

Address by

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I READ WITH A GREAT DEAL OF INTEREST
ALMA'S CODE OF PROFESSIONAL CONDUCT
FOR LABOR MEDIATORS.

I WANT YOU TO KNOW THAT I AGREE
FULLY WITH THE STANDARDS IT SETS IN
THE RELATIONSHIP OF MEDIATORS TOWARD
THE PARTIES, TOWARD OUR AGENCIES,
TOWARD THE MEDIATING PROCESS AND
MOST IMPORTANTLY, TOWARD ONE ANOTHER.

(MORE)

I NOTICED IN THE FOREWORD THAT THE IDEA FOR THAT SET OF CANONS GERMINATED HERE IN HOLLYWOOD SOME 14 YEARS AGO.

THE CODE HAS UNDOUBTEDLY HELPED TO BRING A GREATER DEGREE OF COOPERATION AND UNITY AMONG MEDIATORS AND THE AGENCIES WE SERVE.

I FEEL THAT AS DIRECTOR OF THE FMCS, I HAVE A RESPONSIBILITY TO FURTHER THE SPIRIT OF COOPERATION -- THE PARTNERSHIP, IF YOU WILL -- BETWEEN FMCS AND THE STATE AND LOCAL MEDIATION AGENCIES.

I ACCEPT THIS RESPONSIBILITY BECAUSE I KNOW THAT WE WILL SOLVE MORE PROBLEMS FOR MORE PEOPLE BY WORKING TOGETHER.

(MORE)

DEVELOPMENTS SINCE THE ADOPTION OF THE CODE OF PROFESSIONAL CONDUCT BY ALMA AND THE FMCS HAVE ACCELERATED THE ROLE OF MEDIATION TO THE POINT WHERE THERE IS PLENTY OF WORK FOR EVERYBODY.

JUST SINCE 1970, TWO ACTIONS AT THE FEDERAL LEVEL HAVE PROVIDED THE FMCS WITH SUBSTANTIALLY MORE WORK. THE FIRST WAS THE ISSUANCE OF EXECUTIVE ORDER 11491 WHICH DIRECTED OUR ORGANIZATION TO PROFFER ITS SERVICES IN DISPUTES BETWEEN FEDERAL AGENCIES AND UNIONS REPRESENTING THEIR EMPLOYEES.

(MORE)

IN THE PAST YEAR ALONE, OUR MEDIATORS WERE INVOLVED IN 592 FEDERAL-SECTOR CASES -- AND HELPED THE PARTIES REACH AGREEMENT IN 422 OF THEM. THIS YEAR, WE EXPECT THAT WE WILL HAVE NEARLY 700 FEDERAL-SECTOR CASES.

THREE YEARS AGO THE HEALTH CARE AMENDMENT TO THE NATIONAL LABOR RELATIONS ACT WAS PASSED BY CONGRESS. THAT MEASURE PLACED US RIGHT IN THE MIDDLE OF NEGOTIATIONS INVOLVING PRIVATE, NONPROFIT HEALTH CARE FACILITIES, AND EXPANDED OUR WORKLOAD SIGNIFICANTLY.

(MORE)

AS YOU KNOW SO WELL, THE PAST DECADE HAS BROUGHT A SPECTACULAR INCREASE IN THE DEMAND FOR MEDIATION IN THE PUBLIC SECTOR AT THE STATE AND LOCAL LEVEL.

THE CENSUS BUREAU ISSUED A REPORT RECENTLY IN WHICH IT SAID THAT IN 1975, 49.9 PERCENT OF ALL FULL-TIME STATE AND LOCAL GOVERNMENT EMPLOYEES BELONGED TO AN EMPLOYEE ASSOCIATION OR UNION.

THAT'S NEARLY 5-MILLION WORKERS -- OR MORE THAN THE COMBINED MEMBERSHIPS OF THE TEAMSTERS, THE AUTO WORKERS AND THE STEEL WORKERS.

(MORE)

THE CENSUS BUREAU FOUND THAT THOSE STATE AND LOCAL EMPLOYEES IN OCTOBER OF 1975 WERE WORKING UNDER THE TERMS AND CONDITIONS OF NEARLY 12,000 LABOR-MANAGEMENT AGREEMENTS.

IN SOME PARTS OF THE PRIVATE SECTOR, ALTHOUGH UNION ORGANIZING EFFORTS HAVE FALLEN ON BAD TIMES, I CAN SEE A NUMBER OF EVENTS THAT MAY REVERSE THAT TREND.

LET ME QUICKLY LIST JUST FOUR:

FIRST, WE CAN ANTICIPATE CONTINUED STRONG EFFORTS TO UNIONIZE THE MILLIONS OF WORKERS IN THE HEALTH-CARE INDUSTRY.

(MORE)

SECOND, THE MERGER OF AN EASTERN-BASED PUERTO RICAN UNION OF FARM WORKERS WITH CESAR CHAVEZ'S ORGANIZATION -- WHICH IS NOW AT PEACE WITH THE TEAMSTERS -- INDICATES THAT THERE WILL BE A SPIRITED EFFORT TO ORGANIZE FARM WORKERS IN THE AGRICULTURAL CENTERS OF THE EAST, AND PARTICULARLY IN NEW JERSEY AND FLORIDA.

THIRD, WE ARE SEEING A SWING TOWARD UNIONIZATION BY A BROAD SPECTRUM OF PROFESSIONALS.

AND FINALLY, I THINK IT'S FAIR TO ANTICIPATE THAT UNIONS WILL IMPROVE THEIR ORGANIZING BATTING AVERAGE SHOULD PRESIDENT CARTER'S LABOR LAW REFORM PACKAGE BE ADOPTED BY CONGRESS.

(MORE)

THERE CERTAINLY IS ENOUGH
WORK FOR EVERYBODY.

SO IT SEEMS TO ME THAT IN THOSE
RELATIVELY FEW PLACES WHERE WE
OCCASIONALLY TRIP OVER ONE ANOTHER
IN GRACELESS FASHION, WE HAVE TO
RENEW THAT COMMITMENT TO COOPERATION
THAT IS SPELLED OUT IN THE CODE OF
PROFESSIONAL CONDUCT.

THESE INCIDENTS GENERALLY OCCUR
IN PUBLIC-SECTOR CASES.

(MORE)

OUR ROLE IN THE PUBLIC SECTOR HAS GROWN IN LOCKSTEP WITH THE RAPID INCREASE IN COLLECTIVE BARGAINING ACTIVITIES AMONG STATE AND LOCAL GOVERNMENTS AND THEIR EMPLOYEES. IN 1970, WE RECORDED FEWER THAN 50 MEDIATION CASES AT THE FEDERAL, STATE AND LOCAL GOVERNMENT LEVELS. LAST YEAR, OUR MEDIATORS TOOK PART IN NEARLY 2,000 MEETINGS IN 665 SEPARATE CASES INVOLVING STATE AND LOCAL GOVERNMENTAL UNITS ALONE.

(MORE)

THERE ARE THOSE WHO CONTEND THAT BY ANSWERING THE CALL FOR SERVICE IN THE PUBLIC SECTOR, THE FMCS IS MOVING TOWARD A POSTURE OF COMPETITOR, RATHER THAN PARTNER. THAT'S JUST NOT THE CASE. WE ARE NOT IN, AND WE WILL NOT ENGAGE IN FIGHT OVER TURF.

A CLOSE EXAMINATION OF OUR RECORD MAY BRING SOME ENLIGHTENMENT.

LAST YEAR, 78 PERCENT OF THOSE 665 CASES I REFERRED TO OCCURRED IN JUST FOUR STATES -- IOWA, FLORIDA, ILLINOIS AND OHIO.

(MORE)

IN 11 STATES WE HANDLED NOT A SINGLE PUBLIC-SECTOR CASE, EITHER BECAUSE THERE WAS NO CALL FOR OUR SERVICES OR BECAUSE THE STATE AND LOCAL MEDIATION AGENCIES DID THEIR USUAL MAGNIFICENT JOB.

WHILE I KNOW THAT SOME OF YOU QUESTION THE STRATEGIES THAT WE USE IN ENTERING STATE AND LOCAL DISPUTES, WE HAVE SOMETIMES BEEN PUZZLED AT THE WAY WE ARE RECEIVED.

(MORE)

IN IOWA AND FLORIDA -- WHERE WE
PLAYED A SUPPORT ROLE IN THE
DEVELOPMENT OF PUBLIC SECTOR
COLLECTIVE BARGAINING MECHANISMS --
WE ARE GREETED AS FRIENDS AND PARTNERS.
THE SAME IS TRUE IN ALASKA AND IN
HAWAII WHERE, INCIDENTALLY, WE WILL
BE CONDUCTING A TRAINING PROGRAM
FOR MEDIATORS, ARBITRATORS AND
FACT-FINDERS IN SEPTEMBER.

INDEED, IN MOST STATES WE HAVE THAT
CORDIAL RELATIONSHIP BORN OF MUTUAL
RESPECT AND A DETERMINATION TO GET
THE JOB DONE.

(MORE)

BUT I WOULD BE LESS THAN HONEST
IF I DIDN'T SAY THAT IN A FEW STATES,
WE OCCASIONALLY FIND OURSELVES ON
THE BUTT END OF A STIFF-ARM.

AND WHEN THAT HAPPENS, IT HURTS.
IT HURTS US. I TEND TO THINK THAT IT
HURTS THE STATE AGENCY. I KNOW THAT
IT IS LESS THAN HEALTHY FOR THE
PARTIES.

WHAT I WOULD LIKE TO SEE COME OF
THIS SESSION OF ALMA IS A DIALOGUE
THAT CAN SMOOTH OUT THE ROUGH SPOTS
THAT REMAIN -- A PROGRAM IN WHICH WE
CAN IDENTIFY THE PROBLEMS AND ESTABLISH
DEFINITE WAYS OF RESOLVING THEM.

(MORE)

BECAUSE THE HARD FACT IS THAT WE
NEED YOU -- AND MORE AND MORE, I
THINK YOU WILL BE NEEDING US.

THERE ARE A COUPLE OF REASONS FOR
THIS.

FIRST, IT IS BECOMING INCREASINGLY
TOUGH TO EXPLAIN TO THE NATIONAL
PRESIDENT OF A PUBLIC-SECTOR UNION
WHY IT IS THAT WE CAN HELP THEM IN
PLACES SUCH AS IOWA, ALASKA, FLORIDA
AND HAWAII, BUT WE DARE NOT MAKE A
MOVE TOWARD HELPING THEM TO RESOLVE
A PROBLEM IN SOME OTHER PLACES.

(MORE)

THE REALITY OF THE SITUATION IS THAT THE UNION PRESIDENTS ARE PUZZLED WHEN SERVICES ARE NOT RENDERED, AND THE ARGUMENT FOR NON-INTERVENTION IS BASED ON JURISDICTIONAL LINES ONLY.

SECONDLY, THERE IS A STRONG FEDERAL PRESENCE AT THE STATE AND LOCAL GOVERNMENT LEVEL, AND THAT PRESENCE WILL GROW STRONGER.

I'M NOT REFERRING TO NATIONAL COLLECTIVE BARGAINING LEGISLATION. I'M CONVINCED THAT EVEN HAD THE SUPREME COURT RULED DIFFERENTLY IN NATIONAL LEAGUE OF CITIES VS. USERY, NATIONAL LEGISLATION WOULD HAVE TOUGH SLEDDING IN THE CONGRESS.

(MORE)

THE FEDERAL PRESENCE THAT I AM TALKING ABOUT INVOLVES SOMETHING MORE DYNAMIC -- THE FEDERAL BUCK.

THE MULTITUDE OF FEDERAL PROGRAMS, INCLUDING REVENUE SHARING, NOW PROVIDE NEARLY HALF OF ALL FINANCES IN A NUMBER OF STATES.

WHEN THE FEDERAL GOVERNMENT ACCEPTS THE RESPONSIBILITY FOR WELFARE UNDER ANY OF THE REFORM PROPOSALS, DOLLARS FROM THE FEDERAL TREASURY WILL BECOME THE PRIMARY SOURCE OF REVENUE FOR STATES, COUNTIES AND LOCAL GOVERNMENTAL UNITS.

YOU CAN BE CERTAIN THAT AS THE FEDERAL CONTRIBUTION GROWS, SO TOO WILL THE DEMAND FOR ACCOUNTABILITY.

(MORE)

I CAN USE A STATE CASE AS AN
EXAMPLE OF WHAT I MEAN.

THE NURSING HOMES AND UNIONS
REPRESENTING THEIR EMPLOYEES IN
NEW YORK EXPENDED A LOT OF TIME,
ENERGY AND TALENT TO REACH A MUTUALLY
ACCEPTABLE CONTRACT.

THERE WAS JUST ONE PROBLEM. THE
PARTIES WERE DEPENDENT ON NEW YORK
STATE'S MEDICAID PROGRAM TO PAY FOR
IT. AND THE STATE SAID THANKS, BUT
NO THANKS -- THE PRICE IS TOO HIGH.

(MORE)

IT IS NOT DIFFICULT FOR ME TO PERCEIVE CONDITIONS UNDER WHICH THE FEDS WILL BE KEEPING A CLOSE WATCH ON HOW ITS MONEY IS BEING USED IN STATE AND LOCAL COLLECTIVE BARGAINING PROCEDURES WHERE, IN THE END, IT WILL BE PICKING UP MUCH OF THE BILL.

AS THAT DAY APPROACHES, DON'T BE ALARMED WHEN YOU HEAR FROM US.

BECAUSE THEN, AS NOW, WE'LL DO THE JOB BEST WHEN WE DO IT IN HARMONY.

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