

“Arbitration is the generally accepted means of resolving contractual disputes. We maintain a roster of 1400 private arbitrators with extensive experience in collective bargaining.”

What Is Arbitration?

Arbitrators are private individuals, acting in a quasi-judicial capacity, who hear evidence and make decisions on contractual grievances submitted to them. Arbitration is a system for resolving conflict that keeps collective bargaining agreements viable, workable and respected by the contracting parties. It is the generally accepted means of conflict resolution between an employer and a labor organization during the term of a contract, enabling disagreements over contract interpretation or application to be settled in a less formal setting than time-consuming and costly courtroom litigation.

Another form of arbitration — interest arbitration — although limited in use, makes the arbitrator responsible for deciding contract terms when the negotiating parties are unable to complete negotiations on a final contract.

Who Are FMCS Arbitrators And How Are They Selected?

The Federal Mediation and Conciliation Service (FMCS) maintains a roster of approximately 1400 private arbitrators, who are experienced practitioners with backgrounds in collective bargaining and who meet FMCS arbitration requirements. These requirements include:

- Past decision-making roles in labor relations issues;
- Proof of qualification demonstrated by the submission of five labor arbitration decisions as an arbitrator in disputes arising under collective bargaining agreements;
- Experience as a judge or hearing examiner in labor controversies; and
- Agreement to refrain from advocacy roles in representing employers, labor organizations or individuals.

Selection of arbitrators for the roster is done by the Arbitration Review Board, composed of representatives of the FMCS Director. The Review Board carefully screens applicants and recommends selections to the Director based on the above criteria.

How Do I Secure An Arbitrator?

You may request a panel online via our Web site, using form R43, or by downloading the form and submitting it in writing. When an arbitrator is requested, we generate a computerized panel list of arbitrators from which the parties may select. These panels consist of several arbitrators and can be compiled based on geographic location, professional affiliation, experience within an industry or other criteria. The panel is sent to the parties with biographical sketches of each arbitrator and his or her fee schedule. Once the parties have made their selection, we formally notify the arbitrator.

Why FMCS?

“With a history of more than a half century of providing mediation and facilitation services, FMCS has more collective experience in dispute resolution than any other agency of government.”

How Fast Is The Selection Process?

Your panel will be sent to you within 5 days of your request. Once you select the arbitrator from the panel, the arbitrator will contact you within 14 days to arrange a hearing date, time, and place.

How Soon Can I Get A Decision?

Once the arbitrator is selected, he or she is responsible for rendering a timely decision. FMCS rules require the arbitrator to follow the collective bargaining agreement with respect to the time the award is due. Absent language in the agreement, FMCS rules allow up to 60 days from the close of a hearing for a decision to issue. If you do not receive the award within that time, please notify the Director of Arbitration Services at 202-606-5111. If arbitrator is late in rendering a decision on a discharge case, we refuse to assign that arbitrator to a panel until the decision is rendered.

What Will It Cost?

When you request a panel through the FMCS Web site, the fee is \$30. When you file a written request, the fee is \$50. Fee schedules and hourly rates for arbitrators vary, although most expect travel costs to be paid by the parties.

To read all FMCS Arbitration Policies and Procedures, log onto www.FMCS.gov, where all agency rules and regulations are published. If you wish to speak to the Director of Arbitration Services, please call 202-606-5111.

FMCS

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The primary responsibility of the Federal Mediation and Conciliation Service is to promote sound and stable labor relations through mediation and conflict resolution services. We mediate collective bargaining negotiations, provide other forms of alternative dispute resolution services outside of the collective bargaining context, provide training courses to improve the workplace relationship, and refer arbitrators for settlement of contract application disputes. FMCS mediators are widely dispersed throughout the country. For more information about the Service, its locations, and its programs, please visit our Web site at www.FMCS.gov