February 2007

ALRA Advisor

Impact on Labor Relations

The PATCO Strike — 25 years later

Keynote address by Kenneth E. Moffett

February 2007

ALRA Advisor

ALRA Advisor is published for members of the Association of Labor Relations Agencies (ALRA) and their staff.

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Executive Board

Board Members

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(unless otherwise noted)

from the President


Marilyn Glenn Sayan

Wow! I can't believe we've already had our fall E-Board meeting. It seems we just left Baltimore.

Those of you who were fortunate enough to have attended that conference know what a great and hospitable city Baltimore is. And, thanks to the astute leadership of then President Jaye Bailey, we all experienced a conference that was jam packed with fun times and information that we all could take home and apply within our own agencies. In fact, there were so many dynamic speakers on the program that I find it difficult to single out any one session as being better than another. Hats off to those involved in putting it together – from Arrangements to Program to Professional Development. To use the words of a well known politician — You did a fine job…!

I personally will always remember Baltimore as the place where perhaps I could have used a golden parachute since it seems I dropped very quickly into the office of ALRA President without graduating from the President Elect "apprenticeship program". While oftentimes being "dropped" might carry a negative connotation, I'm excited that this organization was willing to bestow on me the privilege to serve as your President for the next year. I thank you for that and am looking forward to working with all of you.

I'm also excited about the make-up of the Executive Board. As President, I'm truly fortunate to have access to the sage advice of Past President Jaye Bailey and continuing members Liz MacPherson, Scot Beckenbaugh, Phil Hanley, Mary Johnston, Les Heltzer, Bob Hackel, and Pierre Hamel. With the addition of Sue Bauman and Akivah Starkman to the Board, I figure I'll have the easiest term as President in the history of ALRA!

We've got a great team of our colleagues working very hard to make the 2007 Conference a smashing success as well. So if I don't see you before then, I'll see you in Toronto!

–Marilyn Glenn Sayan
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e-mail: sayanglenn@aol.com

Baltimore Session Presenters

Advocates' Day Luncheon

(L-R): Speaker **Judge Rosemary M. Collyer** (U.S. District Court for the District of Columbia, former General Counsel, NLRB); **Professor Samuel Estreicher** (NYU School of Law and Special Counsel, Labor & Employment Practice, Jones Day); and **Ronald Meisburg** (General Counsel, NLRB).

Changing Unions

(L-R): **Patrick J. Szymanski** (General Counsel, Change to Win); **Stuart Acuff** (National Organizing Director, Director AFL-CIO); and **Hassan Yussuff** (Secretary-Treasurer, Canadian Labour Congress).

Streamlining the Hearing Process

(L-R): **Tim Noonan** (Executive Director, Vermont Labor Relations Board); **Susan Bauman** (Commissioner, Wisconsin Employment Relations Commission); **Akivah Starkman** (Executive Director, Canadian Industrial Relations Board); and **Pierre Flageole** (Vice-Chairperson, Quebec Labour Board).

Baltimore Session Presenters

Changing the Role of Neutral

(L-R): **M. David Vaughn** (Attorney/Arbitrator, MD/DC area); **Commissioner Lynn Sylvester** (FMCS, Washington, D.C.); **Rick Curreri** (Director of Conciliation, NYS PERB, NYS Transit Strike Mediator).

Changing Employers

(L-R): **Professor Samuel Estreicher** (NYU School of Law and Special Counsel, Labor & Employment Practice, Jones Day); **Charles I. Cohen** (Partner, Labor & Employment Practice, Morgan Lewis & Bockius, LLP); **Wayne Gold** (Regional Director, NLRB Region 5).

How do Generational Differences Impact the Workplace?

(L-R): **Kimberly Y. Beg** (Commissioner and Acting Director, FMCS Institute, ADR and International Affairs); and **Eileen Hoffman** (Commissioner and Project Director, FMCS International and Dispute Resolution Services).

Easing the Trauma

(L-R): **Jim Mastriani** (Arbitrator and Chair, Port Authority of NY/NJ Employment Relations Panel); **Suzanne Thérien** (Director, Office of Mediation, Conciliation and Arbitration, Quebec Ministry of Labour); and **Larry Gibbons** (Director, Office of Mediation Services, National Mediation Board).

Keynote Address-Baltimore 2006

Impact on Labor Relations of the PATCO strike on its 25th Anniversary

–Kenneth E. Moffett

On August 3, 1981, the short, tumultuous saga of PATCO, the union, came to an end when President Ronald Reagan fired them for going on strike against the U.S. Government.

With President Reagan firing the aircraft controllers, also came a turning point in U.S. labor relations.

Heretofore, when (private sector) workers struck their employers, union and management generally and eventually worked out some kind of resolution through negotiations. This was not to be the case with PATCO.

When PATCO went on strike in 1981, negotiations ended and the White House ordered the FMCS not to call any further negotiations.

Many people feel this firing of the PATCO strikers was a "watershed" moment in U.S. labor history and was the beginning of 25 years of misery for the U.S. labor movement and for U.S. labor relations even to this day.

Since 1981 and the PATCO strike, firing and replacement of striking workers has become commonplace and just the threat of replacement has had a chilling effect on the institution of collective bargaining.

Since that time, union concessions have become management's primary goal in bargaining — workers have been "downsized" by the many hundreds of thousands and previously good paying jobs are permanently shipped overseas. The resulting loss of clout of the Labor movement has diminished the number of workers belonging to unions to the lowest in decades.

Since 1981 U.S. managements have become emboldened to take very tough stands against their union counterparts. Their rationale being that the President of the U.S. set an example that they found very easy to follow.

Many people wonder how this could have happened. The fact of the matter is PATCO was an accident waiting to happen.

Twenty-five years have gone by and the PATCO strike produced much study, books, interviews, scholarly papers and recently even a movie was made about PATCO. The movie, a documentary, will be shown on August 3rd [2006] in Florida at the 25th reunion of the strikers, "*Blacklist of the Skies*".

Courtesy Ronald Reagan Library

In August 1981, President Reagan fired over 11,000 striking air traffic controllers and banned them from federal service.

The filmmaker is the daughter of a PATCO striker whose family was broken up by the strike. Stephanie Saxe, the filmmaker, wrote to me saying that she interviewed 35 people for her film, and interestingly, almost everyone had a misperception about something specific that happened relating to the strike...and that includes your speaker (kind of a Raashomon syndrome).

From all the interviews and research, the story of the PATCO strike is now pretty much complete.

The story of PATCO started in the late 1960's when Mike Rock, an air traffic controller stationed in N.Y. visited the prominent high profile attorney Mr. F. Lee Bailey, and asked for help.

Mr. Rock told Bailey of the many problems faced daily by the controllers, such as antiquated equipment, terrible working conditions, stress, and a poor relationship with a militaristic FAA management.

Bailey, a former marine fighter pilot, suggested the controllers should organize into a union. With Baileys help they did and he became their first President.

For the next two years, this fledgling union began a public relations campaign against the FAA/DOT over issues primarily related to airline safety.

Bailey, using his legendary public relations skills, confronted the government at every turn with negative press conferences and releases to make the controllers case.

The controllers also used many tactics such as "slowdowns" and "work by the rules" which caused havoc with scheduling and proved costly to the airlines.

PATCO also heavily lobbied Congress on airline safety which was a popular subject for politicians and soon could count on several influential "friends" among House and Senate members who wanted to be seen as the guardians of the flying public.

With Bailey's leadership, PATCO became the most militant and vocal union in the Federal Sector of Labor relations.

Plus, PATCO also became the union with the highest percentage of members paying dues in the federal sector.

Federal law provides for an open shop in the federal sector union representation where members can opt out

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Keynote Address

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of paying dues at any time. Eventually, after 2 years, the government certified PATCO as the exclusive bargaining agent for all FAA controllers.

It soon became apparent to the controllers that they needed to merge into the mainstream of the American Labor movement. This was a critical move in the short history of PATCO.

Bailey was against the merger as he knew it diminished his role and he did not want to operate under any dictates of AFL/CIO membership.

PATCO terminated F. Lee Bailey and replaced him with John Leyden, a controller and union activist from PATCO's New York tower.

PATCO members knew that they would have more clout lobbying and their bargaining would be strengthened by having the prestige of the AFL-CIO backing them.

For two years under Bailey's leadership PATCO enjoyed the freedom to lobby whomever they wanted, and pulled any stunt they wanted with the FAA, such as sick outs and slowdowns. But the FAA was at the same time digging in and taking an increasingly harder line against PATCO. The FAA took them to court, censured them and terminated some workers in several instances.

PATCO'S leaders knew they needed a safety net to bail them out of all of the trouble they might be getting themselves into, both financially and legally.

PATCO shopped around the Labor Federation and made a deal to become an affiliate of the Marine Engineers Benevolent Association (MEBA/AFL-CIO), a conservative maritime union, which gave them a home base, as well as almost total autonomy to do whatever they pleased in running their union.

I feel this was a bad choice. The leadership of PATCO, although very bright, was woefully lacking in Labor relations experience. The two years under Bailey developed a swashbuckling, somewhat romantic style, but it did not equip them for what was ahead.

However, by the early seventies PATCO had achieved a signed labor agreement with the FAA/DOT and relations were relatively quiet. Unfortunately, [it was] just the quiet before the storm.

During this time the postal workers had several brief strikes which were all eventually resolved, but led ultimately to the passage of the *"Postal Reorganization Act"* which gave postal workers their own unique Labor law.

Postal workers could now bargain over certain monetary issues. When disagreement occurred arbitration was the method of resolution. Prior to passage of this legislation bargaining for economic items was forbidden in the Federal sector.

PATCO, I believe, felt they deserved the same kind of treatment and a separate law for them.

PATCO remained under the authority of an earlier signed Executive Order which disallowed bargaining over economic issues. PATCO was not happy with this turn of events, so they went back on the offensive against the FAA, and increased confrontation with the government was once again the best way to describe their relationship.

Besides some slowdowns, negative publicity aimed at the FAA, and constant lobbying of Congress, in 1977 PATCO very publicly established a strike fund. By 1981 there was over 3 million dollars in the fund even though PATCO knew strikes by federal sector unions were unlawful.

Unlike most federal sector unions, PATCO had nearly 100% of their member paying dues. But also unlike all other federal labor unions, they were the only one who appeared to be actively preparing for a strike.

Prior to the U.S. national elections in 1980 a rift supposedly occurred between the leadership over the union's direction and increasing militancy. As a result union Executive Vice President Robert Poli replaced John Leyden as President of PATCO. Poli was a leader of the more militant wing of the union.

Another scenario documented in the forthcoming PATCO movie suggests that certain peccadillos were taking place in the PATCO headquarters that Leyden attempted to clean up. The result put PATCO into the 1980 round of bargaining with even less experience.

In 1980 PATCO astounded many when they endorsed Ronald Reagan for President. The majority of the AFL-CIO unions did not. Reagan's campaign people

PATCO file photo

Executive Vice President Robert Poli replaced John Leyden as President of PATCO prior to the U.S. national elections in 1980.

gave PATCO a letter saying that if they won the election, they would assist PATCO with their bad relationship with the FAA/DOT, and also with the many issues PATCO wanted incorporated into their labor contract.

Poli also had a private meeting alone with candidate Reagan reaffirming those promises, but without any record being kept.

Fortified with the so called promises, PATCO went into bargaining in 1981 feeling they had a lot of leverage over the FAA.

The parties bargained long and hard reaching an agreement after several months on June 22, 1981.

Poli and his committee said publicly that the contract was fair and they would recommend it to their membership.

One element of this new contract which was different from all other contracts bargained under the then current Executive Order was the subject of economic matters.

The White House apparently agreed that they would bargain over wage matters and had arranged for Congress to be ready to pass a bill upon ratification of the contract by the union's membership. One of the terms of the contract was that such economic gains would not exceed 40 million dollars per year for the length of the three year contract.

The fact that the Administration arranged for a special bi-partisan bill to pay for PATCO'S economic increases flies in the face of many critics that suggest that the White House had set out to break the union. Achievement of the ability to Bargain over wages was unprecedented under the then existing Executive Order 11491.

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PATCO members voted on the pact and overwhelmingly rejected it. A strike date was set for August 3, 1981.

The parties briefly resumed bargaining and PATCO insisted on a lot more money than the government had offered.

Management's chief negotiator, Transportation Secretary Drew Lewis, although angry at the efforts of the PATCO leaders to gain an affirmative vote on the earlier agreement made a final try to settle the contract.

In this last round of bargaining the FAA/DOT made one proposal different than previously bargained. They said the union could do anything they needed to do with the 40 million. Either take it all in wages, shorter work week, or overtime, but the ultimate pact should not exceed 40 million per year for three years. The union rejected the proposal out of hand.

Brian Flores, my colleague mediator in the negotiations and I offered all of the standard suggestions made in a pre-strike setting. Extend the contract, Med-Arb, binding Arbitration, all of the suggestions were turned down.

Bob Poli told us, "We are either going to win big, or we will lose big".

We contacted the AFL-CIO and Tom Donahue contacted Jesse Calhoun, President of the MEBA. President Calhoun is reported to have said "we don't have any control over them".

They lost big and were all fired. The Federal Labor Relations Authority decertified the union by December of 1981.

PATCO received some assistance from the AFL-CIO after they struck, but most people felt it was only lip service as PATCO was not popular within the Federation for many reasons, but mostly because they backed President Reagan in the election. This coupled with the fact that they struck while the AFL-CIO executive board was in Chicago and were forced to travel back to their homes via buses, trains, or automobiles. Not something they were use to.

U.S. Airlines reduced schedules to one half of their capacity almost immediately albeit briefly as military controllers struggled to learn the system. The high supervisor-to-employee ratio which had been one of the hotly contested bargaining items provided a built-in alternative workforce for FAA.

Replacement controllers were hired quickly and that group would ultimately become the National Air Traffic Controllers Association (NATCA) and were eventually taken into the AFL-CIO.

It seemed as though little time had passed before the new controllers union went to war with the FAA. All of the same issues raised by PATCO were back on the table with NATCA, even though the replacement workers had crossed the PATCO picket lines and had taken their jobs.

There are many lessons from the PATCO strike, and there is enough blame to be shared on both sides of this 25-year old strike. But, in retrospect PATCO was ill-equipped to take on the entire U.S. government.

They had little support from the public which once adored them and certainly few experienced bargainers at the table to assist them.

For all of their time spent lobbying Congress, there were few politicians who remained sympathetic to their cause.

There are a few pieces of irony left in this sad tale.

There were about 11,000 controllers employed at the time of the strike in 1981. Their average pay was $33,000 per year.

There are now 14,575 controllers many of them hired in 1981 as replacements. A large number of them are nearing retirement within 5 years.

The average pay of controllers will be $140,000 a year at the end of their current agreement, plus $45,000 in benefits. The FAA budget for controller salaries this year is $2.4 billion dollars. And this is for the replacements.

One has to wonder what our labor relations scene would look like today if the controllers had not struck. Their achievement of the ability to bargain over economic matters in conjunction with that of the postal workers may have opened that door to all federal employees.

The non-introduction of striker replacement by the federal government on such a large scale might have avoided its poisonous spread throughout the private sector collective bargaining sphere and the resulting inequality it introduced between management and workers which persists to this day.

There is no way of knowing, we can only guess.

The one thing we did learn after the strike was President Reagan's firing of the controllers, the largest capital punishment ever visited upon U.S. workers 'til that time, was one of the most popular acts of his Presidency. All of the polls showed that at the time.

What a terrible thing to be remembered for.

(L-R) **Michael J. Haynes** (University of Baltimore Law School); **Elizabeth MacPherson** (FMCS-Canada); and keynote speaker **Kenneth Moffett** (former Director of FMCS and PATCO Mediator).

Thank You - Baltimore 2006

Conference Administration

Kendra Davis (NMB)

Christina Bonaca (NMB)

Olybia Angelopoulos (NMB)

Arrangements Committee Chair

—Mary Johnson *(photo page 21)*

Professional Development Chair

—Les Heltzer *(photo page 20)*

ALRA Academy Coordinator

—Jackie Zimmerman *(photo page 22)*

Program Committee Co-Chairs

Abby Simms (NLRB) and **Arnie Powers** (FMCS-Canada)

Arrangements Committee

Erica Snipes (Maryland) and **Karl Pence** (Maryland).

Baltimore Memories 2006

Pat and **Thomas Pomphrett** (Ireland)

Paul Roos, Mediator (California)

Marilyn Glenn Sayan with delegation from Thailand

Federal United States

Labor Relations Board

The National Labor Relations Board has issued several long-awaited decisions regarding the definition of supervisor under the *National Labor Relations Act*. The lead case involves nurses at *Oakwood Healthcare, Inc.* (348 NLRB No. 37, September 29, 2006). Somewhat confusingly, the issues involved in this litigation have been referred to in Board documents and scholarly analysis as arising in the "Kentucky River" cases, since the Board was reacting to the Supreme Court's criticism of its interpretation of the term "supervisor" in an opinion of the Court issued in 2001, *Kentucky River Community Care*, 532 U.S.706.

For years, dozens of cases have been awaiting the Board's ruling on what employees should be considered supervisors excluded from collective bargaining and other protections of the NLRA. The Board invited the filing of amicus briefs on the issues in 2003 (22 briefs were filed in response, in addition to eight filed previously by the parties). Despite the urging of many interested parties, the Board decided earlier this year not to hold oral argument.

A little history: The original *Wagner Act*, passed in 1935, did not exclude supervisors from collective bargaining. In the 1947 Taft-Hartley amendments to the Act, Congress reacted to concern over potential conflicts of interest by employees such as foremen, who on the one hand could join unions and require the employer to bargain with them, and who on the other hand were required to implement employer policy such as discipline of rank and file workers. Thus the Act was amended to exclude supervisors, defined as:

"any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the exercise of independent judgment." (section 2(11).

In the current case the employer, Oakwood Healthcare, took the position that its permanent "charge nurses," as well as employees performing such functions temporarily on a rotating basis, should be excluded from the petitioned-for unit of all registered nurses at the facility. In reaching their decision, the three-member majority of the Board interpreted several elements of the supervisory definition: "assign," "responsibly to direct," and "independent judgment." They found that the permanent charge nurses should be considered supervisors and excluded from the bargaining unit because they assign tasks and patients to other employees, direct them responsibly, and exercise independent judgment.

Finding that the non-permanent charge nurses did not rotate into the charge positions on a regular basis, the Board did not feel the need to apply its stated test of whether such employees performed supervisory functions least 10-15 percent of their total work time. The non-permanent charge nurses were included in the bargaining unit.

The minority members of the board dissented strongly, arguing that the decision "threatens to create a new class of workers under Federal labor law: workers who have neither the genuine prerogatives of management, nor the statutory rights of ordinary employees."

The dissent takes the position that the statutory term "assign" relates to assigning employees, not tasks; and that "responsibly to direct" should, as legislative history indicates, refer only to employees like foremen overseeing an operational department. Under these interpretations, the minority would find that even the permanent charge nurses are not supervisors. The minority also takes issue with the majority's definition of "substantial" as 10-15 percent of work time, arguing that the Board's approach in this area is ripe for reconsideration.

The minority decision points out the possible effects of the decision on many employees, including professional employees, who are explicitly covered by the Act:

"It seems highly unlikely, to say the least, that Congress would take away with one hand (the definition of "supervisor") what it gave with another (the explicit statutory coverage of "professional employees"). And even if the statutory text permitted such a drastic result, what reasons of federal labor policy would support it? Denying the Act's protection to workers who have only minor supervisory responsibilities, and who are closely aligned not with management but with rank-and-file employees, is both contrary to Congressional intent and a recipe for workplace discord. The majority says that it is 'not swayed to abandon [its] interpretation by predictions of…what the result in any given case will be.' But the Board's proper function in this case, one of the most important in its history, must be to calculate the possible consequences of its reading of the Act and to weigh them against the evidence of Congressional intent. Nothing in the legislative history of the *Taft-Hartley Act* suggests that Congress intended to greatly broaden the scope of supervisory status, as it was understood at the time. Rather, as explained, it sought to exclude from statutory coverage an already well-recognized segment of supervisory employees, foremen and their equivalents. The majority's interpretation threatens to go much farther."

In another health care case issued the same day as *Oakwood*, *Beverly Enterprises-Minnesota, inc.(Golden Crest Healthcare Center*, 348 NLRB No. 39, a three-member panel of the Board found that that employer's charge nurses did not possess authority to assign or responsibly direct employees, and accordingly were not supervisors. In a decision issued in a manufacturing setting, the Board panel also declined to find supervisory status for the employer's "lead persons," who may tell other workers how to load trucks, or move them among tasks on the assembly line (*Croft Metals, Inc. and International Brotherhood of Boilermakers*, 348 NLRB No. 38.

These and other NLRB decisions are available on the Board's web site, www.nlrb.gov.

Organized labor's reaction to the Board's supervisory ruling has been strongly negative, and, in fact, unions had conducted picketing of the NLRB headquarters and other action in anticipation of its decision. The AFL-CIO states on its web site that the ruling "potentially takes away the federally

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Federal United States

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protected right to form unions from 8 million nurses, building trades workers, newspaper and television employees, and others." This estimate of the potential effects of the ruling came from a report issued earlier this year by the Economic Policy Institute, a liberal think tank. The EPI's Issue Brief 225, "Supervisor in Name Only," is available from the organization's web site, www.epi.org.

In a case involving national security, the NLRB asserted jurisdiction over private sector employees performing passenger and baggage screening at Kansas City International Airport. At issue was a memorandum issued by the head of the Transportation Security Administration denying screeners employed by TSA collective bargaining rights and the right to be represented by a union. In a 4-1 decision the Board stated that it obtained an interpretation of the memorandum from TSA stating that their exclusion applies only to federal employees, not employees of private contractors. Moreover, the Board declined to establish a policy-based exception for such workers, stating that the NLRB "has been confronted with issues concerning national security and national defense since its early days. Our examination of the relevant precedent reveals that for over 60 years, in times of both war and peace, the Board has asserted jurisdiction over employers and employees that have been involved in national security and defense. We can find no case in which our protection of employees' Section 7 rights had an adverse impact on national security or defense…absent both a clear statement of Congressional intent and a clear statement from the TSA that would support our refusal to exercise jurisdiction, we will not create a non-statutory, policy-based exemption for private screeners."

Federal Sector Bargaining

Previous issues of the *ALRA Advisor* have discussed developments in the efforts of the Bush administration to limit the collective bargaining rights of federal employees in the areas of national defense and homeland security. In September 2006, the administration announced it would not appeal to the U.S. Supreme Court the findings of Federal district and appeals courts that proposed changes in the Department of Homeland Security (DHS) personnel system would gut employee collective bargaining and weaken employee rights to a fair hearing in disciplinary proceedings. A spokesperson for DHS stated that the decision not to appeal "allows us to move forward toward implementing labor-relations flexibility rather than spending additional time in litigation."

A Federal court has also blocked implementation of features of the Department of Defense's (DOD) proposed National Security Personnel System. Reportedly the DOD will move ahead to implement certain portions of the NSPS that are affect managers or are otherwise not covered by union contracts.

Union Security–Agency Shop Fees

The U.S. Supreme Court has announced that it will review a finding by the state of Washington's highest court invalidating a law barring the use of agency shop fees for political purposes without an employee's consent. Since the Supreme Court's 1986 *Beck* ruling, agency shop fee payers must be given the opportunity to opt out of payments the union uses for non-collective bargaining purposes. The issue in the Washington State litigation involves whether the burden can be appropriately placed on the union rather than on individual workers to make sure dues are not used contrary to the wishes of employees. The Supreme Court has consolidated two cases, *Washington v. Washington Education Association*, No.05-1657, and *Davenport v. Washington Education Association*, No. 05-1589.

Arthur Rosenfeld (US-FMCS)

Federal Mediation and Conciliation Service (FMCS)

The FMCS has been partnering with communities and organizations in response to a Congressional mandate to use agency expertise to address the prevention of youth violence and develop conflict resolution programs in the nation's schools. The agency's publication, "*Creating Harmony in the Classroom*," is available on its web site, www.fmcs.gov.

The web site also has extensive information on matters such as grants to organizations to improve labor-management cooperation, and FMCS initiatives in developing best practices in collective bargaining addressing health care benefits.

U.S. Labor Secretary **Elaine L.Chao** addressed nearly 1,600 labor-management professionals at the 13th National Labor-Management Conference sponsored by the U.S. Federal Mediation and Conciliation Service (FMCS) during a luncheon held on August 16, 2006 in Chicago at the Hyatt Regency Hotel. During her keynote address—one of the many highlights of the three-day conference—Secretary Chao urged the audience of labor and management representatives, labor relations professionals and academics to reap the benefits of labor-management cooperation—industrial peace, competitiveness in a global society, and economic strength and prosperity for America. The conference featured some 60 workshops, keynote addresses by union leaders and public-private sector officials, and a networking reception at the Chicago Museum of Science and Industry.

Retired FMCS Director of Mediation Services (DMS) **John Tucker** was inducted into the region's Labor Management Hall of Fame in Edwardsville, Illinois by the Labor Management Committee of the Leadership Council of Southwestern Illinois. As one of three inductees, he was lauded for encouraging and supporting labor-management cooperation. Mr. Tucker enjoyed a 40-year career in the labor relations field: as a business

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Federal Canada

Josée Dubois (PSST-Canada)

Public Service Staffing Tribunal

2006 PSST 0008

Tibbs v. Deputy Minister of National Defence et al.

Before: Guy Giguère, Chairperson
Decision Rendered: Sept. 28, 2006
Original Language: English

Abuse of authority–internal appointment process–essential qualifications–standard and burden of proof–complainant has burden of proof on balance of probabilities–positive defense–what constitutes abuse of authority–no definition–meaning to be construed from whole scheme of *PSEA*, including preamble–wrongdoing required–five categories of abuse—whether intent necessary—s. 77 *Public Service Employment Act* (PSEA).

The Department of National Defence undertook an internal appointment process for a Production Manager position. The complainant was screened out. She filed a complaint alleging abuse of authority. The complainant alleged that she met all of the essential qualifications and, therefore, should have been screened in. She further alleged that the appointee did not meet two of the essential qualifications for the position and should not have been screened in.

Complainants have the burden of proof, on the civil standard of balance of probabilities, with respect to complaints of abuse of authority before the Tribunal. Where a complainant presents some evidence that abuse of authority has occurred, the respondent will likely wish to raise a positive defense to the assertion, or risk the Tribunal substantiating the complaint.

Abuse of authority includes personal favouritism and bad faith, but is not defined in the PSEA. A broad definition of abuse of authority is misuse or improper use of discretionary power in staffing processes. However, the Tribunal is not circumscribed by a static definition.

In construing the meaning of abuse of authority, the Tribunal will look to the whole scheme of the PSEA, including the preamble. A key legislative purpose of the PSEA is that managers should have considerable discretion when it comes to staffing matters. However, this discretion is not absolute. Abuse of authority may occur under one or more of five categories, namely, when:

- a delegate exercises discretion with an improper intention in mind (including acting for an unauthorized purpose, in bad faith, or on irrelevant considerations);
- a delegate acts on inadequate material (including where there is no evidence, or without considering relevant matters);
- there is an improper result (including unreasonable, discriminatory, or retroactive administrative actions);
- a delegate exercises discretion on an erroneous view of the law;
- a delegate refuses to exercise discretion by adopting a policy which fetters the ability to consider individual cases with an open mind.

Abuse of authority is more than simply errors or omissions; however, when a delegate acts on inadequate material and/or takes actions which are, for example, unreasonable or discriminatory, these actions may constitute such serious errors and/or important omissions to amount to abuse of authority–even if unintentional.

In this case, the complainant's allegations were considered under the generic type of abuse of acting on inadequate material (which includes where there is no evidence, or without considering relevant matters). The complainant failed to prove, on a balance of probabilities, that the selection board acted on inadequate material, both when it screened her out, and screened in the appointee.

Complaint dismissed.

Bargaining Begins at Canada Post

The Urban unit of the Canadian Union of Postal Workers began official collective bargaining sessions with Canada Post after Thanksgiving weekend (2006), according to the CUPW. At the end of October, Union members voted to approve a program of demands, including no contracting out, no private franchises, contracting in work and expanding services such as door-to-door delivery. The current collective agreement expires on January 31, 2007. Rural and Suburban Mail Carriers (RSMC) are not involved; they are covered by an 8-year agreement that became effective January 1, 2004.

The union filed a notice of dispute with the federal Minister of Labour in January and he has responded by appointing two conciliation officers to assist the parties in further negotiations.

Overall Unionization Rate at 29.7% – Union Wage Advantage Continues

Again this year, Statistics Canada released its annual review of unionization in time for Labour Day, in the online edition of *Perspective on Labour and Income* released on August 23, 2006. The update "*Unionization*" reveals that Canada's overall union density rate fell marginally from 30.0% in 2005 to 29.7% in 2006, but the article also reveals the complexity behind that average.

For example, the unionization rate for the public sector rose to 71.4% while the private sector fell to 17.0%. For workers aged 15 to 24, the rate was 13.8%. Average hourly earnings of unionized workers were higher than for

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FEDERAL—CANADA *(Continued from page 12)*
non-unionized: for full-time workers, rates were $22.66 versus $19.13; for part-time workers, rates were $19.10 versus $11.62 respectively.

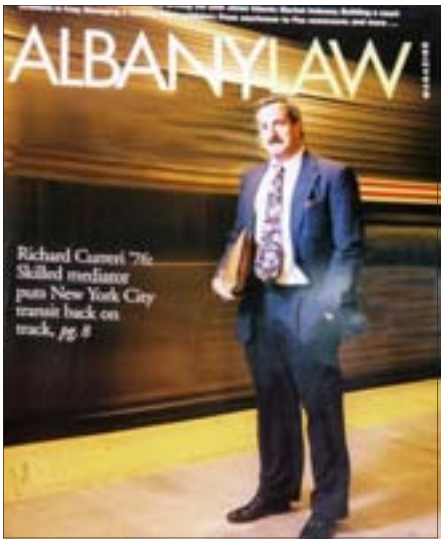
Link:

"*Update: Unionization*" in the online edition of *Perspectives on Labour and Income* (August 2006) Vol. 7, no. 8 (pages 18 to 42) (42 pages, PDF) at http://www.statcan.ca/english/freepub/75-001-XIE/75-001-XIE2006108.pdf

Canadian Pacific (CP) Rail Workers Ratify Collective Agreement with CP

Twelve hundred members of the United Steelworkers Local 1976 have ratified the Memorandum of Agreement reached with Canadian Pacific Railway on June 22, in advance of the December 31, 2006 expiry date of the current agreement. The new contract will be effective from Jan. 1, 2007 until Jan. 31, 2009; it provides for wage increases of 3% in the first year, 4% in the second and 3% in the third year, as well as continuation of a gain sharing program.

The agreement also improves vacation pay, shift differentials, income security, life insurance, dental and extended health and vision care, and provides for work/life balance programs including phased retirement, job sharing, compassionate leave, paid sabbatical leave and flex time. Three-year agreements between the railway and its Rail Traffic Controllers and Police Service were reached in March 2006 and also included work/life balance provisions.



"Jamie Lee Curtis you have…"
Richard Curreri graces the Spring 2006 cover of *Albany Law* magazine.

Baltimore Memories…

(More photos—page 22)

(L-R) **Joe Diggs** (Phoenix) and **Bruce Janisse** (Ontario)

Jackie Zimmerman (Illinois) and **John Higgins Jr.** (NLRB)

(Above L-R) **Pierre Hamel** (PSLRB-Canada) **Les Heltzer** (NLRB), **Jackie Zimmerman** (Illinois) and **Akivah Starkman** (CLRB-Canada)

The "Temperamental Musician" **Kevin Flanigan**, (PERB-New York)

From the bookshelf...

BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE

Roger Fisher and Daniel Shapiro
Viking US, 2005. 256 p.
ISBN-10: 0-670-03450-9;
ISBN-13: 978-0670-03450-5

The authors, Fisher and Shapiro, associated with the Harvard Negotiation Project, examine the emotions and relationships inevitably involved in negotiations. They identify five core concerns that stimulate emotion – appreciation, affiliation, autonomy, status and role – and explain how to control and leverage these emotions in yourself and others when negotiating.

Examples are drawn from commonly faced situations – from dealing with colleagues to understanding one's spouse – and with anecdotes of high-level negotiations. They play out each situation, often toward an unsatisfactory conclusion, and then analyze the negotiation and rewind it according to their behavioral framework for more favorable resolutions.

About the Authors
Roger Fisher is a professor emeritus of law and director of the Harvard Negotiation Project; Daniel Shapiro is the associate director of the Harvard Negotiation Project.

Joel Weiseblatt

Not the man he used to be

You just may not recognize **Joel Weisblatt** next time you see him. Following successful hip surgery last October, Joel, who says he's feeling great, shed a total of 30 pounds.

Just Imagine, an arbitrator who can go to the left the way he used to. Awesome

Goodbye...

RESIGNED
Michael R. Cuevas (former Chair, NYS PERB) has begun a new stage of his career as Chief Counsel to the New York State Assembly Minority (Republican) Conference.

RESIGNED
Tom Worley (former Mediator, Ohio SERB) has moved on to a new post with the State Government of Ohio.

FEDERAL—UNITED STATES
Continued from page 11)

representative for the International Association of Machinists and Aerospace Workers; as an FMCS mediator; and ultimately as FMCS Director of Mediation Services for the St. Louis region. Other inductees to the group's Hall of Fame included **David Foree**, retired Secretary-Treasurer of the Southwestern Illinois Building and Construction Trades Council and **Tom Korte**, Executive Vice President of Korte Construction.

Louis J. Manchise, FMCS commissioner and Director of Mediation Services in Cincinnati, became the latest recipient of the *Willoughby Abner Award* for his significant work in promoting and encouraging interest-based bargaining (IBB) in the public sector. Mr. Manchise received the award August 18, 2006 at the agency's 13th National Labor-Management Conference in Chicago. The first FMCS mediator to receive the award, Mr. Manchise devoted more than 25 years to the development and refinement of IBB training materials. He expanded the use of IBB by mentoring FMCS mediators on its usage, provided extensive training sessions to labor and management and personally facilitated contract negotiations using the IBB process. He is the 18th recipient of the *Abner Award*, which was established in 1983 to honor the late Willoughby Abner for his commitment to labor-management conflict resolution and his skill as a mediator.

Conference Organizers 2007

Program Committee Co-Chairs

Reg Pearson (Ontario), and
Sue Bauman (Wisconsin)

Professional Development Chairman

Les Heltzer (NLRB)

ALRA Academy

Jackie Zimmerman (Illilnois)

Arrangements Committee Chairman

John Mather (Ontario)

Join us in Toronto…

ALRA Conference
July 28 to August 1, 2007

Conference Registration

The Program and Professional Development committees are developing an exciting and timely agenda for the ALRA 2007 Conference in Toronto, Ontario, Canada. Registration for the four-day conference is available only to ALRA member agencies.

Again this year the Conference registration will include all conference sessions and materials, a Saturday evening reception, a Sunday brunch, lunch and an evening reception on Monday, and lunch and the closing banquet on Wednesday.

Conference Hosts

Labour Management Services, Ontario Ministry of Labour
Ontario Labour Relations Board

Advocates' Day - July 30, 2007

ALRA will host *Advocates' Day: an all-day CLE-accredited program* which brings together labour officials, labour and management representatives, public and private sector managers, and labour relations neutrals from across the United States and Canada to hear national and regional speakers addressing key issues of the day.

ALRA Advocates' Day runs concurrent with a designated day of the ALRA 2007 Annual Conference.

2007 Conference Coordinator

John L. Mather (416) 540-7796 — john.mather@ontario.ca

In & around the States...

NEW JERSEY

Governor Corzine has issued an Executive Order (No. 23) recognizing the Child Care Workers Union as the majority representative of home-based family child care providers and authorizing the State to enter a written agreement with CCWU. AFSCME and CWA entered into a joint partnership to form CCWU and the State Board of Mediation conducted a card-check before certifying CCWU as representing a majority of providers. The order states that covered child care providers are not State employees. The subjects to be included in any agreement must be consistent with the scope of negotiations under the *Employer-Employee Relations Act* and may include payment of representation fees. The Executive Order does not provide a right to strike.

In New Jersey *Transit Bus Operations, Inc. v. ATU*, 2006 N.J. LEXIS 1084 (2006), the New Jersey Supreme Court reversed an Appellate Division decision vacating two grievance arbitration awards. The employer required part-time bus operators to report to work five minutes before each shift started and to fill out accident reports, but did not pay these operators for these periods. The arbitration awards interpreted the parties' collective negotiations agreements to require compensation for these periods plus the time spent returning their vehicles post-shift, but an Appellate Division panel concluded that only full-time bus operators were contractually entitled to compensation. The Supreme Court reversed and remanded for reinstatement of the awards. The Court reaffirmed that an arbitrator's contractual interpretation must be enforced if it is a reasonably debatable one and the Court concluded that both interpretations were reasonably debatable.

The Legislature recently amended the New Jersey *Employer-Employee Relations Act* to establish a presumption of contractual arbitrability.

N.J.S.A. 34:13A-5.3. That amendment overturned the Supreme Court's rejection of such a presumption in *Camden Bd. of Ed. v. Alexander*, 181 N.J. 187 (2004). The Supreme Court will be hearing oral argument in two cases at the end of October as to how that presumption applies to grievances challenging the mid-year terminations of non-tentured teachers.

Northvale Bd. of Ed. v. Northvale Ed. Ass'n, App. Div. Dkt. No. A-2778-04T2 (App. Div. 10/25/05), certif. granted 186 N.J. 257 (2006), and *Pascack Valley Reg. H.S. Dist. Bd. of Ed. v. Pascack Valley Reg. Support Staff Ass'n*, App. Div. Dkt. No. A--2599-04T5 (App. Div. 10/25/05), certif. granted 186 N.J. 257 (2/23/06). In both cases, the Appellate Division held, surprisingly, that a school board's power under individual employment contracts to dismiss teachers with two weeks' notice and pay overrode the just cause provisions of the collective negotiations agreements.

OKLAHOMA

Debbie Tiehen (Oklahoma)

The Oklahoma PERB has had its share of rollercoaster rides over the last two years with its *Municipal Employees Collective Bargaining Act (MECBA).* In 2004, the Legislature passed a bill that allowed all municipal employees in communities with populations of 35,000 the right to organize. Until this time, the PERB had only recognized police officers and fire fighters across the state. When the law went into effect on November 1, 2004, the first petitioners scarcely submitted their petitions when municipal representatives filed numerous district court restraining orders against the PERB questioning the "constitutionality" of the new Act. (One of the cities that filed a certification petition in 2004 asked the State Supreme Court for a Rehearing and was denied.)

On January 12th, 2005, a District Judge ruled the Act "unconstitutional" stating it was an "arbitrary law", "fundamentally unfair" and "discriminates against smaller cities". The case moved through the appeals process and on July 5, 2005, it landed in the hands of the Oklahoma State Supreme Court which struck down the law as unconstitutionally discriminatory against workers in smaller towns and cities.

On March 14, 2006, the Oklahoma Supreme Court made a rare self-reversal decision and ruled 5-4 that cities of 35,000 residents or more may form a union. Back in action once more, the 2004 petitions were honored. However, controversy arose concerning which list and what cards to use; should the 2004 list be used with 2006 cards to reflect the current sentiment of the employees or should the 2004 list with the 2004 cards be honored?

During lengthy oral argument, the union took the position that the cards and list of 2004 should be considered on the grounds that "to do anything else, creates a situation whereby a city that doesn't want a union to come in when a petition is filed can take some sort of delaying action and compel that union to start all over again with their organizing which is unfair and not the intention of the Act."

The Board decided to use the 2004 list and 2004 cards for the certification. On July 13, 2006, Enid city employees became the state's first municipal workers to form a collective bargaining unit under the *Municipal Employee Collective Bargaining Act.*

PHOENIX

Arizona Court of Appeals Agrees that Fair Share is Impermissible under the State Constitution's Right-To-Work Provision

On August 15, 2006, the Arizona Court of Appeals, Division One, affirmed a lower court's ruling in a case in which AFSCME, Local 2384, on behalf of it and two other labor organizations similarly situated, sought the right to bargain with the City of Phoenix regarding inclusion of a "fair share" provision in a Memorandum of Understanding with the City. The "fair share" provision sought would require all bargaining unit employees to the pay a periodic fee reimbursing the Union for the actual costs and expenses it incurred in negotiating, administering, policing, and enforcing its collective bargaining

(Continued on page 17)

In & around the States...

(Continued from page 16)
agreement with the City covering wages, hours, and working conditions regardless of membership in the Union.

The case had originated with an unfair labor practice (ULP) charge filed with the five-member Phoenix Employment Relations Board (PERB) on the basis of the City's having refused to accede to the Union's demand to bargain on the subject, citing several grounds for that refusal. [The only ground discussed in this article is limited to that of the right-to-work provision in the State's constitution.] Initially, PERB dismissed the ULP charge, deciding that "fair share" was a permissive rather than mandatory subject for collective bargaining and, therefore, not reaching the issue of whether such a provision would run counter to the state's laws on the subject. The Union then filed a complaint in the state's Superior Court seeking a special action for relief and for declaratory relief. At the trial judge's request, PERB then offered its opinion, by a 3-to-2 vote, that the state constitutional provision in question did not prohibit parties to include in a collective-bargaining agreement a provision requiring the compulsory payment of a "fair share" contribution as defined above. That special action in superior court was later joined by the National Right-to-Work, Legal Defense Foundation, Inc., as a friend of the court. Following extensive briefing and oral argument, the superior court issued a minute entry in which the court concluded that "the union's 'fair share' proposals are illegal under Arizona law and not subject to collective bargaining."

The Court of Appeals, in affirming the lower court, was of the view that collecting a fair share fee from non-public employees in an amount less that the full equivalent or regular union dues, although approved by the Supreme Court in *Chicago Teacher's Union v. Hudson*, 475 U.S. 292 (1986), and followed by the courts in Indiana and New Mexico [*Byrd v. AFSCME*, Ind. Ct. App. 2003 and *Wessel v. City of Albuquerque*, 299 F. 3d 1186 (10th Cir, 2002)], as not amounting to compulsory union membership, were not enough to overcome the "plain language" in the state's constitution and its related statutes outlawing such compulsory payments by non-member employees.

The Union has petitioned the Arizona Supreme Court for review of the appellate court's decision on "fair share," an issue it has never before ruled upon. Suffice it to say, the gravaman of the Union's appeal is that the language in the state's constitution and related statutes is not all that "plain" as the courts below have found.

In & around the Provinces...

British Columbia

B.C. Teachers Reach Historic 5-year Agreement

On June 30, 2006, a 5-year collective agreement was announced, bringing peace to the 60 school boards represented by the British Columbia Public School Employers' Association (BCPSEA) and 40,000 elementary and secondary school teachers represented by the British Columbia Teachers' Federation (BCTF).

The agreement, which awaits ratification by teachers in August and September, includes a 12% general wage increase and a $3,700 early signing bonus under the provincial Negotiating Framework for public sector employees. In addition, teachers will receive up to $1,000 in 2010 because of the length of the agreement. According to the employers' association "This is a historic agreement, the first negotiated collective agreement between the BCPSEA and the BCTF since provincial bargaining was introduced in 1994."

Nova Scotia

Nova Scotia Stores Open for Business on Sundays

Following a decision of the Nova Scotia Supreme Court on Oct. 4, 2006, the provincial government has announced that it will remove restrictions in the regulations under the *Retail Business Uniform Closing Day Act*. As a result, all retail businesses in the province will be allowed to open on Sundays and holidays, effective October 8th. This brings to an end a long and public dispute that had seen court challenges since 1999 and a 2004 plebiscite in which Nova Scotians had voted against Sunday store openings. £

Labour Relations Board Rules that Pensions can be Bargained in Nova Scotia Health Sector

Bargaining for approximately 3,300 hospital workers in 33 hospitals across Nova Scotia resumed on September 7, 2006, dominated by the issue of management of the health sector pension plan. A five-union coalition has challenged the management of their pension plan, the Nova Scotia Association of Health Organizations
Relations Board in July 2006, and on September 12, CUPE announced that the NSLRB has ruled in favour of the unions. The five unions involved are Canadian Union of Public Employees (CUPE), Canadian Auto Workers (CAW), Nova Scotia Government Employees Union (NSGEU), Nova Scotia Nurses Union (NSNU) and the Service Employees International Union (SEIU).

(L-R) **Agnes** and **John Greer** (Nova Scotia).

In and around the Provinces...

(L-R) **Dennis Bykowski** (Alberta Labour Relations Board); **Dave Wismer** (Alberta Human Resources and Employment); **Dawn Pentelechuk** (guest); and **Mark Asbell** (Alberta Labour Relations Board)

ALBERTA

Alberta Federation of Labour Continues to Raise Its Voice

Since the summer of 2006, the Alberta Federation of Labour has brought forth three major objections to the treatment of the labour movement in Alberta. In June 2006, the federation climaxed its ongoing campaign for greater transparency and integrity at the Alberta Labour Relations Board with the release of a report by Lorne Sossin of the University of Toronto Faculty of Law.

The report reviews the role of the Chair and Vice-Chair of the ALRB in the development of Bill 27, the *Labour Relations (Regional Health Authorities Restructuring) Amendment Act*, 2003. Beyond the particular Alberta case, it also considers the broader question of "what is the extent of a Labour Board's legitimate role, if any, in the policy making process generally?"

The conclusion: the participation of a Board-Chair or Vice-Chair in the policy or legislative process may sometimes be appropriate, depending on the context, but that such participation always requires justification. The report makes three recommendations to improve transparency and accountability.

On August 31, the AFL objected to the exclusion of labour representatives from a 19-member Oil Sands Multi-stakeholder committee, charged with holding public hearings and making recommendations for the future development of the Oil Sands.

Most recently, on September 25, 2006 the AFL sent a letter to the Minister of Human Resources and Employment demanding an explanation for the September 13, 2006 appointment of Richard Mirasty as a labour representative to the provincial Workers Compensation Board.

The federation objects that Mr. Mirasty, a lawyer and professor in the University of Alberta's Law Faculty, has no known connection to the labour movement, nor was the federation consulted about the appointment, as has been customary.

The AFL letter requests that the appointment be suspended, that Mr. Mirasty be replaced with an "appropriate" labour representative, and that his appointment be considered when a vacancy occurs in the roster of Board members representing the public interest.

ONTARIO

Supreme Court Rules that OLRB has Jurisdiction to Determine Successor Employer in Bankruptcies

In a 7 to 1 decision issued on July 27, 2006 the Supreme Court of Canada has allowed an appeal by the Industrial Wood and Allied Workers of Canada, Local 700 in a case arising out of the bankruptcy of T.C.T. Logistics. Previous courts had granted KPMG, appointed as the interim receiver in the bankruptcy, the power to hire and fire employees, but declared that it was not a successor employer under the *Ontario Labour Relations Act*.

In its July decision, the Supreme Court has ruled that the labour relations board, and not the bankruptcy court, which has jurisdiction to determine who is a successor employer.

Justice Abella wrote: "For almost 150 years, courts and commentators have been universally of the view that the threshold for granting leave to commence an action against a receiver or trustee is not a high one, and is designed to protect the receiver or trustee against only frivolous or vexatious actions, or actions which have no basis in fact..."

"To impose a higher s. 215 threshold when it is a labour board issue is to read into the *Bankruptcy and Insolvency Act* a lower tolerance for the rights of employees represented by unions than for other creditors. I see nothing in the Act that suggests this dichotomy."

The union, now part of the United Steelworkers, was granted leave to bring successor employer proceedings before the Ontario Labour Relations Board.

Collective Agreements Ratified At Loblaws

The tentative agreement between Loblaws Canada and the United Food and Commercial Workers Union was ratified on October 15, 2006.

The four year agreement will cover approximately 38,000 employees represented by UFCW locals 1977, 175, 633 and 1000A, working at Loblaws Supermarkets Limited, Zehrs Markets, Fortino's and Real Canadian Superstores in Ontario.

The complex settlement gives Loblaws the flexibility to convert 44 existing supermarkets to superstores over the term of the contract.

ALRA Academy - June 27-29, 2007

CLOCKWISE FROM TOP LEFT:
Dean Leith (N.Y.); **Rodney Moorehead** (Virgin Islands); **Fernando Ortega** (Phoenix); **Arthur Marziale** (Ohio); **James Darby** (Pennsylvania); **Craig Mayton** (Ohio); **Greg Smith** (Australia); James Conlon (N.Y.); **John Wirenius** (N.Y.); **Levai Babaya** Minnesota); Linda Samuel-Jaha (Oklahoma).

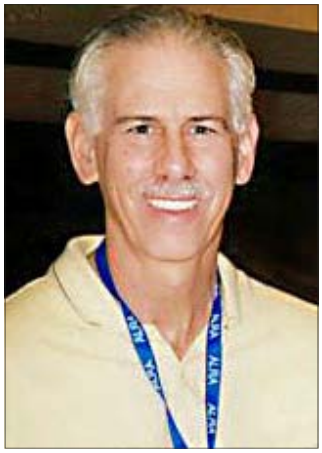
ALRA Academy is an instruction and orientation course for new Board Members and Commissioners, General Counsels and Agency Administrators. It is offered, without charge, as a service to member agencies. If you are interested in attending this year's Academy in Toronto, Canada please complete this form and fax it to ***Academy Coordinator, Jackie Zimmerman***. FAX (847) 680-0423**.** jacalynzim@aol.com

ALRA Academy Registration Form **July 27-29, 2006 – Toronto, Canada**	**FAX: (847) 680-0423**
Name	
Title	
Agency	
Years with Agency	**Years in Current Title**
Direct Phone #	**Fax**
E-mail Address	

ALRA Executive Board

Scot Beckenbaugh, VP—Finance (US-FMCS)

Les Heltzer
VP—Professional Development (NLRB)



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Jaye Bailey, Past-President (Connecticut)

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Pierre Hamel (PSLRB)

Sue Bauman (Wisconsin) and
Phillip E. Hanley (Phoenix)

Presentations...

President Marilyn Glenn Sayan presents "Brew Master" **Marvin Shurke** (Washington State) with a retirement beer tankard from ALRA.

Outgoing President, **Jaye Bailey** (left) receives a commemorative plaque in appreciation of her 2005-06 term, from incoming ALRA President, Marilyn Glenn Sayan.

More Baltimore Memories

Jackie Zimmerman (Illinois) and **Phillip E. Hanley** (Phoenix)

Sylvie Matteau (PSLRB) and **Geroges Nadeau** (PSLRB)

Dan O'Leary (FMCS)

Elizabeth MacPherson
(FMCS-Canada)

(L-R) **Tim Noonan** (LRB) and Ed **Zuccaro** (LRB)

(L-R) **Reg Pearson** (Ontario); **Marg Mather** (guest); **John Mather** (Ontario); **and Bruce Janisse** (Ontario)

John Truesdale
(NLRB-Retired)