arbitration in the public sector. This sad prediction is due to a number of factors. First of all, and as I have mentioned before, low fees are paid to arbitrators in the public sector. This does not attract the tried-and-true arbitrators, but instead attracts the "untried and new" ones. This problem is exacerbated in view of the tremendous increase in public sector arbitration, which increase is confidently predictable. Second, there is a great deal of money involved in public sector arbitrations, especially in interest- or contract-making arbitration. Third, politics is almost inevitably involved in public sector arbitration. So much money and so much politics, judging from history, have a tendency to corrupt. Combining all of these factors, the question, in my view, is not *whether* there will be a public scandal, but *when*, and *whom* it will involve.

I have some confidence that the arbitrator involved in the scandal, when it occurs, will probably not be a member of this Academy, but if he is, this Academy will have to take the responsibility for his membership. I have somewhat less confidence that the arbitrator will not be on the arbitration panel or roster of the Federal Mediation and Conciliation Service or the American Arbitration Association. Again, the FMCS and AAA must bear the responsibility if he is on their panels or rosters. I have no ready-made solution to this danger—only to say that the Academy, FMCS, and AAA must at least be cognizant of the potential for this kind of scandal and do their best in terms of screening their memberships and rosters in order to minimize the risk.

In closing, I am reminded of the speech by a person a number of years ago to a group of labor relations people who worked for Kaiser Industries. He was highly knowledgeable about labor relations but was highly uncertain in syntax. For example, he kept talking about Mr. Kaiser's "subversified" industries. He closed his speech, as I now close mine, by saying, "I could go on and on, but time don't prevail."

Discussion—

CHAIRMAN SYLVESTER GARRETT: Perhaps we can still have time for a little debate.

MR. RALPH SEWARD: This is a rare opportunity, for there are many people here from labor and management, and if we are to talk usefully about the training of new arbitrators, it is with labor

and management that we must talk. You cannot train an arbitrator in a classroom; you cannot train an arbitrator by allowing him to sit in on one or two hearings. Arbitrators are trained by arbitrating—by lots of arbitrating—so that they have the experience of conducting many hearings, of seeing many different plants, of running into many different kinds of grievances and contract problems and thus acquiring the breadth and realism that only experience can bring. What I am saying is that the Academy, by itself, cannot train arbitrators; the AAA and the FMCS, by themselves, cannot train arbitrators; the only people who can train arbitrators are management and labor.

Management and labor have here a responsibility, I think, which for the most part they have not fulfilled. This is a sophisticated era in labor relations, and part of the sophistication needed by management and labor representatives is the realization that helping to train new arbitrators is a part of their job. Unions and companies in each industry have an interest in developing training programs adapted to their own experience and their own needs which will permit new arbitrators to gain experience. Safeguards against expensive errors there must obviously be; but, as management and labor in the steel industry have demonstrated, many different methods of combining reasonable safeguards with opportunities for experience can be developed: apprentice training under the supervision of permanent umpires; trying out new men on an ad hoc basis, but making their decisions subject to the approval of more experienced men; screening the cases that are to be submitted to the new men and, if necessary, providing that the decisions of these cases are to be without precedential effect, and so forth. Some of these arrangements may cost money; but some, on the other hand, may prove a help in saving money. And I hope management and labor will recognize their responsibility in this area, and work out the methods—the on-the-job training procedures, if you will—that will permit new arbitrators to get the sort of thorough apprentice training they need to become acceptable and qualified as full-time arbitrators.

The Steelworkers and the steel companies have been taking the lead in this endeavor. I just hope that out of this meeting will come the realization of the need for similar efforts in other industries, if arbitration by 1980 is to meet the demands we can foresee.

CHAIRMAN GARRETT: I wonder if there is anybody here from either the steel industry or the union who might want to talk a little bit about expediting arbitration.

MR. BEN FISCHER (United Steelworkers of America): We and the steel industry have spent a lot of money and effort over many years recruiting and training "apprentice" arbitrators. We are now going beyond that by recruiting two or three hundred young people to arbitrate under an experimental program in the basic steel industry; they will be fully empowered to make final and binding decisions. In this program, the parties will not use lawyers to present cases, but rather plant people on both sides. Sometimes we will be happy with the result and sometimes very unhappy.

This program will get much of our arbitration much closer to the plant personnel. We have no conflict with the huge steel companies in this objective. Because we will use young, inexperienced arbitrators in this program, some say it will work and some say it will not. We expect to have a very large volume of activity. There will be many complex problems and policy issues which our regular permanent arbitrators will continue to handle. The new procedure will involve fact issues and simpler matters for handling by the new arbitrators.

I must warn you all, in reference to what Morrie Myers said about the future, that one very constructive thing will happen. The parties may find out that with these inexperienced people, they may get arbitration decisions for less money and much more rapidly; they may get them, hopefully, in 10 or 12 days, and there will not be too many Latin phrases in them. In fact, they are likely to be decisions that the employees will be able to read.

We have devised one very simple method of assuring brief decisions: We aren't paying for the decision; we are paying only for the hearing time. That might be a forerunner of things to come.

We are very hopeful about the future of this experiment, and I must say here that while we take great pride in what we have done, what we are doing, and what we plan to do, I know of no major industry whose labor relations management leadership has been as courageous as steel in the field of arbitration experimentation. Our new program will work because the companies will

help make it work in cooperation with the local, district, and international union personnel.

MR. G. A. MOORE, JR. (Bethlehem Steel Corp.): Looks like all of my associates disappeared—leaving me no other choice but to agree with Ben Fischer. Seriously, I have no problem in seconding what Ben said with respect to the expedited arbitration procedure, and I would only like to emphasize the importance of the other changes made in the lower steps of the grievance procedure at the same time the expedited procedure was born. These changes amount to a new philosophy in grievance handling. This new philosophy embodied in the changes puts the responsibility for labor relations, both on the union side and the company side, back where it belongs—back to the plant floor, back to the foreman, the grievant, and the shop steward, back to the superintendent and the grievance committeeman, back to the plant level. The new procedure brings about the decentralization of the old power structure for handling grievances with expedited arbitration added as a new additional terminal point if the parties close to the grievance cannot resolve it. The new procedure, hopefully, should result in the man working in the plant feeling that when he has a complaint or gripe, he is going to get an answer that he can understand, an answer that comes within 30 days rather than three years. That is the whole purpose of the change, and I think I can say that the coordinating committee steel companies are wholly in support of the new procedure and its objective. Bethlehem's experience to date has been encouraging in that the people at the plant level, both the union and management, have displayed a cooperative attitude in trying to make the new procedure work.