

FRIENDS OF FMCS HISTORY

by Jerry Barrett

BILL SIMKIN: One of the Best FMCS Directors

Bill Simkin was FMCS Director longer than anyone, having served from March 1961 to Nixon's election in late 1968, a period of nearly eight years. He was the only Director appointed by two presidents: Kennedy and Johnson. He was the first Director without a law degree and the first Democrat.

He came to FMCS as a respected neutral with a national reputation stronger than any Director before or since. His service with the War Labor Board staff introduced him to the arbitrators who would dominate that field for the next 25 years. While a young faculty member at the University of Pennsylvania, he learned to arbitrate from the legendary George Taylor. His arbitration career was capped by his election as President of the National Academy of Arbitrators. He knew all the big names in third party work - and there were big names then. He knew personally all the previous directors, including those with the USCS.

Given his arbitration experience, Bill could write his own material, and he did. The several papers he wrote, on a hot topic of the time, union membership rejections of tentative agreements, for example, was well written and researched, and it was his own work. His book Mediation and the Dynamics of Collective Bargaining, which he wrote after leaving FMCS, remains a classic today.

The 60s were a period of extensive collective bargaining, a part of the hey day of collective bargaining, a period comparable to the years immediately following World War II. In response to that dynamic period, Simkin expanded the paratrooper function in the Office of Mediation. He increased the number of paratroopers assigned to office, and he encouraged an aggressiveness in national office intervention into cases. The advent of industry wide bargaining, coordinated bargaining and the production demands of the Vietnam war -- all increased the demand for such aggressive interventions, often referred to as escalating mediation. One measure of the vigor of 1960s collective bargaining was highlighted by Simkin's 1972 Senate testimony on Taft-Hartley revisions. He pointed out that Taft-Hartley emergency procedures were used 12 times during his 8 year tenure, and only 30 times in the 25 years between 1947 and 1972.

Those who knew Bill best as Director, knew how much he loved to mediate. And while he gladly worked cases with other mediators, Bill refused to enter cases on which the hard work was finished and only a photo opportunity remained -- a practice popular with some Directors. This was one of many of Bill's practices which endeared him to the mediators because they saw it as respectful of them and their work.

A policy change that also endeared Bill to many mediators involved a long standing practice that kept mediators from ever being stationed in the area where they had previously worked as collective bargaining practitioners. He changed the policy by announcing that if a mediator couldn't mediate in his home town, he doubted if he could mediate any place.

Simkin saw Preventive Mediation as a key part of the mediator's job, as more than something to do when the mediator had time. He referred to the 360 degree mediator as one who did both dispute mediation and preventive mediation. For Simkin, PM was more than canned foremen/steward training. He urged mediators to expand their practice beyond crisis bargaining

by introducing early bird negotiations in cases likely to present particularly difficult or complex problems. Simkin also championed post negotiations joint committees to address problems created during difficult negotiations, as well as, continuing joint committees to keep lines of communication open during the contract term. Another favorite PM program of Bill's, given his long arbitration experience, he called grievance procedure rehabilitation.

To emphasize his commitment to PM, Bill appointed long-time Deputy Director Bob Moore to head the PM program, and he appointed a very senior mediator, Gil McCutcheon, as Moore's assistant for PM. Moore remarked when the announcement was made by Simkin at a national seminar: "I don't know if the Director has just up-graded preventive mediation or down graded the Deputy Director, but I choose to believe that it is the former."

Prior to Simkin's tenure, the use of the National Labor-Management Panel, provided in Taft-Hartley, had fallen into disuse. Bill re-energized the Panel, got President Kennedy to appoint high ranking labor and management members, met with the panel regularly, and followed their recommendations. Two Presidential Executive Orders early in Bill's tenure demonstrate an expanded use of mediation. One E.O. opened the door to negotiations for the Federal work force; and a second established a special mediation process at the growing number of defense missile sites.

To this day, I remain grateful to Bill Simkin for his practice of recruiting and hiring young, less experienced mediator interns. Like a number of other mediators, I was hired through that arrangement. Others include for example Ken Evans, Bob Householder, Jack Donlan, Bill Hobgood, George Vogl, Tom Colosi, Ken Moffett.

During his retirement in Arizona, Bill was asked by the Service to mediate a 100 year old land dispute between the Hopi and Navajo Nations, which the Federal Courts had been struggling with for years. Bill devoted three years to settling that difficult dispute.

In reminiscing remarks at the FMCS 30th anniversary celebration, Bill modestly, but very accurately, remarked on the significance of his tenure: "I've always thought of the FMCS history as covering three periods: the period before me, my eight years, and the period after me." Bill Simkin had a major impact on the spirit of FMCS, its stories, myths and traditions. For that we owe him much.