#### APPENDIX A

# NATIONAL ACADEMY OF ARBITRATORS OFFICERS AND COMMITTEES, 1983–1984

## I. Officers

Mark L. Kahn, President
Alex Elson, Vice President
Thomas T. Roberts, Vice President
John F.W. Weatherill, Vice President
Dallas M. Young, Vice President
Dallas L. Jones, Secretary-Treasurer
John E. Dunsford, President-Elect

## II. Board of Governors

Richard I. Bloch
Howard D. Brown
John F. Caraway
Daniel G. Collins
Marcia L. Greenbaum
John Kagel
Edward E. McDaniel
John C. Shearer
James J. Sherman
James L. Stern
Ted T. Tsukiyama
Marian K. Warns
Byron R. Abernethy (ex officio)

## III. Past Presidents

Ralph T. Seward, 1947-49	Saul Wallen, 1954
William E. Simkin, 1950	Aaron Horvitz, 1955
David L. Cole, 1951	John Day Larkin, 1956
David A. Wolff, 1952	Paul N. Guthrie, 1957
Edgar L. Warren, 1953	Harry H. Platt, 1958

G. Allan Dash, Jr., 1959	Lewis M. Gill, 1971
Leo C. Brown, S.J. 1960	Gerald A. Barrett, 1972
Gabriel N. Alexander, 1961	Eli Rock, 1973
Benjamin Aaron, 1962	David P. Miller, 1974
Sylvester Garrett, 1963	Rolf Valtin, 1975
Peter M. Kelliher, 1964	H. D. Woods, 1976
Russell A. Smith, 1965	Arthur Stark, 1977
Robben W. Fleming, 1966	Richard Mittenthal, 1978
Bert L. Luskin, 1967	Clare B. McDermott, 1979
Charles C. Killingsworth, 1968	Eva Robins, 1980
James C. Hill, 1969	Edgar A. Jones, Jr., 1981
Jean T. McKelvey, 1970	Byron R. Abernethy, 1982

## IV. Standing Committees

#### Executive

## Mark L. Kahn, President

Byron R. Abernethy John E. Dunsford

Dallas L. Jones Thomas T. Roberts

## Membership

## Arvid Anderson, Chair

Joseph F. Gentile
J. B. Gillingham
Alan B. Gold
Margery F. Gootnick
James M. Harkless

Theodore K. High Lawrence T. Holden, Jr. Edward B. Krinsky William E. Rentfro Nicholas H. Zumas

## Law and Legislation

## Emily Maloney, Chair

Tim Bornstein David E. Feller Howard M. Fitch William B. Gould James E. Jones, Jr.
Ivan C. Rutledge
Theodore J. St. Antoine
James P. Whyte

## Auditing

## Howard A. Cole, Chair

Alfred C. Dybeck

George Nicolau

## Professional Responsibility and Grievances

## William J. Fallon, Chair

Reginald Alleyne Francis X. Quinn
Bruce R. Boals Joan Parker Weitzman
Frederick H. Bullen C. Brian Williams
Alexander B. Porter Sol M. Yarowsky

## Advisory Panel on Professional Responsibility

## Benjamin Aaron, Chair

Gerald A. Barrett
Howard A. Cole
Bert L. Luskin
Richard Mittenthal

Eli Rock
Ralph T. Seward
William E. Simkin
Arthur Stark

## Nominating

## James L. Stern, Chair

Byron R. Abernethy

Frances Bairstow

Alfred C. Dybeck
Edgar A. Jones, Jr.

#### Research

## Mario F. Bognanno, Chair

James P. Begin
Arthur E. Berkeley
Elizabeth B. Croft
Sherman F. Dallas
Howard G. Foster
Michael J. Jedel
Philip K. Kienast
Joseph Krislov
Loseph Loewenberg
Cornelius J. Peck
Reed C. Richardson
William M. Weinberg

## Continuing Education

## Anthony V. Sinicropi, Chair

Thomas F. Carey
Dana E. Eischen
Gladys Gershenfeld
Paul E. Glendon

Joe H. Henderson
Richard H. Siegel
Carlton J. Snow
William M. Weinberg

## V. Special Committees

#### Archives

## Peter Seitz, Chair

Richard I. Bloch Charles M. Rehmus Anthony J. Sinicropi Arthur Stark James L. Stern Martin Wagner

Dallas L. Jones (ex officio)

#### Chronicle

James J. Sherman, Chair

Tia Schneider Denenberg

Gerry L. Fellman

Gladys W. Gruenberg

## Future Annual Meeting Arrangements

## Thomas T. Roberts, Chair

Donald P. Crane Charles F. Ipavec Mark L. Irvings Richard Henry McLaren John J. Mikrut, Jr. Alan Walt John F.W. Weatherill

Nicholas H. Zumas

## Arrangements—1984 Annual Meeting

## Arthur A. Malinowski, Chair

Martin A. Cohen Albert A. Epstein James P. Martin John P. McGury Anne Harmon Miller Thomas T. Roberts

Aaron S. Wolff

## Development of New Arbitrators

## Charles L. Mullin, Jr., Chair

Lewis R. Amis Michael H. Beck Shyam Das William F. Dolson J. D. Dunn James A. Gross Theodore Role Joseph A. Sinclitico

## Legal Affairs

#### Howard S. Block, Chair

Bennett S. Aisenberg

George R. Fleischli

J. Ross Hunter, Jr. John Kagel

Walter N. Kaufman Richard L. Ross

Roland H. Strasshofer, Jr.

## Legal Representation

## Milton Rubin, Chair

Gabriel N. Alexander Martin A. Cohen Peter DiLeone Timothy Heinsz Robert M. Leventhal Nathan Lipson Robert G. Meiners Arthur Stark

## Overseas Correspondents

## Charles J. Morris, Chair

Frances Bairstow Mario F. Bognanno Tim Bornstein Gerald Cohen Tia Schneider Denenberg William F. Dolson Peter Florey Alvin L. Goldman J. Joseph Loewenberg James C. McBrearty

Jack Stieber

## Public Employment Disputes Settlement

## Helen M. Witt, Chair

Robert J. Ables Irving T. Bergman George E. Bowles Jerome H. Brooks Walter L. Eisenberg Paul J. Fasser, Jr. Alice B. Grant Jerome Gross Harold D. Jones, Jr. Harry H. Rains Thomas N. Rinaldo Herman Torosian

#### New Member Orientation

## Arnold M. Zack, Chair

Elaine Frost James A. Healy Richard R. Kasher Jean T. McKelvey Philip Paul Tamoush Ted T. Tsukiyama

## Policy Handbook

## Martin Wagner, Chair

Richard I. Bloch

Dallas L. Jones

**Eva Robins** 

# Proceedings Editor

# Walter J. Gershenfeld

## Program

# Charles M. Rehmus, Chair

James P. Begin	Isadore F. Helburn
Thomas G.S. Christensen	Morris A. Horowitz
Fred L. Denson	Richard Mittenthal
Barbara W. Doering	William P. Murphy
David E. Feller	Michael D. Rappaport
Howard G. Foster	James J. Sherman

# Jesse Simons

## Regional Organization

## Edwin R. Teple, Chair

	2300.11211 201	z epie, eiiaii
Alvin L. Goldman		Thomas J. McDermott
John Phillip Linn		Alan Walt

# 1983–1984 Regional Chairpersons

# Dallas M. Young, Coordinator

3001 amator
Paul J. Dorr
Herbert L. Marx, Jr.
Walter H. Powell
Joseph A. Sickles
Harold D. Jones, Jr.
Donald P. Goodman
Frances Bairstow
William C. Stonehouse, Jr.
Samuel L. Chalfie
Elliot I. Beitner
Robert J. Mueller
Gladys W. Gruenberg
Raymond L. Britton
George E. Bardwell
Joe H. Henderson
Leo Weiss
J. B. Gillingham

#### APPENDIX B

### REPORTS OF OVERSEAS CORRESPONDENTS\*

WAGE FIXING—CHANGES IN THIRD-PARTY INTERVENTION IN THE U.K.

SIR JOHN WOOD\*\*

#### Introduction

It has always been a notable difference between English and American labor relations practice that interest arbitration and similar methods of third-party intervention in wage fixing has been extensively relied upon in the United Kingdom. Indeed, it looked for a while as if Schedule 11 of the Employment Protection Act 1975 was going to give the process a central role—that of extending the standards achieved in collective bargaining to other employers through the concept of an enforceable general

The advent of the Conservative Government in 1979 has brought a considerable change, in this as in much else. This wind of change (blowing, it is generally accepted, across the Atlantic) has already had a major impact and more is promised. The government is now a firm supporter of unfettered collective bargaining. The labor market is regarded as the best regulator of wages. Outside interference is unwelcome, save perhaps for government exhortation to accept "modest" and "reasonable" pay increases. Factors which adversely affect free collective bargaining, which in the government's view includes features such as the closed shop and weak trade union democracy, are also being given or are being promised legislative attention.

The ideology underlying government action is clear. The ef-

<sup>\*</sup>Members of the Committee on Overseas Correspondents are Mario Bognanno, Gerald Cohen, Alvin W. Goldman, James C. McBrearty, Samuel S. Perry, Herbert V. Rollins, and Charles J. Morris, chairman.

\*\*Professor, Faculty of Law, Sheffield University, England.

fect of the changes is less easy to assess. Before attempting to do so it might be beneficial to set out a brief description of the various processes that have been changed and of those for which change is proposed.

## **Reforms Since 1979**

## 1. Repeal of Schedule 11

The Labor Government, in the Employment Protection Act 1975, built upon two existing methods of third-party intervention. The oldest of these was the Fair Wages Resolution, first established in 1891. It provided that the government should not place contracts with an employer failing to pay fair wages. The other basis was the Regulations dating from the Second World War which provided that, where terms and conditions of employment were established in an industry by the majority of employers and trade unions, those levels could be enforced, by means of unilateral arbitration, against individual employers. Schedule 11 merged the two systems, applying the Fair Wages "general level" of fairness over all employers.

Schedule 11 was put into force during the 1975–1979 period when the government's pay policy limited trade-union negotiated increases. It was attractive to unions, and to many employers, too, as it became an exception to the strict rules of the pay policy. It was repealed by the Employment Act 1980. One result was that industrywide collective bargains can no longer be enforced against employers not complying with them.

## 2. Recission of the Fair Wages Resolution

The next step was far more controversial. The principles underlying the Fair Wages Resolution are enshrined in I.L.O. Convention No. 94. The government told the I.L.O. that it was denouncing the Convention which had previously been ratified. As a result, that ratification will cease to have effect in September 1983. In the meantime the House of Commons has decided to rescind the resolution, also from that date. It is possible to argue that during the period of pay policy the resolution was misused or over-used. That alone, however, cannot justify the removal of protection against unfair employment practices. The action is consistent with the desire to remove interference with labor market forces. Certain statutes dealing with particular in-

APPENDIX B 269

dustries (e.g., road transport) also enshrined the fair wage principle. Most of these, too, have been repealed.

It will be appreciated that each of these processes depended for enforcement on unilateral arbitration machinery. That is to say, the cases could be raised by one party, usually, of course, the trade unions concerned, and would go for adjudication to the Central Arbitration Committee. Its findings would, in the case of Schedule 11, become by law part of the contracts of service of the individuals concerned. Although the position was slightly different from that under the Fair Wages Resolution, the effect was similar.

The next process to be discussed is not arbitration, but has many of the features of that process. It was a child of pay policy—one of a large number of such bodies that are created as part of pay policy, only to be killed off as the policy falls into disfavor.

### 3. Standing Commission on Pay Comparability

This body, often referred to as the "Clegg Commission" after its first chairman, consisted of a small group—six members from trade unions, business, and academic life. It was set up to examine the terms and conditions of employment of groups of workers referred to it by the government. The idea was to use the method of comparisons for groups of workers for whom the government was directly or indirectly responsible. It was set up in March 1979 and lasted until March 1981—another case of infant mortality.

The aim was to bring a more orderly approach to that section of pay fixing and to relieve the government of direct responsibility. The method adopted combined submissions by the parties combined with investigation and as sophisticated a process of pay comparison as was possible.

That basis was, of course, directly in conflict with the attitude of the present government which is more ready to take responsibility. It also has doubts about many of the underlying principles—for example, the rate for the job and comparison generally. Fourteen studies were completed, including important ones of local authorities' ancillary workers and teachers.

The underlying attitude of the government which led to the abolition of the Clegg Commission also meant that the government looked unfavorably on those areas of the public sector

where arbitration clauses formed part of the industrial relations structure. In an attempt to avoid open industrial conflict, these systems often included a provision that a trade union, dissatisfied with the "last offer," could insist upon arbitration. The government energetically pursued a policy of removing such provisions from collective agreements wherever possible. This led, in 1982, to two interesting and diverse examples of possibilities for arbitration where the government's position, especially of upholder of an unofficial pay policy and employer, or at least paymaster, of a group of public servants, had a significant influence. In a health service dispute, where submission could be only by agreement, the government stood firm against its use. The result was a long and disturbing strike. Many commentators feel that the final outcome was almost precisely what an experienced arbitrator would have awarded. The other dispute, which was equally worrying, affecting as it did public health, was in the water supply industry. The employers in this case (the water authorities) get their income from directly levied rates, and the government obviously felt a close interest. Here there was the possibility of arbitration, but the trade unions refused to submit themselves. They were criticized by government ministers for that attitude. This illustrates how interest arbitration, unless firmly entrenched in procedures and respected by the parties (as it is, for example, in teaching), becomes a political football.

The pace of change continues, and one of the traditional ways of wage fixing, used in areas with weak trade unions, is under increasing criticism and threat of abolition. This is the system of Wages Councils.

## 4. Wages Councils

These bodies were first set up in 1909 as trade boards. They were established in "sweated trades"—that is to say, employment where very hard work was demanded for low wages. The system was steadily extended until about 1930. Since then the number of councils has declined as a result of abolition and amalgamation. There are now in the region of 30.

The system provides a bargaining forum comprised of three sides: employers, from the principal employers' bodies; workers, usually for trade unions with a presence in the industry; and three independent members. Bargaining takes place, though of a somewhat formal nature. Interestingly, the final outcome is by

APPENDIX B 271

voting, giving the independent "side" the crucial vote when those representing the industry fail to agree. The settlements made by councils are enshrined in legislation—by statutory instrument—and are by law written into the contracts of the workers in scope. This allows a civil action for recovery of proper wages to every employee, and his position is also protected by a wages inspectorate, who can examine employers' records and identify underpayments. In appropriate cases—where the action is felt to be deliberate—it is possible to prosecute the employer in the criminal courts.

This is not the place to analyze in detail the procedures and effectiveness of these interesting bodies. They in effect provide for industry minimum wages; the U.K. system has no national minimum wage. While trade unionists regard the wage levels achieved as deplorably low, it is now an increasingly held view that these minima adversely affect employment opportunities for the least skilled sector of workers when unemployment levels are highest. There is an argument at the political level which engenders considerable heat. The one side stresses the low rates (now in the £60–£65 range); the other points to small businesses closed because of these enforceable levels.

It appears likely that the present government, now returned for a further period of office, is minded to abolish the councils. Not all employers will welcome this, since competition based on wage costs can be difficult to control, especially where there is a large pool of unemployed. As with the Fair Wages Resolution, the system is underpinned by an I.L.O. Convention—in this case No. 26. No doubt this will be denounced if abolition is decided upon.

#### **Summary**

The central feature of the U.K. position in respect to third-party intervention is its instability. The pattern changes with remarkable rapidity. Government, employers, and trade unions alike find it difficult to formulate and adhere to a strategy. As soon as a method of intervention appears to be running against them, they agitate for change without much thought for the medium term. The result is that in the areas reviewed—low pay, pay policy, and interest arbitration—the scene is continually changing. This is extremely damaging to the institutions concerned which, in the pay policy area at least, are often abol-

ished, only to be replaced by other bodies with similar characteristics. Experienced and effective organizations—the key to success—are never allowed to develop by the politicians.

## Some Recent Developments Relating to Labor Dispute Resolution in France During 1982

## Xavier Blanc-Jouvan\*

French labor law has undergone some important changes in the past two years, since the elections of May and June 1981 which brought to power a new left-wing majority. During the single year 1982, four statutes were voted by the National Assembly with the largely politicized purpose of granting "new rights to workers." These statutes concern such important subjects as the rights of workers within the enterprise (law of August 4), employee representation at the plant level (law of October 28), collective bargaining and settlement procedures (law of November 13), and health, safety, and labor conditions committees (law of December 23).

As it is impossible to cover such broad items in a brief survey, we shall restrict the present observations to provisions dealing with the role of courts, arbitrators, and other bodies in the resolution of labor disputes. Such provisions are of two kinds: some relate to the settlement of employee grievances following upon a disciplinary action of an employer, while others affect more generally the so-called "procedures for the settlement of collective labor disputes."

I.

Until recently, an employee who allegedly had been unfairly disciplined by his employer had no claim of any sort and no legal procedure was available to him. Only in two particular situations could he bring his case before a court: (1) when he could provide evidence that he had not committed the act for which he had been disciplined—the question at issue then being one of fact; and (2) when the employer could be charged with a "détournement de pouvoir"—that is, with having used his right to discipline the

<sup>\*</sup>Professor of Law, University of Paris, France.

employee for a purpose other than that for which the right had been granted him. This concept of "détournement de pouvoir," which had been borrowed from administrative law, was interpreted very narrowly by the courts and normally required, for its application, an act of deliberate bad faith on the part of the employer. If this were the case, the court could set aside the discipline and deprive the employer's action of any effect.

However, in no case did the judge have the power to determine whether the sanction imposed upon the employee was proportionate to, or justified by, the action for which he was disciplined. Indeed, the judge could not determine that the sanction was too severe and substitute his own decision for that of the employer. Management's discretion prevailed in these cases.

Limits on the discretionary power of employers were first established in cases of disciplinary discharges. A number of collective agreements and later, in 1958 and 1967, statutory law provided that an act of serious misconduct (faute grave) on the part of an employee would be a legitimate basis for an immediate dismissal without previous notice and without severance pay, but it was also clear that employer actions based on the concept of faute grave were subject to court review. Thus the judge could make sure that the sanction was proportionate to the employee's misconduct. Still more important was the requirement, introduced by the law of July 13, 1973, that any dismissal, whether disciplinary or not, should be based on a "real and serious" cause, failing which the employee could obtain damages (but not reinstatement). The "reality" and the "seriousness" of the cause advanced by the employer for his action were, of course, evaluated by the judge. This new regulation had important consequences for an employer's power to discipline, not only when employees were dismissed, but also when they were suspended, demoted, transferred, and so on. All an employee had to do in such cases was to reject the sanction and run the risk of discharge, thus giving a judge the opportunity to verify the existence of a "real and serious cause."

However, the 1973 regulations were not regarded as sufficient, and the legislators enacted a new and broader law on August 4, 1982, which, in effect, established rules applying to disciplinary actions that were very similar to those on dismissals. Notably, an employee who has been disciplined by any sanction other than dismissal now has the right to challenge that discipline in court and to have a judge decide whether or not the

sanction is appropriate for the misconduct. If the judge finds that the sanction is unjustified or excessive, he has no power to reduce it, but he may set it aside or nullify it; thus a judge's power in these cases goes beyond his authority in dismissal cases where he is limited to awarding damages. But as in cases of dismissal, the law expressly provides that the burden of proof lies not with only one party, but with both. It adds a supplementary note, however, stating that "the doubt, if any, benefits to the employer."

This change in the law is very significant as it gives the labor courts an overall power of review of all disciplinary matters. Besides some doubts about the propriety of the reform, there are real fears that the new system will lead to further congestion of the courts whose caseload had already increased to a dangerous level during the past decade. It is still too early to say to what extent these fears are justified and to describe the real impact of the new legislation.

II.

The law concerning dispute settlement procedures makes a fundamental distinction between individual and collective disputes.

Individual disputes are necessarily disputes over rights. In the absence of any sort of grievance procedure (none is imposed, and rarely can one be found in a collective agreement), the normal forum for such disputes is the specialized labor court, the conseil de prud'hommes. This court's jurisdiction is fixed by statute, which is d'ordre public in the sense that it cannot be disregarded by private agreements, either individual or collective. The result is, although it is always possible for the parties to submit an existing dispute to a different settlement procedure, such as conciliation, mediation, or arbitration, they may not provide for the submission of any future dispute to an alternative procedure. No such provision as, for example, an arbitration clause in a collective agreement can limit the jurisdiction of the labor court and deprive an aggrieved employee of his right to bring an action before the judge. This explains why arbitration of individual labor disputes is practically never used and why such disputes are brought before the labor court without any previous attempt to settle the matter by conciliation or otherwise. It is precisely to compensate for this lack of a screening procedure

Appendix B 275

before a case comes before a labor court that the law requires the court itself to attempt to conciliate the matter. But this attempt is regarded as part of the judicial procedure; it is, in fact, the first step of the labor court procedure which must necessarily precede the adjudication stage. Statistics show that conciliation is successful in about 20 percent of the cases.

Collective disputes may be disputes over either rights or interests. When they involve rights, they always may be brought before a court which is not, in this case, the specialized labor court (whose jurisdiction does not extend beyond individual disputes), but the ordinary court—that is, the *tribunal de grande instance*. There they are dealt with like any other legal dispute, and there is no special rule that deserves to be noted here.

The ordinary court does not always appear to be the best forum for the resolution of disputes of this kind, and it is not at all suitable for the settlement of interest disputes. This is why the law provides for other special extrajudicial procedures that are designed to help the parties reach a peaceful settlement and avoid strikes or other types of industrial action. There are three such procedures: conciliation and arbitration which were introduced in the law in 1892, and mediation which was added in 1955.

For many years conciliation was purely a voluntary procedure; however, it was made compulsory in 1936, with two sanctions attached. A strike called without a prior attempt at conciliation was unlawful and the case was automatically referred to an arbitrator. In 1950, conciliation remained theoretically compulsory, either by provisions in the collective agreement or by statutory provisions, but the legal context changed so that the obligation imposed on the parties to conciliate ceased to be effective. The law no longer required conciliation prior to an industrial action, and the resort to arbitration was now dependent upon the good will of the parties. The result was that the procedure lost most of its importance and was used less and less frequently except in a very informal way. The act of November 13, 1982, changed the law to conform with practice by providing that conciliation was to be purely voluntary.

The new act has not made any significant changes with regard to mediation and arbitration, which means that these two procedures are bound to remain as ineffective in the future as they were in the past. Mediation can be imposed on the parties, but only on the initiative of public authorities and, in fact, it is rarely resorted to except where some major conflict has an impact on public opinion. It is a process by which the government tries to persuade the people, and especially the parties, that it is "doing something," but even here mediation is often doomed to failure. However, during 1982 it was successful in resolving two notable conflicts in the automobile industry—at the Citroen and Talbot plants—where the issues were very similar and were submitted to the same mediator. The situation with regard to arbitration is even gloomier. After a period of great success when it was compulsory (between 1936 and 1939), it now has fallen into almost complete disuse after it was made voluntary in 1950, and the superior court of arbitration meets only rarely.

The National Assembly deliberately refused to enact any statutes in 1982 that would have revived, or even revitalized, these procedures because, in fact, the members have lost all confidence in their efficacy. The experience of the past 25 years has shown that informal collective bargaining is the only effective procedure through which labor and employers can reach agreements and it is not a process—at least in the French environment—that can be regulated by law. It is only alluded to in the Labor Code, but the provision that mentions it among the possible procedures for the settlement of labor disputes is merely a theoretical statement with no practical consequences.

# CUMULATIVE AUTHOR INDEX\* 1973–1983

A

Aaron, Benjamin

Labor-Management Relations in a Controlled and Rationed Economy (comment on); 1974 171

The Role of the Arbitrator in Ensuring a Fair Hearing; 1982 30

Should Arbitrators Be Licensed or "Professionalized"?; 1976 152

Abernethy, Byron R.

The Promise and the Performance of Arbitration: A Personal Perspective; 1983 1

Adair, J. Leon

Arbitration of Discrimination Grievances (comment on); 1980 295

Adair, Thomas S.

Arbitration of Wage and Manning Disputes in the Newspaper Industry; 1973

Adams, Walter L.

Judicial Review of Labor Arbitration Awards:
A Second Look at Enterprise Wheel
and Its Progeny (comment on);
1977 52

Aksen, Gerald

Post-Gardner-Denver Developments in Arbitration Law, 1975 24

Alleyne, Reginald

Courts, Arbitrators, and the NLRB: The Nature of the Deferral Beast; 1980 240

Anderson, Arvid

Lessons From Interest Arbitration in the Public Sector: The Experience of Four Jurisdictions; 1974 59 Outer Limits of Interest Arbitration: Australian, Canadian, and United States
Experiences: III. The U.S. Experience;
1981 94

Significant Developments in Public Employment Disputes Settlement During 1973 (Report of the Committee on Public Employment Disputes Settlement); 1974 291

Significant Developments in Public Employment Disputes Settlement During 1974 (Report of the Committee on Public Employment Disputes Settlement); 1975 297

Significant Developments in Public Employment Disputes Settlement During 1975 (Report of the Committee on Public Employment Disputes Settlement); 1976 287

Significant Developments in Public Employment Disputes Settlement During 1976 (Report of the Committee on Public Employment Disputes Settlement); 1977 311

Arthurs, Harry W.

Future Directions for Labor Arbitration and for the Academy: I. Arbitration: Process or Profession?; 1977 222

Ashe, Bernard F.

Due Process and Fair Representation in Grievance Handling in the Public Sector (comment on); 1977 147

Asher, Lester

The Individual Employee's Rights Under the Collective Agreement: What Constitutes Fair Representation (comment on); 1974 31

\*For the Cumulative Author Index covering the period 1948 through 1972, refer to Labor Arbitration at the Quarter-Century Mark, Proceedings of the 25th Annual Meeting of the National Academy of Arbitrators, eds. Barbara D. Dennis and Gerald G. Somers (Washington: BNA Books, 1973), 355 et seq.

Ashmore, Robert W.

Arbitration of Discrimination Grievances (comment on); 1980 300

#### В

Bacheller, John, Jr.

Value of Old Negotiated Language in an Interest Dispute; 1973 48

Bairstow, Frances

New Dimensions in Public-Sector Grievance Arbitration: I. Management Rights and the Professional Employee; 1978 232

Outer Limits of Interest Arbitration: Australian, Canadian, and United States
Experiences: II. The Canadian Experience; 1981 92

Barber, Sherry S.

Expedited Arbitration: III. U. S. Postal Service—A Management View; 1983 249

Barden, James E.

The NLRB and Arbitration: Some Impressions of the Practical Effect of the Board's Collyer Policy Upon Arbitrators and Arbitration (comment on); 1974 123

Barker, C. Paul

The NLRB and Arbitration: Some Impressions of the Practical Effect of the Board's Collyer Policy Upon Arbitrators and Arbitration (comment on); 1974 129

Barreca, Christopher A.

Certification and Training of Labor Arbitrators: Should Arbitrators Be Certified? Dead Horse Rides Again (comment on); 1977 192

Barrett, Gerald A.

Presidential Address: The Common Law of the Shop; 1973 95

Berkowitz, Monroe

Arbitration of Public-Sector Interest Disputes: Economics, Politics, and Equity; 1976 159

Bernstein, Stuart

The Art of Opinion Writing, 1982 68
Breach of the Duty of Fair Representation:
The Appropriate Remedy, 1980 88

Blanc-Jouvan, Xavier

Some Recent Developments Relating to Labor Dispute Resolution in France During 1982 (Report of Overseas Correspondent); 1983 272 Blanpain, R.

Arbitration and Settlement of Labor Disputes in Some European Countries (Report of Overseas Correspondent); 1976 355

Bloch, Richard I.

Future Directions for Labor Arbitration and for the Academy: II. Some Far-Sighted Views of Myopia; 1977 233

Block, Howard S.

Decisional Thinking: West Coast Panel Report; 1980 119

Bourgeault, Jean-Jacques

Grievance Mediation: III. Can It Work in Canada?; 1983 139

Brennan, Joseph P.

New Approaches to Dispute Settlement: The Food and Coal Industries: III. Labor Relations in the Coal Industry; 1976 220

Britton, Raymond L.

Courts, Arbitrators, and OSHA Problems: An Overview; 1980 260

Burris, William

Expedited Arbitration; IV. U. S. Postal Service—A Union Perspective; 1983
256

#### C

Camens, Sam

The Art of Opinion Writing; 1982 80

Carrothers, A. W. R.

The Cuckoo's Egg in the Mare's Nest—Arbitration of Interest Disputes in Public-Service Collective Bargaining: Problems of Principle, Policy, and Process; 1977—15

Christensen, Andrea S.

The Role of the Arbitrator in Ensuring a Fair Hearing (comment on); 1982 49

Christensen, Thomas G.S.

Decisional Thinking: New York Panel Report; 1980 173

Clark, Leroy D.

How Others View Us and Vice Versa: Administrative and Judicial Critiques of the Arbitration Process: III. The Legitimacy of Arbitrating Claims of Discrimination; 1981 235

Clark, R. Theodore, Jr.

Interest Arbitration: Can the Public Sector Afford It? Developing Limitations on the Process: II. A Management Perspective; 1981 248 Colón, Rafael Hernández

Labor Policy in Puerto Rico; 1975 203

Colosimo, Robert

Expedited Arbitration: II. The Canadian Railway Experience; 1983 243

Cooper, Jerome A.

Right of Management to Discipline for Refusal to Cross a Picket Line (comment on); 1973 154

Cooper, Kenneth E.

The Arbitration of Employee Drug Abuse Cases: II. Some Special Issues Peculiar to Air Carrier Pilots; 1983 101

Coulson, Robert

Black Alice in Gardner-Denverland; 1974 236

Certification and Training of Labor Arbitrators: Should Arbitrators Be Certified? Dead Horse Rides Again; 1977 173

D

Dash, John A.

Interest Arbitration in Public Transit; 1973
21

Davey, Harold W.

Labor-Management Relations in a Controlled and Rationed Economy (comment on); 1974 176

Situation Ethics and the Arbitrator's Role; 1973 162

Denenberg, Tia Schneider

The Arbitration of Employee Drug Abuse Cases: I. An Arbitrator's Perspective; 1983 90

Donlan, John M.

Arbitration in Professional Sports: II. A Management View of Football Arbitration; 1983 167

Dunau, Bernard

The Individual Employee's Rights Under the Collective Agreement: What Constitutes Fair Representation (comment on); 1974 38

Dunlop, John T.

The Industrial Relations Universe; 1976

Dunsford, John E.

What Price Employment? Arbitration, the Constitution, and Personal Freedom (comment on): 1976 71

Dybeck, Alfred C.

Arbitration of Wage Incentives: Three Perspectives: II. Arbitration of Wage Incentives From the Perspective of the Steel Industry; 1979 105

E

Edwards, Harry T.

Advantages of Arbitration over Litigation: Reflections of a Judge; 1982 16

Arbitration of Employment Discrimination Cases: an Empirical Study; 1975 59

Eisenberg, Walter L.

New Dimensions in Public-Sector Grievance Arbitration: II. Some Recent Developments in Public-Sector Grievance Arbitration: A View from New York; 1978 240

Elarbee, Fred W., Jr.

Right of Management to Discipline for Refusal to Cross a Picket Line (comment on); 1973 150

Ellman, Erwin B.

Decision-Making in Public-Sector Interest Arbitration: I. Legislated Arbitration in Michigan—A Lateral Glance; 1978 291

Elson, Alex

Decisional Thinking: Chicago Panel Report; 1980 62

Enarson, Harold L.

Notes on the Smothering of Quarrels With Special Reference to the University World; 1974 154

Epstein, Henry B.

Arbitration of Job Security and Other Employment-Related Issues for the Unorganized Worker (comment on); 1981

F

Fallon, William J.

The Discipline and Discharge Case: Two Devil's Advocates on What Arbitrators Are Doing Wrong (comment on); 1979 82

Interest Arbitration: Can the Public Sector
Afford It? Developing Limitations On
the Process: III. An Arbitrator's Viewpoint: 1981 259

Fasser, Paul J., Jr.

New Pension Reform Legislation; 1975

Feller, David E.

The Association of Western Pulp and Paper Workers Public Review Board; 1974 221

The Coming End of Arbitration's Golden Age; 1976 97

Remedies: New and Old Problems: I. Remedies in Arbitration: Old Problems Revisited; 1981 109

Fillion, John A.

Public Review Boards: Their Place in the Process of Dispute Resolutions (comment on); 1974 200

Fischer, Ben

The Fine Art of Engineering an Arbitration System to Fit the Needs of the Parties: IV. The Steelworkers Union and the Steel Companies; 1979 198

Updating Arbitration; 1973 62

Fleming, R. W.

Interest Arbitration Revisited; 1973 1

Fletcher, Betty, Binns

How Others View Us and Vice Versa: Administrative and Judicial Critiques of the Arbitration Process: I. Arbitration of Title VII Claims: Some Judicial Perceptions; 1981 218

Fraser, Bruce

The Role of Language in Arbitration; 1980

Friedman, Irving M.

Breach of the Duty of Fair Representation: One Union Attorney's View; 1980

G

Gaherin, John J.

Arbitration in Professional Athletics; 1973

Gamser, Howard G.

New Dimensions in Public-Sector Grievance Arbitration: III. Back-Seat Driving Behind the Back-Seat Driver: Arbitration in the Federal Sector; 1978 268

Garrett, Robert F.

Arbitration—As the Parties See It: I. One Management Point of View; 1983

Garvey, Edward R.

Arbitration in Professional Athletics; 1973

Gentry, John N.

The International Labor Scepe: Implications for the Decade of the 1980's "The

Way the Wind Is Blowing"; 1981 302

Gershenfeld, Gladys

Significant Developments in Public Employment Disputes Settlement During 1978 (Report of the Committee on Public Employment Disputes Settlement); 1979 215

Significant Developments in Public Employment Disputes Settlement During 1979 (Report of the Committee on Public Employment Disputes Settlement); 1980 414

Gershenfeld, Walter J.

Decision-Making in Public-Sector Interest Arbitration: II. Perceptions of the Arbitrator and the Parties; 1978 305

Interest Arbitration: I. State and Local Government Experience; 1983 190

Significant Developments in Public Employment Disputes Settlement During 1977 (Report of the Committee on Public Employment Disputes Settlement); 1978 357

Significant Developments in Public Employment Disputes Settlement During 1978 (Report of the Committee on Public Employment Disputes Settlement); 1979 215

Significant Developments in Public Employment Disputes Settlement During 1979 (Report of the Committee on Public Employment Disputes Settlement); 1980 414

Getman, Julius G.

What Price Employment? Arbitration, the Constitution, and Personal Freedom; 1976 61

Gilliam, Dee W.

Certification and Training of Labor Arbitrators: Should Arbitrators Be Certified? Dead Horse Rides Again (comment on): 1977 199

Innocent Until Proven Guilty: I. The Union View; 1983 77

Godwin, Donald F.

The Problems of Alcoholism in Industry; 1975 97

Goetz, Raymond

The Law of Contracts—A Changing Legal Environment (comment on); 1978 217

Gold, Alan B.

Small Claims Grievance Arbitration; 1983

Goldberg, Stephen B.

Grievance Mediation: I. The Coal Industry Experiment; 1983 128

Gotbaum, Vic

Interest Arbitration: IV. A Union View; 1983 230

Gomberg, William

Arbitration of Wage Incentives: Three Perspectives: III. The Present Status of Arbitration Under Wage Incentive Payment Plans; 1979 116

Gould, William B.

Arbitration and Federal Rights Under Collective Agreements in 1972 (Report of the Committee on Law and Legislation for 1972); 1973 193

Arbitration and Federal Rights Under Collective Agreements in 1973 (Report of the Committee on Law and Legislation for 1973); 1974 245

Greenbaum, Marcia L.

Certification and Training of Labor Arbitrators: Should Arbitrators Be Certified? Dead Horse Rides Again (comment on); 1977 202

Interest Arbitration: II. Transit and Other Attempts to Arbitrate Contract Terms; 1983 202

Gregory, Gordon A.

Grievance Mediation: IV. A Union Advocate's View; 1983 143

Gromfine, I.J.

Tripartite Interest and Grievance Arbitration (comment on); 1981 288

#### Н

Haughton, Ronald W.

Future Directions for Labor Arbitration and for the Academy: III. Future Directions for Labor Arbitration and for the National Academy of Arbitrators; 1977 243

Heenan, Roy L.

Arbitration—As the Parties See It: III. A Canadian Advocate's View; 1983 60

Helfield, David M.

Federal Minimum Wage Determination in Puerto Rico (comment on); 1975 187

Hepple, Bob A.

Arbitration of Job Security and Other Employment-Related Issues for the Unorganized Worker: I. The British Experience With Unfair Dismissals Legislation; 1981 18 Hill, Barbara J.

Alcoholism and the World of Work; 1975
93

Hoffman, T. S., Jr.

Innocent Until Proven Guilty: II. The Management View; 1983 84

Holden, Lawrence T., Jr.

New Dimensions in Public-Sector Grievance Arbitration: IV. The Clash Over What Is Bargainable in the Public Schools and Its Consequences for the Arbitrator; 1978 282

Holly, Fred J.

Federal Minimum Wage Determination in Puerto Rico; 1975 170

Horvitz, Wayne L.

New Approaches to Dispute Settlement: The Food and Coal Industries: I. The Joint Labor Management Committee in Retail Food—A Preliminary Report; 1976 192

Hotvedt, Richard C.

Revisiting an Old Battle Ground: The Subcontracting Dispute (comment on); 1979 162

#### I

Isaac, J. E.

Labor Relations Developments in Australia, 1973 (Report of Overseas Correspondent); 1974 347

Labor Relations Developments in Australia, 1974 (Report of Overseas Correspondent); 1975 361

Report on Australia—1975 (Report of Overseas Correspondent); 1976 345

Report on Australia—1976–1977 (Report of Overseas Correspondent); 1978 408

#### J

Johnston, Thomas L.

British Industrial Relations: Another Turning Point? (Report of Overseas Correspondent); 1980 465

Industrial Arbitration: One British Growth Industry (Report of Overseas Correspondent); 1977 363

Labor Dispute Settlement in the United Kingdom, 1972 (Report of Overseas Correspondent); 1973 233 Jones, Edgar A., Jr.

The Decisional Thinking of Judges and Arbitrators as Triers of Fact; 1980 45

A Meditation on Labor Arbitration and "His Own Brand of Industrial Justice"; 1982 1

The Search for Truth: III. "Truth" When the Polygraph Operator Sits as Arbitrator (or Judge): The Deception of "Detection" in the "Diagnosis of Truth and Deception"; 1978 75

Jones, James E., Jr.

What Price Employment? Arbitration, the Constitution, and Personal Freedom (comment on); 1976 85

Joseph, Myron L.

The Fine Art of Engineering an Arbitration System to Fit the Needs of the Parties: I. The Design Process; 1979 167

#### K

Kagel, John

Grievance Arbitration in the Federal Service: Still Hardly Final and Binding?; 1981 178

Katz, Harold

Judicial Review of Labor Arbitration Awards: A Second Look at Enterprise Wheel and Its Progeny (comment on); 1977 61

Katz, Robert S.

Remedies: New and Old Problems (comment on); 1981 171

Kerr, Clark

More Peace—More Conflict; 1975 8

Kheel, Theodore W.

Arbitration in Professional Athletics; 1973 128

Kleeb, Robert H.

The Individual Employee's Rights Under the Collective Agreement: What Constitutes Fair Representation (comment on); 1974 41

Klein, David Y.

Public Review Boards: Their Place in the Process of Dispute Resolutions; 1974

Kotin, Leo

The Individual Employee's Rights Under the Collective Agreement: What Constitutes Fair Representation (comment on); 1974 44

Kurtz, James P.

Arbitration and Federal Rights Under Collective Agreements in 1972 (Report of the Committee on Law and Legislation for 1972); 1973 193

Arbitration and Federal Rights Under Collective Agreements in 1973 (Report of the Committee on Law and Legislation for 1973); 1974 245

Arbitration and Federal Rights Under Collective Agreements in 1974 (Report of the Committee on Law and Legislation for 1974); 1975 243

Arbitration and Federal Rights Under Collective Agreements in 1975 (Report of the Committee on Law and Legislation for 1975); 1976 233

Arbitration and Federal Rights Under Collective Agreements in 1976 (Report of the Committee on Law and Legislation for 1976); 1977 265

#### L

Levin, William

Duty of Fair Representation: The Role of the Arbitrator; 1980 309

Linn, John Phillip

The American Federation of Teachers Public Review Board; 1974 205

Situation Ethics and the Arbitrator's Role (comment on); 1973 176

Littrell, Lawrence R.

Arbitration of Job Security and Other Employment-Related Issues for the Unorganized Worker: II. Grievance Procedure and Arbitration in a Nonunion Environment: The Northrup Experience; 1981 35

Loewenberg, J. Joseph

Entry Into Labor Arbitration and the Effectiveness of Training Programs for Such Entry (Report of the Committee on the Development of New Arbitrators for 1974–1975); 1975 335

What the Private Sector Can Learn From the Public Sector in Interest Arbitrations: The Pennsylvania Experience; 1974 69

Loihl, John R.

Decision-Making in Public-Sector Interest Arbitration: III. Final-Offer Plus: Interest Arbitration in Iowa; 1978 317

Luskin, Bert L.

Arbitration in Professional Sports: I. An Arbitrator Appraises Football Arbitration; 1983 155 Marshall, Ray

Collective Bargaining: Essential to a Democratic Society, 1979 9

Masters, Richard L., M.D.

The Arbitration of Employee Drug Abuse Cases: II. Some Special Issues Peculiar to Air Carrier Pilots; 1983 101

McDermott, Clare B.

The Presidential Address: An Exercise in Dialectic: Should Arbitration Behave as Does Litigation?; 1980 1

McDermott, Thomas J.

Evaluation of Programs Seeking to Develop Arbitrator Acceptability (Report of the Committee on the Development of New Arbitrators for 1973-1974); 1974 329

Progress Report: Programs Directed at the Development of New Arbitrators (Report of the Committee on the Development of New Arbitrators for 1972–1973); 1973 247

Survey on Availability and Utilization of Arbitrators in 1972 (Supplement to Progress Report, above); 1973 261

McFall, John E.

The Search for Truth (comment on); 1978

McKenna, Sidney F.

Labor-Management Relations in a Controlled and Rationed Economy (comment on); 1974 178

McLellan, John S.

Appellate Process in the International Arbitration Agreement Between the American Newspaper Publishers Association and the International Printing Pressmen; 1973 53

Meiners, Robert G.

The Law of Contracts—A Changing Legal Environment (comment on); 1978 229

Meltzer, Bernard D.

Arbitration and Discrimination: III. The Parties' Process and the Public's Purposes; 1976 46

Meyer, Stuart F.

The Fine Art of Engineering an Arbitration
System to Fit the Needs of the Parties:
II. The Teamsters and AnheuserBusch; 1979 174

Miller, Arnold R.

New Approaches to Dispute Settlement: The Food and Coal Industries: II. The Coal Industry; 1976 216

Miller, Bruce A.

The Discipline and Discharge Case: Two Devil's Advocates on What Arbitrators Are Doing Wrong: II. A Union Advocate's View; 1979 75

Miller, David P.

Presidential-Reflections; 1975 1

Minami, Wayne

Interest Arbitration: Can the Public Sector Afford It? Developing Limitations on the Process: I. An Overview; 1981 241

Mittenthal, Richard

The Art of Opinion Writing; 1982 89 Ethics Opinion; 1973 245

The Presidential Address: Joys of Being an Arbitrator; 1979 1

The Search for Truth: II. Credibility—A Willo'-the-Wisp; 1978 61

Moore, Sir John

Outer Limits of Interest Arbitration: Australian, Canadian, and United States
Experiences: I. Notes on the Australian Scene; 1981 68

Morris, Charles J.

Report of the Committee on Law and Legislation; 1979 257

Report of the Committee on Law and Legislation; 1980 382

Twenty Years of Trilogy: A Celebration; 1980 331

Morse, Muriel M.

Arbitration of Public-Sector Interest Disputes: Economics, Politics, and Equity (comment on); 1976 175

Moss, Richard M.

Arbitration in Professional Athletics; 1973 108

Arbitration in Professional Sports: IV. Baseball and Grievance Arbitration; 1983

Mueller, Addison

The Law of Contracts—A Changing Legal Environment; 1978 204

Murphy, William P.

Arbitration and Federal Rights Under Collective Agreements in 1974 (Report of the Committee on Law and Legislation for 1974); 1975
243

Arbitration of Discrimination Grievances; 1980 285 Due Process and Fair Representation in Grievance Handling in the Public Sector; 1977 121

#### N

#### Nakamura, Edward H.

How Others View Us and Vice Versa; Administrative and Judicial Critiques of the Arbitration Process; II. A Comment on the Role of Grievance Arbitration in Public-Sector Bargaining in Hawaii; 1981 230

#### Nash, Peter G.

The NLRB and Arbitration: Some Impressions of the Practical Effect of the Board's Collyer Policy Upon Arbitrators and Arbitration; 1974

#### Neal, Mollie W.

Arbitration and Discrimination: I. Arbitration of Employment Discrimination Cases: A Prospectus for the Future; 1976 20

#### Newman, Winn

Post-Gardner-Denver Developments in the Arbitration of Discrimination Claims; 1975 36

Arbitration—As the Parties See It: II. A Union Point of View; 1983 37

#### 0

#### Oliver, Anthony T., Jr.

The Quality of Adversary Presentation in Arbitration: A Critical View (comment on): 1979 51

## P

### Page, Leonard R.

Revisiting an Old Battle Ground: The Subcontracting Dispute (comment on); 1979 157

#### Platt, Harry H.

Arbitration of Interest Disputes in the Local Transit and Newspaper Publishing Industries: 1973 8

#### Pollara, Frank

Labor-Management Relations in a Controlled and Rationed Economy (comment on); 1974 183

#### Porter, Alexander B.

Avoiding the Arbitrator: Some New Alterna-

tives to the Conventional Grievance Procedure: II. Arbitration in the Federal Government: What Happened to the "Magna Carta"?; 1977 90

#### Prashker, Herbert

Due Process and Fair Representation in Grievance Handling in the Public Sector (comment on); 1977

#### Prasow, Paul

Situation Ethics and the Arbitrator's Role (comment on); 1973 184

#### Prihar, Michael

Arbitration—As the Parties See It: IV. Another Management View; 1983 68

#### R

#### Rathbun, Ben

Will Success Ruin the Arbitrators?; 1975

#### Rehmus, Charles M.

Is a "Final Offer" Ever Final?; 1974 77 Tripartite Interest and Grievance Arbitration: II. Tripartite Arbitration: Old Strengths and New Weaknesses; 1981 284

#### Roberts, Thomas T.

Arbitration in Professional Sports: III. Arbitrating in Baseball; 1983 173

#### Robins, Eva

The Presidential Address: Threats to Arbitration; 1981 1

The Quality of Adversary Presentation in Arbitration: A Critical View (comment on); 1979 30

#### Robinson, William L.

Arbitration and Discrimination: I. Arbitration of Employment Discrimination Cases: A Prospectus for the Future; 1976 20

#### Rock, Eli

The Presidential Address: A "Maintenance of Standards" Clause for Arbitrators; 1974 1

#### Rubenstein, Bernard W.

The Quality of Adversary Presentation in Arbitration: A Critical View (comment on); 1979 47

#### Rubin, Alvin B.

Arbitration: Toward a Rebirth; 1978 30 Rubin, Milton

Arbitration of Wage Incentives: Three Perspectives: I. The Arbitration of Incentive Issues; 1979 92 S

Sachs, Theodore

The Coming End of Arbitration's Golden Age (comment on); 1976 127

St. Antoine, Theodore J.

Arbitration of Job Security and Other Employment-Related Issues for the Unorganized Worker: III. Protection Against Unjust Discipline: An Idea Whose Time Has Long Since Come; 1981 43

Judicial Review of Labor Arbitration Awards: A Second Look at Enterprise Wheel and Its Progeny; 1977 29

St. John, Anthony P.

Updating Arbitration (comment on); 1973

Sanders, Paul H.

Federal Minimum Wage Determination in Puerto Rico (comment on); 1975 197

Sarno, Frank C.

Grievance Mediation: II. A Management Approach; 1983 136

Saxton, William M.

The Discipline and Discharge Case: Two Devil's Advocates on What Arbitrators Are Doing Wrong: I. A Management Advocate's View; 1979 63

Schmidt, Folke

Sweden, a Country Where Law Is Used as an Instrument of Change (Report of Overseas Correspondent); 1975 357

Schnapp, Roger H.

Tripartite Interest and Grievance Arbitration (comment on); 1981 295

Schubert, Richard F.

Ministry of Reconciliation: A High and Indispensable Calling; 1975 16

Schwartz, Adolph E.

Courts, Arbitrators, and OSHA Problems: An Overview (comment on); 1980 276

Segal, Herbert L.

Health and Medical Issues in Arbitration, Employee Benefit Plans, and the Doctor's Office: II. Employee Benefit Plans in Arbitration of Health and Medical Issues; 1978 187

Selby, Paul L., Jr.

The Fine Art of Engineering an Arbitration System to Fit the Needs of the Parties: III. The United Mine Workers and Bituminous Coal Operators' Association; 1979 181 Seward, Ralph T.

The Quality of Adversary Presentation in Arbitration: A Critical View; 1979 14

Shaw, Lee C.

The Coming End of Arbitration's Golden Age (comment on); 1976 139

Shearer, John C.

Grievance Arbitration in the Federal Service: Still Hardly Final and Binding? (comment on); 1981 211

Sherman, Herbert L., Jr.

The NLRB and Arbitration: Some Impressions of the Practical Effect of the Board's Collyer Policy Upon Arbitrators and Arbitration (comment on); 1974 138

Sinicropi, Anthony V.

Remedies: New and Old Problems: II. Remedies: Another View of New and Old Problems; 1981 134

Revisiting an Old Battle Ground: The Subcontracting Dispute; 1979 125

Smith, Russell A.

The Search for Truth: I. The Search for Truth
—The Whole Truth; 1978 40

Somers, Gerald G.

Alcohol and the Just Cause for Discharge; 1975 103

Stark, Arthur

The Presidential Address: Theme and Adaptations; 1978 1

Stern, James L.

Private Sector Implications of the Initial Wisconsin Final-Offer Arbitration Experience; 1974 82

Sternstein, Herman

Arbitration of New Contract Terms in Local Transit: The Union View; 1973 10

Stoner, W. C.

Updating Arbitration (comment on); 1973 80

Summers, Clyde W.

The Individual Employee's Rights Under the Collective Agreement: What Constitutes Fair Representation; 1974 14

T

Teple, Edwin R.

1976 Report of Committee on Development of Arbitrators; 1976 327

1977 Report of Committee on Development of Arbitrators; 1977 357

1978 Report of Committee on Development of Arbitrators; 1978 397 1979 Report of Committee on Development of Arbitrators; 1979 275

1980 Report of Committee on Development of Arbitrators; 1980 452

The NLRB and Arbitration: Some Impressions of the Practical Effect of the Board's Collyer Policy Upon Arbitrators and Arbitration (comment on); 1974 134

Torosian, Herman

Decision-Making in Public-Sector Interest Arbitration: IV. Interest-Arbitration
Laws in Wisconsin; 1978 342

Trice, Harrison

Alcoholism in Industry (comment on); 1975 120

Tucker, Jerry R.

Alcoholism in Industry (comment on); 1975 117

#### U

Usery, W. J., Jr.

America's Stake in 1973 Bargaining Results;

1973 100

#### V

Valtin, Rolf

Decisional Thinking: Washington Panel Report 1980 209

The Presidential Address: Judicial Review Revisited—The Search for Accommodation Must Continue; 1976 1

Vercruyesse, Robert M.

Interest Arbitration: III. An Employer View; 1983 220

Vladeck, Judith P.

The Role of the Arbitrator in Ensuring a Fair
Hearing (comment on); 1982 55
Volz, Marlin M.

Health and Medical Issues in Arbitration, Employee Benefit Plans, and the Doctor's Office: I. Medical and Health Issues in Labor Arbitration; 1978 156

#### W

Warns, Carl A., Jr.

Right of Management to Discipline for Refusal to Cross a Picket Line; 1973 Weatherill, J. F. W.

Expedited Arbitration: I. A Canadian "Expediter's" View; 1983 236

Weber, Arnold R.

Labor-Management Relations in a Controlled and Rationed Economy; 1974 163

Webster, James H.

Duty of Fair Representation: The Role of the Arbitrator (comment on); 1980

Weiler, Paul C

Avoiding the Arbitrator: Some New Alternatives to the Conventional Grievance Procedure: I. The Role of the Labour Board as an Alternative to Arbitration; 1977 2

Weitzman, Joan

Significant Developments in Public Employment Disputes Settlement During 1974 (Report of the Committee on Public Employment Disputes Settlement); 1975 297

Significant Developments in Public Employment Disputes Settlement During 1975 (Report of the Committee on Public Employment Disputes Settlement); 1976 287

Significant Developments in Public Employment Disputes Settlement During 1976 (Report of the Committee on Public Employment Disputes Settlement); 1977 311

Significant Developments in Public Employment Disputes Settlement During 1977 (Report of the Committee on Public Employment Disputes Settlement); 1978 357

Williams, Wendy W.

Arbitration and Discrimination: II. A Modest Proposal for the Immediate Future; 1976 34

Williamson, John D.

The Arbitration of Employee Drug Abuse Cases: III. An Industrial Relations Perspective; 1983 120

Wilson, Carole W.

Arbitration—As the Parties See It: II.

A Union Point of View; 1983
37

Wollett, Donald H.

Due Process and Fair Representation in Grievance Handling in the Public Sector (comment on); 1977 155 Wood, John C.

Conciliation and Arbitration in Great Britain, 1974–1975 (Report of Overseas Correspondent); 1976 350

Conciliation and Arbitration in Great Britain, 1976–1977 (Report of Overseas Correspondent); 1978 403

Labor Dispute Settlement in the United Kingdom in 1973 (Report of Overseas Correspondent); 1974 350

Wage-Fixing—Changes in Third-Party Intervention in the U.K. (Report of Overseas Correspondent); 1983 267

Woods, H. D.

The Presidential Address: Shadows Over Arbitration; 1977 1

Z

Zack, Arnold M.

Avoiding the Arbitrator: Some New Alternatives to the Conventional Grievance Procedure: III. Suggested New Approaches to Grievance Arbitration; 1977 105

Tripartite Interest and Grievance Arbitration:

I. Tripartite Panels: Asset or Hindrance in Dispute Settlement? 1981
273

Zingman, Edgar A.

International Appellate Arbitration; 1973
58

Zwerdling, A. L.

Arbitration of Public-Sector Interest Disputes: Economics, Politics, and Equity (comment on); 1976 181

### TOPICAL INDEX

# Aaron, Benjamin 71, 214 Abernethy, Byron R. 1-15 Abrahams, Harry 214 Abused substances (See Drug abuse, employee) "Accelerated arbitration" 246-249 Addiction (See Drug abuse, employee) Administrative remedies, aeromedical certification 107–109 Advisory opinions 129, 152 Aeromedical certification, pilots 102– 110 Air Canada, grievance mediation 139-143 Air carriers (See Airline industry) Air Line Pilots Association (ALPA) rehabilitation program 117-119 Airline industry alcohol and substance abuse 101–120 interest arbitration 213–215 mergers and seniority integration 214-215 Alaska 191-192 Alcohol abuse, employee (See also Drug abuse, employee) airline pilots 101–120 drug abuse relationship 91-93 Alexander, Kermit 160 Alexander v. Gardner-Denver Co. 52, 54 Alexander v. Gardner-Denver Co. 52, 54 Alston, Walter 186 AMAX Coal Company 136-139 American Arbitration Association (AAA) 12, 38, 45, 58, 253, 257 American Can Company 81, 85 American Postal Workers Union, AFLCIO 249, 252, 258, 260 American Psychiatric Association 92 Anderson-Rooney agreement 161 Anderson-Rooney agreement 161 Antitrust violations, professional football 159–162 Appeals airline pilot medical certification dis-putes 107–108 compulsory arbitration 197, 200-201 Arbitration (See also Baseball arbitration: Expedited arbitration; Final-offer

arbitration; Football arbitration;

Grievance arbitration; Grievance mediation; Interest arbitration)

caseloads 38-41, 250-252 in France 275-276 overview, 1946-1983 9-11 rights and interest, distinctions and applications 220–222 activist 126 in baseball interest arbitration 173-178 biases 231-232 careers as 3-9 conduct in hearings 68-71 decisional delays 57-58 development programs, education 6, 13, 45, 58, 258 employment discrimination responsibilities 52-55, 59-60 evaluation of 254-255 in expedited arbitration 47, 50 fees (See Costs and fees) in football arbitration 156–157 interest arbitration 226–227 as mediators 129, 133, 135, 152 neutrality 223–224 problems of behavior and written opinions, management view 29-37 retaining jurisdiction 30-31, 74-75 role in caseload reduction 41 role in improving public sector interest arbitration 234-235 selection and scheduling 70, 216, 239, 242, 247, 253–254, 257, 258 state-appointed 242 on tripartite boards 199-201 Awards (See Opinions)

#### В

Back pay awards 41
Backlog procedure, expedited arbitration 250-252, 259
Bairstow, Frances 142
Barber, Sherry S. 249-256
Baseball arbitration 179-189
salary arbitration 173-178, 215-217
Bell, Bert 170
Blanc-Jouvan, Xavier 272-276
Bloch, Richard 214
Boston Carmen's Union 209
Bourgeault, Jean-Jacques 139-143
Bouton, Jim 185

Bowen v. U.S. Postal Service 134, 260 Bowers, Mollie H. 145, 146, 154 Brett, Jeanne 129 Brown, Leo C. 113-114 Burrus, William 256-260

С

California 194 Canada arbitration performance overview 60–67 compulsory arbitration law 194 expedited arbitration 21-28, 239-249 grievance mediation in 139-143 small claims court model for grievance arbitration 21-28 Canada Labour Relations Board 241 Canadian Air Line Flight Attendants Association 142 Canadian Railway Office of Arbitration 240, 241, 247-248

Carpenter Technology Corporation 120

Chill effect 195-196, 203, 216, 218

Civil Rights Act, Title VII 52

Clegg Commission, U.K. 269-270

C.N.R. Co. et al. and Beatty 64 Coal Arbitration Service (CAS) 50 Cocaine 99-100, 123 (See also Drug abuse, employee)
Code of Professional Responsibility for Arbitrators of Labor-Management Disputes
12-13 Cole, David L. 144, 214 Collective bargaining agreements (See also Contract negotiations)
government activity, U.K. 267professional baseball 173
professional football 158–166 **267-272** state law conflicts, Massachusetts 210-919 substance abuse rules and enforcement 100 U.S. Postal Service 250 Colorado 194 Colorado Fuel and Iron 78-79 Colosimo, Robert 243-249 Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Hughes Act) 106 Compulsory arbitration 207-208 (See also Interest arbitration; Tripartite supervisory review boards) grievance arbitration, Canada 61-62 Conciliation and Mediation Services of Labour Canada 142 Conciliation, France 275
Connecticut 191–192
Continental Can Company 85
Continental Fibre Drum 78–79

Continental Packaging Company, Inc.

84-89

Contract negotiations (See also Collective bargaining agreements)
grievance mediation and 142
justice and dignity clause 85–86 professional baseball 182–184 professional football 155–157, 159– USWA-can industry 79-80, 85-87 Cooper, Kenneth B. 101-120 Costs and fees of appeals 197, 201 arbitration cases, Air Canada 140 awards to unions to discourage frivolous cases 41 Canadian railway expedited arbitration 248 compulsory at 148–149 arbitration, Michigan in expedited arbitration 45, 48, 50-51, 255, 259 forfeiture of arbitrator's fee 58 interest arbitrations 226-227 of mediation 131 union's costs, in grievance arbitration 41-44 Crane, Lou 81-84 Crown Cork & Seal Company, Inc. 81, Cushman, Edward L. 145 Decriminalization effect on case outcomes 93–95 Denenberg, Tia Schneider 90–100, 120– 123 Dicta 31-34, 74-75 Discharge (See Discipline and discharge) Discipline and discharge (See also Grievance arbitration; Grievance mediation) arbitrator's responsibility to parties 63 drinking rules and infractions, air carrier industry 110-115 France 272-274 "immediate" expedited arbitration 50 justice and dignity clause, management perspective 84–89
justice and dignity clause, union perspective 77–84
mental illness 180–182 substance abuse cases 123-124 Discrimination (See Employment discrimination)

Dispute resolution

airline pilot licensure 107-108 in France 272-276 Donlan, John M. 167-172, 193

Dunlop, John T. 193, 206 Dunsford, Jack 1

Drug abuse, employee 90-100, 101-120, 123 Dutton case, professional football 164-165, 166

 $\mathbf{E}$ 

Education of arbitrators 6, 13, 45, 58, 258 of local representatives 48-49, 130, 132 Edwards, Harry 28 Ellman, Erwin 224-225, 226-227 Employee assistance programs 115-117, 125 Employee drug abuse (See Drug abuse, employee) Employment discrimination 52-55, 59-60 Employment Protection Act 1975, U.K. 267-268 Enforcement of medical standards, airline pilots 104, 108-110 Equal Employment Opportunity disputes 52-55Equitable estoppel 63 Executive Order 10988 191 Expedited arbitration 236–260
Canadian railways 240–242, 243–249 compared to grievance mediation 133–134 INCO/Steelworkers procedure 239-240 justice and dignity and 80-81 program survey and evaluation 44-52, 55-59 U.S. Postal Service, management view 249-256 U.S. Postal Service, union view 256-260 Evidence alcohol consumption 110 in drug cases 96-97, 98 in grievance mediation 130 in interest arbitration 224-226

#### F

Fact-finding 41, 42, 197, 205, 222-223
Fairness doctrine, 63-64
Fair-representation duty 56, 123, 134, 147, 152-153, 241, 260
Fair Wages Resolution, U.K. 268-269
Fallon, William J. 211
Federal Air Surgeon 105, 106, 107
Federal Aviation Act of 1958 101-110
Federal Aviation Regulations (FAR) 101-110
Federal Mediation and Conciliation Service (FMCS) 12, 38, 45, 58, 146, 253, 257
Fehr, Don 217
Feller, David 214
Final-offer arbitration 192, 195, 204-207, 218

awards, statistics 177, 204–206, 216 final offer minus one 201 in professional baseball salary arbitration 174–178

Final-offer-by-package arbitration 192
Financial Emergency Act, New York 232

Finley, Charles O. 182–184
Fisher, Pat 156
Fleming, Robben 11, 229
Football arbitration history and background 155–167 union abuse of process, management view 167–172

France, labor dispute resolution 272–276
Free agents baseball 183–189 football 158–163

Gabriel of Canada Ltd. 62 Gaherin, John J. 173, 182 Garrett, Robert F. 29-37 Garrett, Sylvester 215 Garrett, Sylvester 215
Gershenfeld, Walter J. 190–202
Gill, Lewis 181, 214
Gilliam, Dee W. 77–84
Gold, Alan B. 16–28
Goldberg, Stephen B. 128–136, 144, 146, 148, 150, 153
Goldwater, Barry 203
Gotbaum, Vic 220, 230–235
Greenbaum, Marcia L. 202–220
Gregory, Gordon A. 143–154
Grievance arbitration (See also Baseball arbitration; Discipline and disbitration; Discipline and dis-charge; Football arbitration; Grievance mediation) in Canada 60-67 caseload 38-44, 80-81, 169, 171 costs and fees 42-44, 48 court system, France 272-274 injury grievances 155-157, 165-166 professional baseball 179-189 professional football 155-157, 165-166 small claims court model for 21-28 time from issuance to award 42, 43-44, 45-46 U.S. railroads 244-245 Grievance mediation 41 advocate's perspective on 143-154 Air Canada experience 139-143 AMAX Coal Company experience 136-139 in coal industry 128-136 in Michigan 222-223 pretrial mediation, small claims court 23 - 26public employees, Michigan 148-154 Gromfine, I. J. 219

Н

Hawaii 191–192
Healy, James 212
Hearings (See also Evidence)
airline pilot medical certification disputes 107–108
arbitrator's conduct 68–71
baseball salary arbitration 174–176
scheduling problems 156–157
Helsby, Robert 201
Hobgood, Bill 129
Hoffman, T. S., Jr. 84–89
Holden, Lawrence 204
Horowitz, Morris 193
Hughes Aircraft 68–76
Human Intervention and Motivation
Study (HIMS) 101, 106, 117
Hunter, Jim 182–184

#### T

Industrial Relations Research Association (IRRA) 146 Injury grievance arbitration 155-157, 165–166 Interest arbitration 190-235 acceptance by public and private employers 220–230 airlines 213–215 baseball salaries 173-178, 215-217 collective bargaining and impasses, public sector 230–235 compulsory 148–149 contract arbitration 202-220 in Massachusetts 204-213 public sector, recommendations 234-235 state and local government 190–202 transit 208–213 United Kingdom 267-272 Interim awards 30-31, 74-75 International Association of Firefighters, AFL-CIO 191 International Nickle Company 239-240 International Union of Electrical, Radio and Machine Workers (IUE)— General Electric (GE) expedited arbitration program 44-46 International Union of Electrical, Radio and Machine Workers (IUE)— General Motors (GM) expedited arbitration program 51-52 Iowa 191-192, 195

#### Ţ

Job performance standard, in substance abuse cases 92-93, 97, 124-126 Johnson, Alex 180-182 Johnson, Vernon E. 119 Justice and dignity clause 77-84 K

Kagel, Sam 26, 111 Kahn, Mark 112, 114, 228 Kaiser Steel 78–79 Kapp, Joe 159 Kennecott Mineral Company 78–79

#### L

Labor Management Participation Team (LMPT) 84
Labour Relations Act (Ontario) 242
Larkin, John Day 2
Legal status of abused substances 93–95, 121
Licensing, airline pilots 101–106
Luskin, Bert L. 155–167

Mackey v. National Football League 158-162 Maine 191-192 Marijuana 118-119 (See also Drug abuse, employee) Massachusetts compulsory arbitration 191, 194, 195, 204–207, 218 compulsory public-sector collective bargaining 204-207 interest arbitration 204-213 tripartite arbitration board 193, 200 Massachusetts Bay Transportation Authority (MBTA) 209–212 Masters, Richard L. 101-120 McCoy, Whit 36 Med-arb (See Grievance mediation) Mediation (See also Grievance mediation) compulsory interest arbitration and 193 France 275-276 Mediators 129, 133, 135, 149-152 (See also Arbitrators) Medical certification of airline pilots, federal regulations 102–110 Mergers and seniority integration 214-Messersmith, Andy 185-189 Metropolitan Toronto Board of Commissioners of Police and Metropolitan Toronto Police Association 65 Michigan compulsory arbitration in 191–192, 194, 195, 222–228 final-offer arbitration statistics 205 miler-order arbitration statistics 203 grievance mediation in 146, 148–154 Miller, Creighton 170 Minimum wages, U.K. 271 Minnesota 191–192, 194 Mittenthal, Richard 7, 9

Moffett, Ken 217

Moss, Richard M. 179-189

Multiple grievances 43, 255

Municipality of Metropolitan Toronto and Canadian Union of Public Employees,

Local 43 64

#### N

Narcotic effect (of compulsory arbitration) 195, 203, 216, 218 Narcotics (See Drug abuse, employee) National Academy of Arbitrators 11-14 National Association of Letter Carriers, AFL-CIO 249, 252, 258 National Can Corporation 81-84, 85 National Football League/National Football League Players Association 155-172 passim National Labor Relations Act 39, 148 National Labor Relations Board (NLRB) 147, 153 National Railroad Adjustment Board National Rural Letter Carriers' Association 249, 251 National Transportation Safety Board (NTSB) 107 National War Labor Board 4, 9 New Jersey 191–192, 194, 195, 199 New York 191–195, 205 compulsory arbitration laws 191-192 New York City compulsory arbitration, transit 213 Office of Collective Bargaining 213, 231-233 public sector labor unions 230-235 supervisory/review boards 200 Newman, Winn 37-60

#### 0

Occupational programs 115–117
Oliver, John 187
O'Malley, Walter 186
Ontario
expedited hearings 242
Opinions
advisory, in grievance mediation 129
in Canada 61
in interest arbitration 219
written 30–37, 57, 63, 65–66, 72–76
Owens, Stephen 54

#### P

Palmer, Earl 62, 239
Pennsylvania 191–192, 194, 195, 205
Peters, Hank 217
Pilots alcohol and substance abuse 101–120 seniority integration, merger 214–215
Platt, Harry 214
Police (See Public employees)
"Polyabuse" 95–97, 118, 122

Postal Reorganization Act 250
Pretrial mediation 23-26
Prihar, Michael 68-76
Proposition 2½ (Massachusetts) 206, 208
Public employees (See also Tripartite supervisory/review boards) grievance mediation 148-154 interest arbitration 222-228, 230-235
Michigan 148-154, 222-228 state and local interest arbitration 190-202
Public Employment Relations Act (Michigan) 148-150, 222
Public sector, labor unions 230-235

#### Q

Quebec small claims court model for grievance arbitration 16-28

#### R

Raffaele, Joseph
Railroad/railway
Canada
243–249
Railroad/railway union arbitration, Canada
240–242
Rehabilitation programs
93, 105–106
management
114–117
union
117–119
Rehmus, Charles
194, 223, 224
Reserve system
160–162, 183–189
Riggins, John
165–166
Right-to-work legislation
192
Roberts, Thomas T. 1, 173–178
Robins, Eva
169
Rozelle, Pete
159, 161
Rozelle Rule
158–162

#### S

Salary arbitration, baseball 173–178, 215–217
Sarno, Frank C. 136–139
Saxton, Bill 220, 224
Searches and seizures 98–99 (See also Drug abuse, employee)
Security, workplace 97–99, 122–123
Seibel, Laurence 214
Seitz, Peter 184–185, 187–188, 189
Seniority integration 214–215
Settlement rates, grievance mediation 131–132, 137–138
Seward, Ralph 7
Shanker, Al 233
Siegel, Ronald 96–97
Simkin, William E. 6, 146
Skinner, Walter J. 211
Small claims court model for grievance arbitration 21–28
Smith, Russell 214

Smith, Yazoo 159
Society for Professionals in Dispute Resolution (SPIDR) 145
Sports (See Baseball arbitration; Football arbitration)
Stark, Arthur 112–113
Steelworkers Trilogy 20
Stevens, Carl 218
Stieber, Jack 221–222
Strikes
in Canada 142
in France 275
interest arbitration and 229
professional sports 157, 159
public-sector 197–198, 228
transit 213
in U.K. 270
Styles, Paul 36
Substance abuse (See Drug abuse, employee)
Supervisory/review boards (See Tripartite supervisory/review boards)

#### T

Taft-Hartley Act 191
Taylor, George W. 6, 14, 133, 172
Taylor law, New York 232
Third-party intervention, U.K. 267–272
Time limits and delays in arbitration 42–
46, 48, 51, 66–67, 70, 237–238
Title VII (See Employment discrimination)
Transit arbitration 202–220
Treatment programs, drug and alcohol abuse 93, 105–106
management 114–117
union 117–119
Tripartite supervisory/review boards 195, 198–201
limitations, instructions 225–226
in Massachusetts 193
New York City 200, 231–233
transit arbitration 213
U.S. railroad cases 245
wages councils, U.K. 270–271
Truman, Harry S. 9
24-hour rule, alcohol and drug consumption 110–115

#### U

Undercover agents 97-99, 122-123 United Kingdom, interest arbitration in wage fixing, reforms 267-272 United Mine Workers of America (UMW)

—Bituminous Coal Operators
Association (BCOA) expedited
arbitration program 49-51

United States Conciliation Service 11,
14

U.S. Drug Enforcement Administration
96

U.S. Postal Service, expedited arbitration
249-260

United Steelworkers of America (USWA)
84-89
expedited arbitration program 46-49
justice and dignity 77-84

Local 6500, Canada, expedited arbitration program 239-240

#### V

Vaca v. Sipes 260 Valenzuela, Fernando 217 Valtin, Rolf 129 Vercruysse, Robert M. 220–230 Vermont 191–192 Vladeck, Judith 71

#### W

Wage fixing, U.K. 269–271
Wages councils, U.K. 270–271
Wallen, Saul 133
War Stabilization Board 4
Warren, Edgar 11
Washington 191–192
Weatherill, John F. W. 236–243
Weatherill, Ted 63–64
Williamson, John D. 120–127
Wilson, Carole W. 37–60, 66, 67
Wirtz, Willard 203
Wisconsin 191, 192, 194, 195
Wood, John 267–272
Work force demographics, and discipline 86–87
Wrong, Elaine 54–55
Wurf, Jerry 220

#### Y

York University and York University Faculty Association 64-65 Young, Coleman 198, 227

#### Z

Zack, Arnold M. 133, 143-144