

## APPENDIX E

### ANNUAL REPORT OF SPECIAL COMMITTEE ON DISPUTES SETTLEMENT IN PUBLIC EMPLOYMENT, NATIONAL ACADEMY OF ARBITRATORS, 1970-1971 \*

The committee was appointed by President McKelvey in April 1970, with a request that we continue the activities initiated by Chairman Rock and the 1969-1970 committee and, further, that we consider examining grievance arbitration practices in the public sector.

This report will review the 1970 Montreal Training Sessions which were planned by the 1969-1970 subcommittee, the activities of the past year, and our recommendations for future activities.

#### I. The Montreal Workshops

Because of membership interest in the subject, our workshop sessions in Montreal concentrated on the skills, special public sector problems, and techniques employed in mediation and fact-finding with recommendations. The workshops were scheduled for two days. On the first day, approximately 70 members attended small workshops under the leadership of members who had had considerable public sector mediation experience, for discussion and analysis of the mediation process. On the second day, the number increased to approximately 100 participants, who heard union and management representatives explain what they expect of the process of "fact-finding with recommendations." The participants then attended workshop sessions, led by members experienced in public sector impasse resolution.

The response of the participants and discussion leaders was enthusiastic, in part because some insights were gained into the

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\* Members of the Committee for 1970-1971 were: Howard Block, Milton Friedman, Howard Gamser, Ronald Haughton, Jean McKelvey (ex officio), Eli Rock, Ralph Seward, William Simkin, Russell Smith, Martin Wagner, Leo Walsh, Arnold Zack, and Chairman Eva Robins.

processes hitherto unknown to many members, and in part because the workshops for members only restored an opportunity for the free exchange of views, an opportunity not customarily available in the regular sessions.

## II. Training Programs

The 1969-1970 report of the Rock committee explained in detail the growing need for training in the unaccustomed role of mediator and fact-finder in public sector disputes. It also included descriptions of the kind of training which had been initiated by public and private agencies, some with NAA members participating in the planning and taking an active role in the training sessions. In addition, the regions had been given the training material gathered by the committee, for their use as and when the regions recognized a need in their areas. Individual members of the committee have been consulted by members of the NAA for guidance in setting up training or workshop sessions on special problems, procedural and substantive, as they arose through the introduction of new legislation or new procedures.

As a result of the Montreal experience and the growing interest of some members in serving in a neutral capacity in public sector disputes, the committee decided to have one day of members-only workshops in public sector disputes at the California meeting in 1971.

In the second "teach-in," we wanted to describe the major substantive issues in public sector disputes and particularly to point up the differences between public and private sector substantive issues. We presented to the members, in short talks and in workshops, the kinds of issues and problems usually met in public sector disputes, particularly in police, fire, teacher, and other civil service employee contract negotiations. We also had one workshop continuing the discussion on skills of mediation and fact-finding with recommendations.

Eighty-eight people preregistered for the workshops. Of that number, 55 appeared and an additional 10 or 12, not preregistered, attended the sessions.

The workshop on techniques and skills of mediation and fact-finding with recommendations was well attended, and the participants were enthusiastic. Since the substantive issues work-

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shops were intended to be descriptive of the issues rather than an evaluation of criteria, there was less discussion in those workshops. However, we believe they served a useful purpose, at least to familiarize neutrals with the kind and complexity of the issues in police, fire, teacher, and civil service negotiations.

*The committee recommends the continuation of a day for members-only meetings, before the regular annual meeting, but not necessarily devoted to public sector subjects. The purpose would be to afford to the members, in small groups or large, the opportunity to discuss problems, become aware of new developments, and share opinions. The committee's recommendations were accepted by the Board of Governors, which authorized the additional day, for members only, prior to the 1972 Annual Meeting in Boston. The 1972 Program Committee will plan the day.*

### **III. Public Sector Grievance and Interest Arbitration**

The committee believes the experience, countrywide, in these areas is too spotty to warrant study at this time. However, grievance arbitration is a rapidly growing field in the public sector, and future committees may want to consider it. Interest arbitration appears to be very limited at this time, although it is growing as a result of statutory changes.

### **IV. Relationship of Public Sector Training Programs to the Shortage of Arbitrators**

The committee has discussed this subject only briefly. Committee members were present at the October 1970 meeting of Tom McDermott's Committee on the Development of New Arbitrators. We had hoped that the experience of new neutrals as mediators and fact-finders in the public sector might furnish a new source of grievance arbitrators, but, from what we have been told, grievance arbitration work in the public sector continues to be handled mainly by the arbitrators with many years of experience in the private sector. Probably the Committee on the Development of New Arbitrators should continue to consider the public sector as a source of new arbitrators. It is a subject which the Public Sector Disputes Settlement Committee should not handle, since it simply duplicates the work of the other committee.

### **V. Relationship to Membership Standards**

The Stark committee considered and reported on the question of possible membership for persons whose experience was largely public sector mediation and fact-finding. In view of that committee's activities, the Public Sector Disputes Settlement Committee has not considered this subject.

### **VI. Liaison With Other Agencies**

With the proliferation of public employment boards and committees, it may become necessary to establish liaison, on a regional or national basis, among the NAA and the local and national agencies. This committee was unable to take on this task, but recommends that it be considered by the Liaison Committee in the future.

### **VII. Additional Recommendations**

A. We recommend that the regions attempt to meet the needs of the members by making known to them the training programs in public sector disputes settlement techniques which might be available in the regions. We also advocate the unstructured, informal, "one-to-one" type of training in which members who are experienced in mediation and fact-finding with recommendations are willing to give such guidance on techniques as may be requested by arbitrators new to the other processes. This could be handled regionally.

B. We recommend that the committee be continued, at least for another year. If the public sector workshops are to be discontinued for a time, it might be advisable to have the committee concentrate on such research as it may be able to undertake. It might also serve as a clearing house to the regions in reporting on research developments in the field, training sessions, and scheduled conferences. We recommend that the committee chairmanship be university based, where research assistance may be available. Eventually, valuable information to the regions and to individual members may come from studies of the public sector experience with matters such as: the satisfaction or dissatisfaction of public employers and public employee organizations with mediation, fact-finding with recommendations, and interest arbitration; the kind and quality of training available

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throughout the country; the cost, availability, and value of large conferences; and anticipated developments in the public sector.

The committee wishes to thank the officers and governors for their support during the past year and for the opportunity we have had, in our committee's work, to learn more about this field.