

IIR newsletter

Volume 16 - # 3

MEETING NOTICE

Date: Wednesday, November 14, 1973

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

Time: 6:00 pm - No Host Cocktails
7:00 pm - Dinner (\$5.00 per person)
8:00 pm - Speakers

Speakers: Two eminent attorneys specializing in
workmen's compensation cases:

Richard J. Silber, of Silber, Schwartz, and
Benezra

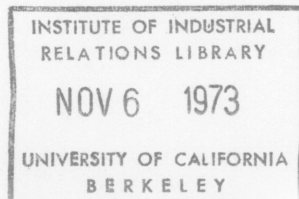
Bernard Sobelsohn, of Allen, Rhodes, and
Sobelsohn

Topic: WORKMEN'S COMPENSATION: NEW LAWS AND
REGULATIONS, WHERE ARE WE GOING? (Debate
and Discussion--including participation by
the audience)

THE SPEAKERS

Mr. Silber will present the union point of view and Mr. Sobelsohn will speak for management. Both attorneys have extensive background and experience in representing labor and management in workmen's compensation cases. This is an important area of major concern to everyone involved in industrial relations. We expect a stimulating debate by experts in this field, and a lively discussion. Please come and bring your guests and friends.

For reservations, call Sonia Portales (213) 825-3180, or send your check for \$5.00 payable to I.I.R. ALUMNI ASSOCIATION, 9351 Bunche Hall, UCLA, Los Angeles, California 90024, Attn: Sonia Portales. Thank you.



SUMMARY OF OCTOBER 10, 1973, MEETING: John H. Fanning, a member of the National Labor Relations Board for almost 16 years, offered SOME COMMENTARY--MOSTLY KIND--ON THE NLRB. The Board's two major functions are to conduct representation elections and to adjudicate unfair labor practices under the Wagner Act. Mr. Fanning pointed to the Board's record; in fiscal 1958, the year he was appointed, the unprecedented number of 16,746 cases had been filed, as compared with 41,000 cases in the fiscal year just ended. 1958 was the first year in which unfair labor practice cases outnumbered election cases, while in the last fiscal year, they outnumbered the latter 2 to 1.

Thus, the demand for the Board's services shows a growing trend even though there are always cries for reform for change, for speeding up the procedure. Faced with an ever increasing caseload, the Board keeps the backlog of cases low, and 75 percent of its decisions upon review by the courts are being enforced.

Mr. Fanning explained the efforts that have been made to achieve this good record. The handling of representation cases has been simplified by the Congressional grant of authority to the Board in 1959, delegating decision-making powers to the Regional Directors and thus reducing its case load. But no comparable measure has been available for unfair labor practice cases--and these are the bulk of the Board's work. In sum, looking back over 16 years of service, Mr. Fanning sees an increasing workload, an increasing staff, increasing productivity and speed--with no loss in quality if quality is measured by the courts' treatment of NLRB decisions.

Mr. Fanning then discussed the nature of the Board's work and what it expected to accomplish. In the most simple terms, the Board is charged with making collective bargaining work, under the appropriate provisions of the Wagner Act pertaining to unfair labor practices and to unit determination in representation elections. He cited a number of cases that resulted in split decisions in order to demonstrate the difficulties that arise when the five members of the Board apply general principles to concrete cases.

The cases involved, for example, the severance of a smaller unit of skilled craftsmen from existing plant units for separate representation; a refusal to reinstate strikers on the ground that their right to reinstatement was considered in arbitration and had been denied; a union demand for a dues checkoff clause in a contract which was refused by management on the ground that collection of dues is union business.

The latter case, particularly, focuses on the effectiveness of remedies available to the Board. What constitutes an effective remedy? Mr. Fanning said that during his tenure on the Board, there has been constant effort to make remedies more effective. The Board, of course, has no penal powers; it cannot award damages; it cannot impose penalties to deal with repetitive offenders. It can only remedy unfair labor practices that have been committed, and restore the situation that would have existed but for the respondent's misconduct. He quoted the Supreme Court on this problem of effective remedies, which noted "that the present remedial powers of the Board are insufficiently broad to cope with important labor problems. But it is the job of Congress, not the Board or the courts, to decide when and if it is necessary to allow governmental review of proposals for collective bargaining agreements and compulsory submission to one side's demands. The present Act does not envision such a process."

Thus, concluded Mr. Fanning, if the Board is to deal effectively with that kind of offense and offender, Congress will have to enlarge its powers.

FORTHCOMING EVENTS

INSTITUTE OF INDUSTRIAL RELATIONS - PUBLIC PROGRAMS

- Evaluating Public Retirement Systems

November 8-10, 1973 at the Plaza International Hotel in Mission Valley (San Diego). Fee: \$45.00 per person (hotel accommodations not included). Among the speakers are: Mr. Nelson McClung, Fiscal Economist, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C.; Mr. Otto Kinzel, Chairman, State of New York Permanent Commission on Public Employee Pension and Retirement Systems; Mr. Michael J. Arnold, Staff Assistant, League of California Cities; Mr. Allen Arnold, Actuary, The Wyatt Actuaries, Inc., San Francisco; State Senator Alan Robbins, 22nd Senatorial District, Chairman, Sub-Committee on Investment of Public Funds; and Congressman James C. Corman, Member, Ways and Means Committee, U.S. House of Representatives.

For further information, please contact Ted Ellsworth or Sonia Portales, (213) 825-3180.

- Bargaining Units in the Public Sector: Concepts and Problems (A Joint Labor-Management Conference) November 29-30, 1973 at the Airport-Marina Hotel, Los Angeles, California.

For further information please call Ethel Davis, 825-1785 or Janis Okida, 825-4580.

MANPOWER RESEARCH CENTER

- Manpower Research Forum

November 12, 1973, 3 to 5 pm at 2214 GSM
Julius Shiskin, recently appointed Commissioner of Bureau of Labor Statistics, Washington, D.C. will be the speaker.

For further information please call Shirley Matthews, 825-3934.

INTERGOVERNMENTAL MANAGEMENT PROGRAMS

- Grievance Administration and Arbitration Workshop November 13-14 at the Airport Marina Hotel.

For further information please call Gene Bell, 825-2516.

NEWS

- The Manpower Research Forums were discontinued after the last one held on May 15th because of the illness of Mr. Fred H. Schmidt, Senior Lecturer and Researcher in Industrial Relations, who suffered a heart attack in early April and was incapacitated for some months thereafter. Mr. Schmidt recently resigned his position at the Institute for health reasons, and all of you who know him and are acquainted with the work he performed in the industrial relations and manpower fields will understand the Institute's loss and its deep feelings of regret.

NEWS (Continued)

Mr. Schmidt served as Executive Director of the Steering Committee for the Manpower Research Center which was composed of faculty members from the Institute of Industrial Relations, the Department of Economics, the Graduate School of Management, and the Department of Sociology. Professor Archie Kleingartner, who was recently appointed Acting Director of the Institute of Industrial Relations in Professor Aaron's absence, is also in charge of the Manpower Research Center.

- Dr. Paul Prasow, Associate Director, Institute of Industrial Relations, UCLA, was elected a Regional Vice President (Region 7 - Western States) of the Society of Professionals in Dispute Resolution at its October Inaugural Convention in Washington, D.C. He also presented a paper at the convention on "The Role of the Opinion in the Common Law of Arbitration."

CERTIFICATE PROGRAMS

GRADUATION

At our November 14, 1973 meeting, the following graduates will be awarded certificates for having successfully completed the Institute of Industrial Relations certificate programs:

Industrial Relations:

Valerie M. Bailey	Leon Johnson, Jr.
Bernard Blat	Kenyon W. Mathers
Lucinda Gould Campbell	Isabel E. Roush
Lynn A. Heglar	John Robert McFarlane

Public Sector Labor-Management Relations:

Kenneth Stone Kassler, II
Alvin Nichols Rice
Harry William Stein
Jimmy L. Walker

Labor Studies:

Jim W. Vedeneff
Enoch L. Starner

POSITION OPENINGS

Labor Program Service, Michigan State University School of Labor and Industrial Relations

Position: Faculty-level appointment at the rank of instructor of assistant professor.

For further information, contact Professor Dale G. Brickner, Associate Director for Labor Program Service; School of Labor and Industrial Relations; Michigan State University; East Lansing, MI 48824.

POSITION OPENINGS (Continued)

Labor Education Service, Industrial Relations Center, University of Minnesota

Position: Director, Labor and Urban Affairs

For further information, contact Labor Education Service, Industrial Relations Center, University of Minnesota, 4th Floor Business Administration Building, Minneapolis, Minnesota 55455, (612) 373-3662.

Institute for Labor Studies, West Virginia University

Position: Assistant Professor of Labor Studies

For further information contact Richard W. Humphreys, Institute for Labor Studies, West Virginia University, Morgantown, West Virginia 26506.

Labor Education and Research Center, Indiana University

Position: Regional Coordinator of Labor Education Programs

For further information contact, D.W. Murphy, Director, Labor Education and Research Center, Indiana University, 1207 E. 10th Street, Bloomington, Indiana, 47401.

Bureau of Labor Education, University of Maine at Orono

Position: Staff Assistant (Research)

For further information contact Bureau of Labor Education, University of Maine at Orono, 128 College Avenue, Orono, Maine 04473.

Sargent Industries, Huntington Park, California

Position: Personnel Supervisor

For further information, contact Roger DeKoster, Manager, Industrial Relations, Sargent Industries, 2533 East 56th Street, Huntington Park, California (213) 583-4161 X205

Limoneira Company, Santa Paula, California

Position: Manager of the Ventura County Citrus Growers Committee

For further information contact V. H. Craig, President, Limoneira Company, P.O. Box 230, Santa Paula, California 93060, (805) 525-5541.

PUBLICATIONS

- Monograph # 5 - Law and the National Labor Policy, by Archibald Cox. (1960),
(\$2.50 ea. plus tax)

To order, please contact Kathy Greene, Publications Dept., Institute of Industrial Relations, UCLA, Los Angeles, California 90024.

- Youth in Labor Market, by Paul Bullock (\$5.00 each plus shipping and California State Tax).
- Health Manpower and the Organization of Health Services (\$3.00 each plus shipping and California State Tax)
- Business and the Hard to Employ (\$2.00 each plus shipping and California State Tax)

To order the last three publications, please contact Shirley Matthews at 825-3934.