of them women!). I also recall the crowd at the Delta Towers in NO for the annual conference...Usery wandering among the crowd at the opening cocktail party...kissing all the wives.

Nothing new to report for your next issue. I see Ron Collotta and Dennis Teel, our local AZ mediators, at the local ALERA meetings...but am not in contact with many other FMCS folks. I have been retired since Jan 2002 and keep up to speed doing about 10 - 15 arbitrations per year. I no longer umpire HS baseball...those kids were too fast for me to chase around the bases and I got fed up with the arrogant coaches who didn't know all the rules, but were quick to complain if they even thought I was wrong. (It was once said that umpiring is a job where you have to start by being perfect and improve from there!)

Jerry, thanks again for your hard work.

In Memoriam

Christina Sickels Merchant:

Former FMCS Commissioner Christina Sickels Merchant died on August 5, 2013. Chris worked in the FMCS Philadelphia from 1975 -1991. In 1991, she transferred from FMCS to the FLRA. At the time of her passing she was a Professor of Practice, Public Administration and International Affairs at the Maxwell School of Public Affairs, Syracuse University. She was a published author, including "Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations", co-authored with Cathy Costantino.

Joe Crowe:

"I talked to Joe about 10 days before he died, having no idea he was that ill. Joe will be missed. He was a special man, we shared an office for 10 years and he helped me out many times. He had recommended me to the Archbishop to take

his position at the Cincinnati Archdiocese to be administrator for the internal due process program. He was my mentor through this process.” Earl Leonhardt

Joe Crowe , age 79, is survived by his five children, and fifteen grandchildren. Joe received an MBA from Wharton School of Business, served in the Ohio National Guard, worked in Human Resources, and worked as a Federal Mediator. After retiring, he mediated for the Catholic Archdiocese of Cincinnati.

Frank Allen:

Dear Mrs. Allen:

August 27, 2013

I was sorry to hear of Frank’s passing. Such a big loss for those who knew Frank, and certainly for you.

I got to know Frank better when I recorded an oral history interview with him on October 11, 1986. While I never mediated with Frank, the interview showed clearly why he had such a successful career as a mediator, and why he was so liked and respected by other mediators. Frank was always a strong supporter of the Friends of FMCS History. I particularly appreciate his consistent support.

In an FMCS history calendar I created in 2002, I featured Frank and Jerry as one of three father/son mediator pairs, and I included their photos. If you want a copy of either or both the Calendar and a CD of the interview, please let me know. Cordially, Jerry Barrett

Dean Sederstrom:

Dean passed away on October 24, 2013. His wife, three children, four grandchildren, and one grandchild survive him. Dean worked for Morning Glory Dairy from 1958-1968, and as a Teamsters representative in Green Bay, Wisconsin, 1968-1977. From 1977 until retiring in 1998, Dean mediated in Green Bay. He was an outdoorsman who enjoyed deer hunting, fishing, golfing, riding his John Deere garden tractor and telling stories.

Watching the Obituaries

Some seniors say they turn to the obituaries as soon as they open their morning paper to check on friends and acquaintances. When I mentioned that to an Irish friend, he told me that the obituaries are the Irish sports page. I am not sure how to interpret that, so I leave it to readers to decide and let me know.

Have any readers noticed that on average three or four obituaries are reported in each Caucus. That is another reminder of a grim fact: If we don’t recruit some younger FMCS retirees, well, you get the point.

Visited Ireland in August

I spent eight days in Ireland in early August with my son Bob, visiting my greatfather's birth place, and much more. We spent time with John O'Dowd with whom I co-authored an IBB book back in 2005. Spent three hours with Kieran Mulvey, Chief Executive of the Labour Relations Commission. We compared how the recession has impacted labor relations in our respective countries. Over the years, I understand, a number of FMCS mediators have made cooperative visits to the LRC. Please write if you've done that and share your Irish experience.

Oh! I must mention the draft Guinness was great. One young bartender made a shamrock on top of the foam by shutting the tap to a mere trickle and moving the glass around. Such wonderful art. I waited 10 minutes for the image to disappear before drinking.

BART Strike in San Francisco

Former San Francisco Mayor Willie Brown offered the following assessment of BART management when they took a strike rather than agreeing to arbitration. When I read his words, I could hear an experienced mediator having a straight talk in a management caucus facing a strike threat.

"BART missed a big opportunity when it balked at unions' proposal to go to an arbitrator to settle their contract dispute. I can understand why BART insisted that antiquated and often counterproductive work rules be eliminated as part of any deal. What management did not understand, apparently, was how difficult it is for union leaders to give-up.

"Come union election time, a train driver or electrician won't think that much about the 3 percent raise a leader fought hard to win, or about the health care costs that didn't go up too much. But they will never forget a change in a work rule or perk, no matter how small, that affected them personally. It will always be something they lost.

"So when the union leaders proposed taking work rules to arbitration, they were essentially just trying to get cover with their own membership. Management should have said, "Hooray, let's go." Because once the arbitration process started, BART might actually have gotten some of what it wanted. Instead, it got something else: a strike."

What Do Mediators Do After FMCS?

A lot of us tried to arbitrate after FMCS. Some were very successful. Here are the ones who gained membership in the National Academy of Arbitrators:

Herb Fishgold, Al Gese, Herb Haber, Bill Hobgood, George Larney, Ira Lobel, Mike O'Reilly, Jerry Ross, Jim Searce, Ed Sedlmeier, David Tanzman, Rolf Valtin, David Vaughn, and Mike Wolf. Did I miss anyone?

What other interesting activities have readers engaged in after leaving FMCS?

FMCS News

Since the Spring 2013 Caucus, three mediators have retired: Charles Evans (Chicago), John Everman (Charlotte, NC) and John Muri (New York City).

Readers who know any of these recent retirees should contact them, welcome them into our ranks and get their current email address, so they can get the Caucus and consider attending Florida reunions.

No new mediators were hired since the Spring Caucus.

The annual employee job satisfaction survey of government agencies produced by the Partnership for Public Service has consistently ranked FMCS as one of the best places to work in the federal sector. FMCS is generally ranked in the top five among the small agencies. In 2007, FMCS was ranked number one.

2013 Credit Card Scandal?

When a friend learned that I had worked at FMCS, he speculated on what those initials stood for. His guesses, I won't repeat, but they caused me to wonder what other groups use those initials. So I went on line to find out. The two most interesting were: Federal Medical Counseling Service, and Free Water Mollusk Conservation. During the same search, I also found a story by the Washington Examiner concerning inappropriate use of government credit cards at FMCS.

Wikipedia reported the same Washington Examiner story. In response to the story, FMCS issued the following statement, as printed in the Examiner: "These items which the Examiner is inquiring about appear to have been the subject of a now-settled employment dispute involving a disgruntled FMCS employee. These purchasing issues were addressed in the settlement, but must remain confidential under federal personnel rules, as noted, in the absence of a release from the employee.

When FMCS became aware of this employee's concerns about the Agency's procurement practices, we took immediate actions. These actions included taking steps to ensure that the Agency's internal processes meet federal regulations. Additionally, we obtained a review by

an outside, independent authority regarding FMCS procurements made over a period of years. We conducted a prompt and thorough investigation and a review of our own internal processes. With the settlement of the employment dispute, the conclusion of our own investigation and reviews by outside authorities, the allegations were dropped and outside authorities indicated they would take no further action."

ADR Department's New Leader at FMCS

FMCS Director Cohen made the following announcement: It gives me great pleasure to announce the selection of EO-2 Commissioner Lu-Ann Glaser as the Director of the FMCS ADR Department.

Lu-Ann has been a tremendous asset to our Agency – both in her years as a field mediator and as Acting Director of the ADR Department these past months. Her creativity, work ethic, and daunting energy have made great in-roads in the task that I set out to accomplish some years ago – to revamp, revitalize, and re-organize FMCS's ADR programs and services.

As you know, a key provision of the Administrative Dispute Resolution Act of 1996 (ADRA), which became part of our core statute, designated FMCS to provide ADR services and support for federal agencies seeking an alternative to costly litigation. The ADR Team has been hard at work promoting this statutory work and seeking to bring new and exciting opportunities to our field mediators. From challenging new mediation work, to last year's successful ADR Open House, to critical new support and web-based tools for field mediators, we have seen steady progress in developing and delivering this important work.

The "Virtual Conference" planned for Conflict Resolution Week (which had to be postponed due to the government shutdown) is yet another example of the creativity and ingenuity of our field and ADR mediators. With more than 35 webinars planned and more than 2500 people registered to participate, it is obvious that we have the talent and ability to meet the clear demand for these services. We look forward to rescheduling this event in the very near future.

Please join me in congratulating Lu-Ann and welcoming her on-going leadership and contributions to the work of our Agency.

Spring Gathering In Florida

Dick Deem and John Popular will do it again in Spring 2014. I've forgotten how many years they have been doing all the work necessary to allow retirees to spend a few days in sunny Florida at a reasonable cost. For many, the retired mediator reunion is more than an escape from the long winter up north. Its an opportunity to catch-up with old friends and share stories about the good old

days --- and sometimes complain about how things have gone to hell.

This year, the reunion is scheduled for April 22 to 24, 2014. Mark you 2014 calendar. Dick and John will send you more details once they make all the necessary arrangements. Your attendance shows your appreciation for the hard work John and Dick have done for years.

In recent years, most of the oral history interviews I've done have been recorded during the reunion in Florida. So those attending in 2014, who haven't been interviewed, should let me know so we can schedule a time and place.

Checkout the FMCS/USCS History Sites

Here is a reminder of the two sites where the Friends of FMCS/USCS History materials can be found:

At George Washington University: 1) Go on line to GWU Gilman Library: 2) Click on Collections; 3) Click on Special Collections Research Center; 4) Click on Manuscripts. 5) Click on American Labor History, 6) Click on Labor History Topic page. 7) Click on Archive -- LAC0007; 8) Scroll through this extensive listing of FMCS/USCS materials. It requires some patience get to there, but its worth it if you're interested.

A more easily accessible collection of materials is located at the Friends website: Mediationhistory.org. There you will find actual historic materials, including papers on both FMCS and USCS, back copies of the Caucus, photos, documents and some oral history interviews.

Finally, as you look through either mediationhistory.org or the collection at GWU, please keep in mind that while the archive started long ago it is not static. It is open for additional material. For example, during the past year, I recorded two additional interviews: Rosemary Hayes and Gerry Gomez.

So as you scan either collection, if you're reminded of something you have in that box you brought home when you retired, please send it to me because it will be retained long after that box and its contents are recycled.

The Caucus

This issue of the Caucus is the 29th. Jim Power and I started the Caucus in May 2000. We initially thought we would produce two or three issues annually. That quickly became two a year because that was before email, or at least before Jim

and I were up to date on email capacities. The printing, folding, stamping, addressing and mailing was a lot of work. Email has made that task much more manageable.

If you received this Caucus via U.S. Mail and you had received earlier issues via email, please help reduce work required for U.S. Mailing by sending your email address to me at: winjerwin@aol.com

On average, a typical issue contained 3,000 words, which means that approximately 87,000 words have been written under the Caucus banner.

If you'd like to read some interesting updates on labor-management relations, write to this email address to get on his listserv:
daniel.j.b.mitchell@ANDERSON.UCLA.EDU

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