THE CAUCUS

The F.M.C.S. Retiree Newsletter
By Friends of FMCS History Foundation

Volume 22, Issue 1 Spring 2011

Moving the Friends Archive

The Fall 2010 issue of the Caucus discussed the future of the Friends Archive. Here is more discussion:

The financial crisis caused by Director Cohen's decision to terminate the check-off arrangement that the Friends enjoyed for 13 years has made moving the archive to a university absolutely necessary, and urgent. Since Cohen's decision, dollar support from current FMCS staff has virtually dried-up. Less understandable is the fact that support from retirees since the 2010 Fall Caucus has provided only $675. -- just over a month's rent for the archive.

Serious discussions and a draft agreement with George Washington University are moving along, but much remains to be done. GWU must determine what materials they want, and then sort through files and other unsorted materials to organize them systematically. Then a home must be found for materials GWU doesn't want. For example, the AV machinery, duplicate materials and film/videos, and materials that GWU doesn't find important to preserve.

On another front, a representative from the National Archive and Record Administration (NARA), who oversees the FMCS efforts to approptriately retain records for the NARA, visited the Friends Archive on March 9, along with the newly hired FMCS records manager. After examining everything he wanted to, he said that the Friends Archive had three categories of documents that FMCS should have and does not. Those documents are: annual reports, speeches by Directors and other ranking officials and FMCS official newsletter. The NARA representative said that FMCS is fortunate that I retained and preserved these materials. So I await the next move from FMCS.

THE CAUCUS
200 N. Maple Ave. No. 212
Falls Church, VA 22046
e-mail:winjerwin@aol.com
website http://mediationhistory.org

Subscription: $50. Annual support of the Friends
Published twice yearly, Spring and Fall
Editor: Jerry Barrett (489) Friends of History:

FMCS Alumni Annual Reunion

Once again, John Popular and Dick Deem are organizing and preparing to host the FMCS Annual Alumni Reunion in Florida on April 26 to 28, 2011. The event will be located again at the Best Western Yacht Harbor Inn at Dunedin on Florida's west coast, near Tampa. Mark your calendar now and make plans to attend.

This is just a reminder to those who've attended before and enjoyed themselves, but for those who've never attended, please consider this a strong urging to join your former colleagues in a friendly and relaxed setting, offering you a great opportunity to catch-up.

Elsewhere you'll find a discussion of the attacks on public employee collective bargaining. Most retirees would appreciate someone from the National Office offering the FMCS reaction to those developments. If George Cohen makes the trip, the gathering would be pleased to hear about his recent experience with the NFL negotiations.

National Office Organization Chart

There is no organizational chart on the FMCS website, and only a few individual names appear there. If you know someone's name, you can type in it and get the employee's location. I requested an organizational chart from John Arnold, head of Public Affairs. He send me one dated Jan. 20, 2010, which includes 16 boxes with connecting lines, and while the boxes contain titles, the occupant of the boxes is not named. So I will provide the titles in the boxes and explain their relationship with each other, and then the reader can fill in the name of the individual occupant.

To help you get started, I will tell you George Cohen is the director, and here are other names: Allison Beck, Fran Leonard, Mike Colandria, and Marikay Batrus.

The director's box is center top, with three boxes off to the right. They are labeled: General Counsel, Public Affairs and EEO.

Below the director are three big boxes connected to the director, all at the same level. They are labeled from left to right: A) Deputy Director for Field Programs, B) Deputy Director for National and International Programs, and C) Chief Financial Officer. They are all marked SES and under each there are several boxes.

Below box A) are two boxes. The first is labeled Director of Field Operations, which is marked SES. The next is labeled Directors of Mediation Services, followed by the names of ten cities: Woodbridge, NJ, Philadelphia, Pittsburgh, Cleveland, Orlando, FL, Kansas City, MO, Seattle, Los Angeles, Chicago, and Minneapolis.

Below box B) are three boxes. The first is labeled ADR/International/ FMCS Institute. Next is Education & Training. Last is Arbitration & Notice Processing Services.

Below box C) are four boxes. The first is labeled Administrative Services. Next is Budget & Finances, Next is Human Resources, and last is Information Services.

National Office News

If you've been watching or reading the news, you know that Director Cohen has been involved with the National Football League contract negotiations. The TV coverage regularly shows the National Office building's front entrance at 21st and K. St. N.W., with microphones, reporters with tape recorders, and some very large negotiators going in and out.

If you watched the recent Academy Award Show, and you stayed awake until the credits rolled, you would have seen Bruce Cohen listed as producer of the show. Sources report that Bruce is the Director's son. Two famous Cohens!

Contributors Since the Spring 2010 Caucus

Since the Fall 2010 Caucus, these 10 individuals made one or more contributions to the Friends: Robert and Boonie Castrey, Ira Lobel, Clift Suggs, Richard Horn, Gary Eder, Joel Schfffer, Mike Madden, Lou Manchise, and Pat Hart,
Thank you all for your support.

From the Field

John Popular (532) visited the Friends Archive on his way from his Maryland summer home to his winter beach home in Florida. Having worked together in the N.O., John's visit provided a pleasant opportunity for us to reflect on the good old days, and on what might have been if either of us had been Director.

Some History on Fringe Benefits

Prior to World War Two, collective bargaining focused primarily on wages, and very few other benefits were involved. Two veterans of the War Labor Board, Lew Gill and Ted Kheel, tell the story of Board Members seeking a way to provide extra compensation beyond the limitations on wage increases. So as they came up with these additional worker benefits, they needed a name for them. After they attended a Broadway play called Oklahoma, which featured a song about a surrey with the fringe on top, they began calling those extra benefits fringe benefits, because they were on top of wages. That name is still with us, however the number of items included has expanded greatly in sixty-five years.

A History Quiz (something new)

Last Fall's Caucus listed the ten questions below and explained that the answers were on the Friends website (mediationhistory.org) or in earlier issues of the Caucus, which are also on the website. A reward was offered to any reader who emailed me the correct answers. To date, I have received no answers. So the correct answers are provided below.

1. When did the Caucus begin? 2000
2. Who started it? Jim Power (619) and Jerry Barrett (489)
3. How many issues were produced in the first year? Three
4. What year was the first Spring gathering of retirees in the Tampa area? John and Dick will remember.
5. Who started that effort? John Popular (532) and Dick Deem (519)
6. Bill Simkin served the longest as Director. Who served second longest? Kay McMurray (847)
7. How many Directors had a law degree? Ching (001), Cole, Finnegan, Hurtgen, Rosenfeld, Cohen.
8. How many Directors worked for a union before becoming Director? Ken Moffett, Richard Barnes
9. Name the individuals who served as acting Director. Clyde Mills 1953, Ken Moffett 1981, Bob Baker 1989, Brian Flores 1993, Richard Barnes 1998, Scot Beckenbaugh 2005.
10. Name the first Arbitration office head who was not also the General Counsel. Larry Schultz. (411)

In Memoriam

Former FMCS mediator, **Gerald McKay (724),** known as the dean of California labor and employment arbitrators, died of a heart attack while scuba diving in Bali. At age 65, McKay was a certified scuba diving instructor. He earned his J.D. in 1972 from University of Minnesota Law School,

Former FMCS mediator **Charles Deussing (396)** passed away on Jan. 25, 2011, at his retirement facility in Lansdale, PA, at age 92. Charlie began his FMCS career in 1960 and served the Philadelphia environs for 36 years until his retirement in 1996. His son, Keith, reports that "I know FMCS meant a lot to him," and Keith wanted to thank the Service "for being a good friend to his father and supporting our family."

Ted Kheel died November 12, 2010 at age 96 in New York City. While Kheel was never an FMCS mediator, he was certainly one of us, but arguably better than most of us. The New York Times in 1988 referred to Kheel as "perhaps the most influential industrial peacemaker in New York City in the last half century." Newsweek labeled him "the master locksmith of deadlock bargaining." During the golden years of collective bargaining, Kheel mediated virtually every major dispute in NYC, and there were many. I taped an interview with Ted Kheel in 2001 and he gave me an autographed copy of a book he had just written called <u>The Keys to Conflict Resolution</u>.

Here are a few of Kheel's quotes:
"The best place to negotiate is where you can get the best food."
"The only way to get the feel of the problem is to have the parties tell you themselves."
He compared getting an agreement with sculpting. "You chip away everything that doesn't belong in the agreement, and what's left is the agreement."
"The mediator is a friend of enemies. Your goal is agreement. It's a form of enlightenment, really, a religious ethic."

New Hires

Cynthia Jeffries (1132) hired 9/12/10 Albany, NY;
Mark Ellis (1133) hired 12/19/10 Baton Rouge;
Daniel Brahaney (1134) hired 1/3/11
James E. Tuecke (1136) hired 1-30-11, Cedar Rapids, IA
Laura Poppendeck (1135) hired 1/30/11; Philadelipha
Shane Davis (1137) hired 3/13/11

Retirees

Jerry Allen (807) Retired 12/31/10 Oakland, CA.
Gary Lisiecki (934) Retined 12/31/10 Milwaukee,
John Martin (687) Retired 12/31/10 Boston,
Jim Schepker (711) retired 12/31/10. Cedar Rapids.
David Michael retired 1/1/11;
Sherman Bolden (1028) retired 2/28/11, Baton Rouge.
Alan Langohr (928) Retired 2/28/11, Minneapolis

Good luck to each of them, and please come to the reunion.

Public Employee Collective Bargaining: Some History:

As news coverage continues of Republican Governors attempting to kill the only growth sector of collective bargaining, those of us who spent a career promoting collective bargaining look on in disbelief. The only positive news we can take any encouragement from is recent surveys showing how many people oppose eliminating collective bargaining.

Having worked for a city, a state and the federal government, I feel a special affinity for public service workers. But there is another reason as well.

My first job as a Fed involved four years in the Navy just after high school. Then following some education, I spent two years as field examiner with the NLRB in Detroit, then a period as a state mediator in Minnesota, before joining FMCS in 1964. While stationed with FMCS in Milwaukee during the latter part of the 60s, when the civil rights and Vietnam war protests heated up, I wrote two published articles urging protestors to use a collective bargaining approach to resolve their issues rather than marching and occasional violence.

I don't know if my suggestion influenced any protest leaders, but it got attention in the national office. Bill Abner, the Director's special assistant, was leaving to head a new foundation funded entity called the National Center for Dispute Settlement. Based on what I had written, Bill invited me to join him in D.C. He arranged a one-year leave of absence from FMCS. During several years with Bill, I dealt with the overlap of public sector employment and civil rights issues. (Remember Martin Luther King was killed at a Memphis garbage strike.) My work with Bill involved the most challenging and exciting mediation I've ever done. During my last few months with Bill, I was offered a job heading a new office at DOL that would offer assistance to labor and government to fashion processes allowing collective bargaining for public employees. With a staff that eventually grew to 20, we monitored developments in state laws, executive orders and informal arrangements dealing with collective bargaining. We wrote and issued numerous reports on developments in public sector employment, conducted conferences, and testified before state and local government bodies on collective bargaining arrangements, made contacts with major unions organizing in the public sector, and even conducted several representation elections. It was exciting, cutting-edge work that produced significant impact on public employee rights and collective bargaining.

So for me, seeing what is happening in Wisconsin, Ohio, Indiana, Iowa, New Jersey and other states, feels like the dismantling of some good work in which I had participated.

Making it even worse is the fact that it is a phony issue because public employee collective bargaining didn't cause the problem. The people who caused it are on Wall Street, not convicted, not even indicted, making more money than ever, and supporting Republican governors.

While I left FMCS because of a guy named Bill, another Bill helped me return. At DOL, I worked under an Assistant Secretary of Labor named Bill Usery. When Bill was appointed FMCS Director, he asked me to return to FMCS to head a new office of Technical Assistance. I did return, and stayed until being Riffed in 1982, not able to retire.

Washington Post Down on Arbitrators and Collective Bargaining

On March 6, a Washington Post Editorial labeled arbitrators working in Montgomery County Maryland pro union. While our names weren't mentioned, you know some of us: Jerry Ross, Herb Fishgold and myself. The County labor relations statute provides that once an impasse is reached the parties select a neutral to mediate for two days, and if that fails, the neutral becomes an arbitrator, who decides which is the better of their final offers.

Quoting the editorial: "Since 1983, the County and one of its main unions have turned to arbitration 20 times, after negotiations ended in an impasse ---- Including three times in the past few weeks. (two of those involved the two Jerrys) Arbitrators have sided with the unions all but four times, suggesting they, and the process itself, are titled heavily against the county and taxpayers."

The all-knowing editorialists have a solution: "require that both sides publish their opening proposals and that the arbitrator hold a public hearing on the evidence before ruling in favor of either side's last best offer. The idea is that public input would make the council less likely to rubber-stamp irresponsible contracts."

The fact is the County Council can reject the arbitrator's decision.

The editorial concludes: "There's no guarantee these proposals would fix a broken system, but they're worth trying. It makes no sense to stick with a process that has contributed so heavily to bloated budgets."

Like the Wisconsin Governor, the Post has identified unions and collective bargaining as the cause of the budget problems.

More Bad News for Collective Bargaining

A number of State Legislative bodies and Governors are promoting, the misnomer, 'Right to Work' initiatives to further limit union activities. First, they try to eliminate or reduce collective bargaining rights, and now they are promoting the 'right to work' without a union. In some states, they are seeking to pass a 'right to work' statutes, in other states where a statute already exists; they are seeking a constitutional amendment on 'right to work.' The names of some states involved with these regressive moves are not a surprise: Mississippi, Virginia, and Montana. It is disappointing to learn of other states going down this regressive path: Maine, Michigan, Minnesota, West Virginia, Washington, Indiana, Ohio, Pennsylvania and Wisconsin.

Another legislative initiative involves limiting or outlawing the use of dues check-off for public employees. This is happening in 17 states during this legislative session. Unbelievable! There are also legislative attacks on the Building Trades that would eliminate project agreements and prevailing wage laws in 20 states, and the list is expected to grow.

What Happens Without Strong Unions?

A Wall Street Journal writer examined how productivity increases are divided following an economic recovery. In every recovery since 1947, wages have increased, except for the current recovery. In the 18 months since mid 2009, when the recovery began, productivity has increased by 5.2%, and wages have increased by 0.3%. That means only 6% of productivity has gone to more productive workers, while 94% has gone to corporate balance sheets. The Federal Reserve calculates that during the last three quarters corporate balance sheets increased by $2 trillion.

The Caucus
200 N. Maple Ave. #212
Falls Church, VA. 22046

FIRST CLASS MAIL