

Mediation

Meeting Date & Time:	9/19/2016 3:05-3:17pm	
Attendee	Position	Company/Department
Darrell Clark	Professional Mediator (Commissioner)	Federal Mediation & Conciliation Service
Scott Marotz	Lead Negotiator for City	
David Gates	Chief	Fire
Joyce Stroschein	CFO	Finance
Nichole Harms	HR Consultant	HR
Lynette Sampson	HR Consultant	HR
Heather Buchanan	HR Director	HR
Ryan O'Hearn	Lead Negotiator IAFF 187	Fire
Curtis Smith	Negotiation member, IAFF 187	Fire
Andy Moldenhauer	Vice President, IAFF 187	Fire
David Scott	Negotiation member, IAFF 187	Fire
Eric Anderson	Negotiation member, IAFF 187	Fire
Mick Coward	Negotiation member, IAFF 187	Fire

Meeting Notes

Open Session #1:

- **Meeting opened at 3:05pm** by D. Clark. D. Clark explained the role of the Federal Mediation and Conciliation Service which include preventing work stoppages and federal sector bargaining. D. Clark stated that he cannot be subpoenaed into litigation proceedings and everything discussed in caucus is confidential unless the sides give him permission to share. D. Clark stated that he needs candor from both teams; he needs to understand why the sides take a position and not just having the sides state the proposals. D. Clark stated the purpose of mediation is to come to a shared proposal that works for both sides. D. Clark stated that mediation is different from regular negotiations; ideas are shared in "what-if" scenarios and "supposals" that do not stick sides into a position as with typical proposals; these "supposals" probe ideas that can be worked with to get the sides to resolution.
- 3:10pm- S. Marotz clarified the proposal process and stated that any formal proposals must be presented in open meeting and be discussed on the record.
- 3:13pm- S. Marotz then addressed a potential ethical issue; as the Union has filed a lawsuit against the City, he cannot engage in discussions with the Union without their representation present or unless their attorney sends a waver unless the Union expressly waives their right to have their attorney present. S. Marotz stated that if the Union did not waive this

right, the negotiation/mediation would be over. S. Marotz stated that he has been unable to get a response from J. Piotrowski (Union's attorney) and if the Union does not grant the waiver the City could be sued for this issue. R. O'Hearn asked if a verbal agreement from the Union to waive would suffice. R. O'Hearn and C. Smith stated they understood, waived having their attorney present, and wished to proceed.

- 3:15pm- D. Clark asked when the teams would like to start tomorrow. D. Clark stated that momentum is important in mediation and without momentum mediation will not work. D. Clark stated that he does not end mediation meetings; he is present at the will of the negotiating parties; the negotiation parties decide when to end mediation.
- **3:17pm- open session closed** and negotiation teams moved into caucus.

By: _____

Lynette Sampson, Legal Department

Approved as to Substance and Form:

By: _____

Ryan O'Hearn, President
IAFF #187