

In Memoriam

G. Allan Dash, Jr.

1908–2000

G. Allan Dash, Jr., a nationally prominent labor arbitrator whose career spanned six decades, until his retirement in the early 1980s, died January 4, 2000, in his beloved Philadelphia. He was 91.

Mr. Dash entered the labor arbitration field in the mid-1930s as a research assistant to the “father” of modern industrial relations, Dr. George W. Taylor of the University of Pennsylvania. Allan Dash and Dr. Taylor remained close both professionally and personally, although Allan remarked that he never called him “George” until after Dr. Taylor’s death.

Allan Dash’s earliest cases were heard between 1937 and 1941 when he was the impartial chairman of the Hosiery Dyeing and Finishing Industry and the American Federation of Hosiery Workers. An example of the rough-and-ready nature of the early arbitration process that Mr. Dash remembered with affection was a late-1930s ad hoc hearing held in the basement of a pickle processing plant. Light was provided by a single, naked bulb hanging from the ceiling, and the participants sat under the meager lamp on upturned pickle barrels. As an apparent mark of respect for Mr. Dash’s position as the arbitrator, he was provided with a second barrel upon which to take his always copious notes.

According to Allan’s son, G. Allan Dash, III, “Dad”’s favorite anecdote involved the aftermath of his December 7, 1941, arrival in Detroit as George Taylor’s assistant. A few days later, he and Dr. Taylor were in the midst of a General Motors/UAW arbitration when Taylor was called from the hearing room for a telephone call. He returned to announce that President Roosevelt had asked him to come to Washington immediately to help set up the War Labor Board. Taylor then recommended Allan Dash—still in his early 30s—as his replacement to the busiest, highest-profile arbitration job in America. The startled parties agreed, Allan later suggested, because they had little choice with him sitting uncomfortably in their midst. In the sunset of his career, he said of this auspicious introduction to the big time, “I’m the only arbitrator I know of who started at the top and worked his way down.”

As reflected by his arbitral longevity, Allan Dash was highly respected by the parties throughout his career. He served as Umpire or Impartial Chairman in the rubber industry from 1946 to 1959, and in the women’s apparel industry from 1959 to 1980. When collective bargaining was established in the public sector, the parties sought him out in Pennsylvania, New York, and New Jersey. To this day when subcontracting is an issue, someone will

inevitably cite the analytical 1959 Dash award in *Celanese* (33 LA 925).

A prominent Lutheran layman, Allan Dash served for many years on national boards of the Lutheran Church in America. He was also on the board of directors of the Lutheran Seminary of Philadelphia, and was a deeply involved member of St. Mark's Lutheran Church. It was there that he married Ruth M. Marks, in 1932. They remained married for 51 years, until her death.

Mr. Dash was a 1930 graduate of the University of Pennsylvania's Wharton School with a B.S. in Economics. He earned an M.A. in Industrial Relations from there in 1935, and remained active as an alumnus throughout his life. He was also an avid world traveler, photographer, and choral singer. In his 90th year, he was still singing tenor, by this time in the Rydal Park Retirement Community Chorus.

Allan Dash was a founding member of the National Academy of Arbitrators in 1946, served as its President in 1959, and was recognized for his many contributions to the Academy in 1991, when it awarded him an Honorary Life Membership.

Gladys Gershenfeld
Walter J. Gershenfeld
Eli Rock

In Memoriam

Eli Rock
1915–2000

Eli Rock, a past president of the Academy, a person who quietly and insistently stood for the highest professional and personal values, and a loved and loving family man, died of heart failure on Monday, October 9, 2000. He was 85.

Many of us knew him as a thoughtful and helpful colleague during his more than 45 years as a contributing member of the Academy. He cherished arbitration and always strived to promote excellence in our profession. Eli was never too busy to discuss a colleague's concern or to offer advice and help to a newer arbitrator or to a graduate or law student. He was a true live spirit, who enjoyed the company of his Academy colleagues as well as friends from the labor and management sides of the table.

Many Academy members may not know that in the 1950s, Eli was instrumental in developing a strong and effective collective bargaining relationship between the City of Philadelphia and its public employee unions. During that period, he served as labor relations adviser to reform Mayors Joseph Clark and Richardson Dilworth. He was later appointed the first chair of the Academy's Committee on Public Employment Disputes. Together with Eva Robins, he organized a special training session for Academy members who wished to serve as fact finders and mediators in the public sector.

Eli Rock was born in Rochester, New York. He graduated from the University of Rochester and, in 1940, from the Yale Law School. He joined the War Labor Board in Washington in 1942, working under Ralph Seward and Lew Gill. When Syl Garrett was appointed the Philadelphia regional chairman, he asked Eli to join his staff. Eli became regional director for disputes. He left that position in the fall of 1944 to enter the American Field Service and serve as an ambulance driver in France. After the war ended, Eli worked for the American Joint Distribution Committee first in Paris, then as director of its Berlin office, and finally in the New York office, where he worked on cases involving heirless Jewish property.

Eli returned to the labor arena in 1952, when he was appointed to the Korean War Wage Stabilization Board, first in Kansas City and then in Philadelphia. There he joined Scotty Crawford and Allan Dash, who became his close friends. Eli started to arbitrate while working part-time for the City of Philadelphia. He served with distinction on a number of boards and special dispute panels, and had a long relationship with the garment industry. He joined the Academy in 1954 and served as President in 1973–1974. He continued to arbitrate on a regular basis until he elected to curtail

his schedule in the past few years. Eli was an arbitrator's arbitrator, deeply concerned that he produce decisions of the highest quality and ones that were right, not just in a technical sense, but also right for the parties and their relationship.

He was an inveterate runner until his knees gave out, when he switched to speed walking! Once when in Pittsburgh on a winter day, he boasted to a colleague that the bad weather had not stopped his running—he ran circles in the hallway of his hotel.

First and foremost, though, Eli was a family man. He was married to his first wife, Florence, for nearly 30 years, until her death in 1981. From that marriage he had four children: Edward, Peter, Amy, and Rachel, who fondly remember discussing his cases at the dinner table. He also is survived by his wife, Evelyn, and step-daughters Ellen and Joanne, as well as eight grandchildren and a step-grandson.

Eli Rock was honorable, curious, kind, and good humored. He will be missed by every one of us whose life he touched.

Shyam Das
Ed Pereles

PREFACE

The Academy convened its Fifty-Third Annual Meeting at the Fairmont Hotel in San Francisco. Attendees at the early June 2000 affair were presented with a program focusing on two major themes: workplace justice and efficiency. The Program Committee, chaired by James Oldham, put together a series of sessions that were not only informative, but that were innovative as well.

Academy President Ted St. Antoine, a frequent and long-standing contributor to these *Proceedings*, revisited in this year's Presidential Address a notion he discussed at the Annual Meeting in 1977—that of the arbitrator as a “contract reader.” This time, Antoine quips, he updates the thesis he “thought [he] was communicating . . . nearly 25 years ago.” He also focuses on what may be “the hottest issue in judicial review”—the question of when and under what circumstances a court may set aside arbitration awards on the grounds that they violate public policy. And in typical “St. Antoine fashion,” Ted advises the arbitration community to accept the “new order” of judicial review gracefully (not grudgingly), meeting it as a “challenge to the best that is within us.”

Chapter 2 contains the wry musings and well-developed thoughts of Academy member (and, as of this writing, newly named President-Elect) Richard Bloch. In his paper, Bloch examines various approaches to defining and applying the just cause standard. He compares the “contract reader” approach to one that might also interpret external law, arguing forcefully that the intent of those signatory to the contract should prevail. Advocates George Cohen (union) and Framroze Virjee (management) offer thoughtful responses to the Bloch treatise.

Chapter 3 presents the “Distinguished Speaker” address of NLRB Chairman John Truesdale. In it, Truesdale observes that the Board’s deferral to arbitration is still quite alive and well, although there are many lingering deferral issues still to be resolved. For example, he identifies mandatory alternative dispute resolution in the nonunion sector as “the hot topic of the last decade,” and suggests that the Board is poised to address that issue once a case is properly brought to it through the filing and litigation of an unfair labor practice charge.

In Chapter 4, Human Resource Institute Executive Director Jay Jamrog shares his provocative examination of attitudinal and motivational differences across the four generations represented in today's workforce. Academy member Jeanne Vonhof offers insightful comments from an arbitrator's perspective.

Chapter 5 covers the controversial and ever-present topic of workplace efficiency. It begins with an informative paper by Professor Kathryn Shaw, a former member of President Clinton's Council of Economic Advisers. In her paper, Professor Shaw reviews several human resource practices and comments about their influence on efficiency. She comments on the relationship between information technology and workplace efficiency as well. AFL-CIO General Counsel Jonathan Hiatt offers up the labor perspective on Professor Shaw's paper and encourages the arbitration community to balance employer efficiency and productivity concerns with an eye toward maintaining the integrity of collective bargaining agreements. Following Hiatt's comments are summaries of workplace efficiency breakout discussions on the steel, airline and trucking, and public utility industries, as well as on state and municipal government.

Chapter 6 was co-authored by Chief Judge Harry T. Edwards of the District of Columbia Court of Appeals and Alex Reinert, Esq. Entitled "Three Perspectives: The Jury, The Judge, The Arbitrator," it contains a very creative examination of an Americans with Disabilities Act case both at trial and in arbitration. The jury, the judge, and the arbitrators all present their decisions and the reasoning behind them.

This year's "Fireside Chat" (Chapter 7) presents the responses of Academy Honorary Life Member Clark Kerr to questions posed by Academy member Jim Stern. In detailed and colorful narrative, Professor Kerr regales the reader with tales of disputes he has settled over the years, including one Postal Service interest arbitration where the parties were only "14 billion [dollars] apart!" And in a delightful foray into the past, Professor Kerr explains how as President of the University of California he dealt with various student and faculty reactions to the Vietnam conflict.

Finally, although presented merely as Appendix B, "The Arbitration Profession in Transition: Final Report from a Survey of the National Academy of Arbitrators" contains a cornucopia of information about arbitrators, their practices, and the extent to which there has been an evolution from traditional labor arbitration to various alternative dispute resolution mechanisms. Cornell Uni-

versity Professors Ronald Seeber and David Lipsky co-authored the Report with Academy member Michel Picher.

The Academy is indebted to Jim Oldham, the Program Committee, and the foregoing program participants for constructing and presenting the informative and innovative program reflected in this volume. Outstanding planning and attention to detail by Arrangements Committee Chair Barry Winograd and his committee members made the San Francisco meeting truly memorable. Finally, the editors wish to express their deepest gratitude to BNA Senior Editors Anne Scott and Renee Brown. Their watchful eyes, gentle reminders, and rich editorial experience were a *sine qua non* to the completion of these *Proceedings*.

March 2001

Steven Briggs
Jay E. Grenig
Editors

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