

# PERColator-Profile-with-Sue-Bauman (1)

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## SPEAKERS

Sue Bauman, Matt Greer

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Matt Greer 00:10

Today we are launching the first episode of an ongoing series we are calling PERColator Profiles. In these episodes we will introduce and get to know an experienced labor relations professional by asking them a few preset questions, and then a surprise wildcard at the end. Doing so will dig into lessons learned from their experiences, advice they might offer, and other stories and tips that they are willing to share and pass on to the rest of us to help us be better at our jobs. Our first guest is Sue Bauman, who joins us to share her experience as a teacher, union leader, lawyer, elected official and labor neutral. We want to give a special thanks to Sue for being our inaugural PERColator Profile guest. And we think you'll agree she's a great person to get to know. If you or someone you know would be a good person to profile let us know. Email us at [perc.wa.gov](mailto:perc.wa.gov). Enjoy the episode!



Matt Greer 01:12

Welcome, welcome, welcome to the PERColator Podcast. Welcome everyone to the first of what we hope will be a series of episodes called the PERColator Profiles, where we get introduced and get to know a guest. Today I am very honored to have Sue Bauman, one of my former colleagues, one of my former bosses, she's actually somebody that you can either give credit to, or blame for the fact that I am in this field, because she was part of the process for hiring me in my first job as a neutral. Sue, welcome, and why don't you tell us a little about yourself? How did you get to labor relations and what are you doing these days?



Sue Bauman 01:48

Well, thank you for inviting me to do this Matt. I got into labor relations, really when I was a teacher in the Madison School District. I think it was like the first week that I was teaching, I was standing in the hall during a classes change and the Madison Teachers Incorporated (MTI), which was the, is the, bargaining agent for the teachers at Madison School District came up to

the teacher who I was standing with and asked her if she was joining MTI again this year. And this woman looked at the building rep and said, I'll have to check with my husband. And I was sort of floored, and I said, and he hadn't even talked to me yet. I just my first week or so teaching, I said, I will. So that was sort of the beginning of my activism, and getting into labor relations. But I should backtrack a little that my husband's mother was a teacher in the New York City public schools for ages and was very active in the teachers union there even before the AFT was the foremost group around, shall we say, so I married into a labor family, there was no history of that in my family. But anyway, so I joined MTI and in no time at volunteered to become a building rep, and was there at a meeting of business representatives, building representatives. And we were in a beginning of a crisis in bargaining, one of several years in a row where we had crises in bargaining. And John Matthews, who was at the time, the executive director of MTI and was from 1971, until about five, six years ago. He's sort of synonymous in Madison with MTI, asked for people to serve on what was then called the crisis committee. And my hand kind of just shot up. I don't know what caused it, but that was kind of the beginning of the end, so to speak. I was then on the board of directors of MTI. Ultimately, I was president elect when we went on strike in 1976. This is ancient history. It's hard to remember back that far. We were on strike for two weeks in the dead of winter.

M

Matt Greer 01:48

Wow.

S

Sue Bauman 01:48

Yeah. As a result of that, new legislation was enacted that required that school district contracts end in June, not in the end of December. But basically, I was in teaching and serving on various MTI committees, doing stuff for MTI, to the point where one time my principal made this new rule that if you were going to leave school building before four o'clock, you had to come and ask him for permission, and being the proper person that I was, every day I just trotted up to him and said, Jack, can I leave I have such and such meeting for MTI? After about a week of that, he just looked at me said, "If it's MTI, just go!"

M

Matt Greer 04:48

Rule follower, huh? I didn't know that.

S

Sue Bauman 04:50

Oh, yeah. Oh, yeah. goody two shoes, sometimes. It depends on when it suits your purposes. But anyway, And then I sort of came to the conclusion that I was teaching in order to work for the Union. And maybe I ought to apply for jobs working for unions. And at that point MTI had just announced a position for a third, or a second assistant executive director, that I applied for that, and applied for a couple of uniserv positions, one in Denver, and I don't remember where else. And very fortunately, I didn't get any of these jobs, because in some ways, they probably would have been dead ends. And it was like, Okay, I'm going to law school. I mean, it was just like, one from one minute to the next, I went to the University Bookstore, bought the studying

for your LSAT applied to law school, and also applied to an industrial relations program that existed then at the University of Wisconsin, and got my law degree and my master's in IR at the same time, and in three years. And that was probably because Jim Jones, who was a professor in both law school and the IR program at the time, essentially said, nobody's ever gotten both degrees in three years. Well, throw down the gauntlet, folks.

**M** Matt Greer 06:04

You were going to prove them wrong, huh?

**S** Sue Bauman 06:05

Right. That was the beginning. And then, so I went to law school, graduated from law school, formed a law firm. I mean, I went to law school to do basically public sector labor relations, which was a little hard area to break into. But I ultimately started a law firm with a number of other people, got a number of clients while I was doing a lot of work for Taft Hartley funds and other workers comp, unemployment, labor and employment related kinds of things, discrimination cases. And then somebody said to me, why don't you run for the City Council? And I had been thinking about that, too, because I had worked very hard for some candidates who I really didn't think could do as good a job as I could. So it's like, if you're going to work that hard, you may as well run yourself. And I ultimately, was unopposed, which was sort of amazing, and served on the council for 12 years. And then I was elected mayor of Madison, served there for six years. And then then Governor Jim Doyle appointed me to be a commissioner at the Wisconsin Employment Relations Commission, where I was for eight years, that was probably the best job that I ever had. I mean, I enjoyed it thoroughly. I probably had a larger caseload, you can speak to this better than I can perhaps Matt, as you were one of the staff people, that I probably had a larger mediation and arbitration caseload, than any of the staff attorneys plus I did the typical commissioner stuff that is the appeals, unit clarifications, derivative practices, you name it, whatever there was to do, I was doing it. And then came the election of Scott Walker and Act 10, and...

**M** Matt Greer 07:53

What happened then?!

**S** Sue Bauman 07:57

The end of public sector collective bargaining, as we know it in the state of Wisconsin, and my term was up in 2011, which is when Act 10 actually was enacted. And since then, I've been an independent mediator, arbitrator, ad hoc, whatever the proper terminology is, on various and sundry rosters, including Washington PERC, Oregon, Minnesota, Iowa, New York City Office of Collective Bargaining, FMCS, AAA, you name it, and that's where I'm at.

**M** Matt Greer 08:32

Yeah, cool. Thanks. I can speak to the fact that for our Washington listeners who are familiar

rean, cool. Thanks. I can speak to the fact that for our Washington listeners who are familiar with the Washington PERC setup, our commissioners are part-time and they all they do is basically is make rules. I shouldn't say, all they do, it's a big job, but they are they're part time and they hear appeals on the ULP's and Election cases, but it was Fontan back in those days when Sue and I both had worked at the Wisconsin Employment Relations Commission. Commissioners or at least some of the commissioners carried out a very full caseload. And yeah, Sue is absolutely right, she was probably the hardest working and traveled probably the most of any of us around the state of Wisconsin to mediate and arbitrate and do all sorts of things. Yeah, well, so a nice time. It's hard to believe, I was trying to remember how long it's been, I've actually been here, I'm also, I came to Washington after the Scott Walker election, and I've been here for almost exactly 10 years now, which is hard to believe.

S

Sue Bauman 09:27

Time flies when you're having fun.

M

Matt Greer 09:29

It does, that's for sure. I'm glad to be here. And I'm very glad to see Sue every once awhile because whenever she comes out to this part of the world, she sometimes connects with me and we get to see each other, if she's coming out here for cases.

S

Sue Bauman 09:39

Which I am getting more and more cases out in your neck of the woods, but so many of them are virtual these days, you know.

M

Matt Greer 09:47

It's changing a little bit, we're starting to see more in person stuff. But yeah, definitely over the last few years there has been a lot of virtual.

S

Sue Bauman 09:52

And now people are realizing that if you do it virtually you can save money, rather than paying somebody to fly out from Wisconsin.

M

Matt Greer 10:00

It saves on travel costs, that's for sure. So you mentioned a few names as you're talking about your story. But I'm curious if there's any mentors that stick out in your memory. Earlier in your career, people who gave you advice or you learn something from earlier on that sticks with you, that might be a value to some of our listeners to hear that, that wisdom from from your mentors in your earlier part of your career?

S

Sue Bauman 10:20

Well, probably the first mentor if you could call her that was June Weisberger, who was a professor at the law school, from whom I took a summer course, in public sector collective bargaining. When it was way before I even decided I was going to go to law school. But since I was so active in MTI, it seemed logical that I should kind of learn some of the law behind it all. And June, was an interesting person, because she had been a, I'm trying to remember exactly. She came from upstate New York somewhere, and had been a management representative, managing attorney, she made some comment once about sanitizing herself by becoming a professor, therefore, she could then become a neutral and be an arbitrator. But it was prior to that I had never really thought about the need for neutrals to really be neutral and be perceived being neutral from either from advocacy on either side, to suddenly being a neutral really raises a number of questions. And I was thinking it raises questions for parties, but people do it, on a fairly regular basis. And I've been on both sides of the table, so to speak, as a teacher and as a member of the city council. And as a mayor. I think her comment that day probably instilled in me the concept of neutrality, even though I was very far away from ever thinking about wanting to even be a neutral or quite frankly, a lawyer at that point. But it stuck with me. The other person who I really see as my mentor, in the whole area of labor relations is John Matthews, who built MTI from nothing. I mean, it was, you know, a tea and crumpets affiliate of WEA, or then the Wisconsin Education Association, which later became WEAC, which is Wisconsin Education Association Council. And that's a whole nother story that we don't need to go near. I mean, I was on the board of we WEA when it became WEAC, but I can't remember the ins and outs. John really taught me the idea of being, as an advocate, of really listening to and advocating for your members, but also being very, very realistic. And when the employer had a case, and the teacher did not, that try to bargain, the best outcome all around, but you don't go to the mat for somebody who really shouldn't be in the classroom. And unfortunately, in Madison, as everywhere else, there are some people who should not be in the classroom. There are many excellent, excellent teachers who are grossly underpaid and underappreciated everywhere. But there are some who don't belong there. I think John really taught me how to analyze a case and have a look at a case and what to do with it. Things that helped me actually now as an arbitrator of looking at things and saying, Okay, why did this person do this? Forget what they're saying, but is there a rationale that could in some way be utilized to say that, that the punishment that that's been imposed is too great, or inappropriate?

M

Matt Greer 13:34

That's interesting. I never thought about that. But yeah, thinking of those cases, they look at you look at it as a union rep. You know, there is some similarities, I think, as you are evaluating the merits of those, the carryover. So I think that's interesting, the two themes there from your both your mentors is that they gave you advice, at an earlier point in your career that seemed to have value throughout your career and maybe had more value later on when you reached a stage of your career that maybe you didn't even anticipate when you got the piece of advice. That's really interesting.

S

Sue Bauman 13:59

I mean, I wouldn't say that it was given as advice, per se, but it was comments and observations. Things that they said or did that I was able to absorb and walk away from

observations, things that they said or did that I was able to observe and really sort or incorporate into my thinking.

M

Matt Greer 14:11

Right, yeah. Thanks for sharing that. So our next question is what negotiations or labor relations tip have you learned that you'd like to pass on to others who are in earlier stages of their career?

S

Sue Bauman 14:22

I think the biggest one, and it's whether you're as an advocate, or as a neutral, is to listen. Don't assume what people are going to tell you. Don't assume the facts, just listen to what they say. Listen to what everybody says before you reach a conclusion, before you decide what action you are going to take. It's amazing how people jump to conclusions, because they don't want to listen or are unable to listen, but it's the most important part probably of all aspects of life. I think particularly in labor relations, where you have parties that have to be together, you know, it's not just today, but it's tomorrow, and next week and next year. And it's an ongoing relationship, where it's really important to listen to one another and to gain trust in one another. I remember being in a mediation with a school district, and the teachers are telling me that they didn't trust the administration, I conveyed that to management's team. And the attorney says, I don't care, I don't want their trust, I just want them to... and I'm like, wait a minute, you know, yeah, okay, you're the hired gun, you're gonna walk away when this is settled, somehow or other. But if the board and the teachers can't talk to each other, and trust what they're hearing or what they're saying, then the relationship is doomed. And you're going to be at it over and over again. You've seen it. You've seen it. I mean, I had another, I don't know, I think people like stories or something, or I like telling stories. But I had a mediation. I don't even remember where this was, where it went pretty smoothly. You know, there was a lot of blah, blah on both sides. But ultimately, we reached what I thought was a reasonable settlement. And then the traditional bringing the parties together and shaking hands, I asked management if they want to do that, and the management attorney said no and got up and left.

M

Matt Greer 16:25

Oh, no.

S

Sue Bauman 16:26

And his whole team followed him. But it was just, you know, yes, we had a fight. But we've gotten a resolution. And tomorrow's another day. And yeah, sometimes those handshakes would be rendered kind of phony, but they're also this part of the process. And I think it's a good part of the process.

M

Matt Greer 16:42

Yeah, I think that, yeah, they definitely can reset things. It's like, hey, we went through this process. We had our conversations, hopefully people listened and heard things, but we're going to work together tomorrow and going forward. So yeah, it's important.

**S** Sue Bauman 16:54

Yeah, I mean, I think that's the only time I've had, Ok, whatever, you know, I'm going home, you know. And I'm happy because I got a settlement. So I always tell people, the beginning of a mediation, or not always at the beginning, but at some point, you know, a successful mediation is one in which the mediator goes home happy, because you've gotten a settlement, both parties are sort of not quite happy, because they think they've given up too much or didn't get quite enough. But you know, you've got a resolution, and it works.

**M** Matt Greer 17:29

Something that everyone can live with. And the mediator is happy. It sounds like that's your, that's the best and most important part, right? Just kidding.

**S** Sue Bauman 17:41

I can remember leaving mediations and, you know, we talked about how many miles I traveled like over 13,000 miles a year. And I kept getting jointly requested up in the northwest part of the state. So I was up there a lot that I can remember driving home from somewhere. And I don't know if it was from there, I tended to drive late into the night rather than stop and spend the night in a hotel and have to get up in the morning and look, you know, at the yellow line down the middle of the road. But I can remember not getting resolution and driving home thinking now what could I have done differently? What can I propose? And like calling the parties or emailing in the next morning and making another suggestion and having it settle.

**M** Matt Greer 18:20

Okay. Well if it works, I will say I've kind of missed those drives after mediations, where it's like you do have a chance to process it, it is not the same thing by ending a Zoom meeting and then you have a drive afterwards.

**S** Sue Bauman 18:34

Right, when you end a zoom meeting, you get up and you're back into, you know, whatever you were doing before, whereas when you can get in the car, it's decompression time.

**M** Matt Greer 18:42

Oh, yeah, no, definitely. I mean, it was zoom meetings, you tend to like, you know, stack them up, or you go from one to the next. And so you don't have that, you don't have that time. I've

tried to build a little more of that into my schedule, but it's hard sometimes when you're busy. All right, so the next question, I'm very excited to hear your answer to this, you get a choice here, you can either tell us a story about either a spectacularly good bargaining or experience where you really shined and tell us what you did to make it so good, or a spectacularly terrible experience. And what you wish you would have done differently in hindsight, so you can choose one or the other. You want to share both, although you can if you want to.

S

Sue Bauman 19:20

Well, this is a case that is so weird that that I have you may have heard it before ostensibly I was to arbitrate a case involving I think a three day suspension. Again up in northern Wisconsin, and I find I'm in this building that's that's kind of like a maze. I find the the employer's caucus room. I don't know if I go in the room, or he takes me out the hall, I'm not sure and he says basically, we want to get rid of this employee. And I'm like, okay, and obviously you don't have enough. You know, you don't have enough to get rid of her because you've only given her a three day suspension, but they were very concerned that her behaviors may ultimately cause the county significant liability, because she had a job in social services, human services where she was transporting kids and not watching them and stuff. Okay, so I take this information, and essentially, the now what am I gonna do, I should backtrack, because I don't know if your listeners are aware that that there's a long tradition in Wisconsin, when you have arbitrations, the first thing you try to do is mediate them and get them resolved, which I find is not the case and lots of other jurisdictions. I can just deviate just for a moment. I do remember having one hearing where for some reason, I didn't ask the parties if they could, if we could maybe settle it. And so we're sitting down around the table and, you know, going through exhibits, and I don't know why I say is there any chance of resolving this, and the attorney for the employer says, I was waiting for you to ask that. An hour later was settled, going back to this wonderful experience. So I then somehow get to the union's caucus room and tell the union rep and the grievant, "they really would like to terminate you, what's it going to take," the union reps response is they don't, there's not a lot of money in wherever, I'm like, okay, you know, whatever, we can work with. And he actually walks me back to management's room and tells the attorney, there's no way. Well, somehow this went on back and forth. I don't know how long ultimately, this woman did leave her position. But she remained on the payroll for two full years continue to receive health insurance and pension contributions for that two full year period. She was free, obviously, to seek another position. And if she didn't have another position after that two year period, she would they would not contest unemployment comp. I mean, it was like, You gotta be kidding me. I walked away from that going, how did you do that? And there were points during the day where she was claiming it was age discrimination. I'm like, Well, how old were you? Were you when you hired over? 40? How old? Are you now? 45, something like that. She was calling her own attorney. I mean, that took care of me. But she was calling her own attorney for advice and what should I do?

M

Matt Greer 22:23

Those are always the challenging ones. And you have like somebody who's not in the room, especially trying to kind of having a say what's going on?

S

Sue Bauman 22:31



It took the whole day. But we got there.

**M** Matt Greer 22:34

I like how that description of like, you get information from one of the parties as the mediator and you go out in the hallway, like, oh, my gosh, what do I do next? I know exactly that feeling. I'm sure negotiators feel that way to various points in negotiations.

**S** Sue Bauman 22:47

Oh, yeah!

**M** Matt Greer 22:47

I think there is when you're coming into it kind of fresh. It's like, Oh, somebody's telling you something that seems impossible. And trying to make something work with that, it's always a special feeling for a mediator, terrifying, but also, there's usually some element of opportunity there too. It sounds like you found that there.

**S** Sue Bauman 23:03

Yeah, you just got to be creative and think about it. I mean, it was clear that given the county's concern of liability, that they were willing to put money in some form on the table. And it just really became a question of, of how much and in what form.

**M** Matt Greer 23:19

Right, they had to meet those interests to get over that. Sure. Yeah, I'm sure at least part of the reason they got to that point was because of the creativity you brought to the process?

**S** Sue Bauman 23:27

Well, I like to think so. And I can say that the representatives on both sides jointly requested me over and over again. So, you know, I was like, worked well with them.

**M** Matt Greer 23:37

Alright, well let's move on to the last of the regular questions. And then I have a surprise for you. But the last question is, what advice would you give yourself as a brand new negotiator, or labor relations professional, in light of all your experience? Go back and get some advice to yourself earlier on, you're first starting your labor relations career. What would that be?

S

Sue Bauman 23:58

That's hard, but I think, and I'm not sure exactly how to phrase it, but it has something to do with not setting expectations for the people you represent too high, because you can't possibly deliver on all of that. I, of course, have a tale to tell with that, which goes back to when Madison teachers went on strike. And you know, we had spent I don't know how much time leading up to that to have, I think 92% of the teachers willing to walk out in the dead of winter. And I remember the morning after everybody's out walking the picket lines that I'm driving back to strike headquarters with a WEAC representative who had been assigned to the strike. And he said something to the effect of now we have to figure out how to get them back in. You know, we had set the expectations way up high. We're never going to get everything that we were talking about. And how do you bring people back to reality, so it's kind of how do you set things, you've got to set expectations to something that's got to make it worth it, people have to want to go into a bargain. But they also have to know that you know, that that, you know, 10% raise isn't going to happen, even if that's what your initial request is. And sometimes people don't really understand that an initial request is just that.

M

Matt Greer 25:22

Yeah, I think that definitely is a skill that good negotiators have, kind of giving that hope of something great, but tempered by reality. And that can be a challenge. So well, thanks. That's great advice. So those are the five questions that I gave Sue the heads up on. Our little wildcard questions, and I have five of them. So Sue doesn't have any idea what these questions are, they are intended to be fun though, I'll give you a heads up. So don't be too worried. But give me a number between one and five Sue, and I'll read off what your wildcard question is.

S

Sue Bauman 25:24

Three.

M

Matt Greer 25:37

Okay. All right. How do you celebrate a big win in collective bargaining or labor relations, like if you reaching a TA after a long difficult process, or you got a big ratification vote in favor of the agreement that you helped reach? Or you finally convinced the other team that this idea that you have is like the best idea to resolve this issue? So you have some big win? How would you celebrate that?

S

Sue Bauman 26:22

[Laugh] Why does the word drink come to mind?

M

Matt Greer 26:29

Well, you are in Wisconsin, and they are famous for having a beer, or maybe two after the, but

you're more of a whiskey person, right?

S

Sue Bauman 26:36

I'm more of a whiskey person, but that's alright, you know, a glass of wine, but some kind of celebratory kind of thing. You know, it's like, go through it in the morning again, figure out what it is that you actually agreed to. I think that's the way I would probably celebrate. Now, if it was in my role as a mediator, and I had a long drive home, then I probably wait until I got home.

M

Matt Greer 27:01

That's a good, that's a good clarification. That's perfect. I think it's definitely one that many of us probably do a little relaxing beverage at the end of the long process.

S

Sue Bauman 27:15

The adult beverage has its place in life.

M

Matt Greer 27:19

Well, great. Thanks for, thanks for humoring that little fun question. I think that's hopefully as a little bit of drama to the end. Well thanks Sue, I really appreciate you being here. It's been a pleasure talking with you. And hopefully our listeners can tell that you and I are, I consider you a friend and also a mentor as well in my labor relations career, so I really appreciate you being our inaugural guest for this format.

S

Sue Bauman 27:40

It was my pleasure. I enjoyed it. It's always good to talk to you, Matt.