



FMCS

FEDERAL MEDIATION & CONCILIATION SERVICE

Arbitration Services

Arbitration Services: Part of the Full Range of FMCS Offerings for Labor-Management Relationships

Collective bargaining agreements typically provide for arbitration.

Why Arbitration?

The labor policy of the United States promotes and encourages the use of voluntary arbitration to resolve disputes over the interpretation or application of collective bargaining agreements. Voluntary arbitration and fact-finding are important features of constructive labor-management relations and virtually all collective bargaining agreements contain arbitration provisions. FMCS administers a roster of qualified labor arbitrators from which it promptly provides arbitrator panels when parties request. In each case, the Agency appoints the arbitrators selected by the parties from the panel. FMCS also offers education and outreach to actual and prospective arbitration customers.

Who Are FMCS Arbitrators and How Are They Selected?

The FMCS Roster includes approximately 1,000 private arbitrators, experienced in collective bargaining. For listing on the Roster, FMCS determines whether the applicant:

- ◆ Is experienced, competent and acceptable in decision-making roles in the resolution of labor relations disputes; or
- ◆ Has extensive and recent experience in relevant positions in collective bargaining; and
- ◆ Is capable of conducting an orderly hearing, can analyze testimony and exhibits and can prepare clear and concise findings and awards within reasonable time limits.

FMCS generally requires applicants to submit 5 arbitration decisions, but that can be reduced by taking the FMCS Institute training on “Becoming a Labor Arbitrator.” Admission to the Roster is by decision of the Director of FMCS, based on the recommendation of the internal Arbitrator Review Board. Once listed on the FMCS Roster, arbitrators may not have advocacy or one-sided consultant roles related to labor or employment relations.



How Does a Union or Management Secure an Arbitrator?

Parties may request an arbitration panel of up to 15 names online via the FMCS website for a cost of \$30. Alternatively, they may also download FMCS Form R-43 and send the request (preferably by email) to the Office of Arbitration for processing at a cost of \$50. A panel consists of a chosen number of arbitrators who can be selected based on geographical location, professional affiliation, and/or experience within an industry or other criteria. FMCS arbitration staff can also help the parties customize their request in other ways. When panels are requested, both parties are issued biographical sketches of arbitrators that include their fee schedules. Once the parties have made their selection and notified FMCS, the Agency officially appoints the arbitrator.

How Fast Is a Panel Issued?

Panels requested online via the website are emailed to the parties within 10 minutes after completion of the request. If the request is processed other than using online submission, the panel is sent to the parties within five days of receipt the request. Once the parties select the arbitrator from the panel and notify FMCS, the Agency promptly appoints the arbitrator, who is required to contact the parties within 14 days to arrange preliminary matters.

How Soon Can I Get a Decision?

FMCS rules require the arbitrator to issue the award no later than 60 days from the date of the closing of the record as determined by the arbitrator, unless otherwise agreed upon by the parties or specified by the collective bargaining agreement or law. Parties should contact the Office of Arbitration at 202-606-5111 or specific personnel through the contact information provided on the website.

For More Information

To read all FMCS Arbitration Policies and Procedures, visit www.fmcs.gov, where all Agency rules and regulations are published. Please do not hesitate to contact the Office of Arbitration at 202-606-5111 or specific personnel through the contact information provided on the website.

“Arbitration is the generally accepted final step under collective bargaining agreements for resolving contractual disputes. We maintain a roster of 1,000 private arbitrators with extensive experience in collective bargaining.”

FMCS implemented a new, user-friendly platform for arbitrator selection and roster management in 2017, and created an enhanced “version 2” in 2018. Online panel requests are faster, less expensive, and more easily confirmed than requests made via the pdf R-43 form.