

IIR newsletter

Volume 15 - # 3

INSTITUTE OF INDUSTRIAL
RELATIONS LIBRARY

DEC 26 1972

UNIVERSITY OF CALIFORNIA
BERKELEY

Date: Wednesday, January 10, 1973

Place: Olympian Hotel (Chariot Room)
1903 West Olympic Blvd.
Los Angeles, California

Time: 6:00 pm - No Host Cocktails
7:00 pm - Dinner (\$4.75 per person)
8:00 pm - Speaker

Speaker: *Bill Boyarsky*, Political Writer, Los Angeles Times

Please make reservations by returning the enclosed card and your check (\$4.75 per person) to Sonia Portales, Institute of Industrial Relations, University of California, Los Angeles, California 90024, or by calling 825-3180. Make checks payable to I.I.R. Alumni Association.

THE SPEAKER

Bill Boyarsky, a well-known and distinguished political writer and reporter with the Los Angeles Times, has covered the local and national political scene for many years. He is also the author of a book on the political career of Governor Ronald Reagan. Mr. Boyarsky will speak on the meaning and significance to labor and management of the 1972 elections. As many of us will certainly remember, he was with us before and was most impressive with his informed and articulate presentations. We urge your attendance at this meeting; bring your friends, guests, and colleagues -- we are looking forward to welcoming Mr. Boyarsky once again and to the opportunity to enjoy the fellowship of our friends in labor and management.

SUMMARY OF NOVEMBER 8, 1972 MEETING

Sam Kagel, noted labor attorney and arbitrator, discussed current developments and new approaches to the settlement of labor disputes. He stated that labor as well as management have always been opposed to compulsory arbitration as an

alternative to strikes and lockouts, and that new methods must be found to resolve disputes. One such method is "mediation-arbitration," or "med-arb," which combines the two techniques. Mr. Kagel gave a short explanation of the traditional uses of mediation and arbitration, emphasizing that the mediator has little or no power to bring the parties to agreement, and that arbitration normally is not resorted to in contract negotiations. In med-arb, the parties voluntarily agree upon a person serving as the med-arbiter, who will make a final and binding decision unless the parties reach their own settlement. There is thus a strong incentive voluntarily to reach agreement, because a ruling will be imposed if the parties cannot come to terms.

Mr. Kagel outlined the process of med-arb, in which the med-arbiter first addresses the parties as mediator, but then becomes, in effect, a party to the negotiations because the parties to the dispute have to exchange their views in front of him. This, he feels, leads to real negotiation, based on reasonable offers and on the facts in the issues involved. In addition, there is little formality in med-arb -- there are no transcripts and witnesses usually are not called.

An example of successful med-arb was the settlement of the nurses strike in San Francisco-Oakland in 1969. Mr. Kagel acted as med-arbiter, persuading the parties to give up their respective economic weapons -- the right to strike and to lock out -- in exchange for concessions in scheduling time and weekends off, always a difficult matter in hospital work. Another example was the West Coast longshoremen's strike and its resolution early in 1972. Twelve of the issues were settled directly between the parties, which made arbitration unnecessary. Pointing out that med-arb can be used any time, before, during, and after strikes, Mr. Kagel stressed that it is particularly suited to resolve disputes in the public sector, where the right to strike has not become as accepted as it has in the private sector.

Mr. Kagel then discussed the need to avoid arbitration in the settlement of grievances once a collective bargaining contract has been signed. He feels that the majority of grievances should never go to arbitration, but should be settled during the grievance procedure at one of the steps that were agreed upon in the contract. The most important "reform" of the grievance procedure is the establishment of a fact-finding step that would follow when a grievance was filed in writing. Representatives of labor and of management would jointly investigate the grievance, interview the grievant, the employer, and witnesses, and would arrive at a "stipulated set of facts" rather than opinions. As a result, basic evidence becomes available shortly after a grievance has occurred, and it could be settled on the basis of facts, short of arbitration.

Mr. Kagel concluded his presentation by emphasizing that med-arb is a blend of two processes that is urgently needed because, individually, mediation and arbitration have lost much of their effectiveness.

CERTIFICATE PROGRAMS

GRADUATION

At our November 8, 1972, meeting, the following graduates were awarded certificates for having successfully completed the Institute of Industrial Relations certificate programs:

Industrial Relations:

Roberta S. Goldenberg, Revenue Officer, IRS
Bernard H. Krakower, Chairman of the Board, Winter,
Krakower & Associates, Inc.
Helen S. Mills, Program Representative, Institute of
Industrial Relations, UCLA
Robert W. Riebling, Supervisor of Combustion Devices
Department, California Institute of
Technology

Public Sector Labor-Management Relations:

Danny R. Gill, Job Analyst, Department of Water and Power
Burton R. Taylor, Senior Personnel Analyst, Los Angeles
City Personnel Department

FORTHCOMING EVENTS

PUBLIC PROGRAMS, INSTITUTE OF INDUSTRIAL RELATIONS

- Public Employee Retirement Systems
January 12-14, 1973, at the Del Webb's Townehouse, Fresno, California.
Fee: \$40.00 per person.

This conference will review the major Public Employees retirement systems, state and federal legislation, special-interest legislation, "raids" on public retirement funds, and much-needed changes and how to effect them. Among the speakers are *Wilbur J. Cohen*, Dean of the School of Education, and Co-Chairman, Institute of Gerontology, The University of Michigan, and former Secretary of Health, Education, and Welfare; Congressman *James C. Corman*, 22nd District, California; *Mrs. Roberta Chock*, Secretary, Joint Legislative Committee; *William E. Payne*, Executive Officer, Public Employees' Retirement System; *Harold J. Ostly*, Chairman of the Board of Retirement, County of Los Angeles; *Michael N. Thome*, Chief Executive Officer, State Teachers' Retirement System; and *Jake Petrosino*, Vice President, PERS Retirement Betterment Committee, Inc.

For further information, please call Sonia Portales, 825-3180.

FORTHCOMING EVENTS (continued)

PUBLIC PROGRAMS, INSTITUTE OF INDUSTRIAL RELATIONS

- The Institute of Industrial Relations, UCLA, is scheduling a major symposium on "Labor and Management Look at the Arbitrators," for March 22, 1973, with the cooperation of the American Arbitration Association; the Federal Mediation and Conciliation Service; the California State Conciliation Service; the Institute of Industrial Relations Alumni Association; the Southern California I.R.R.A. Chapter; George Bodle, Chairman of the Labor Relations Law Section of the American Bar Association, and Leo Kotin, Regional Chairman of the National Academy of Arbitrators.

Persons interested in attending this conference should contact Ted Ellsworth or Sonia Portales, 825-3180, for further details.

CENTER FOR LABOR RESEARCH AND EDUCATION

- Labor Studies Certificate Program - Course on "Labor Law and Legislation"
Starting Saturday, January 27, 1973 (6 sessions, every other Saturday)
Fee: \$25.00 per person (text and materials extra)
Instructor: *John Lehnert*, Former President, Hollywood AFL Film Council

For further information, please call Sonia Portales, 825-3180.

PRIVATE SECTOR MANAGEMENT PROGRAMS

- Management of Conflict (7th Laboratory)
January 11-14, 1973, at the Santa Ynez Inn, Pacific Palisades
- Employee Benefit Planning
January 30-31, 1973, at the Santa Ynez Inn, Pacific Palisades

For further information, please call Mary Wright, 825-1888.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

- Grievance Training for Public Sector Supervisors
January 5, 1973, at Hedrick Hall, UCLA Campus

For further information, please contact Joan Gusten, 825-4161.

PUBLIC SECTOR MANAGEMENT PROGRAMS

- Survey Conference in Employee Relations - Public Sector
January 18-19, 1973, at the Airport Marina Hotel, Los Angeles, California
- The Meet and Confer and Persistent Disagreement Process in California Public Schools (Conference and Workshop)
January 24-26, 1973, at the Royal Coach Motor Hotel, San Mateo, California

For further information, please call Lily Robillard, 825-7609.

POSITION OPENINGS

The University of Alabama, Birmingham, has two openings at the Center for Labor Education and Research for Assistant or Associate Professors for September 1973. Applicants should have a particular interest in research involving public employee unions, but persons with qualifications in the general field of labor education will also be considered. If you are interested or know of someone who is, please contact:

Higdon C. Roberts, Director, Center for Labor Education and Research,
University of Alabama in Birmingham, University Station, Birmingham,
Alabama 35294, telephone (205) 934-2101/2370.

NEWS

Dr. Robert Helsby, Chairman of the New York State Public Employee Relations Board (PERB), and President of the newly created organization for neutrals, the Society of Professionals in Dispute Resolution (SPIDR), will be on the UCLA campus during the week of January 15, 1973, and will be guest speaker at the January 17th meeting of the Southern California I.R.R.A. Chapter. He will also be addressing groups on the role of the SPIDR organization.

MANPOWER RESEARCH CENTER

The Center announces the following publication: BUSINESS AND THE HARD-TO-EMPLOY, a Study of a Metropolitan Office of the National Alliance of Businessmen (39 pp., plus appendix) by *Philip H. Mounts*, Assistant Professor of Management, University of Wisconsin, Oshkosh.

This is an occasional paper of the Center which summarizes a much larger evaluative study of the objectives and programs of a Metropolitan Office of the National Alliance of Businessmen. The paper includes suggestions to improve NAB efficiency. Professor Mounts made this study as his doctoral dissertation at UCLA's Graduate School of Management in 1972.

Price: \$2.00 per copy. To order, please contact Shirley Matthews, 825-3934.

FORTHCOMING PUBLICATION

WELFARE - A NATIONAL POLICY, Proceedings of a Conference held on September 29, 1972, at the UCLA campus. Papers presented provide a systematic and detached examination of the problem of poverty and programs dealing with its relief proposals for reforming welfare, most notably President Nixon's Family Assistance Plan, and of financing welfare as well as the related issue of income redistribution. An informative publication that will be available in January, 1973. (See your January Newsletter for details.)