

# **THE CAUCUS**

The F.M.C.S. Retiree Newsletter

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May 2005

## **FOURTH ANNUAL FMCS ALUMNI REUNION**

By Dick Deem

The Fourth Annual FMCS Alumni Reunion was held on April 21-24, 2005, at Clearwater Beach, Florida. The Reunion started on Thursday evening with a beautiful sunset cocktail and buffet party at John and Pat Popular's residence on Indian Rock Beach. On Friday twelve ladies and gents played golf at the Clearwater Country Club. Most of the non-golfers lunched at the Mansion-on-the-Bay in St. Petersburg and then visited nearby museums displaying the "Life and Works of Princess Diana" and a Monet exhibit or just browsed the Bay Walk area shops. Friday evening found the group gathering at the pool area for cocktails before dining at various local restaurants of choice.

Saturday was a free day before an "attitude adjustment" hour and dinner at the fabulous Clearwater Beach Hotel featuring your choice of Atlantic salmon steak or prime rib of beef. After dinner the attendees voted to try to locate the 2006 reunion in Cocoa Beach, Florida, during the first week of May.

Those attending this Fourth Annual Reunion included: Patsy Anderson, Jerry Barrett, Larry and Ann Babcock, Bob and Maria Bennett, Reggie and Martha Bravo, Bill and Vicki Carlisle, Bob and Bonnie Castrey, Ron and Jean Colletta, Dick and Genia Deem, Bernie DeLury, Don and Betty Eaton, Danny Funkhouser and Sandy Sroka, Leo and Doris Gant, Leon and Betty Groves, Don and Jean Hampton, John and Mary Knight, Norm Lee, Mike and Sheila Madden, Sam and Sally Marshall, Tom and Barbara Montgomery, Ken and Mary Moffett, Al and Eleanor Mille, John and Pat Popular, Jim and Alice Power, Mary Prothro, Fred and Pauline Reebals, Jim and Jewell Scarce, John and Shirley Tucker, Gayle Wineriter, Sam and Carol Zuiker.

### **Director Hurtgen Resigns**

After two and half years as Director, Peter Hurtgen resigned at the end of 2004 to return to private practice in California. The former Chairman of the NLRB, Hurtgen became FMCS Director in August, 2002. In announcing his resignation as the fifteenth Director, Hurtgen said: "I have a great fondness for this Agency, for its people and for the great work that you do. No one appreciates the work

that FMCS mediators perform more than I do, after having mediated several disputes myself during my tenure here."

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200 N. Maple Ave. # 517  
e-mail:winjerwin@aol.com

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**Hurtgen (continued)**

Hurtgen helped settle a number of high-profile labor disputes, including the West Coast ports dispute in 2002 that idled cargo docks in 29 West Coast cities for 10 days at a potential cost to the economy of \$1 billion a day. In 2003, he mediated a settlement between the nation's largest telephone company, Verizon Communications, Inc. , and CWA, and IBEW, affecting 78,000 workers in the Northeast and MidAtlantic regions. Earlier that year, he helped mediate an end to the nation's longest strike in the retail grocery industry, returning 60,000 workers to their jobs at Southern California supermarkets after 141 days. Late in 2004, he joined in mediating major negotiations involving the CWA and IBEW and SBC Communications Inc. and Lucent Technologies Inc. He also assisted the ongoing negotiations between hotels and unions in San Francisco and Los Angeles.

In his resignation statement to FMCS staff, Hurtgen wrote:" --- after my resignation becomes effective on December 31, everyone should be aware that FMCS Chief of Staff Jack Toner will assume the role of acting director, in accordance with procedures set forth by federal statute." Shortly after that announcement, Toner, who had come from the NLRB with Hurtgen,

indicated he planned to retire during 2005. Shortly after that Scot Beckenbaugh was appointed Acting Director.

**In Memoriam: Randall J. Gebhardt / Federal mediator was well regarded\***

Friday, February 25, 2005

By Jim McKay, Pittsburgh Post-Gazette

"It was not unusual for contentious labor negotiations to keep Randall J. Gebhardt, a longtime federal mediator, working through the night and into the wee hours. Long hours were part of his job as a commissioner with the Pittsburgh office of the Federal Mediation and Conciliation Service, a government agency that promotes cooperation and conflict resolution between industry and labor unions. Mr. Gebhardt, 79, died Feb. 16 of lung cancer at his home.

Born on April 7, 1925, in Pittsburgh, Mr. Gebhardt dropped out of high school to join the Marines during World War II. His family said he participated in the Battle of Okinawa, the largest amphibious invasion of the Pacific campaign. After the war, Mr. Gebhardt enrolled in Bethany College in West Virginia on the GI Bill. After earning a bachelor of arts degree, he went to graduate school at the University of Pittsburgh, where

he earned a master's degree in labor relations.

His education was the start of a 45-year career in labor relations for Mr. Gebhardt, who worked first for Pittsburgh-based U.S. Steel Co. and then the Elliott Co., a Jeannette maker of turbines and compressors. He left Elliott in 1975 and joined the Federal Mediation and Conciliation Service in Philadelphia and later transferred to the Pittsburgh field office. During that time, he was an adjunct professor at Pitt and a guest speaker at Carnegie Mellon University,

A few years after his retirement from the FMCS, Mr. Gephardt began a career as a labor relations arbitrator, accepting cases in Pittsburgh and Philadelphia through the FMCS and the American Arbitration Association.

He and his wife of 54 years, Clair Noe Gebhardt, moved to the Philadelphia area about six years ago to be near his daughter's family. He remained active as an arbitrator until illness overtook him about three years ago. Despite living in Eagles country, Mr. Gebhardt remained an avid Steelers fan, watching the games this past season even though chemotherapy and radiation had made him weak, his daughter said."

*\*Thanks to Jack Buettner for providing this fine newspaper tribute.*

## **In Memoriam**

FMCS retiree Eugene E. Garrety died late last year in Memphis, where he had spent 30 years mediating for FMCS. Those who knew him remember him as a good mediator and friend. A World War II and Korean War Air Force veteran, Gene earned an Air Medal with Oakleaf Clusters. Later he worked as personnel director for Hunter Fan Company. Eighty years old when he died, Gene leaves two daughters, a son, eight grandchildren and a great-grandchild.

## **Arthur Pearlstein Resigns**

General Counsel and Director of ADR/ International Programs, Arthur Pearlstein resigned his position with FMCS to join Creighton University Law School in Omaha, Nebraska. Arthur had served as the Agency's General Counsel since 2001. He will become Director of the newly established Werner Institute for Dispute Resolution and Professor of Law. The Werner Institute is one of only 14 law school-based alternative dispute resolution centers in the country.

He retired from the FMCS in 1990. Like most federal mediators, Mr. Gebhardt worked quietly in the background, kept confidences of the parties he worked with and shunned publicity when there was a successful resolution.

'Randy did a fine job. He had a good reputation. He was a good mediator," said **Joseph Biondo**, a retired federal mediator who worked with Mr. Gephardt both when he was at Elliott and later as a mediator.

## **New General Counsel: Maria A. Fried**

Acting Director Scot Beckenbaugh appointed Maria A. Fried as the new General Counsel of the FMCS. Maria has spent the past 2 years in the Office of General Counsel.

Prior to joining FMCS, Maria spent eleven years as an attorney for the United States Air Force. During that time she performed a variety of functions including assisting with Human Resource and Labor Relations. Maria earned her J.D. from Georgetown University Law Center and her B.A. from New York University.

## **Remembering Gary Crawford's Humor**

Gary Crawford worked in Administration during the 1970s. When Bill Usery moved from FMCS to head the Labor Department, the swearing-in took place at the White House. A group from the National Office road to the event with FMCS drivers who had clearance to drive onto the White House grounds. When Gary got out of his car, he look at the White House and yelled: "All the work for McGovern and it's a Republican who gets us through the White House gate."

*"Genius may have limitations, but stupidity is not thus handicapped"*  
*Elbert Hubbard*

### **Coming Soon: Online Mediation**

Researchers at the University of Massachusetts under a grant from the National Science Foundation are working with the National Mediation Board to develop technologies to make the grievance process more efficient, effective and transparent.

The researchers plan to use the dispute resolution processes contained in NMB case files to develop an automated system for resolving labor disputes. After clearly and completely defining these NMB processes, the researchers will use that data as a centerpiece for

discussion among all of the NMB stakeholders.

The agreement on the best processes that emerge from those discussions will ultimately become an automated dispute settlement systems.

One professor involved in the NMB process bases his confidence in its success on his work helping develop an online dispute resolution process now being used successfully being by eBay

Harry R. Hoglander, chairman of the NMB, believes that the application of technology to dispute resolution will bring significant advantages to the agency, the mediators and the

parties. In a news release, Mr. Hoglander observed: "Years from now, the work we do under the NSF grant will be used as a roadmap for the development and application of ODR technology."

### **From Bernie DeLury**

Former Director Bernie DeLury and his wife Jane have emailed an appeal to gain congressional support for increased funding of Vulvodynia research. Their daughter Erin is active in the National Vulvodynia Association (NVA), as one of an estimated 6 million women in the United States suffering from chronic vulvar pain. .

For more information on this matter, please contact:  
Gigi Brecheen, Administrator  
National Vulvodynia Association  
PO Box 4491  
Silver Spring, MD 20914-4491  
301-649-2236 (phone)  
[www.nva.org](http://www.nva.org)

### **Did This Happen When You Were Hired?**

To All:

It is my pleasure to announce that Alberta Jordan-Rigsby has been appointed Mediator and assigned to our Pittsburgh, PA Field Office effective May 1, 2005. Prior to joining FMCS Alberta spent 17 years with the UFCW. From 1987 until 1996 she served as Organizer/Business Agent, UFCW Local 876-Detroit, MI and during that time she also served as an AFL-CIO Election Observer Team Member to South Africa. From 1996 until joining FMCS Alberta was on staff with UFCW International as an Assistant to the Director of Region 4. Alberta served as a link between the International and its affiliates across the country. Her responsibilities included organizing, training, contract bargaining and administration, conflict resolution, and affiliate assistance. Please join me in welcoming Alberta to her new position with FMCS.

John Pinto, Director of Mediation Service

*"Consistency is the last resort of the unimaginative." Oscar Wilde*

### **From Ron Collotta**

"When I had my very first meeting in this business, over 35 years ago, a Teamster business agent told me that this was a business that you could give your heart and soul to all your life, but six months after your gone they will be saying, "Whatever happened to old what's his Name?" That BA's name was Gene Lenoard. He also told me, "Never forget what really matters is family". I have pictures of the family in my calendar and carry them wherever I go and often show them to the parties and pass on Gene's words."

### **More Troubles for AFL-CIO President Sweeney**

AFL-CIO President John Sweeney, who has announced his intention to run again this summer for the position he has held for ten years, is being challenged by

Andrew L. Stern, president of the Service Employees International Union, the Federation's largest affiliate. Promising to remove his 1.7 million members from the Federation if Sweeney is re-elected, Stern said; "We need to make far-reaching changes and have a leader committed to such changes, and that leader is not John Sweeney."

Recently, Mr. Stern joined the leaders of four other major unions - the Teamsters, the Laborers, the food and commercial workers, and the hotel, restaurant and apparel workers union - in endorsing a platform that calls for overhauling the A.F.L.-C.I.O. The platform proposes nearly tripling the amount that the 13-million-member Federation spends on unionization efforts.

Ironically, President Sweeney was long viewed as Mr. Stern's mentor when Sweeney was president of the service employees' union and Stern was its organizing director. When Mr. Sweeney was elected head of the Federation, promising bold changes to resuscitate labor, Mr. Stern vigorously backed him, but now he views Mr. Sweeney as a spent force who has failed to revive labor, as union wages and benefits are under attack, and the percentage of union workers in the private sector has fallen to 8 percent, the lowest level in a century.

### **New Mediator Model Standards Without FMCS**

Beginning two years ago, representatives of ABA's Section on Dispute Resolution joined representatives of AAA and ACR to revise mediator standards developed ten years earlier. All three groups now seek the adoption of the new standards by their parent organization.

The three organizations undertook creating new standards because of the expanded use of mediation in the past ten years, and the recent creation of the Uniform Mediation Act.

The standards are not a basis for liability, but they establish minimum standards of conduct on impartiality, disclosure, confidentiality and conflicts of interests. They also provide additional detailed guidance for mediators on advertising and service quality.

The drafters hope is that these new standards will give greater confidence to people as they consider using mediation.

*It seems odd that the oldest, continuing mediation service did not participate in developing these new standards for mediators.*

### **Wake-Up Wal-Mart**

A new website ([www.wakeupwalmart.com](http://www.wakeupwalmart.com)) created by the Wake-Up Wal-Mart campaign is a grassroots movement of citizens who believe they can change Wal-Mart and build a better America. The group claims to have signed-up 40,000

members and hopes to have 100,000 Americans join their cause by Labor Day. The group has recently been calling attention to the fact that Wal-Mart's failure to provide employee health care coverage is costing tax dollars to care for their employees. Check out the website.

### **FMCS Grant Program: Finished?**

Most retirees will recall that the grants program began in 1981 under the authority of the Labor-Management Cooperation Act of 1978. Most years since then, FMCS has funded a broad range of projects promoting labor-management cooperation. Last year, grant recipients shared approximately \$1.5 million in funds with the maximum grantee award of \$125,000. This program may be ending since the OMP budget request to Congress for FMCS provides no funds.

*Does anyone remember Peter Regner and his 'mistake' video shown to mediators at a seminar in Florida?*

### **This and That**

**Nick Fidandis** (547) provided some old materials for the Friends Archive. Anything over a week old is appreciated. When Nick was asked about attending the retiree gathering in Florida, he declined because it conflicted with his softball schedule. A sixty game season. Way to go **Nick!**

**Howard Solomon** experienced a bad accident. Here is **Ken Moffett's** update: "Jerry: Howard is home recuperating. His neck brace will be off by June 11, but the muscles in his throat are not functioning properly, so he is being fed with a tube like Terry Schiavo had for so many years. I visited him Sunday and he is in good spirits and is doing lots of floor exercises and some walking. He lost 35 Lbs. in 3 Months but has gained 2 back since he came home. The prognosis is good, but the swallowing is going to be key to his complete recovery. **Ken.**"

**Jerry Finley** (484) wrote asking if **Earl Smith's** mediator number (488), he saw in the Caucus, was actually **Earl's** yearly average of joint meetings. Please take that up with **Earl**.

**Bob Klinshaw** (729) wrote saying he and his wife celebrated their 60<sup>th</sup> wedding anniversary in December. Congradulations Bob. And the same to **Frank Fiore** (753) who celebrated his 60<sup>th</sup> also.

**Hal Gold** (605) wrote with this useful idea: He tells people he is 66, but that he was born 76 years ago.

Several Retirees participated in the 26<sup>th</sup> Arbitration Symposium early in May at Atlantic City, including your **Editor, Ken Moffett, Jim Thomas, Lucretia Dewey Tanner, Patrick Hart**. From the FMCS staff were Sharon Rafferty, Scot Becjkenbaugh, John Sweeney, Scott Blake, and Harvey Young.

**Charlie Rehmus** (315) wrote about the intriguing inside story on the why and how of the mediator union being rejected by the FLRA. Since Charlie characterized his information as second-hand hearsay, it won't be repeated here, although it sounded completely believable.

**Kevin Powers** (726), since his retirement, must spend lots of time on the internet. Otherwise there is no accounting for all the great stories and gags he sends. Keep them coming.

**Jan Sunoo** (872), who some more recent retirees knew, was an LA mediator and Regional Director in California, until he joined the ILO in Asia on a temporary assignment. When the Tsunami struck on December 26, Jan and his wife Brenda were vacationing on the Thai Island of Phuken. When the wave hit the beach, they were in their cabin on a steep hill overlooking the beach. Although they were planning to leave that morning, Brenda was resting in an effort to overcome severe back pain which had delayed their departure and kept them indoors. Thankfully, they were both uninjured. They did see up-close the resulting damage and suffering we witnessed only on TV.

#### **From The Editor**

In the Fall issue of the Caucus, the Editor wrote a personal note to those he hadn't heard from in years, asking if they wanted to continue getting the Caucus. A number wrote back saying 'yes' and offering their thanks and checks. Some didn't write, and three wrote 'no'. The checks are greatly appreciated.

Each Caucus issue costs about \$200. for postage and printing. The writing, folding, labeling, stamping and mailing are all donated by the Editor.

Several individuals listed in the last issue as lacking a good address have been located. Thanks to helpful retirees good addresses have been added to the mailing list. **Ron Collotta** is attempting to merge the Caucus list and the retiree gathering list, plus getting help from the National Office. Your continuing help with gathering additional addresses is appreciated.

This is a commercial: I have sold a few copies of my book, A History of Alternative Dispute Resolution (2004), to retirees. And the current staff has bought a few. FMCS has not bought any. The book covers a lot of FMCS and USCS history that you may not know. Copies are available online at Josseybass and Amazon and books stores can order copies from Jossebass. I have copies that I will autograph if you send me \$40.

With the national office, the Editor is planning an FMCS History Day, featuring a visit to the Friends Archive by national office staff in July. This a first. Retirees in the D.C. area will be invited to visit the archive on the day following the national office visit.

*"In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as 'right-to-work.' It provides no 'rights' and no 'works.' Its purpose is to destroy labor unions and the freedom of collective bargaining. ... We demand this fraud be stopped." Dr. Martin Luther King, Jr.*

**The Caucus  
200 N. Maple Ave. #517  
Falls Church, VA 22046**

**FIRST CLASS MAIL**