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DISPUTE SETTLEMENT IN PUBLIC EMPLOYMENT:
AN ANNOTATED BIBLIOGRAPHY

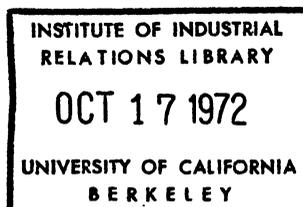
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DISPUTE SETTLEMENT IN PUBLIC EMPLOYMENT
AN ANNOTATED BIBLIOGRAPHY

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INTRODUCTION

The purpose of this annotated bibliography is to provide the reader with a broad selection of references from the expanding literature of dispute settlement in public employment. Two aspects of dispute settlement are emphasized in this bibliography; namely disputes over new contract terms (interests disputes) and disputes related to contract interpretation and application (rights disputes). The bibliography does not include coverage of other types of disputes such as representation and recognition issues.

The selections included here are drawn primarily from domestically published journals, conference proceedings, studies and reports and for the most part reflect the literature published from January, 1967 to August, 1972. Some earlier titles are also included. An addenda incorporating additional items published primarily between September, 1971 and February, 1972 is included on pages 21–23. These addenda entries are indexed on pages 25–26.

The index to the bibliography is divided into three major sections: Strikes and Impasses, Negotiation Impasses and Grievance Disputes. The strike category is subdivided into general references and those related to federal, state and local application. The negotiation impasse area has been divided into the dispute procedure categories of arbitration, mediation and factfinding with each of these sections broken into general, federal, state and local categories. The grievance dispute section includes separate categories for general references as well as for federal, state and local applications. The remaining index headings are for particular occupational groups.

It is hoped that the selection of references included in this bibliography is of value to those concerned with dispute settlement in public employment and any suggestions for improvement would be welcomed.

Annotated Bibliography

1. Abner, Willoughby. "The FMCS and Dispute Mediation in the Federal Government." **Monthly Labor Review** 92:5 (1969) 27-29.
Examines the FMCS's limited experience with mediation between government and public employees as of 1969. Includes recommendations for making bargaining more meaningful and relevant.
2. Alstynne, William W. Van. "The Demise of the Right Privilege Distinction in Constitutional Law." **Harvard Law Review** 81 (1968) 1439-1464.
The author argues that the right privilege doctrine's implications have been gradually eroded and that the growth of government control requires restraints of substantive due process. The individual's interest in his public status should be a "right" protected against unreasonable regulation.
3. _____. "The Constitutional Rights of Public Employees: A Comment on the Inappropriate use of an old Analogy." **UCLA Law Review** 16 (1969) 751-772.
Constitutional standards of the private and public sectors are analyzed. The author argues that a problem in the public sector is the scope of public employees' constitutional rights.
4. American Federation of Labor and Congress of Industrial Organizations. **Collective Bargaining in the Public Sector. A final report to the AFL-CIO Maritime Trades Department, Eighth Constitutional Convention, Atlantic City, N.J., 1969.** 36 pp.
Traces the background of collective bargaining in private and public sectors and points out parallels. Calls for the repeal of no-strike laws and the right to strike for public employees except where the public health and safety would be endangered and the enactment of sound collective bargaining legislation to end the injustices which cause strikes.
5. Anderson, Arvid. "Public Employee Bargaining." Paper read before the Section on Local Government Law, American Bar Association, 1969, at Dallas, Texas.
Reviews states laws, the strike question, and the role of factfinding and binding arbitration.
6. _____. "Strikes and Impasse Resolution in Public Employment." **Michigan Law Review**, 67 (March, 1969) 943-970.
Examines the question of the strike as an essential part of the collective bargaining process and its effectiveness as a means of resolving impasses. Recommendations are made for procedures to be substituted for the strike.
7. _____. "The Use of Factfinding in Dispute Settlements." **Proceedings of the 22nd Annual Meeting of the National Academy of Arbitrators.** Washington, D.C.: Bureau of National Affairs, Inc. 1970. 107.
Author reviews theories of factfinding; success of the factfinding process; role of factfinders; criteria used by the factfinder; issues that can go to factfinding; and criticisms of the factfinding process.

8. _____. "Compulsory Arbitration Under State Statutes." **Proceedings of the Twenty-Second Annual New York University Conference on Labor**. New York: Matthew Bender (1970) 259-283.
An investigation of state laws calling for compulsory arbitration of public employment negotiation impasses with analysis of its acceptance by the public employees, employers, and the court.
9. _____. "Compulsory Arbitration in Public Sector Dispute Settlement—An Affirmative View." Address before the New York Chapter, Industrial Relations Research Association (April 22, 1971).
A review of state laws calling for compulsory arbitration of public employment negotiations impasses with analysis of its value as a substitute for the strike.
10. Anderson, Wayne F., and others. **Fact-Finding in the Public Sector – A Case Study**. Chicago: Public Personnel Association (1970).
A case study involving firemen's pay including background for consideration of important issues; includes exhibits and the findings and recommendations of the board.
11. "Arbitration of Police and Fire Fighters Disputes." **Proceedings of a Conference on Arbitration of New Contract Terms for the Protective Services**. New York: American Arbitration Association (March 9, 1971).
A discussion of the statutes, problems, and the expectations of the parties in the use of compulsory arbitration for policemen and firefighters.
12. Aronin, Louis. "The New Jersey Experience." **Proceedings of the Conference on Government Employees and Collective Bargaining; Hawaii PERB: Year One**. Honolulu, Hawaii: University of Hawaii, Industrial Relations Center (December 19, 1970) 41-50.
A report of the experience with public employment impasse procedures in New Jersey through 1970 and an analysis of their success.
13. Bain, Trevor. "Third Party Settlement in Education." **The Arbitration Journal** 26:1 (1971) 41-44
Concludes that: "Factfinding and mediation by themselves without strike activity, did not result in settlements that were significantly different from what would have been expected from direct negotiations and unilateral action." Based his conclusion on an examination of salary settlements in education in Michigan.
14. "Bargaining in the Ontario Government Service." Summary of the Little Report on on Collective Bargaining in the Ontario Government Services. **Labour Gazette** 69:9 (1969) 522 ff.
Public employees should have no right to strike with sole objective of compelling a duly elected government to meet their demands no matter how meritorious they may be. Suggests modifications to streamline negotiations and grievance procedures.
15. Begin, James P. "The Development and Operation of Grievance Procedures in Public Employment." Ph.D. dissertation, Purdue University (1969).
Examines negotiated grievance procedures in public sector to determine if they differ from the private sector. Analysis indicated that most of the aspects of private industry grievance and arbitration models can be transferred to the public sector.
16. _____. and Ullman, Joseph C. **Negotiated Grievance Procedures in Public Employment**. Chicago: Public Personnel Association (1970).
Examines procedural aspects of grievance handling that should be dealt with explicitly in an agreement. Procedural factors considered include arbitration procedures and the scope of arbitration.

17. **Belasco, James A. "Public Employee Dispute Settlement; the Wisconsin Experience: Collective Bargaining in City X." *Government Labor Relations in Transition*. Public Personnel Association (1966).**
 One of the author's conclusions is that "it is impossible to separate collective bargaining from politics. The collective bargaining relationship is a swapping of political power assets."

18. _____. "Resolving Disputes Over Contract Terms in the State Public Service: An Analysis," ***Labor Law Journal* 16:9 (1965) 533-544.**
 An analysis of public employment impasse procedures in seven states having such laws. The author investigates the problem of what effect such procedures might have on bargaining power and the collective bargaining process.

19. **Block, Howard S. "Criteria in Public Sector Interest Disputes." Paper presented at the 24th Annual Meeting of the National Academy of Arbitrators, Los Angeles, California (January 28, 1971).**
 A review and analysis of the criteria used by neutrals in making awards and recommendations in contract negotiations and wage disputes. Investigates the use of wage comparison and ability to pay as criteria and discusses the problems of uniform wage policies versus inequities and the funding of awards.

20. **Burton, John F., Jr., and Krider, Charles. "The Role and Consequences of Strikes in Public Employment." *Yale Law Review*, 79:418 (1970) 418-440.**
 The purpose, role and consequences of strikes in the public sector are analyzed including pressures on parties in dispute and on the public. Effects of strikes are considered. Support for the right to strike is suggested.

21. **Cohn, Frederick C. "Labor Features of the Postal Reorganization Act." *Labor Law Journal* 22:1 (1971) 44-50.**
 A review of the provisions of the Postal Reorganization Act with analysis of the strike prohibition and impasse procedures.

22. **Cole, David L. "Devising Alternatives to the Right to Strike." *Monthly Labor Review* 92:7 (1969) 60-62.**
 This author notes that there have been four major reasons for public employee strikes: 1) the right to organize; 2) recognition; 3) grievances; and 4) pay and conditions of work. He recommends the formation of a public employment advisory council with labor representatives as active participants. This council would recommend the appropriate level of increased labor costs to be absorbed by each governmental unit in each fiscal year.

23. **Davey, Harold W. "The Use of Neutrals in the Public Sector." *Labor Law Journal* 20 (1969) 529-538.**
 An analysis of the use of mediation and factfinding in resolving public sector disputes. Author assumes a shortage of qualified neutrals for use in the public sector in the future.

24. **Derber, Milton. "Collective Bargaining in the Quasi-Public Sector: A Survey of Policies and Practices in the United States." Reprint Series No. 210. University of Illinois: Institute of Labor and Industrial Relations (1970).**
 Details the application of four different public policies, fair collective bargaining; special industries; public sector; and laissez-faire, to quasi-public industries and occupations. Concludes that the most obvious effect of public policy has been in the area of dispute settlement techniques.

25. **Doherty, Robert E., and Oberer, Walter E. *Teachers School Boards and Collective Bargaining: A Changing of the Guard*. Ithaca: Cornell University, New York State School of Industrial and Labor Relations, ILR Paperback No. 2 (1967).**

The authors provide an in depth investigation of the basic issues in public education collective bargaining. They stress that due to the difficulty of enforcing anti-strike legislation, effective alternative impasse procedures must be provided to both eliminate strikes and encourage collective bargaining.

26. Drotning, John E., and Lipsky, David B. "The Outcome of Impasse Procedures in New York Schools Under the Taylor Law." *The Arbitration Journal* 26:2 (1971) 87-102.

A report on the experience with the Taylor Law impasse procedures in school employment disputes. Suggests areas requiring study in analyzing the effectiveness of mediation and factfinding procedures.

27. Eisner, G., and Sipser, I. Philip. "The Charleston Hospital Dispute: Organizing Public Employees and the Right to Strike." *St. John's Law Review* 45 (December, 1970) 254 ff.

Taking the Charleston hospital strike of 1969 to be typical of the current problems in public employment, the authors discuss the "developing legality" of public employee unionism, current state and federal laws, the effectiveness of "no strike" legislation, and the relevance of the Canadian Public Service Staff Relations Act (stat., ch. 72 [1967]).

28. Fallon, William J. "For Some Order in Public Employee Bargaining." *Labor Law Journal* 21:7 (1970) 434-437.

To allow non-essential government workers a means of exerting pressure on management, they should be allowed to strike for one day upon twenty-one days notice; therefore minimizing both the economic losses of the strikers and public inconvenience. Demonstration strikes may be an adequate substitute for public employees' inability to use economic pressure.

29. The Committee on Labor Law of the Federal Bar Council. "Federal Public Employee Relations: The Lessons to be Learned from the New York and New Jersey Experiences." *Labor Law Journal* 22:3 (1971) 173-185.

Executive Order 11491 is evaluated in light of experience under the New York State, New York City and New Jersey public employment laws. Report concludes that E.O. 11491 contains unduly severe strike sanctions and the above statutes would serve as better models for other jurisdictions to follow.

30. Finkelman, Jacob. "Factfinding: Its Values and Limitations." Comment in: *Arbitration and the Expanding Role of Neutrals, Proceedings of the 23rd Annual Meeting of the National Academy of Arbitrators*. Washington, D.C.: Bureau of National Affairs, Inc. (1970) 182-186.

Comment on factfinding experiences in Canada and reaction to paper presented by William Simkin.

31. Foegen, J.H. "A Qualified Right to Strike--In the Public Interest." *Labor Law Journal* 18:2 (1967) 90-102.

The author presents an analysis of the right to strike in both private and public employment. He concludes that no employee should have an absolute right to strike.

32. _____. "The Partial Strike: A Solution in Public Employment?" *Public Personnel Review* 30:2 (April 1969) 83-87.

A survey of the increasing militance of public employee unions. The author predicts a trend toward more labor relations activity in the future. He advocated the "partial strike" as a method of applying pressure without unduly jeopardizing the public's well-being.

33. _____. "Mediation from Initiation: Hope for Public Relations." *Public Personnel Review* 31:1 (1970) 7-12.

The author holds that one person should combine the roles of observer, mediator and arbitrator, and be a party to negotiations from their inception. This approach would provide greater familiarity with issues and the proper timing of appropriate third-party roles in impasse situations.

34. Gilroy, T. P., and Sinicropi, A. V., ed. "Collective Negotiations and Public Administration." **Conference Series No. 15**, Iowa City, Iowa: Center for Labor and Management, The University of Iowa (1970) 70 pp.
Includes papers on dispute settlement and the use of mediation, factfinding and arbitration in public sector disputes.
35. Gisriel, Cornelius, et. al. **The Local Education Association and Grievance Adjustment**. Washington, D.C.: National Education Association (1967).
A basic explanation of the functions of grievance procedures in public education is provided. Criteria for grievance procedures are suggested.
36. Glass, Ronald W. "Impasse, Grievance, and Arbitration in Federal Collective Bargaining." **Monthly Labor Review** 93:4 (1970) 55-57.
Comments on the provisions of Executive Order 11491 and a study of the Bureau of Labor Statistics on the scope of provisions carried in Federal contracts through 1967.
37. Goldberg, Joseph P. "Changing Policies in Public Employee Labor Relations." **Monthly Labor Review** 93:7 (1970) 5-14.
This author provides an overview of the interaction of public employee strikes and public policy for public employee labor relations.
38. Gould, William B. "Public Employment: Mediation, Factfinding and Arbitration." **American Bar Association Journal** 55:9 (1969) 835-841.
The author argues that if public employees cannot rely on the strike, then mediation, factfinding, and arbitration must be used to the best possible advantage. He notes the inadequacy of present techniques and the relationship between employee demands and local tax problems.
39. Hanslowe, Kurt L. **The Emerging Law of Labor Relations in Public Employment**. Ithaca: Cornell University, New York State School of Industrial and Labor Relations, ILR Paperback No. 4 (1967).
Discusses concept of sovereignty, federal and state legal structures, the New York State situation developing the Taylor Act and the emerging patterns of public employee labor relations legislation.
40. Helmes, Robert H. "Handling Employee Grievances." **Public Employee Relations Library, No. 2**, Chicago: Public Personnel Association (1968).
Contains sections on cause and prevention of grievances, legal aspects of grievance handling, and securing acceptance of grievance procedures. Applies to state and federal service. An appendix contains model grievance procedures.
41. Helsby, Robert D. "A Summary of the Proceedings. Governors Conference on Public Employment Relations." Paper presented to the Governor's Conference, State of New York (October, 1968) 55-59.
Problems, impasse procedures and strikes in New York are reviewed. Information relevant to PERB is included.
42. _____. "Resolution of Public Sector Disputes." **Proceedings of the Conference on Government Employees and Collective Bargaining: Hawaii PERB: Year One**. Honolulu, Hawaii: University of Hawaii, Industrial Relations Center (December 10, 1970) 15-24.
Report of New York's experience under the Taylor Act impasse procedures through 1970 with an analysis of the workability of the provisions of the law.

43. Hildebrand, George H. "The Role of the Neutral in Public Employment Disputes: II The Resolution of Impasses." **The Arbitrator, the NLRB and the Courts, Proceedings of the 20th Annual Meeting, National Academy of Arbitrators**, ed. Dallas L. Jones. Washington, D. C.: Bureau of National Affairs, Inc. (1967) 287-297.

The author discusses the problem of whether the government sector represents a separate situation from the private sector in employment relations. Proposes that the public sector should be treated separately and suggests procedures to use in public sector impasses.

44. Hill, James C. "The Presidential Address: The Academy and the Expanding Role of Neutrals." **Proceedings of the 23rd Annual Meeting, National Academy of Arbitrators**. Washington, D.C.: Bureau of National Affairs, Inc. (1970) 187-207.

Comments are made on mediation, factfinding, and arbitration in the public sector. Grievance arbitration will grow in use and issues will be more difficult to arbitrate than in the private sector. The role of the Academy is also discussed.

45. Howlett, Robert G. "Arbitration in the Public Sector." Reprinted from the **Proceedings of the Southwestern Legal Foundation 15th Annual Institute on Labor Law**. New York: Matthew Bender and Company (1969).

Contains a discussion of the merits of compulsory arbitration in the public sector. The role of the legislature as arbitrator, grievance arbitration and arbitrators' opinions and awards are discussed. It concludes: "Reported arbitrators' opinions and awards lead to a tentative conclusion that the great majority of issues with which arbitrators are confronted will not differ from those decided by arbitrators in the private sector.

46. _____. "Factfinding: Its Values and Limitations, Comment." **Arbitration and the Expanding Role of Neutrals, Proceedings of the 23rd Annual Meeting, National Academy of Arbitrators**. Washington, D. C.: Bureau of National Affairs, Inc. (1970) 175-182.

Comments in response to William Simkin's major address discussing the Michigan experience. Indicated a generally favorable posture for factfinding.

47. Johnson, Douglas F. and Pruitt, Dean G. "Pre-Intervention Effect of Mediation v. Arbitration." Prepared for the Office of Naval Research, Contract No. N00014-67-C 0190 (August 31, 1969). See Research Index, U.S. Government Publications (1969).

Mediation and arbitration are seen as having a differing impact on the agreement-making process. Negotiations with a binding decision from a third party were more likely to reach agreement than those faced with a non-binding decision, i.e. mediation. This was especially true for union negotiators. Experiment used students in a simulated collective bargaining situation.

48. Jossen, Robert J. "Fact-Finding: Is It Adjudication or Adjustment?" **The Arbitration Journal** 24:2 (1969) 106-115.

Discussion of experience with factfinding in Michigan, Wisconsin, and New York. Examination of factfinders' reports, state statutes, and expert opinions on the factfinding process. Conclusion: Factfinding may often consist more of adjustment than adjudication.

49. Kassalow, Everett M. "Trade Unionism Goes Public." **The Public Interest** (Winter, 1969) 118-130.

Covers the reasons for upsurge in public employee unionism. Strikes and the need for impasse procedures are discussed. Federal, state and local sectors are considered.

50. _____. "Public Employee Bargaining in Europe: What Lessons for the United States." **Proceedings of the 21st Annual Meeting, Industrial Relations Research Association**. Chicago (1968).

Examines selected major areas in the European experience in order to enhance understanding of the process of public employee bargaining and its development. Includes discussion of right to strike.

51. Kaufman, Jacob J. "Compulsory Arbitration: Other Perspectives." **Industrial and Labor Relations Review** 18:7 (1965) 588-589.

The author discusses the shortcomings of compulsory arbitration.

52. Kennedy, Thomas R. "The Postal Reorganization Act of 1970: Heading Off Future Postal Strikes?" **The Georgetown Law Journal** 59:2 (November, 1970) 305-334.

After tracing the development of executive orders 10988 and 11491, the author suggests that the Postal Reorganization Act is substantially better than previous attempts to resolve the unique labor problems of the post office. He concludes that if the elaborate impasse machinery breaks down, Congress must be ready to act on an ad hoc basis or pass legislation which provides for a regular framework of emergency action.

53. Kentucky, University of, Labor Education Center. **Proceedings of the Second Labor Relations Symposium on Labor-Management Relations in the Public Sector**. Lexington (1970).

Remarks before the Symposium are directed to federal, state, local and municipal problems. Legal status of collective bargaining and dispute settlement procedures is discussed. Impasse resolution in public employment receives separate consideration. Factfinding, mediation and arbitration are covered.

54. Kerman, Thea J. "Strikes and Work Stoppages in the Public Sector." **New York State Bar Journal** 24:6 (1971) 24-46.

Strikes by public employees will not be entirely eliminated but attempts must be made to lessen conflict. Legislation is recommended to encourage face-to-face bargaining. Failing agreement, a third party factfinding procedure to make recommendations is proposed. If agreement is still not reached, strikes may be allowed following a court determination as to the degree of societal welfare disruption.

55. Kheel, Theodore W. "Strikes and Public Employment." **Michigan Law Review** 67:5 (March, 1969) 931-942.

The author argues that there is no substitute for collective bargaining and that the best chance to prevent strikes lies in improving bargaining practices.

56. _____. "How to Prevent Strikes by Public Employees." **Proceedings of the 21st Annual Conference on Labor**. New York: New York University (1969) 547.

Considers in detail the experience in New York under the Taylor Act. Poses questions to be considered when evaluating public employment relations. Includes principles to guide legislative action, a plan to avoid strikes, and a discussion of the legality and scope of arbitration.

57. _____ and Kaden, Lewis B. "Collective Bargaining in Hospitals: A Plan to Resolve Impasses." (In New York City) **Proceedings of the 22nd Meeting, Industrial Relations Research Association**. Madison, Wisconsin (1970) 210-216.

Discusses alternatives employees use to effectuate a strike. Suggests a board to promote collective bargaining in hospitals and health services be created. This board would decide when impasse is reached and what impasse procedure to follow. Board would have power to submit issues to arbitration.

58. Kieta, Joseph E. "The Strike and Its Alternative in Public Employment." **Public Personnel Review** 30:4 (October, 1970) 226.

Examines alternatives to strikes in public sector. Considers binding arbitration. Experience of selected foreign countries is considered.

59. Killingsworth, Charles T. "Grievance Adjudication in Public Employment." **The Arbitration Journal** 13:1 (1958) 3-15.

The author proposes the use of advisory arbitration in impasse resolution. Sees no hope for the general use of arbitration in public employment disputes settlement due to legal obstacles.

60. Kleinman, Jack H. "The Superintendent and Grievance Procedures." Paper presented to the Annual Meeting of the American Association of School Administrators, Atlantic City, New Jersey (February 17-21, 1968) 14 pp.

Grievance procedures considered as a misunderstood process. Considers characteristics of effective procedures, status of procedures in education, relationship of grievance and negotiation procedures and various selected topics.

61. Krinsky, Edward B. "Public Employment Fact-Finding in Fourteen States." **Labor Law Journal** 17:9 (1966) 532-40.

A general survey of current legislation providing for factfinding. The author concludes: "fourteen states have adopted statutes which provide for findings of fact and non-binding recommendations for some or all of their public employees. If one can judge from the legislative record of the states in 1965, factfinding in the public sector is growing in popularity."

62. _____. "Municipal Grievance Arbitration in Wisconsin." Unpublished draft of paper to be submitted for publication.

The study analyzes all municipal arbitration cases through fiscal year 1969-70. Includes analysis of issues and a discussion of legality of arbitration for public employees. The author concludes that grievance arbitration is becoming accepted as a valuable part of public sector employment relations.

63. _____. "An Analysis of Fact-Finding as a Procedure for the Settlement of Labor Disputes Involving Public Employees." Ph.D. dissertation, University of Wisconsin (1969).

A consideration of the factfinders role, the treatment of material presented, and the theory of factfinding. The effect of public opinion and strikes is examined.

64. Krislov, Joseph, and Peters, Robert M. "Grievance Arbitration in State and Local Government." **The Arbitration Journal** 25:3 (1970) 196-205.

According to a survey conducted by the authors, the differences between grievance arbitration experience and provisions in the private and public sector are slight. One reason may be that the parties have leaned heavily upon the private experience in negotiation at the state and local government levels. While these authors see the acceptance of grievance arbitration in the public sector growing, they believe that it will continue to exist side-by-side with civil service appeals systems.

65. _____ and Schmulowitz, Jacob. "Grievance Arbitration in State and Local Government: A Survey." *The Arbitration Journal* 18:3 (1963) 171-178.

A review of governmental units with agreements to arbitrate grievances and a report of experience with grievance arbitration in the public sector through 1962. Included is an evaluation of the experience.

66. Kruger, Daniel, and Schmidt, Charles J., Jr. ed. *Collective Bargaining in the Public Service*. New York: Random House (1969).

Book of readings on public sector bargaining. Includes report of Michigan Advisory Committee on Public Employee Relations, an article by Wilson R. Hart entitled "The Impasse in Labor Relations in the Federal Civil Service," an article by David G. Shenton, "Compulsory Arbitration in the Public Service," and an article by Marc Somerhausen, "The Right to Strike in the Public Service." Factfinding, mediation and arbitration are discussed in numerous articles.

67. Kruger, Arthur M. "The Right to Strike in the Public Sector: Canadian Legislation and Experience." *Labor Law Journal* 21:8 (1970) 455.

A discussion of provincial and federal legislation concerning government employment relations. The traditional arguments against equal treatment of public and private employees are discussed. The author deals with the type of machinery that has been set up to regulate collective bargaining and impasses. A short analysis of the problems resulting from Canada's legislation is included.

68. *Labor-Management Policies for State and Local Government*. Washington, D.C.: Advisory Commission on Intergovernmental Relations, A-35 (March, 1970) 1-263.

A report on a study of employment relations in the public sector. Considers problems of impasse resolution, the use of strikes, arbitration, factfinding, etc. Includes recommendations.

69. Lev, Edward R. "Strikes by Government Employees: Problems and Solutions." *American Bar Association Journal*, 57 (August, 1971) 729-826.

The author holds that Congress should establish a Public Employee Mediation Board with jurisdiction over government employees. Mediators would be selected by the board to hear disputes over labor agreement provisions. Benefits of the plan are discussed. Federal subsidies are proposed in those cases where federal mediators' decisions increase costs beyond the ability of state or local bodies to pay for it. Role limitations and decision-making criteria of the mediator are also reviewed and final selection arbitration is proposed.

70. Lieberman, Myron. "What To Do When the Talks Break Down in Teacher Impasses." *School Management* 13 (April, 1969) 25-28.

A discussion of procedures most often used in teacher impasses. Considers mediation, factfinding, and arbitration. Includes suggestions for avoiding impasses and actions to take when an impasse occurs.

71. Livingston, Frederick R., and Christensen, Andrew S. "State and Federal Regulation of Collective Negotiations in Higher Education." *Wisconsin Law Review*, 1 (1971) 91-111.

State legislation relative to labor relations is inadequate to meet the demands of labor relations—federal government should establish standards for public employees and employers in the absence of state legislation.

72. Loevi, Francis J. Jr. "Development and Current Application of Missouri Public Sector Labor Law." **Government Employee Relations Report**, No. 410 (July 19, 1971) E-1-E-9.

The case of *City of Springfield v. Clouse* was reviewed as it related to the right of public employees to bargain collectively. Work stoppages are viewed as an immediate threat. New reform legislation is reviewed and the author notes that if the legislation fails to pass, its rejection may mean the beginning of a long period of labor unrest in Missouri.

73. Loewenberg, J. Joseph. "Compulsory Binding Arbitration in the Public Sector." Paper presented at the International Symposium on Public Employment Labor Relations, New York (May 4, 1971).

Contains an examination of the legality of compulsory arbitration. Experience with compulsory arbitration, the substance of arbitration, and the impact of arbitration are considered. The author concludes, "While the preliminary assessment of compulsory binding arbitration is favorable as far as absence of strikes is concerned and not unfavorable with respect to collective bargaining and the costs to the public, future analyses may indicate other answers."

74. _____. "Compulsory Arbitration for Police and Fire Fighters in Pennsylvania in 1968." **Industrial and Labor Relations Review** 23:3 (April, 1970) 367-379.

A survey of the experience of Pennsylvania with the use of compulsory arbitration of police and firefighters disputes. The author analyzes its effect on collective bargaining and its usefulness as an alternative to the strike.

75. Marshall, Phillip G. "Fact-Finding in Public Employment Disputes." **Wisconsin Bar Bulletin** (December, 1970) 36-42.

Discusses the history of factfinding in Wisconsin in relation to trading the right to strike for compulsory arbitration in essential services. Concludes that legislatures must make the "ultimate political judgment" concerning strikes in the public sector.

76. McKelvey, Jean T. "The Role of State Agencies in Public Employee Labor Relations." **Industrial and Labor Relations Review** 20:2 (January, 1967) 179-197.

Professor McKelvey examines the administrative agencies responsible for the administration of public employee relations at the state and local level. Advantages and disadvantages of the different types of state and local agencies are outlined.

77. _____. "Factfinding in Public Employment Disputes: Promise or Illusion?" **Industrial and Labor Relations Review** 22:4 (July, 1969) 528-543.

Article reviews the "theory" of factfinding and the extent to which factfinding has been successful (or unsuccessful) in achieving resolution of impasses in public employment in four states: Wisconsin, Michigan, Connecticut, and New York.

78. Moberly, Robert B. "Causes of Impasse in School Board-Teacher Negotiations." **Labor Law Journal** 21:10 (1970) 668-677.

The author argues that teacher strikes are often not caused by salary disputes. Other factors responsible are the naivete of school boards, immature bargaining relationships, and premature and/or excessive press coverage of negotiations. Concludes that there must be a continuous improvement in bargaining skills to prevent future impasses.

79. _____. "The Strike and Its Alternatives in Public Employment." **Wisconsin Law Review** (Spring, 1966) 549-582.

Discusses the legal status of the right to strike and strike alternatives, including political persuasion, mediation, compulsory arbitration and factfinding.

80. Meier, J. Douglas. "Canada's Experience With the Right of Public Employees to Strike." **Monthly Labor Review** 92:7 (1969) 54-59.

This author briefly outlines the Canadian Federal and provincial approaches to dispute settlement for government employees. An analysis of the Canadian experience indicates that public employees should be given the limited right to strike while maintaining essential services and only those services that are truly essential should be maintained.

81. Nelson, Daniel J. "Resolution of Impasses in the Government and Non-Profit Employment Sector." **Proceedings of the Twentieth Annual New York University Conference on Labor**. Washington, D.C.: Bureau of National Affairs, Inc. (1968) 307.

Discussion of the various reasons for impasses, i.e. recognition, scope of bargaining, and other issues. Resolution of impasses is also considered. These methods of resolution include political settlements, third part intervention, and factfinding.

82. Nigro, Felix A. "Labor Relations in the Public Sector." **Personnel Administrator** (September-October, October, 1970) 34-39.

An analysis of differences between private and federal public sectors. Includes sections on third party machinery in the public sector and grievance arbitration in the public sector. The author concludes that Executive Order 11491 brings federal service closer to the industrial model.

83. Ocheltree, Keith, ed. **Government Labor Relations in Transition**, No. 662, Chicago: Public Personnel Association, 1966.

Contains examination of Wisconsin Employment Relations Board and its experience with arbitration and factfinding. Discusses Canadian and British experience with public employee relations and a case study of collective bargaining in a city. Contributors include Arvid Anderson, James Belasco, and B. V. H. Schneider.

84. Pegnetter, Richard. "Fact-Finding and Teacher Salary Disputes: The 1969 Experience in New York State." **Industrial and Labor Relations Review** 24:2 (January, 1971):226-242.

Examines disputes in which factfinder reports were made. Compares the criteria used in teacher disputes with those employed in arbitration of wage disputes in the private sector.

85. Pendleton, Edwin C. "Collective Bargaining in the Public Sector: Impasse Settlement." **Industrial Relations Center Reports**. University of Hawaii (May, 1971).

Presents a general critique of impasse procedures in federal and state employment as a contrast to elements of Hawaii law.

86. _____. "Collective Bargaining in the Public Sector: Grievance Systems." **Industrial Relations Center Reports**. University of Hawaii, (March-April, 1971).

Discusses the functions and development of public sector grievance procedures including such problems as coverage and replacement of existing systems. Concludes that the Hawaii law provides a basis for a sound grievance arbitration system.

87. Perry, Charles R. "Impasses Resolution in Teacher Negotiations." **Collective Action by Public School Teachers**, Vol. III. Chicago: Industrial Relations Center, Chicago University (January, 1968).

Study of eight school districts in which impasses occurred prior to June, 1965. Presented as a cross-sectional analysis. Final chapter includes conclusions about the methods used to resolve impasses.

88. Phelps, Orme W. "Compulsory Arbitration: Some Perspectives." **Industrial and Labor Relations Review** 18:1 (October, 1964) 81-91.

Arguments presented in favor of compulsory arbitration include National Labor Relations Board analogy, success of compulsory arbitration in grievance disputes, and quasi-compulsory arbitration of national interest disputes. Problems presented by compulsory arbitration are also discussed. These include utility of compulsory arbitration, acceptability of awards, and propriety of interest arbitration as opposed to rights arbitration.

89. Polisar, Eric. "Strikes and Solutions." **Public Employee Relations Library**, 7. Public Personnel Association (1968). 34 pp.

Discussion of selected strikes, militancy, and problems of essential services. Considerations of legal provisions included.

90. Pragon, Otto. "Grievance Procedures in the Federal Service." **Monthly Labor Review** 89:6 (1966) 609.

The attitudes of various agencies toward effective grievance procedures is examined. Examines grievance procedures in effect at that time.

91. Prasow & Peters. "Collective Bargaining in the Public Sector." **Arbitration and Collective Bargaining: Conflict Resolution in Labor Relations**, McGraw Hill Series in Management. New York (1970) 227-242.

A short but highly informative overview of collective bargaining in the public sector, with special emphasis on various impasse procedures.

92. "Public Employees – The Right to Organize, Bargain, and Strike." **The Catholic University of American Law Review** 13:3 (Spring, 1970) 362-372.

Many state courts have concluded that the common law forbids imposing an obligation for governmental bodies to bargain collectively with their employees. Without meaningful legislation, each impasse could end up in the courts with delays and other problems. Strike issue is also discussed. Proposal is made for the categorization of public employees, some with the right to strike and others with a limited strike right.

93. Rains, Harry H. "New York Public Employee Relations Laws; Pros and Cons on Proposed Amendments – Stalemate Procedures, Strikes, and Penalties." **Labor Law Journal** 20:5 (1969) 264-288.

An examination of the provisions of New York statutes dealing with public employment. Alternative methods to the strike are discussed including labor courts, cooling off period, final submission, and increased competence of negotiators.

94. Ream, Marsha, and Walker, Donald P. **Formal Grievance Procedures for Public School Teachers, 1965-66**. Washington, D. C.: National Education Association, Inc. (1967).

Study of formal grievance procedures in school systems with enrollments greater than 12,000. Included in study were questions about use of procedures and personnel covered.

95. Rehmus, Charles M., and Weldman, Wesley. "Discussion," **Proceedings of the Twenty First Annual Winter Meeting**, Industrial Relations Research Association (December 29-30, 1968) 59-69.

States that factfinding is a vague procedure that is adapted to fit any particular dispute at a particular time. Notes that we are still searching for procedures which will serve as a substitute for the strike.

96. "Report of Committee on State Labor Law to American Bar Association, May 1970." American Bar Association, **Government Employee Relations Report**. Washington, D.C.: Bureau of National Affairs, Inc. GERR RF-5 61:201, 3-9.

Study reviewing collective bargaining legislation and amendments by states and cities since May, 1969. Also considers recent court and attorneys general rulings.

97. Ringer, James M. "Legality and Propriety of Agreements to Arbitrate Major and Minor Disputes in Public Employment." **Cornell Law Review** (November, 1968) 129-144.

An investigation of trends in the arbitration of impasses in the public sector with a review of court decisions dealing with the use of arbitration in the public sector. Discussion includes means of making compulsory arbitration effective and the strike under compulsory arbitration.

98. Roberts, Benjamin C. "New Developments in Arbitration." **Proceedings of the Twentieth Annual New York University Conference on Labor**. Washington D.C.: Bureau of National Affairs, Inc. (1968) 97.

Contains short section on advisory arbitration. Concludes that advisory arbitration has not been overwhelmingly successful. Examines New York law.

99. Rock, Eli. "Role of the Neutral in Grievance Arbitration in Public Employment," **The Arbitrator, the NLRB and the Courts Proceedings of the 20th Annual Meeting National Academy of Arbitrators**, ed, Dallas Jones. Washington, D.C.: Bureau of National Affairs, Inc. (1967).

Deals with experience at federal level and state and local levels. Analysis of legal regulation with these sectors, types of arbitration clauses, and nature of selected arbitration decisions.

100. Ross, David B. "The Arbitration of Public Employee Wage Disputes." **Industrial and Labor Relations Review** 23:1 (October 1969) 3-14.

Develops standards to be used in the arbitration of wage disputes among local public employees. Reviews problems associated with public arbitration.

101. Sabghir, Irving H. "The Taylor Act: A Brief Look After Three Years." **1970 Supplement to Report of Task Force on State and Local Government Labor Relations**. Chicago: Public Personnel Association (1971).

This paper indicates the features of the Taylor Act which have apparently worked well and reviews those features of the law that have either created problems or appear to be of questionable value. The author concludes that the act appears to have met its objective of providing bargaining rights for public employees without subjecting the public to serious interruptions in services, but the real test of the act may be yet to come.

102. Saxton, William M. "The Use of Fact-Finding in Public Employee Disputes Settlement: The Employer View." **Arbitration and Social Change, Proceedings of the Twenty-Second Annual Meeting National Academy of Arbitrators**. Washington, D.C.: Bureau of National Affairs, Inc. (1970).

The author considers problems of fact-finding in Michigan listing eight criticisms of either the theory or actual process of the technique.

103. Schmidt, Charles T., Jr. "Observations of the Process of Factfinding in Michigan Public Education Teacher-School Board Contract Disputes." **A Report on the Joint Conference of the Association of Labor Mediation Agencies and the National Association of State Labor Relations Agencies**, Washington, D.C.: Bureau of National Affairs, Inc. (August 19-24, 1968) 81-90.

Factfinders role is reviewed and he recommends that the hysteria which accompanies teacher strikes be toned down as the consequences of local strikes are often minimal. Views arbitration as no more a potential deterrent to bargaining than factfinding.

104. ——— Parker, Hyman, and Repas, Bob. **A Guide to Collective Negotiations in Education**. Michigan State University (1967) 78 pp.

Mediation and factfinding in Michigan are reviewed in this text. Purposes and characteristics of an effective grievance procedure are outlined in detail.

105. Seidman, Joel. "Nurses and Collective Bargaining.." **Industrial and Labor Relations Review** 23:3 (April, 1970) p. 335-351.

State laws are reviewed as they relate to nurses and collective bargaining. Notes that the ANA views collective bargaining as necessary if nurses are to achieve professional status. Suggests that it is important that all nurses be placed under the provisions of the NLRA.

106. ——— "State Legislation on Collective Bargaining by Public Employees." **Labor Law Journal** 22:1 (1971) 13-22.

State Legislation relating to public unions is likely to increase as more public employees become union members. Fact-finding with recommendations and mediation will hopefully limit contract differences without resort to strikes. He sees more use of compulsory arbitration (especially in conflicts rising out of contract interpretation) which must be related to the budget process.

107. Shenton, David G. "Compulsory Arbitration in the Public Service." **Labor Law Journal** 17:3 (1966) 138-147.

Compulsory arbitration is viewed as "a must" but legal problems pose a barrier in the public sector. Carefully drawn statutes are viewed as protecting governmental authority.

108. Simkin, William E. "Fact Finding: Its Values and Limitations." **Proceedings of the 23rd Annual Meeting, National Academy of Arbitrators**. Washington, D.C.: Bureau of National Affairs, Inc. (1970).

A discussion of mediation and factfinding in the public sector and their relation to arbitration. An analysis of the success of both mediation and factfinding is included. The author recommends modification of the mediation and factfinding procedures.

109. ———. **Mediation and the Dynamics of Collective Bargaining**. Washington, D.C.: Bureau of National Affairs, Inc. (1971).

Mediation is viewed as third party participation in the bargaining process to minimize conflict and maximize opportunities for agreement. Information relating to factfinding and arbitration is also contained in this 358 page work.

110. Simon, Harry. "The Right to Strike in the Public Service." **Canadian Labour** 9 (Nov. 1964) 19-21.

The strike right is viewed as essential in a democracy. Compulsory arbitration is viewed as an unsatisfactory means of dispute settlement as it interferes with the bargaining process and allows third

parties to make decisions though they may not be qualified to do so. Political interference may occur under a compulsory arbitration system in the public service.

111. Sinicropi, A. V. and Gilroy, T. P., ed. "Collective Bargaining in the Iowa Public Sector," **Conference Series No. 15**. Iowa City, Iowa: Center for Labor and Management, The University of Iowa (1969).

Includes papers on dispute settlement experience in New York, the Iowa legislative situation, and workshop addresses on public bargaining issues in general.

112. Slavney, M. "Impasse Procedures in Public Education." In Elam, S. M., Lieberman, M., and Moskow, M. H. eds. **Readings on Collective Negotiations in Public Education**. Chicago: Rand McNally (1967) 426-432.

A discussion of impasse procedures answers several questions which negotiators are likely to face in an impasse situation.

113. Staudohar, Paul D. "Compulsory Arbitration of Interests Disputes in the Protective Services." **Labor Law Journal** 21:11 (1970) 708-715.

Compulsory arbitration is suggested as a sound approach to resolving police and fire disputes following mediation and factfinding.

114. _____. "Voluntary Binding Arbitration in Public Employment." **The Arbitration Journal** 25:1 (1970) 30-39.

The infrequent use of arbitration at the state and local levels is caused by the questionable legality of arbitration and because Civil Service Systems often handle grievance matters. The power of the arbitrator, sources of arbitrators, and the timeliness of arbitration are all discussed. Federal use of arbitration is noted under Executive Order 11491 which may cause more use of arbitration at state and local levels.

115. _____. "Disputes and Dispute Settlement in Public Employment." **Economic and Business Bulletin** 23:2 (Winter, 1971) 37-43.

A survey of the current state situation concerning impasse procedures and the right to strike in the public sector. Includes an analysis of the most successful methods of impasse resolution and projections of future trends in public employee procedures.

116. Steffensen, James B. "When Teachers Organize." **Monthly Labor Review** 87:11 (1964) 1295-1296.

Neutrals are seen as posing problems for Boards of Education as the neutral makes decisions which are traditionally vested in Boards of Education. Whether changes can legally or rightly occur relative to appeal from impasses is viewed as an unanswered question.

117. Stern, James. "The Wisconsin Public Employee FactFinding Procedure." **Industrial and Labor Relation Review** 20:1 (October, 1968) 3-19.

A survey and analysis of the Wisconsin experience with impasse settlement procedures in the public sector.

118. _____. "Wisconsin Public Employee Relations at the Crossroad." **1970 Supplement to Report of Task Force on State and Local Government Labor Relations**. Chicago: Public Personnel Association (1971).

The author presents a review of the history of public employee labor relations in Wisconsin as background to what he views as current problems in the state. He concludes with the observation that the future course of labor relations in the state is closely connected with the political party of the state leadership.

119. Stevens, Carl M. "Is Compulsory Arbitration Compatible with Bargaining?" **Industrial Relations** 5:2 (1966) 38-52.

The author presents the case that under specified conditions, there is no reason why compulsory arbitration necessarily inhibits real bargaining between the parties.

120. Stieber, Jack. "A New Approach to Strikes in Public Employment." **Challenges to Collective Bargaining**. Proceedings of Conference. University of Hawaii: Industrial Relations Center (September 1968) 1-6.

Strikes are viewed as a major problem in public employment. The concepts of factfinding, sovereignty, and essential services are reviewed. Past experience has provided much experience in public relations and progress will depend on how we handle the strike problem. Government is viewed as having the responsibility to promote settlement without interruption of services. Organizations and groups should be encouraged to develop their own dispute settlement procedures.

121. Stutz, Robert L. "The Resolution of Impasse in the Public Sector." **The Urban Lawyer** (Fall, 1969) 3-6.

A review and analysis of state laws dealing with impasse resolution in the public sector involving unionized employees. The innovation and experimentation with mediation, factfinding, and arbitration undertaken by the various states and the research done by study commissions recommending legislation in the municipal sector dealing with impasse procedures is discussed.

122. Sullivan, Daniel P. "Binding Arbitration in Public Employment Labor Disputes." **University of Cincinnati Law Review** 36:4 (Fall 1967) 666-679.

Compulsory binding and voluntary binding arbitration are examined in detail. Certain public functions (utilities and transportation) should not be interrupted by strikes as they cannot be provided by private industry. The inequities of compulsory arbitration are viewed as discouraging its acceptance to the whole of the public sector.

123. _____. "How can the Problem of the Public Employee Strikes Be Resolved?" **Oklahoma Law Review** 19:4 (November 1966) 365-385.

Arbitration is examined in its various forms. Alternatives to public employee strikes are offered, i.e., raise wages of public employees as wages rise in the private sector for comparable jobs and the establishment of a public employees labor relations court by constitutional amendment. Strikes by public employees are viewed as intolerable with the exception of certain categories of workers.

124. Taylor, George W. "Using Factfinding and Recommendation in Impasses." **Monthly Labor Review** 92:7 (1969) 63-65.

Means other than the strike must be advanced to provide public employees equitable terms and conditions of employment. Factfinding with recommendation offer promise for meeting such a goal.

125. _____. "Public Employment: Strikes or Procedures?" **Industrial and Labor Relations Review** 20:4 (July 1967) 617-636.

Author discusses reasons for the right to strike in the public sector and suggests alternatives to the strike for the resolution of impasses.

126. _____. Paper presented at Governor's Conference on Public Employment Relations, at New York City, October 14-16, 1968.

A broad overview of public employee labor relations is presented covering the roles played by compulsory arbitration, the courts, strikes, and legislative and executive branches of government. The speaker concludes that as rights are granted to public employees, the employees will begin to assume concomitant responsibilities.

127. Teele, John W. "Characteristics of Public Employment Arbitration Under A Massachusetts Law." **The Arbitration Journal** 24:4 (1969) 239-248.

Cases are reviewed and discussed under the Massachusetts law. Issues, how the arbitrator arrived at his decision, and arbitrator observations of the parties to the conflict are presented.

128. _____. "Public Disputes and the Public Interest: Comments on a Pending State Law." **The Arbitration Journal** 21:1 (1966) 24-33.

A review of the dispute settlement procedures under the then pending Massachusetts public employee bargaining law. The author evaluates the law in terms of the possible effects upon the public interest.

129. Thomson, Andrew W. J. "Strikes and Strike Penalties in Public Employment." **Public Employee Relations Reports No. 2**. Ithaca: Cornell University (1967) 17 pp.

Discusses the strike and penalties which can be imposed upon striking public employees. State laws are reviewed as they relate to the strike. He notes that the 1967 condition of full employment and public distaste for higher taxes provides an almost perfect situation for conflict.

130. Tracy, Estelle R., ed. **Arbitration Cases in Public Employment**. New York: American Arbitration Association (1969).

Thirty-nine cases are presented related to negotiation of new agreements and the interpretation of existing contracts. The cases cover teachers, policemen, firemen and state and local agencies.

131. Ullman, Joseph C., and Begin, James P. "The Structure and Scope of Appeals Procedure for Public Employees." **Industrial and Labor Relations Review** 24:3 (April 1970) 323-334.

An overview of public sector appeals procedures. The authors evaluate provisions found in federal, state, and local procedures. One-fifth of all public employees were found to have access to negotiated appeals channels. Appeals procedures will increase in the future.

132. _____. "Negotiated Grievance Procedures in Public Employment," **Public Employee Relations Library**, 25. Chicago, Illinois: Public Personnel Association.

Examination of the various types of grievance procedures included in legislation and labor contracts. Considers the formality of procedures, time limits of procedures, method of arbitrator selection, etc.

133. Wasserman, Donald S. "Resolving of Unrest in the Public Service – A Discussion." **Labor Law Journal** 20:8 (1969) 553-560.

The scope of collective bargaining is evolving in the public service with new laws constantly being enacted. Factfinding is seen as an acceptable tool in impasse resolution and published factfinder recommendations which influence public opinion may cause a change from hard-line positions.

134. Wellington, Harry H., and Winter, Ralph K., Jr. "The Limits of Collective Bargaining in Public Employment." **The Yale Law Journal** 78:7 (June 1969) 1107-1127.

Collective bargaining is seen as being incapable of being fully transplanted from the private to the public sector. Differences in the public and private sectors are noted. The strike question, the sovereignty concept, and delegation of powers are also discussed.

135. _____. "Structuring Collective Bargaining in Public Employment." *The Yale Law Journal* 79:5 (April 1970) 805-870.

Factfinding, arbitration are both analyzed including the nature and effectiveness of each. The private and the public sectors are compared. Other aspects of public employee collective bargaining are also discussed.

136. _____. "More on Strikes by Public Employees." *Yale Law Journal* 79:3 (January 1970) 441-443.

Comments on the Burton and Krider article. Reviews the concepts of "essential governmental services" and views governmental services as inelastic. Public unions are seen as too powerful if they enjoy the right to strike.

137. White, Sheila. "Work Stoppages of Government Employees." *Monthly Labor Review* 92:12 (1969) 29-34.

A demographic article dealing with work stoppages between 1958 and 1968. Includes data on major issues, types of work, level of government, and union involvement. Based on BLS report.

138. Wollett, Donald H. "The Taylor Law and the Strike Ban." *Public Employee Organization and Bargaining. A Report on the Joint Conference of the Association of Labor Mediation Agencies and the National Association of State Labor Relations Agencies.* Washington, D.C.: Bureau of National Affairs, Inc. (Aug. 19-24, 1968) 29-37.

Mediation and factfinding provisions of the Taylor law are discussed. Alternatives to factfinding are noted as being compulsory arbitration or the legalizing of public employee strikes. Suggests that the courts should determine the legality of any particular public employee strike.

139. Wurf, Jerry. "The Use of Fact-Finding in Public Employee Disputes Settlement: The Union View." *Arbitration and Social Change.* Proceedings of the 22nd Annual Meeting, National Academy of Arbitrators. Washington, D.C.: Bureau of National Affairs, Inc. (1970).

Detailing both problems and progress, the author concludes that public employee unions must work within a whole series of ineffective settlement mechanisms that must be corrected and made workable.

140. Young, Dallas M., and Brown, James D. Jr. "Two Views on the Right to Strike." *Personnel* 44:4 (July-August 1967) 34-43.

Strike question, both pro and con, is reviewed, voluntary and compulsory arbitration is also considered.

141. Young, James E., and Brewer, Betty L. "Strikes by State and Local Government Employees." *Industrial Relations* 9:3 (May 1970) 356-361.

Report on a study of strikes and strike threats occurring during a 54 month interval from July 1965 to December 1969. The study attempts to develop a statistically based profile of public employee strikes.

142. Zack, Arnold M. "Are Strikes of Public Employees Necessary?" *American Bar Association Journal* 53 (September 1967) 808-810.

Lack of legislation to meet the demands of public employees is what causes the problem of public employees strikes. Substitutes are needed for strikes as they will occur whether legally or illegally. Activities of the Labor Management Institute of the AAA are examined in the handling of disputes.

143. _____. "Dispute Settlement in the Public Sector." **New York Law Forum** 14:2 (Summer (1968) 249-260.

Strikes and types of disputes in the public sector are examined. Factfinding, voluntary and compulsory arbitration are analyzed. New procedures for impasse resolution are examined. Before enacting procedures for dispute settlement, certain facts are enumerated which must be considered.

144. _____. "Why Public Employees Strike." **The Arbitration Journal** 23:2 (1968) 69-84.

In most states, strikes are illegal but they are occurring anyway. Reasons are offered for strikes and questions for legislators are posed. Grievance procedures are viewed as a must to eliminate strikes over work complaints and the procedures should terminate in 3rd party arbitration.

145. _____. "Arbitration and Fact Finding in Public Disputes." **Proceedings of NYU 21st Annual Conference on Labor**. Washington, D. C.: Bureau of National Affairs, Inc. (1969).

Author discusses the problem of the impasse and strikes in public employment relations and suggests voluntary binding arbitration as the solution with compulsory arbitration for impasse in essential services. Includes a model impasse procedure.

146. _____. "Improving Mediation and Factfinding in the Public Sector." **Labor Law Journal** 30:5 (1970) 259-273.

Mediation and factfinding with recommendations have arisen as effective means for the settlement of disputes. Suggests a reexamination of existing procedures to improve their effectiveness. Mediation and factfinding are considered in different contexts and within the framework of collective bargaining.

147. Zagoria, Sam. "A New Frontier in Collective Bargaining: Public Workers and Citizen Bosses." **Labor Law Journal** 19:7 (1968) 387-390.

Factfinding should be studied to obtain the full benefits from the process which has the advantage of placing the emphasis on hard facts. An objective viewpoint could aid public employers in their decision making on wages and benefit data.

ADDENDA

- A1. Bernstein, Merton C. "Alternatives to the Strike in Public Labor Relations." **Harvard Law Review** 85:2 (1971) 459-475.

The author argues that strike bans on public employees do not work, that compulsory arbitration poses serious difficulties and "either/or" arbitration is "actually gimmicky." He proposes two alternatives, the non-stoppage strike and the graduated strike.

- A2. Bornstein, Tim. "Facts About Fact-Finding." Washington, D.C.: Labor Management Relations Service (April, 1971).

Part of the LMRS series of reports for municipal and county government, this twenty-three page study describes the factfinding process, reviews its success and problems and discusses preparation for factfinding. Included is an appendix of municipal factfinding laws.

- A3. Fischbach, Charles P. "Grievance Arbitration in Public Employee Disciplinary Cases." **Labor Law Journal** 22:12 (1971) 780-787.

Contains a review of significant court decisions on arbitrability of discipline and discharge cases and points out the differences in policy in various jurisdictions.

- A4. Garber, Philip E. "Compulsory Arbitration in the Public Sector: A Proposed Alternative." **The Arbitration Journal** 26:4 (1971) 226-238.

The author proposes amending New York State's "Taylor Law" to include "last offer arbitration" on each issue remaining at impasse after other dispute settlement procedures have failed to resolve the dispute.

- A5. Gilroy, Thomas P., ed. **Dispute Settlement in the Public Sector**. Research Series No. 1, Center for Labor and Management. The University of Iowa, Iowa City, Iowa (1972).

Includes papers on compulsory arbitration by Arvid Anderson, dispute settlement procedures by Harold Davey and "final selection" arbitration by the editor.

- A6. _____ and Sinicropi, Anthony V. **Dispute Settlement in the Public Sector: The State-of-the-Art**. Washington, D.C.: U.S. Department of Labor (1972).

Includes sections on the legal framework of rights and interests dispute settlement, current practice and problems in dispute settlement, a summary of information sources and recommendations for improving the state of the art of dispute settlement in public employment.

- A7. Krislov, Joseph, and Peters, Robert M. "The Arbitration of Grievances in Educational Units in the Late 1960's." **Labor Law Journal** 23:1 (1972) 25-31.

Analysis of grievance arbitration in education includes findings that "only a handful of districts have arbitrated grievances" but the number of cases is increasing, that the issues arbitrated are similar to those in the private sector and that both grievance procedures and civil service appeal systems would be utilized in the future.

- A8. Loewenberg, J. Joseph, and Moskow, Michael L. **Collective Bargaining in Government: Readings and Cases**. Englewood Cliffs, New Jersey: Prentice-Hall, Inc. (1972) Chapters 6 and 7.

Chapter Six deals with strikes in the public sector. The articles include contributions by Sheila C. White from Bureau of Labor Statistics, George Taylor, Theodore Kheel, Wellington and Winters and a host of other contemporary authorities. Strikes by public employees are discussed as to their value and impact. Alternatives to the strike, the limited right to concerted activity and special interest groups such as teachers are examined. This chapter considers the many complex questions dealing with the strike issue and the complications of such action.

Chapter Seven is concerned with impasse resolution procedures as such. Mediation, factfinding, federal and state experience as well as municipal and special occupational groups such as firefighters are discussed. Classic articles by McKelvey, Chamberlain and Loewenberg are among important contributions included.

- A9. Schmertz, Eric. "Grievance Arbitration in the Public Sector." **Proceedings of New York University Twenty-Third Annual Conference on Labor**, New York: Matthew Bender (1971) 385-401.

The author, predicting that grievance arbitration in public employment will emulate that in the private sector, reviews the important issues in this area as he sees them. Drawing upon the New York City experience, he discusses the problems of identification of the parties, arbitrability, the issues and the question of finality.

- A10. Seinsheimer, Walter G. "What's So Terrible About Compulsory Arbitration?" **The Arbitration Journal** 26:4 (1971) 219-225.

Reviewing the traditional arguments against the use of compulsory arbitration, the author argues that it should be tried in the public sector and that "no compromise" arbitration of interest disputes may be effective.

- A11. Stern, James L. "Collective Bargaining Trends and Patterns." **A Review of Industrial Relations Research Vol. II**. Madison, Wisconsin: Industrial Relations Research Association (1971) 132-149.

A review of the literature of public employee collective bargaining including reference to federal, state, municipal and teacher negotiation issues and problems.

- A12. Wellington, Harry H., and Winter, Ralph K., Jr. **The Unions and the Cities**. Washington, D.C.: The Brookings Institution (1971) Chapters 10, 11, and 12.

These sections of this study encompass a discussion of the grievance procedure, arbitration of grievances and dispute settlement under the strike ban and under "the legal strike model." With respect to the application of private sector collective bargaining practice to the public sector, the authors' analysis is based upon the proposition that "government is not 'just another industry'".

- A13. Yaffe, Byron, and Goldblatt, Howard. **Factfinding in Public Employment Disputes in New York State: More Promise than Illusion**. ILR Paperback No. 10, Ithaca: New York State School of Industrial Relations, Cornell University (June, 1971)

Based upon their analysis of factfinding in New York State in 1969, the authors conclude that employee organizations and employers were generally satisfied with the process. Factfinders stressed as a major weakness the ease of rejecting reports with impunity. This study concludes that factfinding "offers more promise than illusion."

Selected Policy Reports of Interest

1. **Advisory Commission on Intergovernmental Relations, Labor Management Policies for State and Local Government.** Washington, D.C. Government Printing Office (1969).
2. **The American Assembly, Collective Bargaining in American Government, Report of the Fortieth American Assembly.** New York: Columbia University (1971).
3. **National Governors Conference, Report of Task Force on State and Local Government Labor Relations.** Chicago: Public Personnel Association (1967) and Supplements 1968, 1969, and 1970.
4. **Twentieth Century Fund Task Force on Labor Disputes in Public Employment, Pickets at City Hall.** New York: Twentieth Century Fund (1970).

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STRIKES AND IMPASSES

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