FMCS | FEDERAL MEDIATION & CONCILIATION SERVICE

Role & Function of the FMCS

FY 2021
(Updated Jan, 2022)

Statutory Mission...

1. Created in 1947 as an Independent agency under Taft-Hartley Act.

2. Neither a regulatory nor an enforcement agency, but a neutral party designed to assist labor and management.

3. Make available full and adequate government facilities for conciliation, mediation and voluntary arbitration to aid and encourage [the parties] to settle differences through collective bargaining.

Statutory Mission...

4 Helps parties resolve collective bargaining disputes which threaten the free flow of commerce.

5 Make its services available to Federal agencies to aid in the resolution of disputes through assistance, training, and the provision of neutrals.

FMCS Mission...

1. Promote sound and stable labor-management relations;
2. Prevent or minimize work stoppages;
3. Advocate collective bargaining, mediation, arbitration;

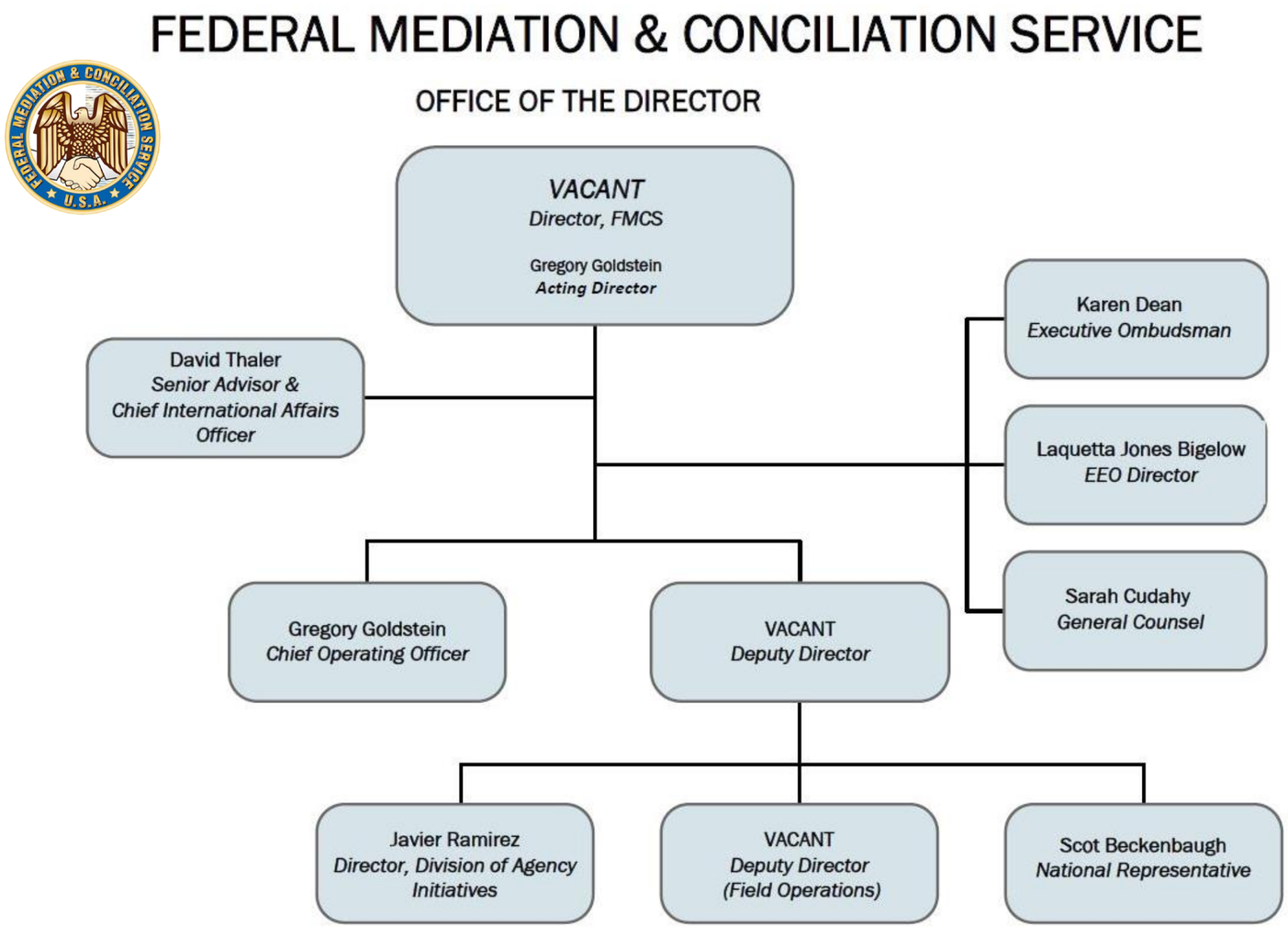
FMCS Mission...

4. Advocate the art, science and practice of ADR;

5. Provide conflict resolution services;

6. Foster improved labor-management relationships.

FMCS Office of the Director



*As of Jan, 2022

Office of the Director

Gregory Goldstein

Acting Director/Chief Operating Officer*

*As of Jan, 2022

- Joined FMCS in 2018; Mr. Goldstein's 25+ year career in public service, business, and military life has included positions in the U.S. Marine Corps and Amy National Guard, and most recently as a member of the Senior Executive Service, serving as Executive Officer and Director of Operations, Management and Technology Office within the Substance Abuse Mental Health Services Administration (SAMHSA).
- Responsible for overseeing FMCS's critical operations initiatives. Mr. Goldstein's considerable leadership and management expertise help to ensure proper development, execution, and coordination of the Agency's management and administrative functions.

Office of the Director

Scot Beckenbaugh

National Representative

- Serves as the Agency's "master mediator" of high-profile collective bargaining disputes and is responsible for developing and coordinating increased engagement with FMCS customers for future relationship development and mediation opportunities in key industries and occupations.
- He has extensive experience in public sector dispute mediation, as well as in regulatory negotiations, public policy, land use, and civil rights disputes. A long-time member of the Association of Labor Relations Agencies, Mr. Beckenbaugh also serves on the ALRA Executive Board.

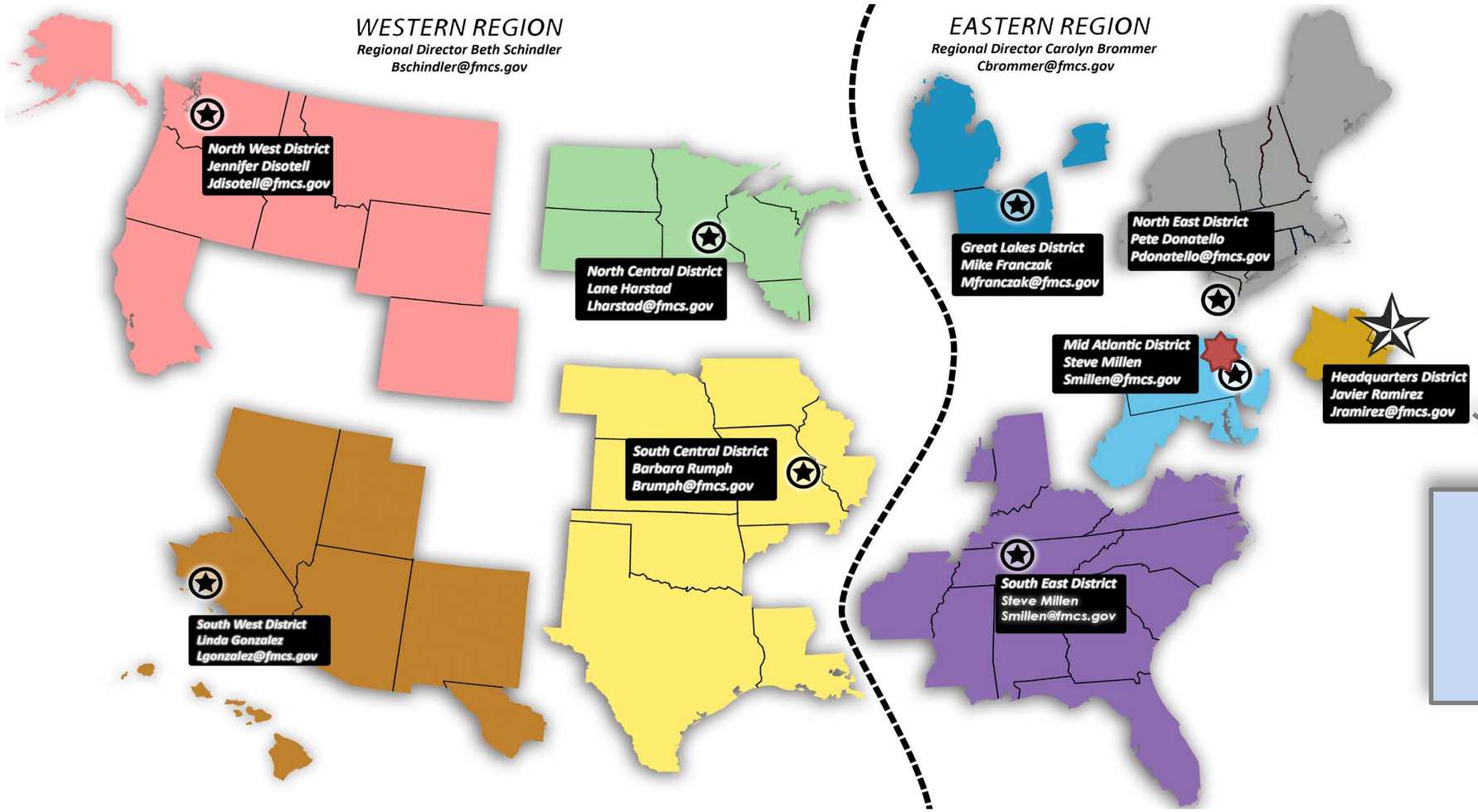
Office of the Director

David Thaler

Senior Advisor, Office of the Director

- Has trained labor and management partners in many industries in core relationship and communications skills to help them better administer their collective bargaining agreements.
- Internationally, Commissioner Thaler has trained officials from several U.S. and foreign government agencies in mediation and conflict management.

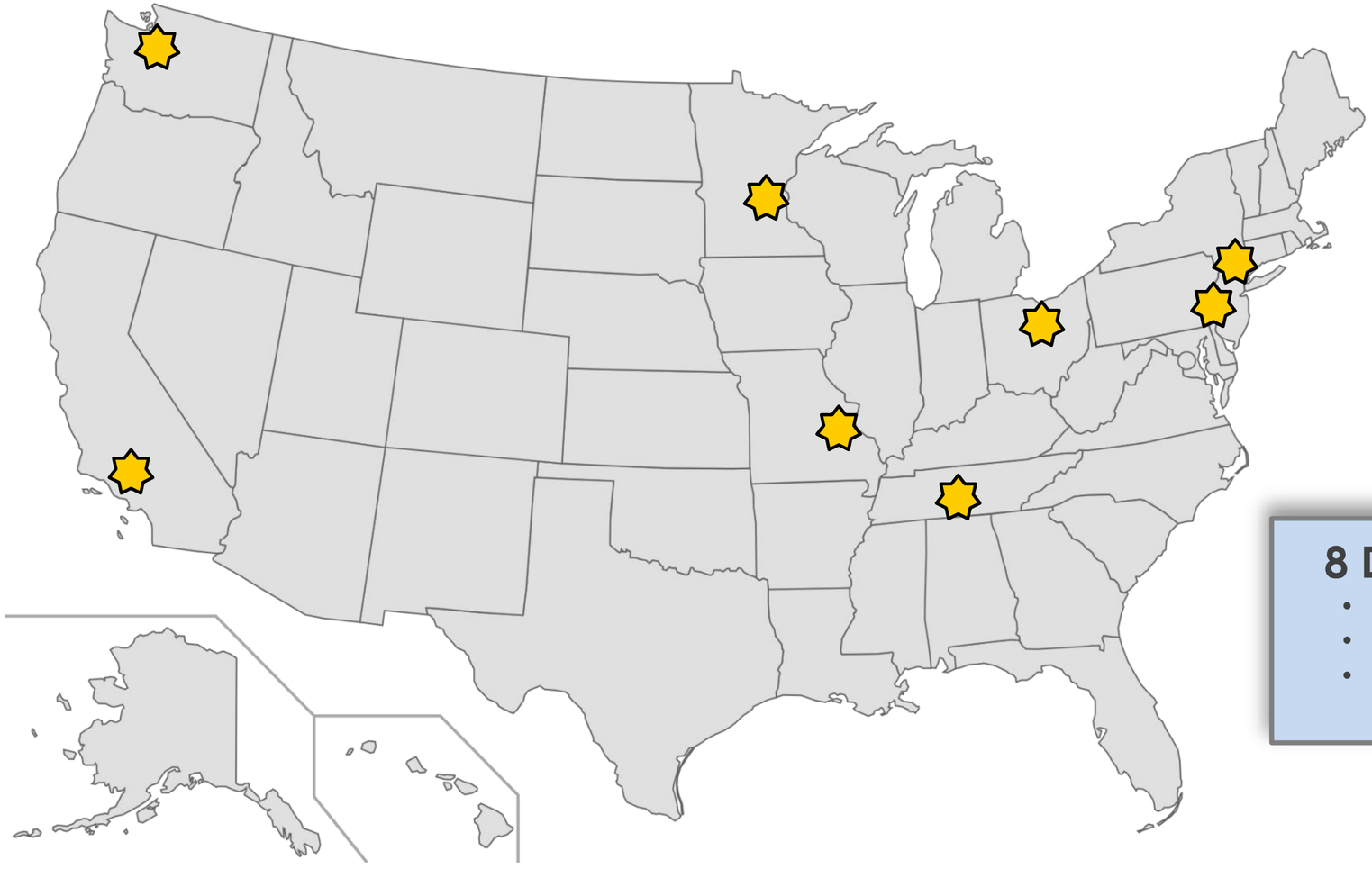
FMCS Structure



Headquartered in Washington, DC
- 63 HQ personnel*
- 203 FTEs nationally*

*As of Jan, 2022

FMCS Structure



8 District Offices*

- 67 Field/Local Offices*
- 140 field mediators*
- 9 district administrative staff*

*As of Jan, 2022

FMCS:
How Can We Help You?

How Can Mediation Benefit You?

Mediation, the use of a third-party neutral, can help you "bridge the gap."

Mediation:
An Effective Tool for Conflict Resolution

- Parties retain control of resolution
- Voluntary (in most cases)
- Informal vs. formal process
- Time efficient
- Cost effective

A Federal Mediator Can:

Help Parties

- Clarify issues
- Define problems
- Generate options
- Explore alternatives

A Federal Mediator Can:

Help Parties

- Keep talks moving forward
- Make suggestions
- Establish realistic expectations

FMCS Services

FMCS Services

COLLECTIVE BARGAINING MEDIATION

- *Private, Public, and Federal Sectors*

RELATIONSHIP DEVELOPMENT AND TRAINING

- *Customized training for labor and management*

GRIEVANCE MEDIATION

FMCS Services

ARBITRATION SERVICES

- *Maintains a nationwide roster of highly qualified arbitrators and promotes the advancement of fair and effective labor arbitration*

EDUCATION, ADVOCACY, and OUTREACH

- *Of Collective Bargaining and Dispute Resolution Processes and Services*

FMCS Services

EMPLOYMENT MEDIATION and NON-COLLECTIVE BARGAINING ADR SERVICES

- *As an alternative to litigation of non-labor employment disputes, public policy and regulatory disputes*
- *Includes consultation, convening, design, training, and neutral services*

FMCS Services

CONFLICT MANAGEMENT AND PREVENTION SERVICES FOR GOVERNMENT

- *Outside the collective bargaining arena, FMCS provides employment mediation services to the Federal sector and to state and local governments.*

- *Our services help reduce litigation costs and promote better government decision-making.*

FMCS Services

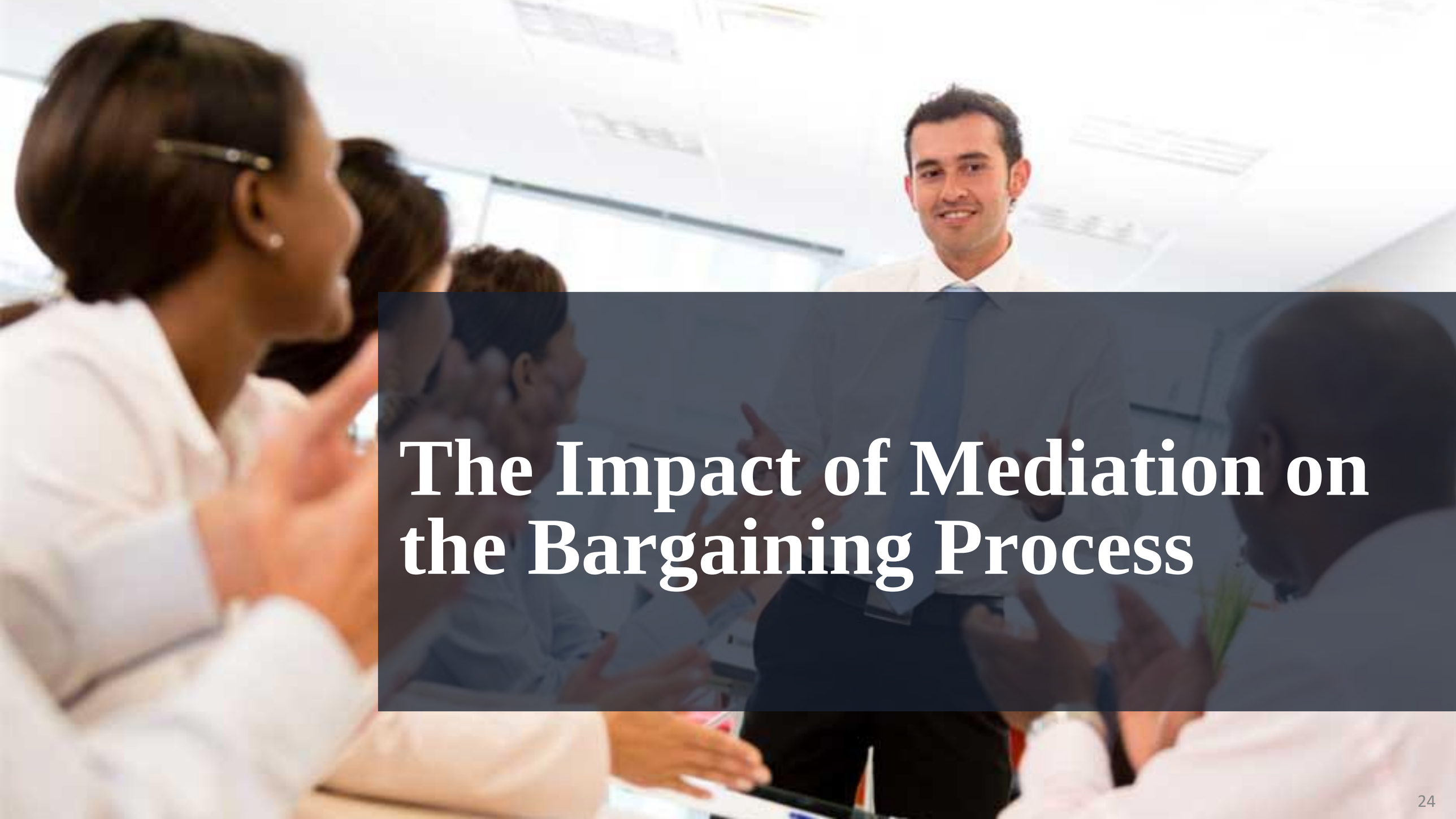
SHARED NEUTRALS PROGRAM

- *Interagency mediation program administered by FMCS in the national capital area*
- *Provides collateral duty, non-FMCS neutrals to participating Federal agencies for mediation of non-complex cases*

FMCS Services

FMCS INSTITUTE

- *Unique Training*
- *The FMCS Institute for Conflict Management delivers conflict resolution training that's accessible, practical, experience-based and directed towards individuals and small groups of employees and managers.*



The Impact of Mediation on the Bargaining Process

FMCS By the Numbers
A National Look – FY 2021*

- Mediated **2,788** Collective Bargaining negotiations
- Mediated **1,967** high-impact Grievance Mediations
- Mediated **1,169** ADR cases

*FMCS Closed Case Data

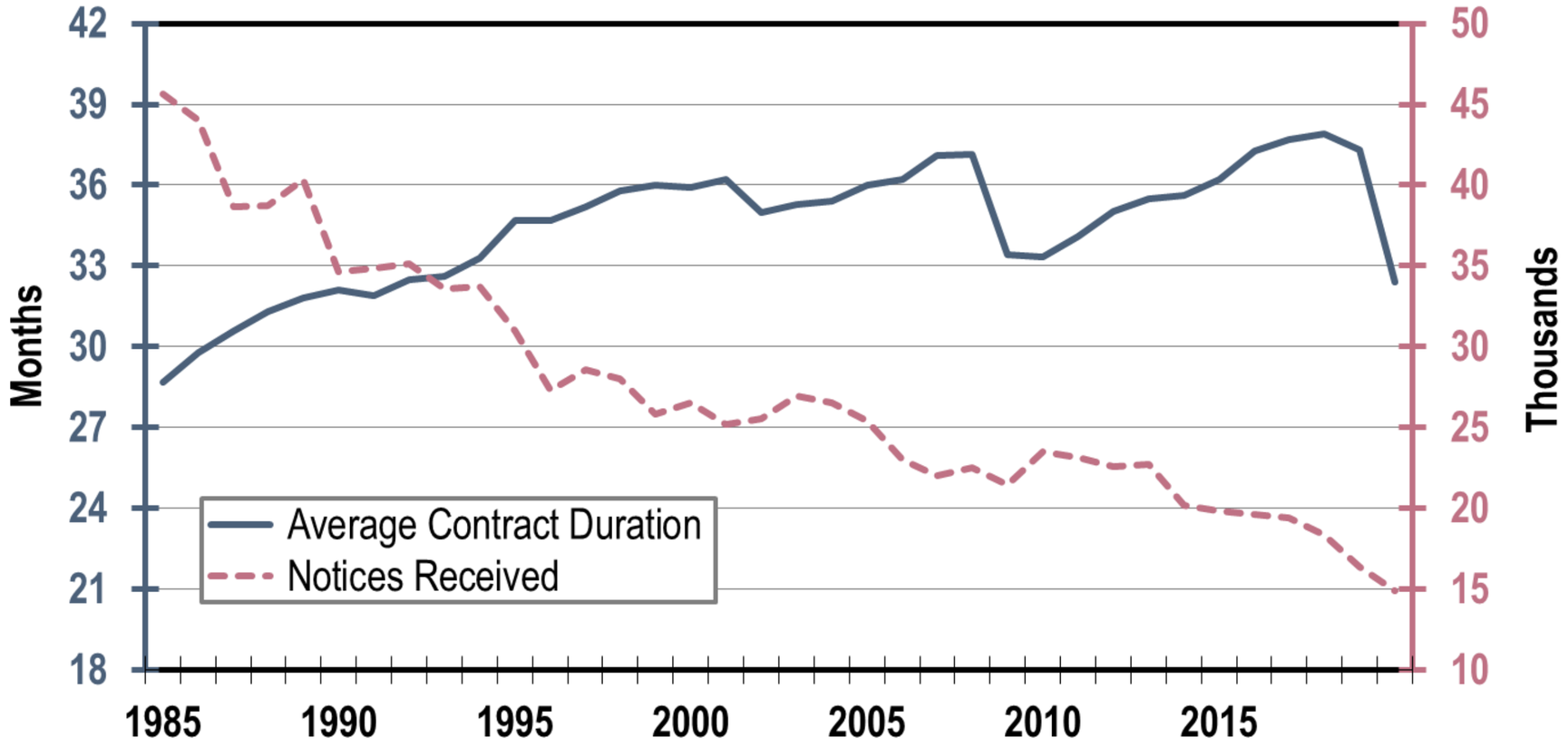
FMCS By the Numbers
A National Look – FY 2021*

- Conducted **1,284** single or multi-day Training and Intervention Programs
- Provided **10,544** Arbitration Panels
- Appointed **4,417** Arbitrators

*FMCS Closed Case Data

Collective Bargaining Trends

Bargaining Notices Received and Contract Durations, 1985-2020



Source: FMCS Case Data

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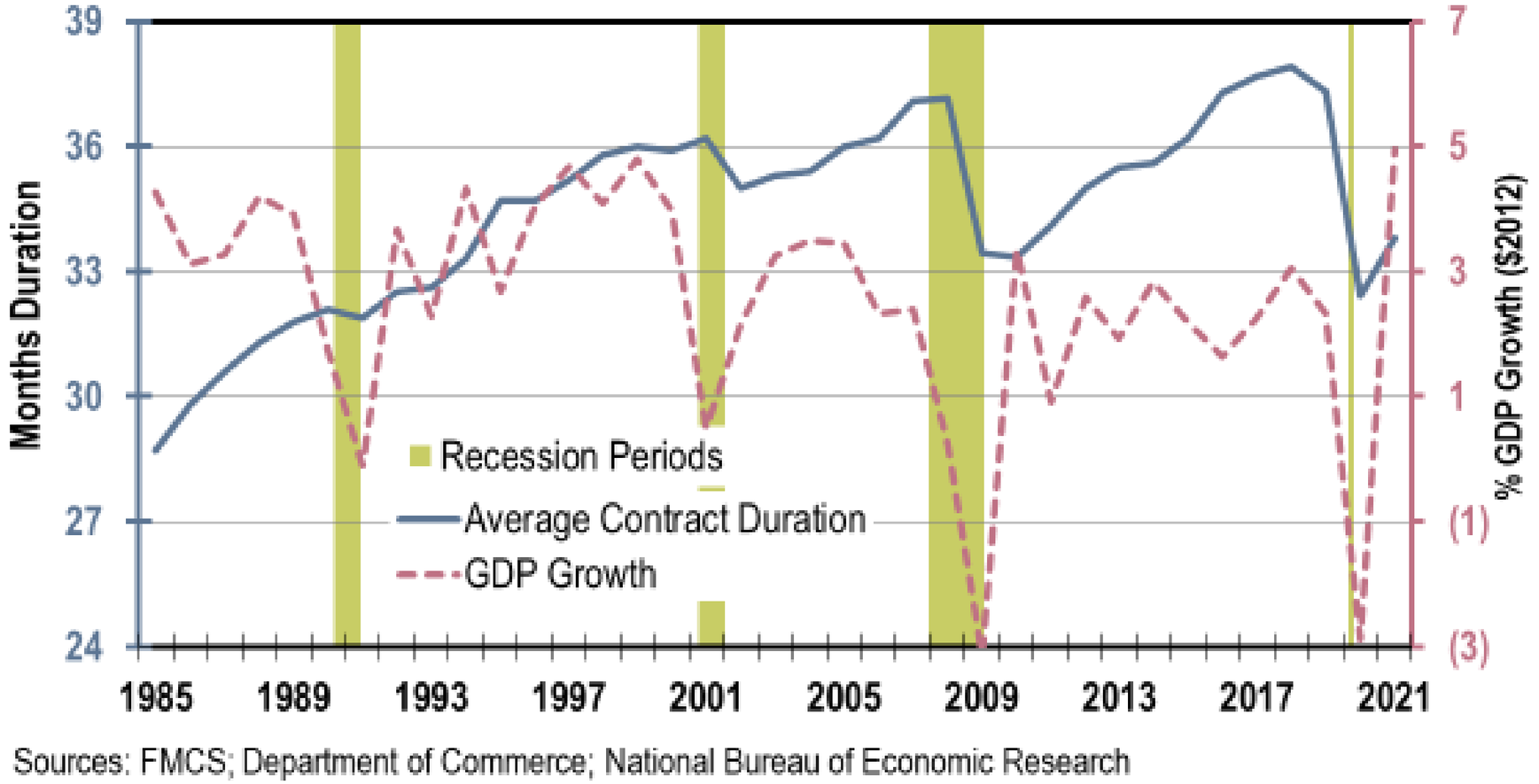
Effect of Business Cycles

New Contract Durations v GDP Growth, FY 1985–2020



Sources: FMCS; Department of Commerce; National Bureau of Economic Research

FMCS Services

ARBITRATION

- *Through its Office of Arbitration, FMCS administers a roster of approximately 1,000 highly qualified and experienced arbitrators.*
- *Arbitrators are selected for the roster based on standards of excellence in a process overseen by the Arbitration Review Board and subject to approval of the Agency Director.*

FMCS Services

ARBITRATION SERVICES

- In FY 2021, FMCS provided more than **10,544** arbitration panels to requesting parties, with **4,417** appointments from the FMCS roster by the requesting parties to hear their dispute.

Cooperative Relationships

Keys to Cooperative Relationships of Any Kind

1. **COMMUNICATION**
   (Develop joint problem-solving teams)
2. **COMMUNICATION**
   (Don’t let problems fester)
3. **COMMUNICATION**
   (Be honest about issues)
4. **COMMUNICATION**
   (Know when to get help)

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www.fmcs.gov

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THANK YOU.

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