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# California University Institute of Industrial Relations (Berkeley)

Information for Applicants.

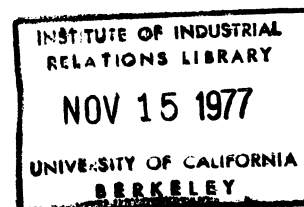
## TRAINING NEUTRALS FOR DISPUTE SETTLEMENT

### Nature of the Training Program

A one-year program to develop neutrals for use in resolving public sector labor disputes. Offered by the Institute of Industrial Relations, University of California, Berkeley. Commencing September 18, 1972. Trainees to be recruited in part from the minority community and to include women and some persons under thirty years of age.

The program is designed to meet four major problems:

1. The increasing need for neutrals in the public sector: As collective bargaining systems develop in public jurisdictions, the demand for neutrals in traditional mediation and arbitration roles has increased, as has the need for "third-party" techniques which can be used as substitutes for strike action.
2. The present shortage of competent neutrals generally and the acute shortage of those experienced in the special problems of the public sector: Reports from the American Arbitration Association and the California State Conciliation Service indicate that a small group of arbitrators is being asked to handle an increasing number of cases in California and that even fewer neutrals are qualified at present to deal with the unique problems involved in the public sector.
3. The absence of a proven program for training new neutrals: No continuing program for training neutrals now exists. Entry into the field is curtailed by the difficulty in gaining necessary training and experience and in gaining acceptance by the disputing parties because of the lack of any system for judging the ability of new candidates. Acceptability has traditionally been determined by active demonstration of impartiality, fairness, technical competence, analytical ability and adaptability in conflict situations.
4. The almost total absence of minorities, women and young people in the present ranks of neutrals: No women or minority persons are used as



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neutrals in labor disputes in Northern California. On the national level, an unofficial AAA survey indicates that approximately two-thirds of the arbitration cases heard in 1970 went to arbitrators over 55 years of age.

The central objective of the program is to create a training project designed not only to produce a continuing supply of public sector neutrals but also to show that minorities and women represent an untapped source of competent and acceptable neutrals.

### The Training Program

Adolph Koven, a nationally known arbitrator, will direct the program, backed by expert practitioners in the field of dispute settlement and public sector labor relations, who will be involved in all phases of the training.

The one-year program involves three phases: formal classroom training, field or counterpart training, and referral to dispute settlement opportunities. High priority will be given to individual instruction. As trainees may reflect varying levels of experience and education, time allocations for each phase will not be rigid.

Formal Classroom Training - 4 months: 34 three-hour classes, two nights a week on the Berkeley campus. The 102 class hours will be focused on the following subject categories:

Collective Bargaining in the Public Sector in California: Collective bargaining and the administration of employment relations systems with emphasis on public jurisdictions; the legal framework of public sector collective bargaining at the federal, state and local levels; unions, independent associations, government agencies and governing bodies; civil service and merit systems; interrelationships with private sector labor relations and with community and urban problems of wider scope.

Contemporary Urban and Community Issues and Problems: The context of contemporary problems, identifying the fundamental economic and political issues; the dynamics of social and economic change; the relationship between urban and community problems and collective bargaining in the public sector.

Dispute Settlement: Formal dispute settlement institutions; processes and techniques (fact-finding, mediation, arbitration, conducting a hearing, reaching a conclusion and writing an opinion, evidence and proof, private sector precedents, California court procedures); problems of acceptability and semantics; individual and group dynamics and conflicts.

The formal training will consist primarily of class discussions led by expert practitioners with secondary reliance on case studies and role playing of dispute situations utilizing video tape camera recording and playback. Supplemental classroom work in related subjects will be available. The Institute of Industrial Relations' education resources will be available to trainees, including a library of outstanding industrial relations materials, publications and materials of the "California Public Employee Relations Project," and special programs of the Institute which bring national authorities in industrial relations and dispute settlement to the area.

Field and Counterpart Training - 5 months: Four full days each month (a total of 20 days or 160 hours) in field training in dispute settlement in the Bay Area. Each trainee will be assigned 20 days of field experience as an assistant or observer in dispute settlement forums or planning and strategy sessions in a variety of dispute situations. (See "Costs" section below for wage-loss reimbursement.) Assignments for each trainee will be divided among three types of training:

Exposure to collective bargaining dispute settlement procedures by involvement on specific cases being heard by the state or federal conciliation services or by private practitioners. Trainees will observe or assist professionals with maximum exposure to public sector disputes or innovative private sector dispute settlement methods.

Exposure to community disputes to be heard in established community dispute settlement forums, such as: the Oakland Housing Authority's landlord-tenant dispute settlement procedure; Berkeley's Ombudsman dispute settlement or referral procedures; the Stanford University Dispute Settlement panel; the Bay Area college consortium dispute settlement panel of the San Francisco Office of the National Center for Dispute Settlement of the American Arbitration Association; and the uninsured motorists' accident claims arbitration procedures of the AAA's San Francisco Office.

Involvement in the formulation and presentation of either party's position to a dispute. As this aspect of counterpart training will concern the traditional adversary positions of labor and management, each trainee will be given a balanced exposure to both sides, with emphasis on understanding the position of each party as it is formulated, presented, challenged and modified, and on understanding the pressures that lead to resolution.

Referral - 3 months: Referral machinery for trained dispute settlement specialists will be developed throughout the program and will be used to expand opportunities for trainees in the program. Active participation in the program is expected from agencies, professionals and potential disputing parties to insure acceptability of the trainees as new and competent neutrals.

It is a primary goal of the program to achieve acceptability of the trainees and to educate those involved in public sector disputes as to the trainees' capabilities; however, neither the program nor the Institute can guarantee that trainees will be placed in paying positions.

#### Selection of Trainees

Fifteen trainees will be selected on the basis of written applications to be submitted in July and intensive interviews in July and August for final selection in early September.

Qualifications: No formal education or other qualifications are required; however, selection will be based on several general criteria:

- Reading and writing skills comparable to community college graduate level (the reading and workload will be intensive).
- Prior labor-management relations (public or private) or community relations exposure, with leadership potential indicated in career, job, or community activities.
- Prior exposure to adversary situations and a demonstrated interest in dispute settlement techniques and procedures.
- Involvement in activities related to elimination of racial, ethnic and sex discrimination.
- Determination to assume a more active community service role.
- Interest in advancement to professional status in the dispute settlement field. (The program should be a decisive factor in advancing that interest.)

Age will be a selection factor only as it relates to the applicant's developmental potential for future service as a dispute settlement expert. Emphasis will be given to selection of applicants who are women or are from minority groups or both, because of the higher racial and ethnic content of public employment and the absence of women and minorities from the dispute settlement profession. Preference will go to applicants who are employed or have an income base. Although an objective of the program is referral of trainees to dispute settlement job opportunities, the program can make no employment guarantees of any kind; therefore, it is necessary that trainees have a base of support before entering the program.

How to Apply: Request written application and questionnaire forms from (or use attached form):

