

2018 FMCS Annual Report

A Message from FMCS Leadership

Dear Reader,

In the 71 years since the 1947 Taft-Hartley amendments to the National Labor Relations Act established FMCS, we have compiled a record of service and accomplishment in helping to strengthen the conflict management and resolution capacities of numerous federal agencies and in resolving some of the country's most intractable and economically threatening labor disputes. In recent years, FMCS mediators have worked with critical agencies such as the Department of Homeland Security, the Internal Revenue Service, and the Department of Health and Human Services, to name just a few, to train their staffs in the skills to both mediate disputes and manage conflict internally on an ongoing basis. FMCS mediators have also mediated labor negotiations for movie making, ship building, professional sports, manufacturing, education, and symphony orchestras, to name but a few of the industries in which the Agency has provided assistance. Through such experiences with the specialized issues of numerous industries, working in a variety of settings, and managing a diverse range of personalities among individual disputants, we have learned new ways and methods to assist labor and management. We have adapted to a changing economy and we have modernized our Agency's role. We all know that the world today is very different from that of 1947. At the same time, we have remained true to the intent of Congress, both when it created the Agency and when it subsequently expanded our role to include dispute resolution in the federal sector and in the context of numerous statutory enforcement contexts.

Celebrating a Record of Accomplishments

The Agency's decades of history and its record of accomplishment in U.S. labor and employment relations in both the private and public sectors testify to the skill and adaptability of FMCS mediators at U.S. bargaining tables and as effective conflict management practitioners. Time and again, FMCS mediators have shown themselves to be creative innovators in difficult circumstances by compiling a highly effective repertoire of dispute resolution and training techniques to help labor and management make workplaces more productive and more efficient and to minimize disruptive workplace conflict. Over its seven plus decades of experience, and particularly in recent years with the benefit of new dispute resolution science and research, FMCS has supplemented and built upon its core traditional negotiations and relationship development training programs with added innovative technologies and cutting-edge conflict theory. Several delivered core programs included: the Neuroscience of Conflict, Communicating Across Perceptions, Alternative Bargaining Models, the Art of Negotiation, Repairing Broken Relationships, and Conflict Coaching. In recent years, FMCS mediators have pioneered an innovative economic bargaining model – Affinity Economic Bargaining – which accomplishes a once-thought impossible goal of bargaining over distributive proposals in an integrative fashion. This model has enabled

parties, in even the most strained financial circumstances, to reach mutually satisfying outcomes in record time—in some cases less than a day. As a result, parties trained and facilitated in this model have experienced stronger relationships after reaching a mutually acceptable settlement.

FMCS experience has demonstrated the enormous value of training parties in the use of tools and techniques for collaboration and joint problem solving before these skills may be needed in a contract dispute. In the private, public, and federal sectors, FMCS provides a wide range of programs designed to prevent workplace disputes and improve labor-management relationships by helping the parties develop collaborative problem solving approaches for managing conflict. Refined over decades of hands-on dispute resolution experience, the FMCS labor relations model encourages an ongoing, joint problem-solving approach characterized by open communications, respect, trust, and transparency.

Innovation and Change

In its long history, FMCS has achieved more than success in just its original mission in 1947. In 1990 and 1996, Congress recognized the Agency's conflict resolution expertise and expanded its role with passage of the Administrative Dispute Resolution Acts (ADRA) of 1990 (dealing with Negotiated Rulemaking) and 1996 (strengthening the use of ADR in the federal sector). In doing so, Congress tasked the FMCS with providing assistance in conflict management and dispute resolution to other federal agencies through a wide variety of professional services, such as mediating individual workplace disputes, designing and building capacity for effective conflict management systems, and developing tools for interagency and public-private cooperation and collaboration.

The 21st century workplace, in both the private and public sectors, requires not only dispute resolution assistance, but also assistance to help labor and management develop trust over time and collaborate and innovate together based on that trust. FMCS has responded to this challenge with innovation and creativity, leveraging new computer-based and Internet-based technologies to expand the Agency's reach, enhance content and deliver training and education to wider audiences. To strengthen our ability to innovate and deliver high quality services, FMCS is recruiting, rewarding, and retaining mediators and support staff from a wider range of backgrounds than ever before, both in terms of traditional measures of diversity such as women and people of color, but also in the form of a greater diversity of career trajectories beyond collective bargaining. We are bringing in people who may not have traditional labor experience, but who are quick learners able to develop and adapt their skill sets across a wide range of FMCS services. Through the *Share Our Stories* initiative, we are incentivizing our mediators to be as insightful as possible in determining the practical factors for successful practice and share them with their colleagues.

Similarly, in the realm of collective bargaining, FMCS has developed computer-based and Internet-based tools, communications and training to assist labor and management at collective bargaining tables.

Recent History

In the most recent decade, national headlines have recorded that FMCS mediators helped head off the threat of an economically crippling work stoppages that could have closed down the nation's Atlantic and Gulf coast ports during negotiations in 2012 and 2013 and the West Coast ports in 2014-2015. In the same period, FMCS mediators helped bring 45,000 Verizon Communications workers back to their jobs after a two-week strike and then helped the parties reach agreement in 60 days of tough negotiation, averting a second work stoppage that could have disrupted East Coast communications. In 2013, FMCS mediators brought professional hockey back to the ice by assisting the National Hockey League and the Players Association in reaching a new labor contract. In 2015, a team of FMCS mediators assisted in the largest private-sector contract talks ever held in the United States, when health care provider Kaiser Permanente and the Coalition of Kaiser Permanente Unions agreed on a contract covering 105,000 workers. In 2015, Verizon Communications and the Communications Workers of America and the IBEW represented another major labor dispute, where FMCS helped end a six-week strike by some 39,000 Verizon workers in the Northeast. The same year, FMCS played a key role in helping to resolve a month-long southern California supermarket negotiation affecting approximately 50,000 supermarket employees.

Every year, FMCS mediators are called into more than 3,200 bargaining disputes at the joint request of unions and employers who are looking for ways to bridge their divergent interests. It is a testament to the skills, perseverance and creativity of FMCS mediators that in most such cases, FMCS mediators find a way to bring the two sides together. The Agency's settlement rate in collective bargaining disputes has hovered at about 80 percent, year after year, which is a real badge of pride for all employees at FMCS who share the Agency's sense of mission.

Effectively Managing the Challenging Negotiations of 2018

Again in 2018, FMCS saw that even the best labor-management relationships can be challenged when negotiation involves the kinds of multiple and complex issues currently facing most bargaining partners today. Unquestionably, the work of FMCS is as essential to the success of the U.S. economy today as it has ever been—perhaps even more so. During a challenging year, marked by several national labor-management disputes of significant scope and economic impact, FMCS mediators stepped into key roles as peacemakers and as sources of expert knowledge for labor and management.

The following are brief summaries of FMCS work in major cases and activities during 2018:

- **National Grid and United Steelworkers Locals 12003 and 12012-04.** FMCS mediators from the Boston service area were assigned to the negotiations in April and began mediating in June before a 6-month work stoppage ensued. Working through 36 collective bargaining mediation sessions, including the December holidays, FMCS mediators assisted the parties in coming to the table and reaching a 5 1/2 -year agreement covering approximately 1,250 gas workers across eastern Massachusetts.
- **Stop & Shop and UFCW Locals 328, 371, 1445, 1459, and 919.** New England-based grocery store chain Stop & Shop and UFCW Locals 328, 371, 1445, 1459, and 919, representing more than 31,000 employees, reached agreement on April 21, 2019 following a 10-day strike. The work stoppage was highly publicized in local and national media and gained a wide array of attention, including participation by celebrities and political figures. The agreement reached by the parties concerned provisions on a variety of issues including health care and retirement benefits, wage increases, and overtime pay on Sunday for current members.
- **Bath Iron Works in Bath, ME and the Bath Marine Draftsmen's Association.** Timely behind-the-scenes work by an FMCS mediator turned aside considerable momentum for a strike by 760 employees at this key naval shipbuilding facility in Bath, ME. To obtain the agreement of the parties, the FMCS mediator engaged in 36 hours of mediation over three days and helped the parties avoid confrontation over flex-time issues.
- **Advanced Disposal and Operating Engineers Local 324.** The good work of an FMCS mediator, brought the parties to an agreement to end a five-day strike and restore service at a Detroit-area landfill. Thanks to the efforts of the mediator, the parties were able to reach agreement on their first collective bargaining contract after more than a year of negotiations.
- **Centerra and United Professional Pro-Force of Savannah River Local 125.** FMCS mediators won praise for their work from both sides in negotiations that ended a seven-week work-stoppage by 350 security guards at the Savannah River Nuclear Site in Aiken, SC. The Savannah River site processes and stores nuclear materials used in the U.S. nuclear defense industry and one of the nation's most sensitive nuclear facilities. The mediators were able to persuade both sides to return to the bargaining table after initial negotiations had broken down.
- **Entergy and Utility Workers Union of America, Local 1-2.** FMCS mediators persevered in January, 2018 through lengthy negotiations and long nights at the bargaining table to assist the operator of Indian Point nuclear energy plant and 330 plant workers in reaching an agreement that assured uninterrupted nuclear power from the facility for the metropolitan New York area.

- **Arconic Power & Propulsion and UAW Local 1243.** An FMCS mediator who had just become a father gave up a day of paternity leave to see negotiations successfully concluded between the manufacturer of aerospace and automotive components and some 1,320 employees in the bargaining unit. With 2,200 total workers, Arconic is the second largest employer in Muskegon County, Michigan.
- **Utilities of East Syracuse and the International Brotherhood of Electrical Workers (IBEW).** A Syracuse-based FMCS mediator was indirectly responsible for keeping the lights on in upstate New York when he helped the parties reach agreement for the 1,300 workers who trim trees for electrical power companies. The growth of brush and trees interfere with transmission wires and threaten the reliability of the New York state electrical grid.
- **Walt Disney World Resort and the Services Trades Council.** Perseverance and patience paid off for a team of FMCS mediators who were asked to assist the parties in what became a year-long, highly contentious negotiation between a coalition of six local unions, representing 38,000 resort employees, and Walt Disney World Resort in Orlando, FL. Negotiations for the four-year contract began in summer 2017 with the parties reaching agreement in August, 2018. Utilizing “shuttle diplomacy” during the difficult talks and working over holidays, FMCS mediators helped the parties reach a tentative agreement, with a final union ratification vote to approve the contract a week later.
- **Kaiser Permanente Foundation and Alliance and Coalition of Labor Unions:** The Kaiser Permanente Foundation has had a long and collaborative relationship, with its various labor unions throughout California. The multiple labor unions that comprise most of the workforce worked together in “partnership” with the Kaiser Foundation for some twenty years until several of the labor unions recently split into two factions. A portion of the labor side, referred to as the “Alliance,” negotiated a comprehensive labor agreement while the other group formed the “Coalition.” This second group has continued to bargain over various aspects of the collective bargaining agreement, striving to work with management through a collaborative, interest-based Bargaining (IBB) approach. Due to the size of the Coalition membership, their bargaining teams comprise approximately 350 people, who were placed in three rooms to address economics, health care, and other issues affecting some 83,000 members. FMCS has provided a team of facilitators over the course of four months to assist the parties in reaching an amicable agreement or, at a minimum, narrowing the issues and making workable recommendations. While the outcome has not been completed at this time and the current agreement does not expire until the autumn of 2019, the parties have jointly put forward recommendations and continue to engage in informal dialogue at the time of this writing.

As these relatively recent cases show, and as the long experience of FMCS teaches, good-faith collective bargaining unquestionably is the best mechanism for resolving labor-management disputes and for providing the framework for working together to achieve productivity, innovation and competitiveness – the necessary ingredients for success in our global economy.

Strengthening Our Know-How by Partnering with Academic Institutions

FMCS has a long and proud tradition of collaboration with academics, researchers and students at some of our nation's finest institutions of higher learning. There are many reasons for this culture of partnership, all based on the higher purpose of helping our country advance the science, art and practice of dispute resolution for industrial relations conflict, and beyond. The specific goals for our academic partnership program include, among others, (i) to foster and aid research on a variety of topics pertaining to Alternative Dispute Resolution and Industrial Relations, (ii) to develop improved, tangible new approaches to collective bargaining (in all industries and sectors); and (iii) to learn from researchers, sometimes utilizing FMCS's own case data, to learn about important trends in American industrial relations and dispute resolution.

FMCS academic partners include centers for dispute resolution and/or industrial relations at Columbia University, Cornell University, Drew University, George Mason University, George Washington University Law School, Georgetown University, Harvard University, Pepperdine University, Syracuse University, the University of Maryland and the University of Washington. Over the decades, FMCS senior leadership has consistently maintained a forward-thinking, open-minded approach to all requests from potential academic partners and projects. Ongoing partnership initiatives include:

- Annual guest lectures and student coaching at Harvard Kennedy School's Advanced Workshop in Multiparty Negotiation and Conflict Resolution (MLD-280), continuously since 2003!
- Regular guest lecturing and adjunct faculty provision at Drew University, George Washington University, and Harvard Kennedy School
- Regular guest lecturing at University of Washington, Foster School of Business negotiation courses for graduate students
- Discussion and collaboration with Columbia University, Morton Deutsch Center, to further their new conflict management model
- Personnel and data set access and assistance for Cornell University, School of Industrial and Labor Relations researchers who are studying the FMCS mediation model and system
- Data set access and assistance for noted industrial relations academics at Massachusetts Institute of Technology and Brandeis University who are studying trends in American industrial relations
- Guest lecturing for the Harvard Trade Union Program at Harvard Law School

- Creating “developmental mediator” positions as a purpose-built employment opportunity for the most promising students from top-flight graduate programs across the country

For FMCS mediators, helping clients conclude successful negotiations is far from theoretical – it is a necessity. For this reason, FMCS continues to actively seek partnerships with academics on a myriad of topics impacting the dynamics of bargaining and negotiations – *e.g.*, social systems theory, humanistic theory, appreciative inquiry, generational conflict, the influence of neuroscience on bargaining situations, and much more.

Managing to Meet Present and Future Challenges

As an Agency whose primary mission involves direct customer engagement, whether through training, mediation, or other conflict management activity, the ability to deliver effective and efficient services with comprehensive, versatile, and reliable technology has been an essential consideration for FMCS management in recent years. User-friendly and comprehensive technologies have been installed to allow mediators to offer adaptable meetings and training programs or to handle in-person and remote participants for the convenience of Agency customers.

In recent years, FMCS has continued to focus efforts toward updating systems and directives to provide the highest levels of operational efficiency and organizational integrity. By encouraging an organizational culture of continuous improvement, FMCS employees are motivated to explore innovative technologies and cutting-edge strategies for their own professional development and for improved customer engagement. FMCS continues to seek ways to expand its capability to serve, communicate with, promote collaboration between, and train its geographically dispersed customers and workforce, while limiting travel costs.

Aligning Our Performance Management System with Our Goal of Emphasizing Quality Over Quantity

In line with our commitment to provide the very best dispute resolution and conflict management services to the American people, in 2018 FMCS changed the emphasis in its performance management system from quantity to quality. Previously, the number of cases that a mediator performed was the main driver of his or her performance evaluation, which had the effect of encouraging mediators to have as many meetings as possible, in some cases without proper consideration of the quality of the service that was being delivered. In contrast, through a new self-assessment tool, the new performance management system incentivizes mediators to develop their professional skillsets and portfolios of services by tracking the goals that they set for themselves and how far they go in reaching or surpassing those goals. Through a customer experience survey that is expected to go online in FY

2020, the new system incentivizes mediators to be mindful to add the most value possible and serve the clients in the ways that are most useful to them.

In conjunction with other performance management tools that were implemented in 2018 – namely observations of mediators’ performances by their managers, and monthly reports by mediators to their managers of their performance highlights - the new system provides for constant coaching and feedback from managers to mediators to both improve their performances and grow professionally. At the managerial level, FMCS is supporting the above efforts by incentivizing and rewarding middle management to support this cultural change from quantity to quality. We are also calling upon eminent researchers to conduct studies and assessments to inform how the change from quantity to quality is being absorbed by our clients and thereby positively influence future policy and practice at FMCS.

For all of the above reasons and in all of the above ways, the change in emphasis from quantity to quality helps FMCS to deliver on the mission with which the American people, through their Congress, has entrusted it.

Conclusion

In its seventh decade, FMCS is reaching new customers by leveraging the talent and creativity of its work- force with the newest technologies. Agency employees are working harder and innovating more than ever with extraordinary results. Agency employees feel privileged and proud of their central role in ensuring the smooth functioning of the U.S. economy. They are confident that they have the tools, knowledge, abilities, and resources necessary to help companies and their workers create more collaborative, competitive and productive workplaces, and that because of their work, our country’s overall economic well-being is more secure.

As we remain in an uncertain future for American workers and the companies that employ them, it is important to remember that mediation is a proven benefit in resolving labor disputes and averting disruptions to our economy, and that proactive companies, unions and public sector agencies gain competitive advantages and further their missions by proactively employing conflict management systems such as those provided by FMCS. To achieve world leadership, Americans have always overcome adversity, and we will do so again. FMCS is prepared to play its part in aiding labor and management in creating and sustaining a resilient and prosperous economy that will continue to lead the world.

Sincerely,

Richard R. Giacalone,

Director Nominee

FY 2018 Agency Services

Agency Mission

The Federal Mediation and Conciliation Service (FMCS) is an independent agency of the federal government established by Congress in 1947 with the original intention to help employers and unions avoid costly work stoppages and minimize their potentially devastating effects on regional or national commerce. FMCS, headquartered in Washington, D.C., has mediators located across the country, and is best known for its history of providing innovative services to labor-management relationships that promote joint problem-solving and for successfully resolving major collective bargaining disputes. In 1996, Congress recognized this long and successful record and called upon the FMCS to help other federal, state and local agencies minimize costly litigation by resolving disputes arising under their jurisdictions. Thus, while its core activity remains the prevention or resolution of labor-management disputes, FMCS also provides its sister agencies with a wide variety of alternative dispute resolution services.

A. Conflict Resolution and ADR Services for Government

FMCS provides professional services to a wide range of federal, state, and government agencies on a cost-reimbursable basis. The Administrative Dispute Resolution Acts (ADRAs) of 1990 and 1996, authorize FMCS to assist federal agencies in resolving disputes, train persons in skills and procedures employed in alternative means of dispute resolution, design conflict management systems, build capacity for constructive conflict management, and strengthen inter-agency and public-private cooperation. Through this work, FMCS seeks to reduce litigation costs and to promote better government decision-making. Services offered by FMCS include:

- **Workplace and Employment Disputes.** FMCS mediates workplace and employment disputes for Federal and state agencies. The majority of these disputes concern claims of employment discrimination (EEO), other types of personnel issues and workplace conflicts. FMCS accepts individual and multi-party conflicts for mediation.
- **Disputes Involving Administrative Programs.** FMCS also mediates disputes between agencies and their “regulated public,” such as whistleblower complaints or disputes involving contracts, grants, licenses, enforcement, and administrative programs.
- **Training Persons in the Skills and Procedures Employed in Alternative Means of Dispute Resolution.** FMCS also provides training in conflict resolution to aid in the effective use of alternative dispute resolution throughout the Federal Government. To that end, FMCS offers both live and web-based training on a variety of topics relating to conflict dynamics.
- **Consultation, Evaluation, and Systems Design.** FMCS provides professional conflict resolution specialists to help agencies design conflict prevention and resolution systems to build capacity for constructive conflict

management systems. Systems design may include an initial consultation, an assessment, program design and development, training delivery, and program management follow-up.

- **Facilitation During Decision-Making.** Particularly in times of limited budgets, FMCS facilitation services can help agencies achieve cost-savings when decision-making is delegated to a committee, task force, or other type of group. FMCS facilitation services, including consultation, convening, training, and the actual facilitation, help groups accomplish their tasks within specified time frames. Notably, these services can be provided both onsite and virtually, another valuable time and cost saving feature of FMCS facilitation services.
- **Negotiated Rulemaking.** Negotiated rulemaking is a process in which a government agency invites persons and groups potentially impacted by a proposed rule to participate in its drafting. Interested parties who might otherwise oppose or challenge the rule are given the chance to participate in its formulation, thus reducing post-issuance challenges. The Negotiated Rulemaking Act of 1990 authorizes FMCS to convene and facilitate this process.
- **Agency Cooperation & Collaboration.** FMCS can facilitate intra-agency or multiple agency groups tasked with developing a strategic plan or identified objective involving complex matters. Interest-based problem-solving and collaboration skills are essential to achieving successful outcomes.
- **Public Policy Dialogues.** Similarly, FMCS is called upon to facilitate public policy discussions involving Federal agencies and public-private stakeholders such as those conducted under the Federal Advisory Committee Act (FACA). These multi-party stakeholder discussions can benefit from the assistance of a skilled and neutral facilitator experienced in synthesizing discussion points and interests, as well as establishing and overseeing meeting structures and processes. Training and coaching are also available for participants.

FMCS provided conflict management and ADR services nearly 1,100 times in FY 2018. These services built upon the specific Congressional mandate embodied in the Administrative Dispute Resolution Act of 1996 (5 U.S.C. § 571, *et seq.*) and assist other Federal government agencies in resolving conflict in a variety of ways, *i.e.*:

- Facilitated dialogue among affected stakeholders prior to the finalization of regulations issued by Federal agencies. For decades, this process has reduced litigation challenging such regulations and thereby avoids the direct and indirect costs of such litigation to both Federal agencies as well as the non-federal stakeholders. Clients included the U.S. Department of Energy, the U.S. Department of Transportation, and the U.S. Department of Education.
- Reached agreements with sister federal agencies to improve the efficient dispute resolution of other Federal agencies. Recent agreements include a project to reduce a backlog of 1,000 complaints by the general public

against the Social Security Administration and to reduce a 13,000 case backlog at the EEOC's Administrative Judge stage of litigation. These agreements are in addition to longstanding mediation services provided to various agencies within the Department of Homeland Security (*e.g.*, ICE, CBP, USCIS), the U.S. Postal Service, the National Institutes of Health, and the Department of Health & Human Services Office of Civil Rights, among many others.

- Worked with several of the 28 Federal Executive Boards (FEBs) to provide mediation trainings to Shared Neutrals to boost the capacity of Federal agencies to provide dispute resolution services without having to reimburse one another. FMCS mediators delivered the initial trainings and will co-mediate and mentor the Shared Neutrals until they gain enough experience to serve as lead mediators and subsequently mentor others. FMCS is currently working or has recently worked with the FEBs to provide trainings to shared neutrals in Denver, Boston, Chicago, Minneapolis, New Orleans, New York, Newark, Pittsburgh, and St. Louis, and is holding discussions with other FEBs to develop future training programs.
- Trained mediators outside of the Shared Neutrals program at a variety of Federal agencies. Recent clients include the Department of Health & Human Services, Internal Revenue Service, Office of Personnel Management's Senior Executive Service Training program, among others.

B. Collective Bargaining Mediation

Through collective bargaining mediation, FMCS helps avert or minimize the cost of work stoppages to the U.S. economy. As part of its core work, FMCS mediates collective bargaining negotiations for initial contract negotiations—which take place between an employer and a newly certified or recognized union representing its employees—and for negotiations for successor collective bargaining agreements. FMCS provides mediation services to the private sector, and also to the public sector, including Federal agencies, and state and local governments.

During mediation, the mediator's task is to help the parties identify alternative solutions and compromises, encourage settlement where appropriate, control the critical timing of offers, and persuade the parties to honestly discuss their differences. In FY 2018, FMCS mediators were actively involved in nearly 3,200 collective bargaining contract negotiations in every major industry throughout the United States.

C. Grievance Mediation

Grievance mediation involves the use of a neutral party to mediate disputes that may arise over the terms and conditions of a collective bargaining agreement. FMCS mediators provide this service to the private and public sectors with the goal of preventing unresolved contract interpretation issues from becoming contentious issues in future contract negotiations. Lengthening contract terms increase the importance of resolving

contentious issues arising during the term of a contract. In FY 2018, FMCS mediated 1,641 grievance mediation cases and helped the parties reach agreement in 1,152 of these (70 percent).

D. Relationship-Development and Training

Preventing conflict that may arise during the term of a collective bargaining agreement is another important goal of FMCS. The Agency's relationship-building training programs are designed to improve labor-management relationships by helping labor and management to develop collaborative problem-solving approaches. Use of these programs better enables the parties to jointly respond to rapidly changing business and economic conditions during the term of the contract and also make future mediation efforts more effective.

In FY 2018, FMCS mediators conducted more than 1,800 training programs with collective bargaining partners.

Alternative Bargaining Training, such as Interest Based Bargaining and Affinity Bargaining, teaches techniques and the potential benefits of a non-adversarial, joint problem-solving approach to negotiation. FMCS regularly develops, based on the needs of the parties, alternative bargaining models to enhance problem-solving and mitigate adversarial relationships. Core training programs consist of:

- **Labor-Management Work-Site Committee Training.** Helps labor-management committees extend to the work-site level, forming work-site committees, group interactions, and learning techniques to manage change.
- **Interest Based Problem Solving Training.** Gives the parties a structured methodology to agree on a common definition of a problem, share their respective underlying interests with respect to the problem and then jointly brainstorm solutions that can be justified and supported publicly using agreed upon criteria.
- **Relationship by Objectives.** Improves the parties' relationship with one another, particularly where the relationship has worsened after a contentious representation election, initial contract negotiation, or strike.
- **Committee Effectiveness Training.** Assists the parties in developing joint labor-management committees designed to bring the parties into regular communication.
- **Partners in Change.** Explores the organization's current culture, identifies perceptions within the organization, creates a vision for the future, and designs systems that effectuate change.
- **Contract Administration/Steward-Supervisor Training.** Trains front-line supervisors and shop stewards on their roles and responsibilities in contract administration, grievance processing, the arbitration procedure, and interpersonal communications for building cooperative relationships.

- **Collective Bargaining and Mediation Training.** Trains the parties on effective negotiation and communication skills. International Training and Exchange.

E. International Technical Assistance Programs

Beyond the nation's borders, FMCS plays an important role in promoting conflict resolution around the world. FMCS delivers its international training programs using cost-reimbursable funds, largely through interagency acquisition agreements with other government agencies, such as the Department of Labor, and foreign governments and international organizations.

The FMCS international work is a small but integral, part of its services. FMCS helps establish the labor dispute resolution institutions that are essential to the smooth functioning of free market economies. These programs are also a knowledge-sharing experience: FMCS mediators gain familiarity with complex issues affecting the global economy and, as a result, are more effective in resolving domestic labor-management disputes with international implications. In FY 2018, FMCS completed training and consultation programs in Honduras, Thailand, and Jordan. During all these programs, FMCS mediators provided instruction for government labor inspectors, labor representatives, employer representatives, government officials and other labor dispute stakeholders. They also provided consultative support for governments in these countries to assist in their efforts to develop effective dispute resolution systems and organizations.

In addition to programs delivered abroad, every year FMCS mediators host several foreign delegations visiting the United States and educate them in U.S. labor-management relations and conflict resolution practices. In 2018, FMCS met with international delegations from the International Visitors Program sponsored by the U.S. Department of State.

F. Arbitration Services

National labor policy favors arbitration over litigation for settling contractual disputes. The FMCS Office of Arbitration Services maintains a roster of approximately 1,000 independent arbitrators who are qualified to hear and decide disputes over the interpretation or application of collective bargaining agreements. Upon request from the parties, FMCS furnishes a list of names from which they may choose an arbitrator to hear their case and render a decision. FMCS administers its established policies and procedures on arbitration, which also incorporate the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes, to which FMCS is a signatory.

During FY 2018, the Office of Arbitration Services processed nearly 12,000 requests and oversaw the appointment of more than 4,100 arbitrators nationwide.

G. FMCS Institute for Conflict Management

The FMCS Institute for Conflict Management (Institute) delivers accessible, innovative, and experience-based conflict resolution training for individuals and small groups of employees and managers. The training is specifically designed to meet the challenges of labor-management relations and organizational change. The Institute's training programs provide participants the opportunity to interact with and learn from experienced practitioners who use these skills every day. Federal mediators and private-sector arbitrators comprise the Institute faculty. The Institute runs as a reimbursable program and is funded by fees received from training participants.

H. Labor-Management Committee Grants

The 1978 Labor-Management Cooperation Act authorizes and directs FMCS to encourage and support joint labor-management committees "established for the purpose of improving labor-management relationships, job security, and organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs, including improving communication with respect to subjects of mutual interest and concern." Congress funds this initiative in FMCS annual appropriations, and grants are competed and awarded to encourage labor-management committees to develop innovative joint approaches to workplace problems. In FY 2018, FMCS awarded nearly \$400,000 in grants.

PROGRAM SERVICES	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual
1. COLLECTIVE BARGAINING MEDIATION.....					
Assigned Cases ⁱ	12,054	11,636	11,734	11,280	10,537
Mediated Cases ⁱⁱ	4,009	3,719	3,540	3,230	3,166
Closed Cases	12,032	11,644	11,605	11,261	10,636
Closed Mediated Cases	3,299	3,081	2,941	2,616	2,602
Settled and Closed Mediated Cases	2,852	2,605	2,516	2,278	2,242
Percentage of mediated cases settled	86.5%	84.6%	85.5%	87.1%	86.2%
Activity rate in significant cases ^{iv}	40.6%	42.6%	38.7%	36.4%	39.2%
2. GRIEVANCE MEDIATION					
Assigned Cases	1,762	1,729	1,713	1,719	1,707
Mediated Cases	1,704	1,676	1,670	1,650	1,641
Settled GM Cases	1,308	1,221	1,264	1,224	1,152
Percentage of cases settled w/	76.8%	72.9%	75.7%	74.2%	70.2%
3. RELATIONSHIP- DEVELOPMENT AND TRAINING					
Number of training programs provided	1,884	1,923	1,941	1,956	1,815
4. ADR Services					
Mediated Cases	910	1,193	1,076	1,200	1,081
Settled ADR Cases	410	536	479	594	523
Percent of ADR cases settled w/ FMCS ^{vi}	45.1%	44.9%	44.5%	49.5%	48.4%
5. OUTREACH					
Outreach cases ^{vii}	2,710	2,722	3,049	2,837	3,045
6. ARBITRATION SERVICES					
Number of panels issued	13,179	12,744	12,250	11,836	11,968
Number of arbitrators appointed	5,836	5,415	5,296	5,247	4,116

PROGRAM SERVICES	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual
7. GRANTS					
Number of grants funded	0	8	3	11	4
8. FMCS INSTITUTE					
Number of courses provided	8	8	9	9	10
Number of participants	114	151	142	189	190

	2014	2015	2016	2017	2018
Work stoppages carried from preceding FY	16	14	12	15	11
Work stoppages beginning within FY	106	110	100	97	111
Work stoppages closed within FY	108	112	97	101	111
Work stoppages open at end of FY	14	12	15	11	11
Average duration of work stoppages in closed cases (number of days)	75.7	64.9	40.1	51.0	24.4

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- ⁱ Section 8(d) of the National Labor Relations Act, as amended, 29 U.S.C. §158(d) requires that any employer or labor organization provide notice to the FMCS 30 days prior to contract expiration. Not all cases providing notices are assigned. Actual 2018 FMCS case intake was more than 18,400.
- ⁱⁱ Mediated cases represent the number of cases in the FY where mediators have become active in the negotiations.
- ⁱⁱⁱ Defined as the number of mediated cases settled divided by the total number of mediated cases.
- ^{iv} Significant cases are generally defined as situations where the bargaining unit exceeds 1,000.
- ^v Defined as the number of grievance mediation cases settled and closed within the fiscal year divided by the number of closed GM assignments.
- ^{vi} Defined as the number of ADR cases settled divided by the number of mediated cases closed.
- ^{vii} FMCS requires all mediators to engage in outreach efforts. These kinds of activities include non-bargaining meetings with labor and management representatives, attendance at conferences, meetings with local and state officials to offer FMCS services, and presentations designed to increase public knowledge.