



FMCS

FEDERAL MEDIATION & CONCILIATION SERVICE

Overview of FMCS

The Federal Mediation and Conciliation Service, created in 1947, is an independent agency whose mission is to promote labor-management relationships, cooperation, and to assist parties in conflict. Headquartered in Washington, DC, with two regional offices, eight district offices and more than 40 home offices, the agency provides mediation and conflict resolution services to industry, government agencies and communities. Although headquartered in Washington, DC, the public functions of FMCS are delivered through a network of regional and district offices in order to be close to its customers.

Agency Departments and District Offices

Office of the Director. The FMCS Director, appointed by the President with the advice and consent of the Senate, has the responsibility for establishing and directing policy and for the overall administration and strategic direction of the Service. The Director serves as agency liaison with the White House, members of the President's Cabinet and the Congress, and also provides direction for and participation in mediating major disputes.

Division of Agency Initiatives. The Division of Agency Initiatives coordinates the resources and efforts of the following service areas: Education and Training, Conflict Management and Prevention and Strategy and Development. The Division ensures that these three service areas offer expert assistance to both our external clients as well as our mediators and districts. To achieve the highest service level, the Division of Agency Initiatives helps all three offices collaborate on many projects for optimal delivery and to utilize all Agency Initiatives staff as efficiently as possible. The Division also works with Agency leadership to identify and explore opportunities to expand and grow the FMCS profile as the nation's premier (public agency) provider of conflict resolution services, both in the industrial relations arena and beyond.

Education and Training. The Office of Education and Training oversees the development and implementation of training and education programs for employees, and supports training and education for the labor- management community.

Office of Conflict Management and Prevention. The Administrative Dispute Resolution (ADR) Act of 1996 calls upon the Federal Mediation and Conciliation Service (FMCS), an independent U.S. government agency, to help other federal, state, and local agencies resolve disputes arising under their jurisdictions. To this end, FMCS provides sister agencies with a wide variety of professional services such as mediating disputes, designing and building capacity for effective conflict management systems, and developing tools for interagency/public-private cooperation and collaboration. In delivering these services, FMCS draws on more than 65 years of experience in conflict management and alternative dispute resolution, including negotiations, mediation, convening, facilitation, training, and systems design.

Office of Strategy and Development. The Office of Strategy & Development bridges the gap between national office support services and the needs of mediators by using technology to improve service delivery and providing training, outreach, and special projects. The director is responsible for identifying and promoting information resources and communications tools that allow the Service to fulfill its mission as efficiently and effectively as possible.

International Affairs. Internationally, the FMCS, at the request of the U.S. Departments of State, Labor, and others, strives to build local capacity for effective industrial relations systems, including labor administration, inspection, collective bargaining, mediation, and dispute resolution. Additionally, the FMCS has also been asked to brief or train judges, mediators, and arbitrators on dispute resolution techniques, and has provided assistance in establishing mediation agencies. FMCS international program development, project management, and service delivery are provided by professional staff with significant international experience. In addition, the Agency draws on the expertise of a field staff of 165 full-time mediators to deliver the Agency's international services. For more than two decades, FMCS has delivered training services in more than 50 nations and addressed a wide variety of instructional and development needs. Traveling abroad or at FMCS headquarters in Washington, D.C., FMCS mediators have briefed or trained business, labor, and government delegations from many countries. The FMCS itself has become the pattern for a number of newly established mediation agencies around the world.

Arbitration, Notice Processing Services and Share Neutrals. Federal labor policy promotes the use of voluntary arbitration and collective bargaining to resolve labor-management disputes between employers and represented employees. Two important features of constructive labor-management relations are voluntary arbitration and fact-finding in disputes and disagreements over establishment or modification of contract terms. As an ingredient of collective bargaining agreements, the arbitration system is an important tool in labor/management cooperation. Today, all collective bargaining agreements, in essence, contain grievance and arbitration provisions.

The Arbitration Office provides to requesting parties' panels of arbitrators experienced in dealing with labor matters. The FMCS Office of Arbitration Services' (OAS) major responsibilities include: maintaining a roster of arbitrators qualified to hear and decide labor questions in labor management disputes, providing the parties involved in collective bargaining agreements with a list of experienced panels of arbitrators, and appointing arbitrators following their selection by the involved parties.

The Arbitration Office is also responsible for managing Shared Neutrals (SN). SN is an interagency mediation program in the National Capital Region including the Washington, DC area and Baltimore. Upon request, SN assists participating federal agencies through a pool of trained, collateral-duty federal employees who provide mediation services to other than their own in exchange for like services to the program from the recipient agency.

The Notice Processing Unit has the responsibility for entry of all notices and certifications received from filing parties, the NLRB and the FLRA. We maintain original documents for a period of seven fiscal years. Filed documents can be retrieved from our Archives. Notice Processing also receives, processes and dispenses more than 25,000 notices of contract expirations required by law to the eight districts and eight Executive Managers.

Budget and Finance. The Office of Budget and Finance is responsible for budget formulation and execution, and for the FMCS financial control system. FMCS' Office of Budget and Finance has three principal responsibilities: budget formulation, its execution process, and funds control. The department handles FMCS billings, vendor payments and employee travel reimbursements.

Equal Employment Opportunity. FMCS is committed to providing equal opportunity for all persons and to eliminating discrimination in employment because of race, color, religion, sex, age, national origin, disability, or sexual orientation. FMCS is an Equal Opportunity Employer. The Office of Equal Employment Opportunity is primarily responsible for enforcing laws and regulations that prohibit discrimination based on race, gender, religion, age, color, national origin, disability, sexual orientation, genetic information, and reprisal.

General Counsel. The Office of the General Counsel advises the Director and his management team on legal issues, compliance and interagency negotiations, and responds to Freedom of Information Act requests.

Human Resources. The Office of Human Resources provides job applicants, employees, and agency managers with services and programs that support the Service's mission and ensures compliance with applicable laws and regulations. The director oversees hiring qualified employees, classifying position, implementing and monitoring performance appraisal systems, and coordinating employee relations programs.

Information Technology. The Office of Information Technology develops and implements the Service's technology plan; maintains computer application and system; and provides technology support to all aspects of the Agency's operations. The director provides strategic advice and direction with respect to technology issues and trends and ensures continuity of agency information services operations under a variety of likely scenarios.

Procurement and Operational Support. The Office of Procurement and Operational Support procures and manages goods and services necessary for orderly and efficient agency operations. This includes: leasing and managing office space, managing agency records and forms, ordering office supplies, computer and printing equipment, and inventory management. The office also administers the Labor-Management Cooperative Grants Program, and mail and distribution services.

Public Affairs. The Office of Public Affairs provides internal and external information about the activities of the Services and acts as the public information voice for the Agency in significant dispute cases, handling questions and information requests from the news media and issuing official statements from the Director. The Office of Public Affairs also coordinates the Agency's communication with business and union customers, with members of Congress, and provides public information and communication skills training for field mediators.

District Offices. The FMCS network includes nearly 50 home offices.

Western Region

South Central District

St. Louis, Missouri
1034 S. Brentwood Blvd. Suite 450
St. Louis, MO 63117
(314) 205-2008

North West District

Seattle, Washington
2001 Sixth Avenue, Suite 2500
Seattle, WA 98121
(206) 553-5800

South West District

Los Angeles, California
550 North Bend Blvd., Suite 1150
Glendale, CA 91203
(818) 507-9002

North Central District

Minneapolis, Minnesota
1300 Godward Street, Suite 3950
Minneapolis, MN 55413
(612) 331-6672

Eastern Region

Headquarters

Washington, District of Columbia
250 E Street, SW, 7th Floor
Washington, D.C. 20427
(202) 606-8100

North East District

Woodbridge, New Jersey
517 US Highway 1 South
Iselin, NJ 08830
(732) 726-3120

Mid Atlantic District

Philadelphia, Pennsylvania
1601 Market Street, Suite 910
Philadelphia, PA 19103
(215) 717-7500

Great Lakes District

Cleveland, Ohio
6161 Oak Tree Blvd., Suite 100
Independence, OH 44131
(216) 520-4800

South East District

Nashville, Tennessee
617 Potomac Place, Suite 405
Smyrna, TN 37167
(615) 220-2249

No Fear Act Reporting

The No FEAR Act, Public Law 107-174, requires federal agencies to be publicly accountable for violations of Antidiscrimination and Whistleblower Protection laws. Federal agencies must post both quarterly and annual statistical data for federal sector EEO complaints on its public website, reimburse the Treasury Judgment Fund (Judgment Fund) for any payments made, and notify employees and applicants for employment about their rights under Antidiscrimination and Whistleblower Protection laws. The No FEAR Act and its implementing regulations also require federal agencies to report annually on the following:

- The number of Federal Court cases arising under the respective areas of law cited in the No FEAR Act where discrimination was alleged, the status or disposition of cases, and the amount required to be reimbursed to the Judgment Fund;
- The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to under the Act, and specific nature of the disciplinary action taken, separated by provisions of law;
- The final year-end data on discrimination complaints for the fiscal year;
- A detailed description of agency policy relating to appropriate disciplinary actions;
- An analysis of trends, causation, and practical knowledge gained through experience;
- Actions planned or taken to improve complaint or civil rights programs; and
- Any adjustments to the budget.

Pursuant to congressional and statutory requirements, this report is being provided to the following:

- Speaker of the U.S. House of Representatives
- President Pro Tempore of the U.S. Senate
- Committee on Governmental Affairs, U.S. Senate
- Committee on Government Reform, U.S. House of Representatives
- Each Committee of Congress with jurisdiction relating to the agency
- Chair, Equal Employment Opportunity Commission
- Attorney General
- Director, U.S. Office of Personnel Management

Executive Summary

The NO FEAR ACT aims to reduce the incidents of workplace discrimination within the federal government by holding agencies and departments accountable for their actions. Section 203 of the NO FEAR ACT and the Office of Personnel Management (OPM) regulations implementing Title II of the NO FEAR ACT require each federal agency to prepare and submit an annual report. This report covers data for FY 2019.

Data and Results. This report is prepared in accordance with Section 203 (a)(1) of the NO FEAR ACT which requires federal agencies to include in their annual report to Congress the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section (a) in which discrimination on the part of such agency was alleged.

Complaint Activity and Disposition. During FY19, FMCS reported three (3) complaints of discrimination. Two (2) cases were filed as a result appointment/hire. The bases were race, age, sex, disability and reprisal. One (1) case was filed as a result of promotion/non-selection. The bases were race, age, sex and religion.

Judgement Fund Reimbursements and Budget Adjustments. OPM published regulations clarifying agency reimbursement provisions of Title II of the NO FEAR Act. OPM's rules require agencies to reimburse the Judgement Fund for payments made in connection with proceedings involving Federal antidiscrimination and whistleblower protection laws.

During FY 19, FMCS did not have any cases that required reimbursement to the Judgment Fund for Federal Court cases with claims involving antidiscrimination and whistleblower protection laws.

Disciplinary Actions. Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual Report to Congress the number of employees disciplined for violations of law covered by the No Fear Act. Further, the No FEAR Act requires that with respect to each such law, the Federal agency report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

During FY19, the FMCS was not required to take any disciplinary action against any employee because of discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1). Further, FMCS has not taken disciplinary action against any employee because of any violation of Anti-discrimination or Whistleblower protection laws included in the NO FEAR Act.

Trend Analysis for EEO Complaint Data. Since 2015, there have been eight (8) EEO cases filed. The majority of these cases represent alleged discrimination based on race and age for issues raised regarding appointment/hire. Other cases have represented alleged discrimination based on race, age, sex, religion and disability for issues raised regarding promotions or reassignments.

Complaint Activity. During the FY19, there was two (2) EEO complaints filed as result of non-selection for appointment/hire. The basis of each of these cases included: race, age, sex, disability and reprisal. There was one (1) EEO complaint filed as a result of promotion / non-selection. The basis for this case included: race, age, sex, religion and reprisal. FMCS averages between one (1) to three (3) EEO complaints per fiscal year. During the five-year reporting period (FY15 through FY18), there have been two cases filed which included the basis of reprisal for having filed an EEO complaint; however, the majority of the cases filed during the five-year reporting period raised issues regarding appointment/hire.

Complaints by Bases and Issues. There were eight (8) cases filed during the five-year reporting period. In FY15, no complaints were filed. However, in FY16, two (2) complaints were filed. One (1) complaint was filed as a result of promotion/non-selection on the basis of age and one (1) complaint was filed as the result of non-selection for appointment/hire on the basis of age. In FY17, two (2) complaints were files - one (1) complaint was filed as a result of termination and one (1) complaint was filed as a result of denial of reassignment on the bases of race (black), national origin and age. In FY18, one (1) complaint was filed as a result of non-selection for appointment/hire on the bases of race (white), age and sex. In FY19, three (3) complaints were filed. Two (2) complaints were filed as the result of non-selection for appointment/hire which included the following basis: age, sex, race, disability and reprisal. One (1) complaint (1) was filed as the result of non-selection for promotion on the basis of age, race, sex, religion and reprisal.

Processing Time. Between FY15 and FY18, the case processing time was within the 180-day requirement for investigations. In FY19, the FMCS case processing time was slightly above the 180-day requirement for investigations due to multiple filings for like or related discrimination claims to the original complaint for one (1) case. In one (1) case, the counseling period was extended an additional 30 days at the request of the complainant.

Final Actions Finding Discrimination. During this reporting period, the FMCS had no final actions finding discrimination.

Pending Complaints. During this reporting period, the FMCS has one (1) pending case or appeal to the EEOC.

Complaint Investigation. During this this reporting period, the FMCS sent one (1) case to investigation.

NO FEAR Act Training. In compliance with the recurring training and documentation requirement of 5 C.F.R. § 724.203(b) and (d), FMCS has provided annual NO FEAR Act training along with the annual EEO training for employees and management. The NO FEAR Act training is provided annually via FMCS Employee Learning Management System (LMS) and provided to new employees via LMS within the first 30 days of employment.

Practical Knowledge Gained Through Experience

At FMCS, the EEO Director has partnered with senior management to settle workplace conflict while it is in its pre-complaint stage by engaging in facilitated dialogue. We encourage employees to communicate with each other and to attempt to resolve the dispute at the lowest level. The EEO Director, also, actively promotes the use of ADR to provide, both the complainant and the agency, the opportunity to resolve disputes in a fast and efficient manner. As a result, in FY19, three (3) potential cases were avoided, prior to the complainant initiating an informal complaint.

In addition to early conflict intervention methods utilized in the EEO process, the EEO Director collaborated with the Human Resources to launch the FMCS Learning, Education, and Development (L.E.A.D) program which offers mandatory and other supplemental learning opportunities to all employees to raise awareness and provide tools to resolve workplace issues. These trainings include: Basic Mediation, Harassment in the Workplace, EEO Basics, Prohibited Personnel Practices, Civility Workshop Training, Difficult Conversations, Stress Management, Supervisory Employee Relations 101: Managing Conduct & Performance and No Fear Act. The EEO Director is committed to offering these trainings on an annual basis, in addition to, conducting webinars for employees in the field.

The Agency, also, recognizes the critical importance of diversity and inclusion to the ultimate success of the Agency. As such, the Director is committed to hiring from the most diverse, qualified applicant pool. Based upon our previous recruitment experience, there were many individuals who have relevant specialized experience and/or education, but who do not possess the experience or skills necessary to qualify for consideration for our mission critical GS-13 mediator position. To that end, the Director established the FMCS Developmental Mediator Program which has expanded the recruitment pool of qualified applicants for the mission critical position exponentially which is reflected in our Agency's diverse workforce.

Conclusion

The FMCS has done an excellent job in creating a workplace free from discrimination. As the government's premier mediation agency, we strive to provide employees with information regarding Equal Employment Opportunity and the NO FEAR Act through lunch and learn workshops, webinars, open lines of communication and transparency in hiring and promotional opportunities. We will continue to make FMCS one of the best places to work in government and any employee is welcome to either call or stop by the EEO office to discuss any aspect of the working environment that gives them pause, or may be construed as discrimination.