



ASSOCIATION  
of LABOR RELATIONS  
AGENCIES

# ALRA Advisor



February 2025

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The ALRA Advisor is published biannually. On occasion, special issues are produced on an ad hoc basis.

### Deadlines

Deadlines for submissions are communicated to member agencies via email.

### Articles and Photos

All articles are subject to editing for length and clarity. Images should be high resolution.

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On the Cover: Sights from Detroit, Michigan / Photo Credits: Vito Palmisano (skyline & left circle) and Visit Detroit—crowdriff.com (right circle)

## FROM THE PRESIDENT



Sylvie  
Guilbert

It is always with some trepidation and sense of having large shoes to fill that one takes over the role of President of ALRA. At the Annual General Meeting (AGM) of ALRA, held at the close of the very successful Detroit conference in July 2024, I had the honour of taking over the reins from Eileen Hennessey.

Eileen Hennessey, Counsel with the National Mediation Board, is a long-term volunteer on various ALRA committees and on the Executive Board, and she was our ALRA President from July 2023 to July 2024. During her tenure as President, Eileen, with the help of Sydney McBride and the various Committee Co-Chairs, led the team that organized and delivered the very successful ALRA Conference held in Detroit, Michigan, from July 27 to 30, 2024. We are grateful that Eileen will continue in her role as Past-President and will continue to share her wisdom with us until July 2025.

On the heels of the ALRA AGM, new committee Co-Chairs were selected to lead the planning for the 73rd edition of the ALRA Annual Conference. Leading the Professional Development Committee are Adam Rhynard, Board Chair of the Oregon Employment Relations Board, and Julie Beauchesne, Director of Mediation and Dispute Resolution Services with the Canadian Federal Public Sector Labour Relations and Employment Board (FPSLREB). The Co-Chairs of the Program Committee, responsible for the content for Advocates Day, are Roxanne Rothschild, Executive Secretary of the National Labor Relations Board; Elizabeth Cameron, Member of the Canada Industrial Relations Board; and Amélie Lavictoire, Vice-Chairperson of the FPSLREB. Jean-Daniel Tardif and myself are the Co-Chairs for the Arrangements Committee. Many of you have volunteered to serve on these committees, helping to shape the content and the delivery of the next ALRA Conference.

On that note, we cordially invite you to **SAVE THE DATE** for the 73rd edition of the ALRA Annual Conference which will be held from **July 19 to 22, 2025**, at the beautiful **OMNI Hotel Mont-Royal** located in the heart of downtown **Montréal, Canada**. (see: [Hotel Omni Mont-Royal | Montreal Hotels](#)).

Under the theme **"Innovate, Adapt, Succeed,"** ALRA will offer member agencies Delegates from across Canada and the USA a unique professional development program and skill-building opportunity, especially designed by neutrals, for neutrals. On July 21, 2025, **Advocates Day**, will bring together labour and management representatives and Delegates to discuss key workplace issues of the day.

In the coming months, you will find a detailed agenda as well as registration information at [www.alra.org](http://www.alra.org).

As you know, ALRA is an important association for all of us working in neutral labour relations agencies. Whether we spell labour with or without the "u" (the Canadian spelling has been drilled into my brain from a young age – hence it will be my hallmark for this year), the fact remains that we are all united by the same aspiration: to serve and support labour-management



relations and help parties resolve their workplace disputes. With that in mind, if you wish to help on any of the committees that are working hard to plan and deliver the 2025 Montreal Conference, wish to write an article for the newsletter or volunteer in any other way, please let us know by contacting [info@alra.org](mailto:info@alra.org).

Thank you for your continued support for ALRA. I look forward to welcoming you in Montreal next summer!

—**Sylvie M.D. Guilbert**, Vice-Chairperson, Canada Industrial Relations Board; ALRA President 2024-2025

## 72ND ANNUAL ALRA CONFERENCE—A HUGE SUCCESS

*By Sidney McBride, Bureau Director, Bureau of Employment Relations*

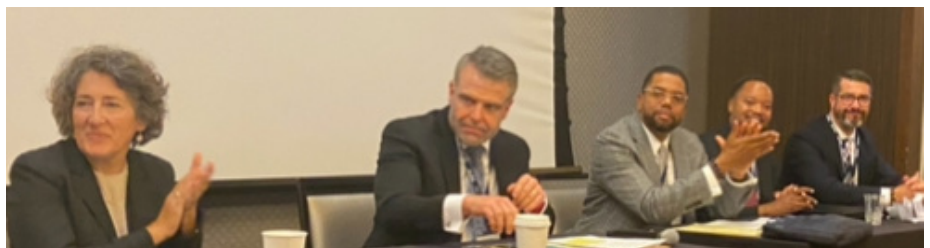
Detroit, Michigan, was the site of the 72nd Annual Conference of the Association of Labor Relations Agencies in late July 2024. Nearly 125 attendees from across the USA and Canada attended the international event held in the downtown area. Many who attended were very impressed with the growth and vibrance of the Motor City. The 4-day event focused on various processes, case activity and decisions, general concerns, and best practices of federal, state, and local labor relations agencies across the USA and Canada. Key topics common to many of the jurisdictions related to (i) meeting the diverse needs of multiple generations of workers; (ii) expanding the use of workplace technology including remote, AI, and ChatGPT tools; (iii) obtaining faster case dispositions in light of diminishing resources; and (iv) the impact of gender-identity issues in collective bargaining and related activity. One special day—“Advocates’ Day”—invited local representatives to participate in a full day focused on current issues experienced by local unions, employers, and workers.

In addition to ALRA members, conference presenters comprised of industry and agency practitioners who are well respected within the labor relations field in the USA and Canada. Some

of the national and local personalities from the USA included Jennifer Abruzzo and Peter Ohr (NLRB General Counsel and Vice Counsel); Charlotte A. Dye (FLRA Deputy General Counsel); Kevin Mapp (USW International); and Brittani Murray (National AFL-CIO). Presenters from Canada included Bryan O'Byrne (Chair, Ontario Labour Relations Board) and Edith Bramwell and Amelie Lavictoire (FPSLREB Chair and Vice Chair).

The local Advocates' Day attendees and presenters comprised a cross section of local labor and management representatives from noted organizations such as Miller Johnson Law, Clark Hill Law, Thrun Law, Miller Cohen Law, White Schneider Law, Michigan Nurses Association, Michigan Education Association, American Federation of Teachers, IBEW Local 58, Michigan Association of Police, MRCC/Carpenters Local 687, Teamsters Local 214, Teamsters Local 243, SEIU Local 517, University of Michigan House Officers Association, United Steel Workers, Walter Reuther Library, MSU Law School, and the Michigan Attorney General's Office.

The Michigan Employment Relations Commission is very proud to have hosted the 72nd ALRA International Conference and to experience the tremendous involvement from local, national, and international participants and attendees.





From front to back, left to right: Adam Rhynard, Jake May, Jennifer Glougie; Kevin Hawkins, Deirdre Hamilton, Christy Yoshitomi, Natalie Zawadowsky, Julie Beachesne; Marshall Thompson, Mike Hayes, and Scot Beckenbaugh.



Eileen Hennessey, Jennifer Abruzzo, and Sylvie Guilbert



Julie Beachesne, Christy Yoshitomi, Erin Lahr, and Natalie Zawadowsky.



Jennifer Glougie, Erin Lahr, and Jake May.

## UNITED STATES



## FEDERAL MEDIATION AND CONCILIATION SERVICE

As we approach the close of 2024, the Federal Mediation and Conciliation Service (FMCS) is proud to share several notable updates and achievements that underscore our commitment to fostering constructive dialogue, resolving labor disputes, and supporting both labor and management in reaching fair and equitable agreements. This last half of the year we would like to highlight just a few key milestones in our work, including several high-profile mediation successes and the recognition of FMCS leadership.

### **FMCS Success Stories: Strengthening Our Economy by Protecting Against Interruptions to the Free Flow of Commerce**

FMCS has been at the forefront of resolving high-stakes disputes across various sectors, successfully mediating agreements that have averted strikes and protected essential services. By preventing work stoppages and fostering labor peace, FMCS plays a critical role in maintaining economic stability and ensuring the continued flow of commerce across key industries. Here are just a few examples of our recent successes:

#### **FMCS Mediates Agreement Between Chicago Park District and SEIU Local 73, Preventing Strike and Ensuring Continued Park Services:**

FMCS intervened in a protracted negotiation between the Chicago Park District and SEIU Local 73, representing over 2,200 workers. After the previous contract expired and negotiations stalled for nine months, FMCS stepped in in March 2024, guiding both parties to a tentative agreement in April 2024, just days before a planned strike. This agreement was ratified later that month, with a focus on wage increases and improved working conditions. It ensures the continuation of essential park services in

Chicago, positively impacting over 2.6 million residents.

#### **FMCS Mediates Resolution Between Constellation Energy and NUNSO, Preventing Costly Disruptions at Illinois Nuclear Plants:**

FMCS successfully mediated a labor dispute between Constellation Energy and security officers represented by the National Union of Nuclear Security Officers (NUNSO) at Braidwood and LaSalle County nuclear plants in Illinois. With contract negotiations stalled and a potential work stoppage looming, FMCS facilitated a resolution over three weeks, with tentative agreements reached on April 19, 2024, and ratified by April 26. The mediation avoided costly Nuclear Regulatory Commission security measures, saving Constellation approximately \$1.5 million. This successful resolution supports the continuity of operations at Constellation's plants, ensuring nuclear security and avoiding local economic disruptions for over 12.8 million Illinois residents.

#### **FMCS Helps Tyson Foods and the RWDSU Improve Operations at Tennessee Facility:**

FMCS facilitated a successful collaboration between Tyson Foods and the Retail, Wholesale, and Department Store Union (RWDSU) to address workplace culture and retention challenges at Tyson's Shelbyville, Tennessee, facility. Following a needs assessment, FMCS provided training for 80 supervisors and union stewards on communication, leadership, and contract administration, aiming to improve operations and reduce attendance issues. The training, held in April 2024, is expected to enhance the work environment, prevent labor conflicts, and support economic stability in Tennessee's 4th Congressional District, benefiting over 7 million residents and

contributing to Tyson's local and state economic impact.

**FMCS Secures First Contract for University of Pennsylvania Resident Advisors, Ending Disruptive Dispute:** FMCS successfully mediated the first contract between the University of Pennsylvania (Penn) and its Resident Advisors, represented by OPEIU Local 153, after six months of negotiations and campus unrest. The agreement, ratified on June 8, 2024, follows a period of protests and the university president's resignation. The new contract provides student workers with stipends, housing, and meals, and avoids potential labor disruption. It positively impacts over 250 Resident Advisors and the broader Penn community, supporting education access and job opportunities while benefiting Pennsylvania's economy, including the Philadelphia metro area.

**FMCS Mediates Agreement Between the NWIRCA and UURWAW, Ending Strike and Restoring Roofing Services in Northwest Indiana:** FMCS mediated a successful agreement between the Northwest Indiana Roofing Contractors Association (NWIRCA) and the United Union of Roofers, Waterproofers, and Allied Workers (UURWAW) after a strike halted roofing work across six counties. Despite contentious negotiations, FMCS facilitated five sessions, leading to a ratified agreement on June 28, 2024, that ended the strike. The resolution restores roofing services in Northwest Indiana, benefiting over 2.2 million residents, easing pressure on the local roofing industry, and supporting the homebuilding economy by allowing construction projects to resume on schedule.

**FMCS Mediates Resolution Between Con Ed and Utility Workers, Preventing Disruptions During NYC Heat Wave:** FMCS successfully mediated a new four-year contract between Consolidated Edison (Con Ed) and utility workers represented by UWUA Local 1-2 in June 2024, avoiding a threatened labor action. After extensive negotiations, FMCS facilitated four mediation sessions, culminating in a tentative agreement on June 23, 2024, which was ratified on August 5. The agreement addresses wages,

health benefits, and safety measures for 8,000 utility workers. The mediation ensured continuity of service for 3.6 million Con Ed customers in New York, preventing disruptions during a heat wave and safeguarding public health and safety.

**FMCS Facilitates First Union Contract at U.S. Apple Store, Enhancing Employee Conditions and Customer Service:** FMCS played a pivotal role in facilitating the first union contract at a U.S. Apple retail store. After a year of negotiations between Apple and the International Association of Machinists and Aerospace Workers (IAM CORE), which represents around 85 employees, a federal mediator stepped in during February 2024 to help resolve differences. Despite a strike authorization vote, FMCS guided both parties through three days of negotiations, leading to a three-year agreement ratified in August 2024. This agreement promises to enhance employee conditions, which is expected to boost customer service quality and inspire similar actions in other retail locations.

**FMCS Mediates Resolution Between the NEA and NEASO, Ending 5-Week Work Stoppage and Ensuring Continued Support for Public Education:** FMCS successfully mediated a new three-year contract between the National Education Association (NEA) and its support staff, represented by the National Education Association Staff Organization (NEASO), ending a five-week work stoppage. The dispute, which disrupted the NEA's national conference and led to the cancellation of a major event, was resolved after FMCS facilitated 12 mediation sessions. The agreement, ratified on August 21, 2024, addresses key issues such as salaries, holiday pay, healthcare, and telework policies. This resolution ensures uninterrupted advocacy for public education, benefiting over 49 million students and 3.2 million educators nationwide.

**FMCS Mediates 2.5-Year Agreement Between BWH and the MNA, Stabilizing Healthcare Services for 4,000 Nurses:** FMCS mediated a 2.5-year agreement between Brigham and Women's Hospital (BWH) and the Massachusetts Nurses Association (MNA), covering 4,000 nurses. The mediation began in May 2024, following nearly a year of unsuccessful negotiations that included



an informational picket and a strike authorization. FMCS facilitated 10 mediation sessions that addressed critical issues like staffing, wages, and healthcare benefits. This agreement, finalized in September 2024, aims to stabilize healthcare services amidst staffing challenges, ensuring continuity and improving recruitment and retention of healthcare professionals.

**FMCS Mediation Helps Restore Service and Stability at JTRAN in Jackson, Mississippi:** FMCS successfully mediated a resolution between MV Transportation and the Amalgamated Transit Union representing 60 bus operators in Jackson, Mississippi, ending a 14-day work stoppage. After months of challenging negotiations, FMCS helped the parties reach amendments to their labor contract, which were ratified on September 17, 2024. The new agreement restored regular bus services for JTRAN, benefiting over 700,000 Jackson-area residents and ensuring stability for the transit system. The resolution also supports planned service improvements, providing better access to transportation, job opportunities, and enhanced equity for vulnerable communities across the region.

**FMCS Resolves Critical Work Stoppage at Kapiolani Medical Center, Securing Labor Agreement for Nurses:** FMCS recently mediated a successful agreement between Kapiolani Medical Center and the Hawaii Nurses Association, ending a 22-day lockout of 600 nurses. After more than a year of negotiations, FMCS mediators helped both parties reach a three-year contract on October 1, 2024, which was ratified the following day. The new agreement introduces enforceable nurse-to-patient ratios, improves patient care, reduces reliance on traveling nurses, and addresses staffing shortages, ensuring greater stability for Hawaii's healthcare system. It also includes provisions for ongoing collaboration and future training, benefiting both the hospital and its staff.

These success stories highlight FMCS's crucial role in maintaining workplace stability, resolving conflicts, and ensuring that essential services are not disrupted by labor disputes.

## Recognizing FMCS Leaders

### Congratulations to Sarah Cudahy on Her Promotion to Deputy Director for Labor Policy and Communications

FMCS is thrilled to announce the recent promotion of Sarah Cudahy to the position of Deputy Director for Labor Policy and Communications. This well-deserved advancement reflects Sarah's exceptional leadership and dedication to advancing the mission of FMCS.



Before stepping into her new role, Sarah served as the Associate Deputy Director of Field Operations (National/International), where she managed the implementation of a variety of FMCS national projects, initiatives, and programs. These efforts spanned across several key areas, including the Office of National Projects, the Office of Conflict Management & Prevention/International, and the Center for Conflict Resolution Education. Sarah also held a key detail assignment as Senior Advisor to the Office of the Director.

Sarah's career at FMCS is built on a strong foundation of legal and labor relations expertise. She began as General Counsel at FMCS, where she provided critical legal guidance and strategic counsel, shaping the agency's approach to conflict resolution and labor relations. Prior to joining FMCS, Sarah was Executive Director and General Counsel of the Indiana Education Employment Relations Board, and she also served as a mediator and administrative law judge through the state's Shared Neutrals program.

FMCS congratulates Sarah on this significant achievement and looks forward to the continued impact of her leadership in her new role. We are confident that she will continue to drive positive change and contribute to the agency's mission of improving labor-management relations across the country.

Congratulations, Sarah!

## Congratulations to Deputy Director Javier Ramirez on Receiving the 2024 LERA Outstanding Practitioner Award

We're proud to share that Javier Ramirez, FMCS Deputy Director for Field Operations, has been honored with the 2024 LERA Outstanding Practitioner Award by the Labor and Employment Relations Association.



This prestigious award recognizes Javier for his years of leadership, dedication, and exceptional contributions to the field of labor and employment relations.

The LERA Outstanding Practitioner Award is presented annually to a practitioner who has demonstrated outstanding leadership and

innovation in advancing labor and employment relations practices. In Javier's case, his work has significantly shaped both the field and FMCS's approach to dispute resolution. His efforts in fostering constructive dialogue between workers and employers have had a lasting impact across the country.

Javier has been with FMCS for over 19 years, developing strategies that address complex labor disputes and create lasting resolutions. His work has helped shape a better environment for both workers and employers, reinforcing the vital role FMCS plays in resolving conflict and supporting workplace stability.

This recognition places Javier among a distinguished group of past FMCS recipients, including Christy Yoshitomi (2020) and Allison Beck (2015), who have similarly been honored for their contributions to the field. ■



## NATIONAL MEDIATION BOARD

### Emergency Board Created on New Jersey Transit / Brotherhood of Locomotive Engineers and Trainmen Dispute

By Executive Order on July 24, 2024, President Joseph R. Biden, Jr. established Presidential Emergency Board (PEB) No. 251 (PEB 251) to investigate collective bargaining disputes between New Jersey Transit and their Locomotive Engineers represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET). President Biden appointed Arbitrators Elizabeth C. Wesman, Barbara C. Deinhardt, and Lisa Salkovitz Kohn to PEB 251 with Arbitrator Wesman serving as Chair of this PEB. Under Section 9a of the Railway Labor Act (RLA), the appointment of a PEB is required when a party to the dispute requests an Emergency Board.

PEB 251 conducted a hearing and drafted a report with recommendations for settlement of the dispute to President Biden. On August 23,

2024, the Emergency Board submitted its report to the President. The National Mediation Board (NMB) conducted a public hearing on September 20, 2024, and representatives from New Jersey Transit and BLET appeared at the hearing and provided public testimony. Required by Section 9a of the RLA, the hearing is intended to provide information as to the positions of the parties and in particular to allow the parties to explain why they have not accepted the recommendations of the Emergency Board for settlement of the dispute. The statute does not require the NMB to make any order or issue any report, comment, or recommendation about the testimony provided.

On November 21, 2024, President Biden established Presidential Emergency Board No. 252 (PEB 252) to further investigate the unresolved collective bargaining disputes in this case and appointed the following members to PEB 252: Ira F. Jaffe, Chair; Sidney Moreland, Member; and Thomas Pontolillo, Member. A

second PEB in this dispute is allowed under Section 9(a) of the RLA. Pursuant to the RLA, the parties will submit their final offers to the Emergency Board, which will then submit a Report to the President with its selection of the most reasonable offer within 60 days of

the creation of the Emergency Board. Under the RLA no work stoppages, and no changes in the conditions out of which the disputes arose (except by agreement of the parties), are permissible for 120 days following the creation of the Emergency Board. ■



## WASHINGTON STATE PUBLIC EMPLOYMENT RELATIONS COMMISSION

### Commission Issues First Two Decisions Addressing COVID-19 Vaccine Requirements

In September 2024, the Commission issued *King County*, Decision 13825-A (PECB, 2024), and *City of Bellingham*, Decision 13826-A (PECB, 2024)—the first two agency decisions addressing COVID-19 vaccine requirements.

In 2021, King County and the City of Bellingham, like many jurisdictions, imposed COVID-19 vaccine requirements. Ultimate failure to comply with those requirements would result in termination. In both cases, the unions alleged a failure to bargain over the employers' decisions to impose the vaccine requirement.

The examiner and the Commission on appeal concluded that the decision to impose a vaccine mandate was a permissive subject of bargaining. To determine whether a subject is a mandatory subject of bargaining under our jurisprudence, we are required to balance "the relationship the subject bears to [the] 'wages, hours and working conditions'" of employees and "the extent to which the subject lies 'at the core of entrepreneurial control' or is a management prerogative." *International Association of Fire Fighters, Local Union 1052 v. Public Employment Relations Commission (City of Richland)*, 113 Wn.2d 197, 200 (1989).

In this instance, the examiner and the Commission concluded that the employer's interest in protecting the health and safety of the employees and the public as well as

safely providing essential public services in the face of a historic pandemic outweighed the union's substantial and compelling interest in the imposition of a new working condition that carried with it the consequence of termination. The Commission distinguished these cases from the National Labor Relations Board's decision in *Virginia Mason Hospital*, 357 NLRB 564 (2011). That case dealt with the employer requiring an annual flu vaccine for employees, which the Board concluded was a mandatory subject of bargaining. In distinguishing the cases, the Commission noted that its cases dealt with a vaccine policy adopted in the face of a public health emergency—a once-in-a-century global pandemic—and a virus to which the public possessed limited immunity.

### Henry E. Farber appointed to the Commission

On December 19, 2024, Governor Jay Inslee appointed Henry E. Farber to the Commission following the expiration of Mark Busto's term.

Henry has worked in labor and employment law since 1979, first with the National Labor Relations Board and then as an attorney in private practice and as in-house counsel. Henry represented employers in labor matters and employers and individuals in employment litigation. In 2014, Henry was inducted into the



College of Labor and Employment Lawyers, an organization of advocates and neutrals, which promotes the importance of civility. Since 2019, he has studied and practiced mediation, including receiving his Certificate in Professional Mediation from the Cornell University Scheinman Institute on Conflict Resolution. He has also provided volunteer mediation services in Small Claims Court through the Dispute Resolution Center of King County.

Henry has been a full-time neutral since June 2022. He is a member of the Public Employment

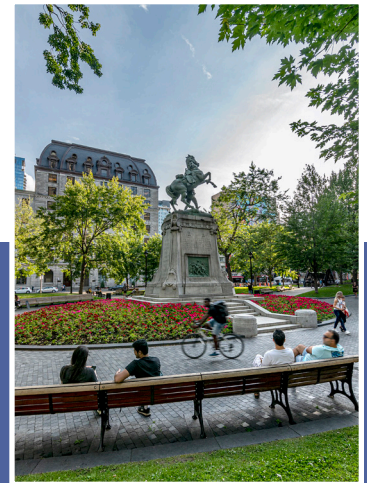
Relations Commission Dispute Resolution Panel, the Montana Roster of Arbitrators, and the Labor Arbitration Roster of the American Arbitration Association. In 2024, Henry was appointed by the Washington Supreme Court to be a Disciplinary Hearing Officer and was also named to the Issaquah Civil Service Commission. Henry also taught labor law at University of Washington Law School and has been consistently recognized as a top lawyer in the labor and employment field by leading publications such as Best Lawyers in America and Chambers USA. ■



Stéphan Poulin – Tourisme Montréal



Charlotte B Domingue - Tourisme Montréal



Freddy Arciniegas - Arcpixel -  
Tourisme Montréal

## SAVE THE DATE!

73rd Annual ALRA Conference  
**Innovate, Adapt, Succeed**  
Montréal, Québec, Canada | July 19–22, 2025

*We hope to see you in Montréal!*