

ALRA-Advocates--Day-with-Guest-Sarah-Cudahy

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SPEAKERS

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M Matt Greer 00:09

Most likely, if you've had an opportunity to interact with a labor relations agency, it probably had been in a mediation training or unfair labor practice process. But what exactly are labor relations agencies such as the Washington PERC, where your co-hosts, Emily, Chris and Matt work, and how do they fit in the negotiation sphere? In this episode, we're honored to be joined by Sarah Cudahy, of the Federal Mediation and Conciliation Service to explore that question and more. Sarah is also a leader in the Association of Labor Relations Agencies (ALRA), which is an organization of impartial government agencies in the US and Canada that are responsible for administering labor management relations laws and services. Sarah will also talk about the virtual conference ALRA is hosting on July 25. Go over the interesting and very timely topics and speakers on the agenda and invite you to register and attend. Enjoy the episode.

M Matt Greer 01:06

Hello, hello. hello. Welcome to the PERColator podcast. My name is Matt Greer, one of your co-hosts on the podcast and today I have Emily Martin, one of our co-hosts. Hi, Emily. How you doing?

E Emily Martin 01:16

Hi Matt, I'm doing great, how are you?

M Matt Greer 01:18

I am doing great. And I'm really excited today because we have a special guest, Sarah Cudahy, who is not only one of our valued colleagues, I consider her a friend. I've known her for a few years now and through various organizations, including the one we're talking about today. And I'm very excited to have you here, Sarah. So why don't you take a moment and tell us a little about yourself?

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Sarah Cudahy 01:39

Of course, Thank you, Matt, and thank you for having me on, I'm very excited to be part of the PERColator. As Matt said, my name is Sarah Cudahy and I currently serve as the general counsel for the Federal Mediation and Conciliation Service. And I am currently in a detail, which we have sometimes in the federal government where I am temporarily serving as senior advisor and attorney advisor to the Office of the Director. For those of you that don't know FMCS we're a small, but mighty, independent federal agency that provides conflict management services, including mediation, training, and facilitation in the labor arena. Again, excited to be here with you all today.

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Matt Greer 02:20

Thanks for joining us. So the main reason we have you here today is we're very excited about the Association of Labor Relations Agencies is having a conference coming up later this month. And we're going to talk about that too. But Sarah is very, has been for a long time, a leader in that organization. And the last in person conference they had was in Cincinnati, and Sarah did a great job of helping organize that and doing that. So this year is going to be virtual and we're gonna talk a little about that, but we thought we'd start off by talking a little about what ALRA is, and Sarah is a great resource for that. So give us a little thumbnail for those who may not have heard of ALRA before, what it is.

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Sarah Cudahy 02:55

Of course. So ALRA stands for the Association of Labor Relations Agencies, and it's an association of local state and federal neutral labor relations agencies in the United States and also Canada. So state agencies, city agencies, federal agencies, our primary purpose is professional development. So as part of that you mentioned our conference, that's our biggest professional development that we have every year also have started doing professional development outside the conference hosting webinars, which are often free to member agencies. But we've also hosted several for negotiators, advocates, as well as member agencies about what's going on out there in labor relations today.

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Matt Greer 03:38

So who is in ALRA, who does it consist of?

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Sarah Cudahy 03:42

So the member agencies are all the major labor relations agencies, and it is run by a board composed of people from those agencies. So our President is the Chair of the New York City Office of Collective Bargaining, Susan Panepento. And actually the President Elect is the Executive Director of Washington PERC, Mike Sellars.

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Matt Greer 04:05

Yeah!!

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Sarah Cudahy 04:06

Yes, exactly! And we have several other board members as well as Executive Board members from throughout the United States and Canada. All of our members are neutral labor relations agencies, so they implement labor relations laws, whether it's the National Labor Relations Act or state labor relations laws, and many of our member agencies have additional duties as well. So some may do employment adjudication, some may do research. So it's all across the board, but we all share in common that we are neutral agencies that help implement labor relations laws.

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Emily Martin 04:06

I think that's really one of the strengths of ALRA. You know, everyone, every organization is slightly different. And I think sometimes when agencies get to get together they kind of look at each other saying so what do you do? How do you do it?

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Sarah Cudahy 04:56

It's so great because sometimes, you know, we get legislation where an agency will add, you know, we'll get an additional duty. So that's happening now in Canada for one of the agencies, we'll talk about the federal sector, labor relations and employment agency. It happened when I was at the Indiana Education Employment Relations Board, we added some duties, and my first call was to other member agencies in order to say, how do you do this? You know, what are your best practices, what's been working well? What hasn't? In order to develop our own rules, laws guidance, and to see, you know, what works, what doesn't, and to use those resources wisely.

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Matt Greer 05:34

The cross pollination that you have with ALRA is really important, because I think, especially for the state and local agencies like Washington PERC, we get kind of insulated in our little corner of the world. And I found ALRA is a great opportunity to see and hear what's going on in other agencies in the United States as well as Canada. Canada is a totally different world, there's enough similarities, you can kind of make sense of it, but there's enough different stuff going on that it kind of generates different thoughts and different questions and, and analyzing problems in different ways that's really valuable for that. So I kind of think of the labor relations world as kind of three legged stool where you have the unions and the employers, and then you have the neutrals. And so ALRA is kind of that the third leg of that stool, and I think we are important in the negotiation process. And that kind of was one of the PERColator's goals. And our mission is to kind of give the negotiators some tools, drawing some of those tools that come out in, in our in our universe of labor relations, and what people can use. And so ALRA,

kind of fits into that. And I'm kind of curious Sarah, if you have any thoughts about how ALRA and the goals of ALRA and the agencies that are members there could help the negotiators and how do they fit? How does all that fit into that that three legged stool from your perspective?

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Sarah Cudahy 06:39

Yeah, I agree the labor relations agencies, and they can assist negotiators in many ways. So I sort of break it down again, as you said, it's like a three legged stool, or I was thinking in these three buckets, right. So the first is the agency's promulgate rules and issued guidance to the parties about that negotiation, depending on whatever it is that their authority statutory authority might say. The second is providing training, both on best practices, perhaps for negotiations, as well as what the law says in terms of what they can do, what they should do. And then the last is mediation and adjudication of disputes. So those three areas are primarily how those member agencies are interacting with negotiators out there in the labor world. And so at ALRA, we have that cross pollination, where we talk to each other and can learn about how to promulgate the best rules possible in terms of efficiency in terms of clarity, for the parties, as well as some of these other items. So we often get together and talk about best practices for mediation, effective writing for decisions, as well as training. How are we doing training and of course, the pandemic was a great opportunity to come together and talk about hybrid mediation and training parties on being able to do hybrid or virtual, you know, remote mediation and adjudication. And so that ability for agencies to transfer to the virtual world was faster, more effective and efficient, because of the fact that we were all talking to each other and seeing what worked, we sent out to each other best practices, guides, maybe scripts, that adjudicators use, and people were able to take that and tailor it to their particular statutory regime and authority and sort of who it is that practice before them. But that's one of the things that I think was really helpful and allowed us to better serve the people that come before us as agencies.

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Matt Greer 08:40

Yeah, I agree ALRA was a great resource as we were transitioning to the pandemic world, I think there was even a webinar that we kind of participated in about how to do mediations in this new world, and it was a great way to exchange ideas and it was very helpful for those of us who who do this work. So ALRA puts on that conference. Now, you mentioned earlier that one of the primary missions of ALRA is the professional development piece and the conference that goes on every year. And part of that and what's going to be of most interest to our folks listening to this is about the Advocates' Day. So the conference is two days if I understand it right? And one of those days is geared towards the advocates and negotiators who might be out there who are doing that. So, I don't know, can you tell us a little more about what Advocates' Day is?

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Sarah Cudahy 09:17

Absolutely. Traditionally, we do have that conference every year and one of the days of the conference, we set aside cap professional development for the member agencies and advocates together and our conference moves every year to a different location. We of course rotate between the United States and Canada, but also we try to rotate between West Coast,

East Coast and the middle of the country. And so as that conference moves every year, so too does Advocates' Day typically for example you mentioned in 2019, we hosted our conference in Cincinnati. And so there was for those of us on the ground, getting a lot of advocates from that area and making sure that we had programming that would be relevant to the advocates that were in that area. This year, because it's virtual, we have a great opportunity for negotiators all over the United States and Canada, which is for the first time, no matter where you are, you can come and be part of this professional development for ALRA. So our theme this year is "Redefining Connections", we are looking at establishing connections, securing connections, redefining what that means as well as the right to disconnect. And that's something that we've been looking at as well. So as we transition into this virtual world, some of the thoughts are when do we ever leave it. So those are some of the things that we're looking at with the conference. Advocates' Day will be held July 25, of 2022, on Monday, and it's 930 to 130, Pacific Standard Time, or 1230 to 430, Eastern Standard Time for if you are on the East Coast like me, and we've been able to do it for low cost. It's only \$50 for the entire day of programming. And you can register today at [ALRA.org/registration](https://alra.org/registration). We'll talk a little bit more in detail about the agenda. But that's also available on the website. And that's all we have for Advocates' Day, we mentioned that the Board of ALRA consists of employees of the various member agencies, and the same thing is true of the committee. We have a committee that runs Advocates' Day, and the two chairs this year for Advocates, there is John Wirenius, who's the Chair of the New York Public Employment Relations Board, and Sylvie Guilbert, who's a member of the Canadian Industrial Relations Board or CIRB, they're similar to NLRB. They regulate some things a little bit differently, but that's probably the closest counterpart that we have in Canada. And they've both been very active in ALRA as well and have put forth a really great agenda for this year.

E

Emily Martin 11:45

You know I want to make two thoughts, when I heard you talking, first of all, Cincinnati was fantastic. So I just think we just need to acknowledge how amazing the Cincinnati conference was. Great job, Sarah! It was it was an amazing conference. And the second thing is I feel like Advocates Day is this, it's this conference that includes the advocates, but it's kind of stealth because of the moving nature of ALRA. It's not like it's in Seattle, every year, everybody knows this time of year, you come to Seattle and you do this thing. It moves from the US to Canada, it moves all around. It's online right now. So it's not necessarily on everybody's radar, you know, a locality because it comes to town or it comes to the area, you know, and it's a great conference to go to, especially when it's nearby. But it's hard to predict, oh, I want to go to that in five years or something like that, as it moves around so much.

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Sarah Cudahy 12:39

Absolutely. Which is why this year is a great opportunity. Because no matter where you are, you can register and plug in and get to hear some of these great speakers and interact with all of these different agencies.

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Matt Greer 12:51

Yeah, that's great. Maybe we are getting a little ahead of ourselves, but you can test out this year virtually, and then next year, it's going to be in Vancouver, I think right? We are getting a little ahead of ourselves, if you'd really like it then next year, it'll be easy for those those of you

who are listening to us in Washington or Oregon or BC, it'll be in our our back door, basically. You mentioned Sarah, that there was some of the agenda items for the Advocates' Day. I'm curious if you can tell us a little more about that? I had a chance to kind of look through the agenda and I think it's great. So what are the things you are looking forward to on the Advocates' Day agenda?

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Sarah Cudahy 13:19

Yeah, absolutely. I think it's very well balanced. So there are three sessions, the first session, particularly for those negotiators that may do private sector work, but I always think it's great professional development, no matter what sector you're doing is we're going to hear from the National Labor Relations Board general counsel, Jennifer Abruzzo, who's going to discuss new initiatives at the NLRB. She has issued a number of memos, and in particular, just some highlights about remedies, including a new remedy of consequential damages. She's also issued several memos about injunctive relief about settlements. And so there's some a lot of new information out there for parties at the table for negotiators about some of those initiatives. The NLRB has also been very active in implementing the White House Task Force on worker organizing and empowerment. And that task force was initiated pursuant to Executive Order 14025. So we've seen several initiatives, General Counsel memos, operating memos coming out of the NLRB. So I think that's really helpful for negotiators to see what's coming out. I know when I worked, even at the state, often the state and the board members we would at least look to what is the NLRB being doing right now what is their case laws, we look to see what we are going to do in the state. So that's going to be then paired with an economist Jim Stanford, who is the director of the Center for Future Work. He came and spoke to us last year for the member agencies and found it really entertaining and very informative. And so you know, there's a lot out there the negotiating table that is legal based, we hear from General Counsel, but also that's not legal based right? We know there's a lot going out there in the world with inflation with this, is there a labor shortage or not? Some of these questions that we're hearing at the table that we're talking to negotiators about that are impacting whether or not things have settled, whether or not they're beat, maybe labor strikes. So really looking forward to hearing from Mr. Stanford about what he's seeing out there, and what might be this new workplace in the post pandemic world. He can sort of look out further and broader than we can and look at that. And then the last thing we're going to talk about are opportunities and limitations of virtual or online mediation. So for our negotiators to hear how how are different agencies looking at virtual online mediation, what are best practices, what our limitations, can always help us in preparing ourselves and clients who are engaging in that process. And of course, you know, as you look at what's going on, in the world of economics, and you're looking at what's going on in terms of these administrative initiatives, it's really important to keep that perspective as well. So that's a panel. So we have Nancy Rosenberg, who's a member of the, this is a long one alright, Federal Public Sector Labor Relations and Employment Board, and they're in Canada, and they do a slew of things labor and employment related, and then Javier Ramirez, who I have the privilege of working with. He is the Deputy Director of Field Operations for FMCS US, there is an FMCS Canada as well. And then Janet Gilman who is the state conciliator, many of you probably know who is from the Oregon Employment Relations Board. So again, different perspectives, the pandemic in the online mediation was different between not only agencies in the US, but between the agencies in Canada as well. Some of them did much more virtual mediation, some of them did more in person. Of course, we all have different

software and equipment and staffing abilities for that. So I look forward to hearing you know, two and a half years out how that all has worked, and what we can still learn about making that work in the future, potentially.

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Matt Greer 17:14

Yeah, those are great topics, very timely, obviously. I do want to point out Javier Ramirez, as some of our listeners may have experienced, he's always a very popular speaker at the at the Northwest LERA conference, he's been there. And I know there are people who go to the conference who really enjoy his presentation. So, Janet is great, too. I'm sure people have heard her as well. Great, great representation and crossover for the Northwest folks who are listening to this to folks that are familiar there. So great job, and Jennifer Abruzzo, I'm really excited about that. I keep track of Twitter, kind of labor, labor law news, and she makes news almost every day in terms of stuff that's going on. So it's really, it's gonna be very interesting to hear from her. So I'm looking forward to that.

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Sarah Cudahy 17:59

And the ALRA connection there, of course, is that she had been president elect in 2018, for ALRA. So another ALRA person that is back and active and always happy, like you said to hear from her. And she's a great speaker, as all of these folks are. So that also helps to not only get great professional development, but hear from folks that are engaging. One of the things too about Advocates' Day, not just the content of the programming, but also as a negotiator, as a member of an agency to be able to learn with and ask of the folks that are regulating, right, you're gonna have the opportunity to see all of these folks or many leaders and others in these agencies that attend that are going to be interactive, that we'll be able to chat with each other. And of course, we can do a little bit more of that in person, but even virtually to be able to see and learn from the same people and interact with as the other member agencies, I think is a great opportunity for negotiators and member agencies alike, because we learn as well, and the agencies from having negotiators there from learning what's going on in different parts of the country and in different parts of, as you said with Canada and how some of these differences between administrations, between, you know, is the economy in Canada and the US, like what's the same, what's different, and how is that impacting the table? And what are we seeing between the two? So I'm really excited about that aspect, particularly this year at the conference.

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Matt Greer 19:34

Absolutely great. Any other thoughts, Emily?

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Emily Martin 19:36

Well, it looks like a great day to mark your calendars for July 25. And let's gather together let's be virtual, and then put on our calendars for 2023. July 17. The look ahead. It will be great, I think we mentioned before the conference was coming to Vancouver so I'm really, I'm really looking forward to this year's conference, but let's talk about next year's conference.

S

Sarah Cudahy 20:03

Yes, I am very excited as always to head west to see all my friends and colleagues out there, the conference will be at the Pinnacle Hotel Harbourfront. So it is a beautiful location, we will have another great agenda, we hope that advocates can come for Advocates' Day, which again, is that Monday, July 17, 2023. And if you want to mark down, you can always check ALRA.org for information about ALRA, but also the conference and any other programming that we have throughout the year that you can take part of. And then also we are on Twitter, so @laboragencies, and that is the American spelling. So l a b o r agencies, and you can learn more and follow information about this conference for this year. But again, hopefully you all can join us for this year and next year in Vancouver. It makes it better for all of us, the more voices that we hear and the more people that we can get together and have that group professional development together.

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Matt Greer 21:03

Absolutely. I'm looking forward to that. I've missed the ALRA connection that I've gotten to go to a few of the conferences and they're always really enjoyable and lots of great people. Especially Sarah, I will say. I could talk to you all day easily. Well, thanks, Sarah. I want to thank you again for joining us on the PERColator. This has been great and hopefully our listeners have learned something new about the agency and how the agency can help them be better negotiators and we really appreciate your time sharing that information.

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Sarah Cudahy 21:30

Absolutely. thanks for having me on.

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Matt Greer 21:32

Any closing thoughts, Emily?

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Emily Martin 21:33

No, it's just great to hear from Sarah. Great to look forward to ALRA. I think it's gonna be a great conference. A great day, and I hope to see everybody there.

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Matt Greer 21:40


Me too. All right. Thanks to you both.

S

Sarah Cudahy 21:44

Thanks everybody

Thanks, everybody.

 Matt Greer 21:45
Bye.

 Emily Martin 21:45
Bye.