

CAUCUS

The F.M.C.S. Retiree Newsletter By Friends of FMCS History
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FMCS is 70 Years Old

On August 22, 2017, FMCS celebrated its 70th anniversary. The day was spent showing off the 21st century new national office space, and hearing remarks from four former directors: Ken Moffett, George Cohen, Bernie DeLury, and Peter Hurtgen. Acting Director John Pinto gave a well-crafted and informative speech, which looked back and as well as to the future.

Four two hour-long workshops were offered. I attended the sessions on IBB and Affinity Bargaining. A live online webcast was performed by a panel on Conflict Resolution. Such webcasts are done periodically by FMCS. Check the FMCS website for more information.

Old-timers will remember that every ten year celebrations were a larger affair, typically including the assembling of all mediators with major speeches. We are now in a much more restricted era.

Simon P. 'Sam' Zuiker

Sam Zuiker was 95 when he passed away on August 17, 2017. Sam worked as a Business Agent for the IUOE, Green Bay WI, 1958-1968 and as a Federal Mediator in Minneapolis, 1968-1990. He is remembered for his wit, wisdom, and kind generous heart. He was proud of his Dutch heritage, a voracious reader, and lover of classical music and poetry.

I attended Sam's retirement celebration in Minneapolis and witnessed his hilarious speech in which he ended by saying: "People have been asking me what I am going to do? I don't understand the question? I am retiring."

When Sam was still mediating, I wrote this story that several Minneapolis mediators told me: Regional Director Dick Williams was flying from Chicago on a winter night to meet and evaluate mediators the following day. Sam volunteered to meet Williams at the airport and take him to his hotel. A heavy Minnesota snow-storm began that afternoon. Dick's flight was delayed, Sam waited well into

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the night. When Dick got off the plane, Sam gave him a hardy Minnesota welcome, to which Dick responded: "You shouldn't have come out on a night like this, I could have taken a cab." To which Sam responded: "Dick I get one opportunity to kiss your ass before evaluation day and you're denying me that opportunity."

I wrote a story in an earlier Caucus that Maureen Labenski told me about her first meeting with Sam. I looked through Caucuses back to Spring 2011 but couldn't find the story. So I'll write the version in my head:

Maureen said for her first day on the job she had her hair done just right and wore a new suit. She parked her Mercedes in the parking lot. She later learned Sam saw her car. When they met in office, Sam made a sweeping gesture from her head to the floor and said: "This job is about more than just looking good." Maureen responded with a similar gesture toward Sam, and said: "Obviously!" They subsequently became good friends based on mutual respect and good senses of humor.

On the Road for Oral History Interviews

In early May at the FMCS Annual Arbitration Conference in Atlantic City, I recorded six interviews: Scott Blake, Peter Donatello, John Sweeney, Harvey Young, Vanessa Bulluck, and Barbara Lichtman. Anyone who knows of a gathering of current mediators or retirees please let me know.

At the Annual Labor-Management Conference at Northern Kentucky University in mid May, I interviewed Joe Trejo and Carol Brommer. I must add that Lou Manchise and I started that conference 30 plus years ago when I was on the faculty of NKU, and Lou was still mediating. Lou has continued to plan and organize those conferences ever since. Way to go Lou!

During an August trip to California, where I held an arbitration hearing, I interviewed two FMCS mediators in Oakland. This was the first time I ever interviewed two mediators at the same time. Joel Shaffer and Steve Kessler wanted to do it together, and that worked very well.

From San Francisco, I took the Ferry to Larkspur to visit Jerry Finley, a long time retired mediator who was in the same mediator class as me in 1964. His son Shaun came with his dad because Jerry had a stroke and now has trouble walking. I had my computer with me if an interview was appropriate. But it wasn't, so the three of us just visited over lunch. Jerry was extremely grateful for me visiting. I know he would appreciate hearing from any of his former colleagues. His address is: 5 Ranch Lane -- Larkspur, CA 94939-1526. Please send Jerry a note.

From my home in Falls Church VA. on June 22, 2017, I conducted a telephone interview with Richard Barnes.

The Barnes' interview was the 202nd Interview I've recorded since the first in the early 1980s.

I have now done a number of phone interviews; so if you'd like to do one, give me a call at 703-241-3854 to arrange a time.

Speech on Women Hired by FMCS

I mentioned in the Spring issue that I had been invited to a conference at George Mason University, School of Conflict Analysis and Resolution to talk about women in the workplace. The invitation was triggered by my article: "Notes On: Women Labor-Management Mediators and Their Story at USCS and FMCS" published in the Labor Law Journal, Fall 2016. My presentation went well, but I added a twist that might amuse you. In the last year, I've gotten involved with the community TV Station in Falls Church, VA, and I've learned how to operate a field TV camera. So I took a camera and a tripod to the conference, set it up focused on the podium. The result was a video selfie. I got some positive comments on my presentation, and some amusing comments on my arrogant selfie.

Keeping in Contact with Retirees

For a number of years, I had an arrangement with HR that I used twice a year when I was writing a new issue of the Caucus. It worked like this: I'd contact HR and ask for the names of those who retired in the prior six months, then I'd give HR that number of stamped Caucuses with names on them. HR would place addresses on them and mail them. For reasons of confidentiality, I'd never see the address. It was then up to the retiree to provide contact information to me. I don't get that kind of help from FMCS any more.

I am always looking for retiree contact information so I can provide the Caucus. If you know of any retiree who does not get the Caucus, please send their contact information to me. If you have contact information for George Cohen, Allison Beck, or Arthur Rosenfeld, please let me know.

An Anniversary Gift

My wife Rose and I celebrated our 65th wedding anniversary recently. Rose gave me a great gift. She wrote a check to the Friends for \$2,000. She knows I am a very poor fund-raiser. You have all benefited from that because you found it easy to resist my begging. She also knows I've been expanding the website with Blog posts, interviews and director's speeches, plus some oral history interviews I did long ago at Eastern Airlines, including that of Frank Bormann, the astronaut.

Posts on My Website Blog

In the spring issue of the Caucus, I introduced my Blog and reported the titles of 18 Posts I had written. Here they are again. While it was disappointing that I received no response on my effort, I refuse to be discouraged, and I wrote more. In less than a year, I've written 30 posts.

These 30 Posts are on my Blog:

1. Foreman Guide to LR
2. FMCS Locations of National Office
3. Why are FMCS Mediators call Commissioner
4. Mediator Code of Ethics
5. Humorous items to Promote FMCS
6. Bill Simkin, Longest Serving Director
7. Abner: African American Star
8. Return mediation Function to DOL
9. M. Jacobsen: FMCS and NMB Star
10. Seven Directors
11. 1st Woman Federal Mediator
12. Caucus in Men's Room
13. Senator Taft of T-H
14. Usery, Assistant Secretary of Labor
15. Cy Ching Conference Room
16. Smiling Mediators in 60s
17. Press at PATCO Strike
18. Stamp from Postal Mediation
19. Mediator Book Writers
20. Jim Scarce Deputy & Director
21. Director McCoy Lost his Job
22. Remarkable Major Estes
23. Names/Description of 120 Med Techniques
24. Cy Ching Conference Room
25. Skunk Oil Communications by Major Estes
26. From the Ranks to Presidential Appointment
27. Technical Conciliators at USCS
28. 23 African-American Mediators
29. The Remarkable John R. Steelman
30. David L. Cole: FMCS Director Plus Must More

If you have a topic for a Blog, please let me know.

Other Writing

I reported last Fall that the Labor Law Journal had accepted and printed two of my articles. Since then, they have accepted and printed two more, and a fifth one

is being considered. The LLJ published my first article while I mediated in Milwaukee in the early 60s. I put drafts of all four of these in last summer's extra Caucus.

A Thought on Mediating

Being an introvert, I have always been comfortable not talking.

Recently, I heard someone talking about communication, and he made this point: "Never say anything that is not an improvement over Silence".

I think that must be what I was doing as a mediator without realizing it.

Cy Ching made a similar point when he talked about his pipe as a mediation tool because it allowed him to silently attend to his pipe, thus creating a silent uncomfortable pause when nervous participants often reveal unintended information that is useful to the mediator.

Arbitration Humor

In May 2017, I conducted an arbitration hearing in Washington D.C. involving three employees who had been fired. Late in the afternoon with everyone tired and tense, a union witness was being cross-examined in what turned out to be the last witness of the day. The management lawyer asked a question requiring a yes or no answer.

Hearing the question, the witness leaned forward for a moment so far that I could only see the top of his head, then he straightened up so I could see his face, which looked extremely unhappy. Slowly he moved his gaze upward toward the ceiling, as if seeking a Divine intervention. Finally he lowered his head and his mouth moved but no words came out. Then finally we could hear his "yes."

The lawyer who had asked the question leaned forward, and in a very polite and concerned voice, asked: "Mr. X, did you hurt yourself getting to yes"? Everyone, including the witness, enjoy a huge laugh.

Getting to Yes is a book that focuses on reaching agreement by getting to yes.

Surprising Story During a USCS/FMCS Interview

I interviewed Martin Joseph O'Connell on 7-5-86 in his home in Warrenton, VA. Born in western PA on 3-10-1884, he died in 1988 at age 102. He earned a BS degree in Engineering at Canisius College in western PA, and with his brother, he moved to Warrenton in 1911.

With five thousand dollars from their dad, he purchased a small electric plant in Warrenton. The house where I interviewed him was near the train depot and a large Episcopal Church.

He shared this interesting story about the neighboring Episcopal Church and his electric plant. In the first few years, the electric plant provided electricity only at night for lighting. On full moon nights, no electricity was provided. He joked about that by saying: "Everyone just opened the shades to let the moon shine in." Later a new wealthy member joined the Episcopal Church and purchased an electric organ. On the Saturday before that new organ was to be played at the Sunday service, a delegation from the Church came to O'Connell's home asking that he provide electricity for the Sunday day time service. He explained to them at great length that it was not just a matter of switching on the electricity for an hour or two. He explained that his crew had to come to work early on Sunday morning and start a wood fire in the boiler. When the fire was well underway, they would add coal to provide more heat. Next, when the fire had heated the water enough to make steam, the crew would turn a valve sending steam to the engine. Once the engine was running well enough to produce electricity, the crew would turn the switch to send electricity to the Church organ.

Because Mr. O'Connell was persuaded by their pleading, he agreed to provide the electricity on Sunday morning. Following the Sunday church service and having enjoyed the new organ, the delegation returned to Mr. O'Connell's home to thank him. Their expressions of thanks were so extreme, he reported later: "He thought they might try to canonize him."

When he sold the business in 1924, he had electric plants in several surrounding towns and a large ice making plant.

At that point, he became a mediator the United State Conciliation Service (USCS), and later for FMCS. It was for that reason I went to Warrenton to interview him. But his telling the story of his electric plant was a delightful surprise because I had spent a number of my younger years operating steam boilers, including four years in the Navy.

Dr. Martin Luther King, Jr. on Right to Work

"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."

Bill Usery's Early Mediation Effort

For those readers who haven't read my Blog posts here is one that might cause you read others.

In March 1970, President Nixon appointed Bill Usery Assistant Secretary of Labor for Labor Management Relations.

A week before the start of fall classes in 1972, the Philadelphia teachers union called a strike following failed negotiations. Since the strike was illegal, a local judge placed the top three union officials in jail when they refused to stop the strike. Several days into the strike, Assistant Secretary of Labor Bill Usery was asked to help.

At the time, I headed an office under Bill Usery, which provided information about state and local government labor relations. Usery called me to his office in early afternoon saying that the following morning he was going to Philadelphia to mediate a teacher strike. He asked me to provide him with as much information as I could find that might be helpful. Before he left the office at 6PM, I provided him with three pages of information my staff and I had gathered.

Four days later, Usery called me and asked me to assemble my staff so he could thank all of us. His over the top thanks were followed by his description of what he had done to settle the strike. These are the high lights of what he said:

He called the hotel where the mediation would be held and reserved four staterooms. Next, he called the wives of the three union officials and asked them to come to the hotel where a stateroom was available for each of them. Then he went to the judge who had put the union leaders in jail, and asked the judge to release the three to his custody because he could not mediate with them in jail. The judge agreed. When Usery arrived at the hotel with the three union officials, who had spent five days in jail, he gave each a key to a stateroom and told them to enjoy their evening and come to the mediation conference room at 10:AM ready to settle the dispute.

They came, and with Usery's help, a settlement was reached that afternoon.

The Caucus
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