

THE CAUCUS

The F.M.C.S. Retiree Newsletter

Volume 4, Issue 2

November 2004

The FMCS Unionization:

Did you know that FMCS has its own labor-management committee? Actually, there are two of them, one for the field and one for the national office. They are called Partnership Councils. The field P.C. consists of six field managers, the chief of staff and nine field mediators. Their quarterly meetings rotate to various locations around the country. From an agenda created by the group, both Partnership Councils make consensus recommendations to the Director.

Some retirees will remember two efforts to form a mediator union during the long directorship (1961-1969) of Bill Simkin (413). Neither effort succeeded. (Any reader with a recollection of those efforts can share it with the Editor.)

Curt Counts (595), who followed Simkin, gave strong and effective support to the formation of SPIDR in the early 70s. Some speculation at the time suggested that Counts was using SPIDR to discourage mediator interest in forming a union.

While Wayne Horvitz (797) was director, two organizing drives produced very different results. A successful organizing drive among mediators resulted in a demand for recognition. The agency put the question to the Federal Labor Relations Authority and got the answer they wanted. The FLRA determined that mediators were confidential employees who could not belong to a union.

The national office non-mediator employees successfully formed a union under Mary Durkin's leadership, and went on to negotiate a labor agreement.

The four and a half year Directorship of John Wells (927) added to the mediator unionization story. The Mediator Voice: A Publication of the FMCS Association of Federal Mediators in its May 1998 issue noted Well's departure by recounting his actions which caused 140 mediators to pay dues to the Mediator Association.

Did mediators think union only when a Democrat was in the White House?

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History Notes From FMCS Friends Archive

This document, under glass in a frame, was undated. It is likely from Director John Steelman's era (1937-44).

Commissioner's CREED

*As a Commissioner of Conciliation,
According to my ability and judgment:*

*I work unceasingly to promote harmony and understanding
between management and labor and to prevent industrial strife.*

*I maintain strict impartiality as a representative of the public interest in the
peaceful settlement of labor disputes.*

I espouse the democratic doctrine of free collective bargaining.

I respect scrupulously all confidences entrusted to me.

*I will work as part of a team subordinating personal advantages to the
common goal of industrial peace.*

*I conduct myself in a manner befitting a representative of the United
States Government, and constantly strive to uphold the dignity of the U.S.
Department of Labor and the Conciliation Service.*

U.S. Government Printing Office 721518

From the FMCS Newsletter of March 1967

"CLURT": Mediator Advertising Slogan

*Ever try to puzzle out the meaning of some of those auto license plates
that use letters instead of numerals? There's one set on an auto at Houston,
Texas, that our readers should know about.*

*This car's plates read CLURT. On proper inquiry one finds the initials
represent a quotation from the 18th verse, first chapter, of Isaiah, to wit: "Come
Let Us Reason Together."*

*The car belongs to none other than our intrepid Commissioner E.D. (Bud)
Kincaid. (492)*

Also in the March 1967 issue of the FMCS Newsletter, the words of two songs performed by mediators at the FMCS 20th Anniversary Seminar were printed. Mediator Gene Mlynek

(423) of Milwaukee performed the first song, wearing a business suit and a parachute. Paratroopers were mediators assigned to the national office who assisted field mediators in major, high visibility cases. Gene's

great skill as a story-teller and entertainer had served him well as a mediator. Eighteen years later in 1985, the Editor interviewed Gene, then retired and living in Florida. When asked about his performance in 1967, Gene recited these words from memory without a pause.

An Ode to the Leader

*I want to be a partrooper
I want to be a super duper
Give me a chance to show my mettle
Even if without me the parties 'd
settle.*

*Whether it's a brief clause or a
comma
I'll always add some extra drama
For there's only one spot for me
And that's on page one and TV.*

*When the parties are in dire straits
This is when a trooper mediates
Though I would privately agree
Settlement will be reached minus
me.*

*Never mind position, figure, or fact
Never mind the use of tact
Just let me get a confrontation
Then for sure a conflagration.*

*When I am added to the panel
Other mediators start to scramble
For they know full well
The situation has gone to hell.*

*I bring the real issue to light
That may start another fight
And result in an awful din
That should've never been.*

*But regardless of what your thinking
A trooper from his duties is never
shrinking
For he knows that he must be
The essence of irrational.*

Praise the Lord, Preventive Mediation

*Praise the Lord, Preventive
Mediation,
Praise the Lord, Preventive
Mediation,
Praise the Lord Preventive
Mediation,
And the paperwork galore.*

*Praise the Lord, swing out with
education,
Can't afford to stifle true creation,
Praise the Lord, the next
appropriation
May depend on you.*

*Yes, old Bob Moore said it,
You've got to give him credit,
For a hell of a preventor is he.*

*Praise the Lord we're on a mighty
mission,
All aboard, we'll have the parties
kissin,
And we'll all make grade fourteen*

From the Field

Ken Evans (490) reports having lunch with Eddie O'Brien (367) recently. Eddie is doing well for a guy who just turned 90. Please follow Ken's example and let us know about other retirees.

Earl Smith (488) called wanting to know his mediator number. The number on his credential had faded and he could no longer read his number. Earl, Ken and the Editor were classmates back in 1964.

(Anyone else who wants to know their number, write or call.)

Tom O'Brien (813), back in St. Louis after retiring, is doing a little arbitration work. He is enjoying the easy and comfortable rapport with the local mediators.

Norm Lee (554) and Bob Bennett (662) are enjoying retirement in six -month segments. Winter in Arizona and Florida; Summer in Washington State and Iowa. They're using golf, fishing, cruises and grandkids to avoid boredom.

An arbitration case in Albany, NY. gave the editor a pleasant evening with two, too-young-to-be-retirees, Ira Lobel (700) and John Knight (716) and their wives (Sheila and Mary). Since the arbitration was in the federal building, a visit to the FMCS office proved interesting. The young retirees' replacements are second-career types from Minnesota, a former IBEW rep. and a Cargil labor lawyer.

Ward Wilson (767) survived a rough 2003. Ward's triple bypass surgery was followed by his wife Sarah Kathryn's death from cancer. In 04 he resumed gardening, volunteering with vets, and doing some fishing and camping the WV mountains. Last summer, Jim Mackraz (310) visited Ward while traveling from Grand Rapids, Michigan.

Chuck Rehmus (315) wrote from San Diego about seeing former FMCSers Rolf Valtin (303) and David Vaughn (800) at the NAA meeting in Las Vegas. He also reported that Larry Schultz (411) has serious health problems.

Glen Burgeson (693), after retiring in Seattle, moved back east to Grand Junction, Colorado. Good health allows him to golf, volunteer at a Federal Park, and enjoy grandkids with his wife.

In September, the Editor (489) visited clothing factories in El Salvador and the Dominican Republic to assess labor standards for the USDOL. With all the recent news coverage about sweat-shops producing our clothes, the conditions observed were surprisingly good. While none of us would want to work there, some conditions are very modern. Employees at one factory were observed using their pin number to get paid in cash at an ATM.

Editorial

The Caucus needs help with retiree addresses. If you change your address, have contact with other retirees, send an address to the Editor via mail or email. Here are some needed addresses: Sidney Perceful, Fred Reebels, Jim Thomas, John Wagner, jr., Don Waldron, Tom Washington, Barb and Floyd Wood.

The following individuals have contributed to the Friends since the Spring issue of the Caucus. Thanks so much to each of you for your help: Gerry Arnold, Bob Bennett, Bob Bowling, Glenn Burgeson, Dick Deem, Bob Ditillo, Jerry Finley, Leon Groves, Dave Hannan, Bill Heekin, John Knight, Ed Koenig, Norman Lee, Maureen Labenski, Harold Mays, Tom O'Brien, Lou Sabatino, Jim Searce, Earl Smith, Cliff Suggs, Sally Swerbilov, Ward Wilson, Gayle Wineriter, Sam Zuiker

Thank you is also due current staff who contribute to the Friends via deduction from their travel expense reimbursement. These contributions, from five to twenty dollars, are aggregated by the budget office and sent to the Friends in a single check. Thanks for your continuing support.

FMCS News

FMCS Reports 80% Settlement Rate: As fiscal 2004 ended FMCS reported settlements in 3,768 cases without a workstoppage out of a total of 5,000 cases. In 2004, workstoppages declined from 289 in 2003 to 271. The duration of workstoppages increased to 60.3 days, primarily because of the 141-day Southern California supermarket strike. Health care cost continued to be a major issue in most bargaining, at issue in 55% of the active cases.

Budget Ends Initiative: The FMCS plan to create a neutral roster, called Access to Neutrals Initiative, was terminated for budgetary reasons in August. The plan had been criticized by AAA, ABA and ACR.

FMCS Retirements: Three people joined the ranks of FMCS retirees in the last six months. Welcome to life-after-FMCS:

Paul Stuckenschneider, Portland, Oregon	6-3-04
Patrick Hart, Newark,	10-1-04
Mary Hosford, Milwaukee	10-29-04

Other Personnel Actions: Gary Cantwell, Deputy Director for Field Operation, resigned after eight months on the job, for personal reasons effective 10-31-04. Arthur Pearlstein, General Counsel, was given the additional title of Director of ADR.

Awards Afloat: FMCS held its annual awards day on October 28 aboard the Odyssey Cruise Ship on the Potomac River. Over lunch and some speeches, twenty some awards were given, as well as a dozen length of service pins.

Video Conferencing: In June, FMCS reached an agreement with the NLRB to use the Board's video conferencing equipment at site where the two agencies are co-located. For many retirees, this must be an amazing idea.

L-M Grants: FMCS recently announced the awarding of grants totaling approximately \$1.044 million to support cooperative initiatives by labor-

management groups throughout the country. Because of limited funding, only one out of every six applications was funded.

Director Visits China: This month, FMCS Director Hurtgen is visiting Beijing and Shanghai to meet with Chinese government officials, academics and representatives of both workers and management.

An FMCS news release explained the Director's visit is part of an effort by the "Bush Administration to support core labor standards around the world." And the Director intends to "focus attention on the value and benefits of collective bargaining with free trade unions and to highlight U.S. alternative dispute resolution techniques as practical ways to address worker concerns and prevent labor strife."

In Memoriam

Retired Commissioner Charlie McHugh passed away on Saturday, November 6, 2004. Charlie was assigned to the Allentown, PA field office and served FMCS for over 30 years. Cards of condolence can be sent to Charlie's wife, Betty McHugh --- 1472 Cedarwood Road ---- Allentown, PA 18104

Book Promotion

CEO Praises ADR Book

At the October Annual Conference of ACR, the group's CEO, David Hart, glowingly praised [A History of Alternative Dispute Resolution](#). To an audience of 1200, Hart read several quotes from Barrett's book, told how positively the book influenced him, and urged anyone interested in ADR to get a copy. Hart said the book presents the long history of ADR with facts and true stories that will enlighten ADR practitioners on their chosen field.

Ron Read and Wrote

Mediator Ron Collotta, having bought and read [A History of ADR](#), wrote: "The book is great! I think it is a must read for anyone who is in the dispute resolution field. I plan on passing it on to a friend of mine who teaches conflict resolution at Ottawa University. I am going to recommend that he make it required reading for his students." (Actually, Ron bought four copies.)

A Book Reviewed by Hugh D. Jascourt*

(A version of this Review will appear in an upcoming issue of [ACResolution](#).)

[A History of Alternative Dispute Resolution](#) is a must read for anyone with an interest in ADR. The book offers a comprehensive historical review of the field including the ancient roots of ADR, its sporadic growth from colonial times to its recent surge in the United States, and the evolution of organizations such as the American Arbitration Association, SPIDR and ACR. This book brings to life the

evolution of ADR with an easy-to-read and entertaining style that enhances the reader's comprehension and understanding of historical events and trends.

Barrett's descriptions of historical events reflect the atmosphere and climate in which they occurred, with sufficient details and texture so that the accounts are set forth like "yesterday's news" reported by eyewitnesses and the participants themselves. For example, did you know that Francis Scott Key was engaged in an ADR mission when he wrote the Star Spangled Banner? During the War of 1812, the British took a hostage after burning the White House; Key and another gentleman negotiated the American's release, but then had to stay behind British lines until daybreak. As he witnessed the British naval assault on Fort McHenry, Key wrote his famous poem. The many pages devoted to negotiation, interest-based negotiations, ombuds, organizational development and peer mediation create an awareness of the breadth of ADR and the interconnected roots that tie together the many facets of ADR.

The author creates a connection with the past and an appreciation for the fact that ADR has been and still is a mainstream concept. What emerges in this book is a picture of ADR evolving to meet and accommodate the desires and interests of the parties and the public. Taking this kind of macroscopic view helps us keep the present controversies in the field in perspective and see the big picture of where we've been, and where we might be headed.

*Hugh D. Jascourt is President of the Agency for Dispute Resolution and Synergistic Relations in Greenbelt, Maryland.

Quotes from a Mediation Session: What did he say?

I can reasonably assure you, without a total commitment, that I will do, to the extent possible, what we have agreed upon, consistent with my understanding.

(Editor: Please share some of the clever evasions you remember.)

Mark Your Calendar for Spring 05

John Popular and Dick Deem are arranging another FMCS Alumni Reunion in Clearwater Beach, Florida. Mark April 21-23, 2005 on your calendar. More detailed information will be provided in January 2005. Each year more people attend this enjoyable event. See the Spring 04 Caucus for a description of who came and what they did.

**The Caucus
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