

FMCS

Federal Mediation & Conciliation Service



2011 Annual Report



Report for Fiscal Year 2011

Message from the Director

In Fiscal Year 2011, a slow recovery from the economic downturn of 2008-2009 continued to pose serious challenges to U.S. labor relations and labor-management cooperation in workplaces nationwide. Unemployment has remained at comparatively high levels, with many private employers not only continuing to delay hiring decisions and expansion until the overall economic conditions become more settled, but also considering various initiatives to decrease the size of their permanent workforces. Although prospects for positive change have brightened and a number of significant collective bargaining agreements have been entered into covering substantial segments of the unionized workforce, the outlook for the coming fiscal year remains filled with uncertainty.

Against this backdrop, with the onset of the new fiscal year, the Federal Mediation and Conciliation Service will continue to focus on offering to assist the parties to restore the frayed labor-management relationships that were damaged by the economic downturn. Many companies and unions that previously were able to resolve most conflicts during periods of prosperity now find themselves unable to achieve common grounds in the radically altered environment of the post-recession period.

One of the most important lessons we have learned from our extensive “hands-on” experience in the past two years is the self-evident proposition that what parties need most during difficult economic times is a strong labor-management relationship. History has shown that when controversial issues are discussed constructively in a problem-solving mode characterized by mutual respect for competing views, joint solutions are much more readily achievable. Consistent with that principle, FMCS has been dedicated to working with consenting parties on a pro-active, outreach basis to achieve more productive, cooperative relationships through carefully honed training and facilitation programs. Every day, FMCS mediators, in a variety of ways, offer the parties ongoing assistance with a view toward encouraging relationship building far in advance of the trauma of contract expiration. When the FMCS accomplishes its goal, the parties are able to conclude their negotiations successfully or at least to avoid or minimize the threat of a strike, lockout, or unilateral imposition of onerous terms and conditions of employment.

For example, in the final months of FY 2011, the best practices described above were put to a test in a large, regional negotiation that, according to news accounts, appeared headed toward a disruptive work stoppage affecting many communities. With a strike deadline looming for approximately 62,000 Southern California grocery workers, the negotiations between local units of the United Food and Commercial Workers (UFCW) and three national supermarket chains deadlocked over the cost of health care. However, with help from FMCS mediators, the parties finalized agreements requiring an extensive array of cost-control measures designed to manage cost increases or produce cost savings in future years.

In the nick of time, with FMCS mediator help, the parties were able to complete work on a sophisticated wellness program, multiple cost-saving mechanisms and minimal benefit reductions, satisfying the concerns of both sides for an affordable but comprehensive health care benefit. Looking at proposals such as biometric testing of employees, reference-based pricing for health care services and procedures, health care premium payments for all employees, and a whole menu of cost-saving measures, enabled the parties to focus solely on the remaining economics of a final agreement. Clearly, FMCS assistance was essential in this instance in enabling the parties to avoid a work stoppage that neither side wanted but which appeared inevitable if no agreement had been achieved. This single successful settlement is illustrative of the expertise and assistance with complex issues that FMCS mediators consistently provide to bargaining tables around the country.

In recent years, pension benefits, job security, and the costs of employer-provided health care have been the most contentious issues in private and public sector negotiations. In a review of the overall state of collective bargaining in late FY 2010, it became clear that the costs of employer-provided health care had become the single most persistent cause of collective bargaining disputes throughout the nation, irrespective of industry or sector—manufacturing, construction, retail, entertainment, high tech, health care facilities or public sector. Contractual and plan changes required by a comprehensive and controversial new law, the Patient Protection and Affordable Care Act of 2010 (the “Affordable Care Act”), have added to what is already an exceedingly conflict-ridden subject of bargaining.

These negotiations have centered on cost shifting versus cost containment, and the desirability of programs addressing chronic disease management, disease prevention and wellness. And, of course, these issues have not only implicated the economics of health care delivery, but also the emotionally charged subjects of personal responsibility, privacy, and behavioral change. For example, Americans are repeatedly warned that in our country the percentage of obese men and women, especially wage earners, is approaching epidemic proportions. Obesity has been increasingly associated with such life-threatening illnesses as diabetes, hypertension, and heart disease. Indeed, a report of the Center for Disease Control and Prevention warned that an estimated 72.5 million adults in the U.S. are obese and this fact alone may cost the medical system as much as \$145 billion annually. In numerous collective bargaining negotiations across the country, FMCS mediators have helped guide representatives of labor and management toward innovative new wellness and/or disease prevention programs that show great potential for managing and controlling the costs of chronic diseases within an employer’s workforce. Despite

individual successes, reversing the unhealthy trends affecting large populations requires personal and societal changes on a broad scale, a daunting task not easily accomplished at the expiration of a labor contract.

It was in this context that FMCS initiated a new model of proactive intervention and relationship building. After conferring with labor and management health care experts, service providers, and plan design professionals, a broad consensus emerged on two key factors. First, negotiations over health care were too complicated and contentious to be left unresolved until the final month or two prior to contract expiration, when parties typically have addressed such contract modifications. Second, the painfully difficult issues generated in health-care related negotiations (discussed above) could only be addressed successfully if the parties had a relationship and a process for decision-making based on trust, transparency, and a commitment to joint problem solving.

These two key elements, we learned, were being practiced with noteworthy success by a handful of collective bargaining partners. These unions and companies had established joint labor-management cooperative health care committees, which regularly met in informal settings well in advance of contract expiration. Both sides also demonstrated, by their conduct, a fundamental commitment to a relationship in which the views of workers were valued and respected, the cost competitive needs of the enterprise accepted, information was freely and openly exchanged, and a process for collaborative problem solving was observed and honored at the highest levels of management and the union.

In one example, an FMCS mediator's strong professional standing with both sides in a hard fought labor dispute between nurses and management at the largest health care facility in Washington (DC) was a key influence in helping them avoid a damaging, disruptive, long-term work stoppage. A one-day strike by several hundred nurses at the facility had brought hospital and union negotiators to the brink of an impasse, with little prospect of progress toward an agreement.

Having worked with both sides in previous negotiations, including providing successful training in joint problem-solving and collaborative bargaining techniques, the FMCS mediator had created longstanding relationships with the parties at that facility. His ability to impress upon the parties' the advantages of placing trust in the mediation process was a decisive factor in moving forward in the FY 2011 negotiations. A breakthrough finally occurred when the mediator was able to reconvene the talks and assist the two sides in reaching agreement on staffing--one of the biggest sticking points of this dispute and, indeed, of many throughout the health care industry. This breakthrough paved the way; it opened the lines of communication, and the parties were able to return to the table, resolve the remaining issues and reach and ratify a new labor agreement in May 2011.

Earlier in the year, the FMCS adopted a program whereby similar success stories and best practices would be shared to the maximum extent possible with the labor management community. To that end, we sponsored a series of three one-day seminars, titled *Working*

Together: Labor-Management Solutions to the Health Care Challenge, late last year in Chicago, New York City and San Francisco. The seminars were designed “to spread the word” to labor and management that a number of their colleagues already had created the processes and developed the relationships necessary to bring about previously unattainable revisions in health care costs and delivery. Hundreds of attendees were exposed to remarkable achievements grounded in transparency, trust, and respectful relationships. And, they learned about FMCS programs and services available to help them achieve similar success.

We are cautiously optimistic that this model of early, proactive outreach and relationship building will help the labor-management community meet the continuing challenges inherent in bargaining over employer-provided health care benefits. And of course, it goes without saying that after labor and management representatives learn this model of early intervention and labor-management joint problem solving, they can be apply it to resolve other areas of potential workplace conflict as well.

This fiscal year also marked the beginning of another unique FMCS outreach to promote labor-management cooperation—this time in the public sector with the goal of elevating student achievement in our nation’s public schools. The FMCS was honored to be asked by the Education Secretary Arne Duncan to partner with the Department of Education, the two major teachers’ unions, American Federation of Teachers (AFT) and the National Education Association (NEA), and the organizations representing school administrators, school boards, and major urban school systems (American Association of School Administrators, the National School Boards Association and the Council of the Great City Schools). It was agreed among these partnering organizations that it was possible for labor and management to cooperatively negotiate changes in school environments, premised on the basic principle that teacher quality was the single most important determiner of student performance. The audacious concept behind this reform effort was that student achievement could be improved if it was recognized as a mutual priority and goal in teacher-school board collective bargaining. With its expertise in developing cooperative labor-management relationships and training employers and employees in joint problem-solving techniques, the FMCS had a key role to play.

To launch the Secretary’s initiative, the partners agreed to co-sponsor a major conference in Denver, Colorado on February 15-16, 2011, called *Advancing Student Achievement Through Labor-Management Collaboration*. Secretary Duncan set the theme for this visionary effort to reform our public school systems when he announced that “[w]e have seen how good labor-management relations can create the conditions that drive student success so we want to bring together leaders in labor and management who are committed to collaboration and bold reforms.” He went on to stress that “districts and teachers’ unions must forge new compacts—compacts in which [all the parties] acknowledge their shared responsibility to establish a strong and stable school environment, and give educators resources and tools to transform all schools so that all students receive a genuine opportunity to obtain a high quality education.”

Following the Denver conference, FMCS had the distinct privilege of facilitating a pioneering effort between the AFT and the American Association of School Administrators (AASA) aimed

at providing their respective constituencies an agreed-upon general framework for addressing core education reform issues. FMCS facilitated a series of joint meetings, attended by the organizations' top leadership, which resulted in a groundbreaking and comprehensive 25-page document captioned "Educator Quality for the Twenty-first Century: A Collaborative Effort of the American Association of School Administrators and the American Federation of Teachers (AFT-AASA Framework)."

The AFT-AASA Framework pinpointed the threshold principle the parties deemed critical to reforming our current educational system—namely, the support and development of the educator workforce. "As a first concrete step we need to systemically recruit, develop and retain great educators... [we] have adopted a framework to continuously improve the nation's teaching force, revamp teacher development and evaluations systems, and provide teachers and schools the tools and support they need." Beyond that, the framework highlighted the need for a comprehensive, fair, and objective teacher evaluation system which would include, in some instances, classroom observations by master teachers. It further provided a due process system whereby teachers identified as having certain deficiencies were offered an opportunity to remedy those deficiencies through the school support system but with the understanding that if they did not succeed within a reasonable stated time frame they would be subject to discipline up to and including dismissal.

The sheer breadth of the AFT-AASA Framework provided hope that labor-management collaboration in school districts throughout the country will become the model that finally will engender positive and long lasting public education reform.

In FY 2011, the Obama Administration also selected the FMCS for a prominent part in the implementation of labor-management partnerships for federal government agencies across the country. Mandated in December 2009, when President Obama issued an Executive Order to "promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government," the policy requires federal agencies to establish "labor-management forums [that] allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people." The purpose of the order was to establish a cooperative and productive form of labor-management relations throughout the executive branch. This Presidential mandate provided another perfect opportunity for implementing the FMCS's proactive outreach and intervention model.

Within days of the issuance of this Executive Order, the FMCS reached out to the Director of the Office of Personnel Management, the primary U.S. agency tasked with implementing the Order, and offered the full support of the Agency and its staff. When this offer was enthusiastically accepted, FMCS, as its first step, began working with the Federal Labor Relations Authority (FLRA) Office of the General Counsel, to craft an appropriate training program. In the training that resulted, FLRA attorneys instructed paired labor and management participants on the first day on a two-day session. The FLRA attorneys educated attendees about the duty and scope of bargaining, including permissive subjects of bargaining under the federal bargaining law, and the use of pre-decisional involvement as a tool for more effective labor-management relations. On the second day of training, FMCS mediators provided participants with information and

interactive skill building on effective labor-management forum design, consensual decision-making, facilitation, and other skills needed for successful forum implementation. Through FY 2011, a wide range of federal departments and agencies were served, including the Departments of the Treasury, Defense, Homeland Security, Health and Human Services, Veterans Affairs, Labor, Agriculture, the Army and the Navy, the Office of Personnel Management, the Federal Aviation Administration, the National Labor Relations Board, the Peace Corps, and the Marine Corps.

The initial joint training was highly acclaimed, thereby generating a demand for additional training, especially from large agencies with multiple bargaining units. In response, the FLRA and FMCS developed and delivered a consolidated one-day joint training program. In addition, FMCS was tasked by the National Council on Federal Labor-Management Relations, the entity created to oversee the implementation of Executive Order 13522, with developing an innovative “train-the-trainer” program, which multiplied the effect of the training within large agencies by increasing the number of available trainers with each training session.

In conclusion, the Agency’s experience in FY 2011 again validates the long recognized benefits of joint problem solving and cooperative efforts within the framework of collective bargaining in forming a powerful economic engine. As Congress declared legislatively more than 60 years ago, constructive labor-management relationships and collective bargaining provide the parties with the most effective tools for achieving productivity, innovation and competitiveness—the central ingredients for a growing economy.

As Director, I believe the FMCS for FY 2012 has no higher duty than supporting and advancing the institution of collective bargaining, which underpins U.S. labor relations and the success of the U.S. world-leading economy. This past year, in speeches by our senior management at conferences and seminars and through group and individual outreach efforts by our mediators, we have worked to convey a simple truth to labor and management representatives, that in today’s competitive economy, they are partners not adversaries. Working together, through the framework of collective bargaining, they have the greatest chance for economic survival and success.

Sincerely,

A handwritten signature in black ink that reads "George H. Cohen". The signature is written in a cursive, slightly slanted style.

George H. Cohen
Director

FY 2011 Agency Services

Agency Mission

For more than 60 years, the Federal Mediation and Conciliation Service (FMCS) has delivered neutral and confidential conflict resolution assistance to the nation's unionized workplaces. The core mission of FMCS is to help employers and unions avoid costly work stoppages and minimize their potentially devastating effects on regional or national commerce. The FMCS was created by Congress as an independent agency in the Labor-Management Relations Act of 1947. Our highly trained mediators provide conflict resolution services to the nation's employers and their unionized employees. Our goal is to prevent or minimize interruptions to the free flow of commerce that grow out of labor disputes and to improve labor-management relations. The core activity of the FMCS is collective bargaining mediation; a voluntary process in which mediators serve as third-party neutrals to facilitate the settlement of issues in the negotiation of collective bargaining agreements.

A. Collective Bargaining Mediation

Through collective bargaining mediation, FMCS helps avert or minimize the cost of work stoppages to the U.S. economy. The FMCS's core work is to mediate collective bargaining negotiations for initial contract negotiations—which take place between an employer and a newly certified or recognized union representing its employees—and for negotiations for successor collective bargaining agreements. FMCS provides mediation services to the private sector, and also to the public sector, including federal agencies, and state and local governments.

During mediation, the mediator's task is to identify alternative solutions and compromises, encourage settlement where appropriate, control the critical timing of offers, and persuade the parties to honestly discuss their differences. In FY 2011, FMCS mediators were actively involved in nearly 4,700 collective bargaining contract negotiations in every major industry throughout the United States.

B. Grievance Mediation

Grievance mediation involves the use of a neutral party to mediate disputes that may arise over the terms and conditions of a collective bargaining agreement. FMCS mediators provide this service to the private and public sectors with the goal of preventing unresolved contract interpretation issues from spilling over into future contract negotiations. Lengthening contract terms increase the importance of resolving contentious issues arising during the term of a contract. In FY 2011, FMCS mediated 1,905 grievance mediation cases and helped the parties reach agreement in 1,428 of these.

C. Relationship-Development and Training

Preventing conflict that may arise during the term of a collective bargaining agreement is another important goal of the FMCS. The FMCS's relationship-building training programs are designed to improve labor-management relationships by helping labor and management to develop collaborative problem-solving approaches. Effective use of these programs better enables the parties to jointly respond to rapidly changing business and economic conditions during the term of the contract and also make future mediation efforts more effective.

D. Employment Mediation

Outside the collective bargaining arena, FMCS provides employment mediation services to the federal sector and to state and local governments on a cost-reimbursable basis. The Administrative Dispute Resolution Act of 1990, the Negotiated Rulemaking Act of 1990, and the Administrative Dispute Resolution Act of 1996 expanded FMCS' role as a provider of these services. The legislative intent behind these acts was to expand the use of alternative dispute resolution throughout the Federal government, reduce litigation costs, and promote better government decision-making. The FMCS also provides employment mediation to the private sector to resolve workplace disputes falling outside of the traditional collective bargaining context, i.e., equal employment opportunity disputes. In FY 2011, FMCS mediated 1,254 employment cases.

E. International Training and Exchange

Beyond the nation's borders, FMCS plays an important role in promoting collective bargaining and conflict resolution around the world. FMCS' international work is a small, but integral, part of its services. Emerging market economies often struggle to compete effectively in a globally integrated marketplace. FMCS helps establish the labor relations institutions that are essential to the smooth functioning of free market economies. These programs are also a knowledge-sharing experience: FMCS mediators gain familiarity with complex issues affecting the global economy and, as a result, are more effective in resolving labor-management disputes with international implications.

FMCS' international efforts help to level the economic playing field for U.S. companies and workers by strengthening the rule of law and workers' rights in developing countries. In addition to supporting U.S. companies and workers in the global market by advocating core labor standards for all nations, the program helps create the stable and productive work forces that are needed to attract foreign investment and improve living conditions. In addition to industrial relations, FMCS mediators assist with rule of law initiatives, thereby helping to support economic growth and investment. These initiatives include mediation training and working with NGOs and other civil society organizations to develop mediation and other FMCS ADR programs. FMCS' international program operations are reimbursed and are funded in part by a number of foreign and U.S. agencies, including the U.S. Department of Labor, the U.S. Department of State, the U.S. Agency for International Development, and the International Labor Organization.

F. Arbitration Services

National labor policy favors arbitration for settling contractual disputes. FMCS' Office of Arbitration Services maintains a roster of approximately 1,400 independent arbitrators who are qualified to hear and decide disputes over the interpretation or application of collective bargaining agreements. Upon request from the parties, FMCS furnishes a list of names from which they may choose an arbitrator to hear their case and render a decision. During FY 2011, the Office of Arbitration Services processed nearly 14,400 requests for arbitration panels nationwide. Arbitrators on the FMCS roster heard and decided nearly 2,300 labor arbitration cases.

G. FMCS Institute for Conflict Management

The FMCS Institute for Conflict Management provides training and education to labor and management practitioners from multiple organizations in an off-site classroom format. The Institute offers training in practical conflict resolution skills, collective bargaining, arbitrator and arbitration skills-building, facilitation process skills, multi-party facilitation, cultural diversity, equal employment opportunity mediation skills, and workplace violence prevention. The Institute runs as a reimbursable program and is funded by fees received from training participants.

Mediation Services Program Data

PROGRAM SERVICES	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
1. COLLECTIVE BARGAINING MEDIATION.....				
Assigned Cases ¹	14,308	13,887	14,127	13,712
-Private Sector	12,914	12,425	12,888	12,460
-Public Sector (state and municipal)	1,083	1,138	906	943
-Federal Sector	311	324	333	309
Mediated Cases ²	4,836	4,767	4,919	4,665
-Private Sector	3,437	3,320	3,632	3,271
-Public Sector (state and municipal)	1,145	1,155	991	1,091
-Federal Sector	254	292	296	303
Closed Cases	13,480	13,308	12,992	13,776
Closed Mediated Cases	3,914	3,958	4,005	3,815
Activity Rate ³	29%	30%	31%	28%
Settled and Closed Mediated Cases	3,396	3,395	3,428	3,234
Percentage of mediated cases settled through FMCS ⁴	87%	86%	86%	85%
Activity rate in significant cases ⁵	38%	37%	45%	33%
2. GRIEVANCE MEDIATION.....				
Assigned Cases	1,749	2,027	2,124	1,968
Mediated Cases	1,728	2,004	2,084	1,905
-Private Sector	1,296	1,570	1,708	1,513
-Public Sector (state and municipal)	314	313	239	261
-Federal Sector	118	121	137	131
Settled GM Cases	1,299	1,479	1,532	1,428
Percentage of cases settled through FMCS ⁶	75%	74%	74%	75%
3. RELATIONSHIP-DEVELOPMENT AND TRAINING.....				
Number of training programs provided	2,356	2,327	2,200	2,301
-Private Sector	1,390	1,400	1,471	1,267
-Public Sector (state and municipal)	712	682	433	493
-Federal Sector	254	245	296	541
4. EMPLOYMENT MEDIATION.....				
Mediated Cases	1,220	1,362	1,392	1,330
-Federal Sector	1,205	1,336	1,387	1,297
-Public Sector (state and municipal)	11	9	2	5
-Private	4	17	3	28
Settled EM Cases	576	638	675	641
Percent of EM cases settled through FMCS ⁷	47%	47%	48%	48%
5. OUTREACH.....				
Outreach cases ⁸	3,347	3,622	3,240	3,190

¹ Section 8(d) of the NLRA, as amended, 29 U.S.C. §158(d) requires that any employer or labor organization provide notice to FMCS 30 days prior to contract expiration. Not all cases providing notices are assigned. Actual FY 2011 FMCS case intake exceeded 23,100.

² Mediated cases (formerly called "active" cases) represent the number of cases in the FY where mediators have become active in the negotiations.

³ Defined as the number of closed cases where there was at least one meeting divided by the number of total closed assignments.

⁴ Defined as the number of active cases settled divided by the total number of active cases.

⁵ Significant cases are generally defined as situations where the bargaining unit exceeds 1,000.

⁶ Defined as the number of grievance mediation cases settled and closed within the fiscal year divided by the number of closed GM assignments.

⁷ Defined as the number of mediated employment cases settled divided by the number of mediated cases closed

⁸ FMCS requires all mediators to engage in outreach efforts. These kinds of activities include non-bargaining meetings with labor and management representatives, attendance at conferences, meetings with local and state officials to offer FMCS services, and presentations designed to increase public knowledge.

Work Stoppage Information

	2006	2007	2008	2009	2010	2011
Work stoppages carried from preceding FY	52	31	19	29	13	19
Work stoppages beginning within FY	247	163	193	103	159	152
Work stoppages closed within FY	268	175	183	119	153	143
Work stoppages open at end of FY	31	19	29	13	19	28
Average duration of work stoppages in closed cases (number of days)	70.9	63.1	51.8	104.2	47.3	45.4
Estimated number of worker-hours lost due to work stoppages (1,000s)	25,175	29,734	20,147	19,609	8,877	11,222

Work Stoppage Cost Information			
	Direct Costs	Indirect Costs	Total Costs
Year	(\$1,000s)	(\$1,000s)	(\$1,000s)
1999	883,010	896,481	1,779,490
2000	3,350,203	3,672,152	7,022,355
2001	495,484	476,000	971,484
2002	363,522	461,289	824,811
2003	372,678	329,595	702,273
2004	1,102,475	267,260	1,369,735
2005	488,075	450,737	938,812
2006	725,180	686,468	1,411,648
2007	801,314	931,108	1,732,422
2008	533,971	567,397	1,101,368
2009	623,264	736,032	1,359,296
2010	250,162	238,538	488,700
2011	389,041	314,144	703,185
Savings to Parties Attributable to Mediation			
	Reduced Incidence	Reduced Duration	Total Savings
Year	(\$1,000s)	(\$1,000s)	(\$1,000s)
1999	756,974	211,149	968,122
2000	1,992,529	303,092	2,295,621
2001	667,206	60,372	727,578
2002	840,936	272,595	1,113,531
2003	717,239	224,287	941,525
2004	2,259,575	173,177	2,432,752
2005	1,269,679	798,666	2,068,345
2006	1,320,946	374,872	1,695,818
2007	888,376	383,386	1,271,762
2008	1,155,903	(501,807)	654,096
2009	2,613,336	1,142,193	3,755,529
2010	1,389,809	(39,122)	1,350,687
2011	301,044	763,335	1,064,379

Arbitration Services Program Data

Activity	2007	2008	2009	2010	2011
Panels Issued ⁹	16,264	15,717	16,692	16,486	14,367
Arbitrators Appointed	6,485	6,568	6,496	6,870	6,608
Activity Charged For					
Travel Days	.45	.45	.57	.48	.44
Hearing Days	1.10	1.07	1.10	1.14	1.10
Study Days	2.34	2.43	2.40	2.37	2.37
Total	3.89	3.95	4.07	3.99	3.91
Average Charges					
Per Diem Rate	\$883	\$913	\$962	\$981	\$984
Amount of Fee	\$3,571	\$3,780	\$4,049	\$4,039	\$4,045
Amount of Expenses	\$359	\$391	\$421	\$380	\$384
Total Charged	\$3,929	\$4,171	\$4,470	\$4,419	\$4,429

⁹ Frequently, the labor-management parties request more than one panel for arbitration cases, resulting in an increase in the number of panels issued over the number of requests received.