Introduction to FMCS

&

Interest Based Bargaining

Federal Mediation & Conciliation Service

Commissioner Conrad Bowling

www.fmcs.gov
Before we start ... 

What About FMCS
The Role of F.M.C.S.

• Statutorily created by Taft-Hartley in 1947

• Prevent/minimize interruptions of interstate commerce resulting from labor disputes through mediation & conciliation

• Provide variety of services to Private Sector, Federal, State and Local government agencies throughout the year.
Relationship Development Programs

• Labor-Management Committees
  » Committee design, establishment & maintenance
  » Structured forum
  » Facilitation
Relationship Development Programs

• Supervisor/Administrator & Local Union Reps.
  – Communication skills
  – Problem Solving
  – Consensus Decision Making
  – Contract interpretation & administration
  – Dealing With Conflict & Conflict resolution
  – Grievance handling (Gripe vs. Grievance)
Relationship Development Programs

- **Interest Based Bargaining (IBB)**
  - Non-adversarial problem solving techniques
  - Interests vs. Positions
  - Shared information & goals
  - Mutual gain
Interest Based
Bargaining/Problem Solving

A professional’s tool to win more in collective bargaining . . . and beyond

Are you ready to win?
IBB Is Also Called ...

- Win-Win
- Integrative
- Principled
- IBN

- Collaborative
- Best practice
- Mutual gain
APPROACHES
TRADITIONAL VS. IBB

• Traditional
  – Starts with positions
  – Withhold information & strategies
  – Make gradual adjustments or moves
  – Defer to power or trade

• IBB
  – Starts with interests
  – Disclosure/share information
  – Jointly develop options
  – Measure options with standards
  – Decide by consensus
If You Were to Walk Into a Room Where Traditional Bargaining Was Going on What Would You See?

x x x x X x x x x

o o o o O o o o o

12/4/2008 Commissioner Conrad Bowling
And In Some Cases You Might See
Traditional Bargaining

<table>
<thead>
<tr>
<th>Activity</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop proposals</td>
<td>They don’t care about what we really need.</td>
</tr>
<tr>
<td>• Core Issues. Inflate them.</td>
<td>We better hide our real intentions.</td>
</tr>
<tr>
<td>• Throwaways/bargaining chips</td>
<td></td>
</tr>
</tbody>
</table>
# Traditional Bargaining

<table>
<thead>
<tr>
<th>Activity</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop arguments and strategy</td>
<td>Exaggerated statements that focus on problems and the failures of individuals.</td>
</tr>
<tr>
<td>• Convincing</td>
<td>• Make judgments – <em>you have been doing it all wrong</em></td>
</tr>
<tr>
<td>• Trading</td>
<td>• Make accusations – <em>you did it on purpose. You don’t respect the contract or our business needs</em></td>
</tr>
<tr>
<td>• Give and take</td>
<td></td>
</tr>
</tbody>
</table>
# Traditional Bargaining

<table>
<thead>
<tr>
<th>Activity</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucus</td>
<td>You can’t trust them</td>
</tr>
<tr>
<td>Horse trading</td>
<td>They are the problem</td>
</tr>
<tr>
<td>Packaging</td>
<td>Winning often means that they have to lose</td>
</tr>
</tbody>
</table>
# Traditional Bargaining

<table>
<thead>
<tr>
<th>Activity</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cutting a deal</td>
<td>POWER. They will only agree with us if we MAKE them do it.</td>
</tr>
</tbody>
</table>
Positions vs. Interests

- Position is understanding **what** a party feels/believes/wants

- Interest is determining **why** something is important
Basic Elements of Interest Based Process

- Disentangle relationships from substance
- Listen actively
- Focus on interests
- Share information
- Invent options without commitment
- Use closure tools as a sword to persuade
What Do You See When You Walk Into an IBB Negotiations?
Relationship Checkup

- Distressed
- Power
- Rights
- Interests
- Effective
IBB Principles

- Attack ISSUES, not people
- Focus on INTERESTS, not positions
- Create OPTIONS to satisfy mutual and separate interests
- Evaluate options with STANDARDS -- not power -- when seeking solutions
IBB Assumptions

• Bargaining ENHANCES relationships
• Both parties must WIN
• Parties must HELP each other win
• STANDARDS must replace power when selecting solutions
• Parties must SHARE interest information
IBB Steps

• Issues
  – What is the problem?
• Interests
  – Why is it a problem?
• Options
  – Brainstorm, Chart
• Criteria
• Solutions
  – Assess, Consensus
IBB Options Measured

- Use criteria to judge which to keep

- Simple
- Efficient
- Affordable
- Flexible
- Area Practice
- Legal
- Credible
- Ratifiable
Interest Information

• Constructive, Cooperative Climate

• Creativity

• Effective Use Of Time

• Avoidance Of Adversarial Methods
Skills Required

• Problem Solving
• Communication (Listening)
• Brainstorming
• Consensus Decision Making
• Recording & Facilitation
Role of FMCS

1. FMCS Orientation
2. Assessment of Relationship
3. Recommendation
4. Training
5. First Meeting (IBB Structure, Commitment Statement & Pre-Negotiation Session).
6. Problem Solving Sessions Scheduled With FMCS Facilitation
OPPORTUNITY IS NOWHERE
FMCS

• FOR MORE INFORMATION

Conrad Bowling
317/248-4409
cbowling@fmcs.gov

WWW.FMCS.GOV