

National Academy of Arbitrators

HISTORY COMMITTEE INTERVIEW

Edward B. Krinsky

President 2018 - 2019

Interviewed by George R. Fleischli, President, 2004-2005

INTERVIEW OF 2018-2019 ACADEMY PRESIDENT Ed Krinsky BY FORMER PRESIDENT
GEORGE FLEISCHLI, FEBRUARY, 2021

George: I am always amazed at the diversity in the background of members of the Academy. So, to start, let me ask you to describe your personal history—where you were born and raised and the schools you attended. Describe your parents, your relationship with your two brothers, your activities outside of school and during the summers.

Ed: I was born and raised in Brooklyn, New York. I was the middle child, with a brother five years older and a brother five years younger. My Dad was a physician. My mother was a housewife as well as my Dad's assistant making his appointments, doing his record keeping and typing. In a later era I think that she, too, would have been a doctor having been a Phi Beta Kappa graduate of Vassar.

My childhood was very pleasant. We lived in a big house in a nice neighborhood. My days were spent playing ball and board games with friends and listening to or watching Dodgers baseball. I tried to get my brothers involved, but they each had serious hobbies and wanted to be left alone. I didn't have hobbies and was always looking for their attention which happened sometimes if I annoyed them enough. My biggest fan was my maternal grandmother whom I saw frequently. She liked to play cards and Scrabble and other word games. She was also a rabid Dodgers fan, which gave us something else in common.

I was lucky enough to spend eight summers at a camp in Vermont, in a beautiful setting. I loved all of the athletics and had many good friends there. I think that my brothers and I were sent there both to give my parents a break and because they thought that being away from the City and in country air might reduce our chances of contracting polio which was a big concern in those pre-vaccine days.

I went to Erasmus Hall High School, a public school in Brooklyn, as had my Dad and my maternal grandfather. It was large and still growing. There were more than 6000 kids there and my graduating class in 1958 had 1250 kids in it. Given its size, I did not try out for any sports teams as I wouldn't have been good enough. My one enjoyable extracurricular activity was band, where I played a not very good 2nd trumpet. I graduated when I was 16 ½, having gone through a program in Junior High where I was able to do three years in two.

George: Are there any stories or anecdotes that you might be willing to share that would be revealing as to the formation of the person Ed Krinsky that we know today?

Ed: When I was in college and looked back at my childhood, I realized that I had started all of the many (verbal) fights at home with my brothers, and I told them that. It made sense that I had done that because both of them wanted to be left alone to pursue their hobbies or other interests, and I was always seeking their attention and annoyed them until they gave it to me. I think that we got along most of the time. As the brother with the best sense of humor I could always make them laugh. Another realization was that I didn't like physical fighting and in fact never got into a physical fight, but I had friends who fought, and I did my best to intervene to get to a peaceful outcome. Then, in college I was a residence hall adviser in my dorm and spent time where needed figuring out how to keep the peace among my dorm mates. Between that and reading about mediation in a college class I realized that I liked the role of peacekeeper, which stood me in good stead as I pursued a career in mediation and arbitration.

George: You went to college at an early age. Why did you choose Antioch? What did you think you wanted to do in life, starting out?

Ed: In 1958 I went to Antioch College in Ohio. My brother Bob had gone there and liked it. I had visited him there and liked the place and his friends. I was drawn there also because it was small and out of the city. Having gone to a very large high school, I liked the fact that Antioch had a total enrollment of 1800, and because of its work-study program there were only 900 on campus at one time.

I started college with the idea that I might be pre-med, but without any parental pressure to go in that direction. I quickly changed that plan after taking college courses in biology and chemistry. I enjoyed political science and economics courses and ended up with a major in economics. The work-study program gave me experiences of independent living and the world of work.

I spent three months in Washington, DC as a federal employee working for what was then called HEW (Health Education and Welfare), mainly using a Monroe Calculator to punch in and then record data as part of a heart disease study. The job showed me how boring a clerical job could be, and it also allowed me to quietly study how much time my fellow employees were spending away from their desks, undoubtedly to relieve their own boredom. It did give me an appreciation for a job which had little supervision.

I spent six months on another job in Washington, this one much more exciting. I was in the office of the recently created Peace Corps. My job was again a clerical one, keeping track of where volunteers were being sent and what supplies were being sent to them. The atmosphere was exciting. It was fun to be a part of a new agency created by President Kennedy which had a mission to make the world a better place. In addition, I got to ride in the elevator with the likes of Bill Moyers, Jay Rockefeller and Sergeant Shriver. At lunch time I could go across to the

White House to try to get a glimpse of who was being entertained there by President Kennedy. On many evenings I took advantage of Washington's music scene, going to free chamber music concerts at the Library of Congress and the Phillips Gallery, and going to hear jazz at the Showboat Lounge.

I had two other jobs of note. I worked at the World Bank in Washington for three months. The job was billed as a way to give me an overview of international economic problems. It was an overview all right. I was in an office by myself on the 4th floor. My job was to receive cartons of books relating to the subject of economic development which I then had to sort into 131 piles, one pile for each of the 131 libraries around the world to which the books would be sent when all of the books had arrived. This was yet another job which gave me insight into what people have to do to make a living and gave me additional insight about the kind of work that I didn't want to have to do if I had a choice. The good part of the job was the World Bank's cafeteria which had wonderful foods from around the world at astonishing low prices.

The other job was as an assistant in the Lake County, Ohio planning department in Painesville, Ohio. When I arrived, I learned that I was supposed to do the drafting to update County maps. The job lasted for only a day when the planners learned that I had no experience in drafting or using drafting tools. So, what was a guy to do? I knew that a classmate had a job in Painesville at Lake Erie Women's College. I went over there and got a job in their bookstore receiving and shelving books and had to suffer being surrounded by 450 female students. As one of the few males on campus I was recruited to act in a theater production or two. We did a series of "family plays" sponsored by the Ohio Mental Health Association. The plays presented family situations to an audience, and then there was discussion by the audience about how the family problems might be resolved. My role was as the father. My debut was in Ashtabula, Ohio. There must be a plaque there commemorating it.

George: How/when did you become interested in labor arbitration? Who in particular, and what jobs/work experiences helped point you in that direction?

Ed: Until I got to college I had no interest in or exposure to labor relations or labor arbitration. My Dad was a doctor. My maternal grandfather was a lawyer. My aunts held white collar jobs, and my uncle was a doctor and a biostatistician. No one talked about unions, pro or con. I saw occasional picket lines up in New York, and read some about strikes, but that was all. Had I known my late paternal grandfather I might have learned of his negative view of unions based on his experience with his brother in owning a small men's pants shop. My lack of knowledge about unions was also illustrated by a family story about me. At age 7 or so I was on a vacation car trip with my family, and we passed a statue of Samuel Gompers. I asked who he was and my Dad said he was a famous labor leader. I heard his New York accent to say that he was a

famous label eater and I thought it strange that someone who ate labels would have a statue in his honor.

At Antioch I took an economics course in labor relations. Lloyd Reynolds' labor relations text turned me on to that world. In addition, I read a book by Cy Ching who had been the Commissioner of the agency which later became the Federal Mediation and Conciliation Service. The book was his account of the many labor-management problems and strikes in which he was the mediator. Those accounts fascinated me and I thought to myself, "I would really like to do that, and I think I would be good at it."

My Antioch experiences also gave me insights into the need for social justice in America. The civil rights movement had started in the South. I did not have the courage to join the Freedom Rides, but I participated in picketing and other activities in Ohio encouraging less restrictive voting requirements and urging more voter participation by blacks. Also, on one of my Washington jobs I was at home in my upstairs apartment when I heard the doorbell ring and heard the landlady tell the people at the door, "we don't rent to you people."

After graduating from Antioch, I went to Graduate School at the University of Wisconsin in Madison in 1963 to study economics. My good luck started on day one. I knew that both James Stern and David Johnson were professors there and that both of them had gone to Antioch. I met Jim and when he learned that I did not have financial support, he took me on as his Research Assistant which meant that I would not pay out-of-state tuition, and I would spend two years doing research for his publications which related to national labor policy, collective bargaining and dispute settlement.

At that time the UW Economics Department had a strong interest in labor relations, so I benefitted from courses taught by Jack Barbash (Trade Unionism), Reed Tripp (Collective Bargaining), Everett Kassalow (International Labor Unionism), Dave Johnson (Public Sector Bargaining), Jim Stern and Abner Brodie (Arbitration Seminar), and Nathan Feinsinger (Labor Law). The guests at the seminar included Walter Reuther, Jimmy Hoffa, and Harry Bridges.

I completed my Ph.D. in 1967, in Economics. My thesis was about labor dispute resolution, specifically analyzing the recently enacted fact finding procedures in public employment in several states. By the time I finished it, the whole field of Economics had changed and become much more mathematical and required working knowledge of statistics and econometrics, which didn't interest me at all. My Ph.D. notwithstanding, I lost interest in pursuing an Economics professorship. I finished my course work just in time, and afterwards I referred to myself as "the last of the English speaking economists."

My lucky break, in terms of my eventual career, occurred during my final year of classes in 1966. Dave Johnson was co-teaching his public sector labor relations class with Arvid Anderson

who at that time was a Commissioner at the Wisconsin Employment Relations Board. Arvid announced that the WERB had openings for a mediator. I applied and got the job and spent the next four years on the staff learning about and doing mediation and arbitration. It was wonderful on-the-job training with highly skilled mediator and arbitrator colleagues.

At the University I also had one additional social justice experience. One summer I was chosen to be part of an Office of Economic Opportunity grant which had a dozen of us involved in a project to try to educate migrant workers about services available to them while they were in central Wisconsin working in the vegetable and pickle fields. I got to see the sub-standard housing in which many of them were required to live, including one barn owned by a canning company in which the migrants, some with families, lived in stalls in the barn. That was legal because the housing statute was written in terms of cubic feet. A stall with a high barn ceiling met the requirements.

George: Describe your family life and some of the day jobs you held while helping support your family and trying to develop an arbitration practice.

Ed: In Summer, 1970 I left the WERB to accept a position at UW-Madison, which I held for the next six years. At various times my titles were: Assistant Dean of Letters and Science; Visiting Assistant Professor; Director of Academic Personnel; Assistant to the Assistant Chancellor.

I took this job for several reasons. At that point I was married and had one child with another on the way. While the WERB position had been wonderful, it involved very long hours with frequent travel all around Wisconsin and frequent late night meetings. The UW job allowed me to stay in Madison at a higher salary and without the travel, long hours and night meetings. With an eye towards building a private arbitration practice, I used my negotiating skills which resulted in my having an 80% appointment at the University, and later a 60% appointment, so that I could spend my additional time doing arbitration.

The main thing that I was hired to do at the University was to be its front man in its relationship with the unaffiliated graduate student Teaching Assistants Association. The TAA had gone on strike during the prior Spring semester. The Chancellor, Edwin Young, himself a labor economist, had been criticized by many for his decision to voluntarily recognize the TAA after the strike in order to help bring about a peaceful relationship. I was hired to pick up the pieces and bring rationality to the relationship. The thought was that since I had a Ph.D. I would be respected by the faculty and administration and since I had also been a Teaching Assistant, I would be able to relate to the TAA. Everyone, myself included, was naïve about that. The TAA was seeking to change the power relationship at the University to give graduate students much more of a say in how academic departments were run and how Teaching Assistants were utilized and compensated. The TAA had no use for me, and saw me as an obstacle to their

goals, and the faculty and administration had little or no interest in sharing power with graduate students.

To make a long, and not always pleasant, story short, I led the University's bargaining team in contract negotiations and arbitration. (The unpleasantness included such things as having my house picketed and receiving a bullet in the mail with my name scratched in it). During my six years there, I successfully negotiated two contracts without a work stoppage. The TAA made meaningful gains in compensation and limits on class sizes and hours of work, and secured health insurance benefits. They did not succeed in altering departmental structures. As an aside, when a new Chancellor replaced Ed Young, and the University toughened its stance against the TAA, I heard that one of the TAA negotiators told someone that he wished they could still deal with Krinsky.

In 1976, at the urging of former WERB colleague Howard Bellman, I was offered a position with a Madison non-profit entity called the Wisconsin Center for Public Policy. The work involved doing research and convening conferences on relevant public policy topics. My focus was on labor relations topics. Thus, while there I was Principal Investigator on a US Labor Department study of the Landrum-Griffin Act and convened a meeting about the advantages and disadvantages of opening public sector collective bargaining to the public. Howard and I, at the request of the Wisconsin Legislature, did a study of the first several years of Wisconsin's new Mediation-Arbitration Law. While all of this was going on, I continued to develop my arbitration practice.

Howard and I also began to promote and develop environmental mediation in Wisconsin and neighboring states. We partnered with a Seattle-based group called the Institute for Environmental Mediation, and then the organization which included all of us was called the Mediation Institute. Among other things which we mediated were the siting of Solid Waste facilities in Wisconsin and disputes between both the State of Wisconsin and the State of Minnesota and various Ojibwa Indian bands over hunting and fishing rights. These were challenging disputes since they frequently involved multiple parties. My most interesting experience was as the mediator, and the only non-Ojibwa, in a dispute between two Wisconsin bands and one Michigan band over their respective allocations of lake trout fishing quotas in Lake Superior. Who knew that a boy from Brooklyn would be doing that? I also learned that when convening such a meeting, the mediator doesn't open the proceedings. Rather, those assembled pass a peace pipe and offer a prayer for success.

I left the Center and the Mediation Institute in 1987 to arbitrate full time.

George: You had the advantage of starting out when public sector bargaining was just taking off. Did that account for the bulk of your practice? How did you manage to develop a full-time practice? What did you do to gain acceptance as an arbitrator?

Ed: As I recall, most of my mediation cases at the WERB were in the public sector. That was due to the fact that private parties who wanted mediation were apt to use the FMCS. It was very satisfying to come home from each of those cases knowing that I had been instrumental in helping the parties to settle their differences. The WERB staff also provided free arbitration to parties opting to use it. Before I left the WERB I had issued close to 50 arbitration awards and thus I already had what I hoped was a good reputation for issuing well-reasoned, timely awards. I didn't do anything in particular to build my practice other than getting listed on the WERB, AAA and FMCS panels, and where I had the opportunity I attended IRRRA meetings and labor relations conferences. Occasionally I was asked to be a speaker, which probably helped me get better known.

George: How did you learn about the NAA and why did you want to join it?

Ed: While on the WERB staff I learned about the NAA. Chairman Morris Slavney and Commissioners Zel Rice and Arvid Anderson were members, as was fellow staff member Neil Gundermann. They had a high regard for the Academy and inspired me to work towards becoming a member. I learned at some point that several of my professors, too, were NAA members (Stern, Johnson, Brodie, Feinsinger). It sounded like a group that I would want to join.

George: You were admitted to the NAA in 1976. You became President in 2018. What was your path to the Presidency? What positions and tasks did you find to be rewarding and/or helpful?

Ed: After I left the UW in 1976, I applied for and was admitted to the Academy. That was not my first application to the Academy. I first applied in 1972. I learned that my application had been approved unanimously by the Membership Committee, but it was then rejected by the Board of Governors. Why? Because my timing was unfortunate. That is the year in which the Academy decided that it would not accept as new members applicants who were doing any advocacy work. The Board viewed my work at the University as advocacy, notwithstanding that the TAA was an unaffiliated organization. When I left the University in 1976, I was then as pure as the driven snow, so I reapplied and was admitted.

Upon admission I became active in Academy committees at every opportunity. Along the way my service included being a member of the Membership Committee and the Committee on Professional Responsibility and Grievances (CPRG). I was also a member of the now-defunct Program Advisory Committee headed by Martin Wagner which for a year or two made recommendations to the Program Committee about suggested program content. I was also a

member of a committee created by President Sinicropi to advise the Board of Governors about the level of compensation for the Executive Secretary-Treasurer when it was decided that the position should be salaried. Also, at my urging the Academy created an Arbitrator Assistance program, an EAP of sorts, to allow members and their families to seek professional help with personal problems. Citing cost and insufficient usage, the Board ended that program after two or three years.

Other important Academy responsibilities included being Program Chair for the annual meeting when Arnold Zack was President, appointment as Chair of the CPRG by President Bill Holley, and Chair of the Nominations Committee. I also was elected to a 3-year term on the Board of Governors and was elected to two 1-year terms as an Academy Vice-President.

George: What were your goals for your Presidency?

Ed: In 2018 I was nominated and expected to be elected as Academy President-Elect. Most unfortunately David Petersen, who was to be elected President, passed away. I was then elected President, not having served as President-Elect. Not only did I lose a very good friend, but I was deprived of watching and learning from David during his presidential term. Under these circumstances I saw my major job as doing my best to keep the ship afloat during a very difficult period. I had not had the time to formulate my own goals for my Presidency, and I didn't begin to think much about goals until well into my term. Looking back on it, I think that my greatest accomplishment was in keeping the Academy operating smoothly without any notable problems caused by the difficult transition I inherited.

My initial task was to staff the numerous Academy committees. The task was made a bit more complicated because prior to his death David had made several tentative appointments and discussed with those Chairs-to-be what they planned to do, so I had to contact them and assure a smooth transition. It took some time and doing to fill two important Chair positions, the annual Proceedings editor and The Chronicle editor, as no holdovers on those committees wanted to assume the Chair. In making all of these assignments, I leaned heavily on immediate past Presidents Margie Brogan and Kathy Miller and Executive Secretary-Treasurer Walt de Treux, all of whom provided extremely helpful advice and counsel.

George: What did you accomplish as President?

Ed: An unexpected and difficult situation arose early in my term when the Academy was informed by BNA that beginning in 2019 it would no longer publish the Academy's annual Proceedings. After much discussion and interaction with the Executive Committee, Walt de Treux was able to negotiate a satisfactory solution to the problem whereby the Academy would publish the Proceedings on-line, and members who wanted to purchase a bound copy could do so.

Eventually, after considerable discussion and coaxing I was able to identify and appoint Jim Cooper as The Chronicle editor and Howard Foster as the Proceedings editor. I was greatly relieved when they agreed to take on those difficult and important responsibilities. With all of those appointments made, I was then able to focus on things that I wanted to do.

I had been aware for many years that despite the vital importance of collective bargaining to the continued existence of labor arbitration, the Academy By-laws made no mention of collective bargaining. The issue had come to the fore during the Presidency of Alan Ponak when he was unsuccessful in his attempts to include collective bargaining in the By-laws. I set about to formulate wording which the membership would view as acceptable. This effort involved a great deal of discussion within the Executive Committee and consideration of their suggested modifications. The end result was an amendment to the By-laws which included reference to collective bargaining. The amendment was approved by the membership, much to my relief and satisfaction.

Members of the Executive Committee and I were concerned about the future of the Academy at a time when we were losing increasing numbers of members through deaths, aging and retirements. In addition, because Union membership was declining and with it there was a decline in the amount of arbitration, there was a realization that prospective Academy members might have difficulty in gaining enough arbitration experience and cases to satisfy Academy admission requirements. To address these concerns, I appointed a special committee on membership standards comprised of the present Membership Committee Chair, Howell Lankford, and several past Membership Chairs. That Committee met during my Presidency and made numerous recommendations which were implemented during the term of my successor, Barry Winograd.

Kathy Miller, during her Presidency, appointed a committee chaired by Rich Bloch to make recommendations for needed changes in the Academy. The Bloch Report, which addressed such items as meeting times and formats, and suggestions for increasing meeting attendance, was issued during her Presidency, but it was not self-implementing. I appointed the Bloch Report Implementation Committee, ably chaired by Paula Knopf, which made recommendations during my Presidency which were then implemented by the Board of Governors.

The US Supreme Court issued its Janus decision which was expected to have negative effects on the extent of public employment unionization and Union finances. At the suggestion of President-Elect Barry Winograd I appointed a committee to study these effects and how they might impact arbitration opportunities for our members. That committee was continuing its work when my term as President ended.

George: What advice do you have for future Presidents?

Ed: My most important advice would be for any President to take advantage of the many incredibly talented and experienced members for advice, and to be calm, patient and have a good sense of humor. Past presidents and the Executive Secretary-Treasurer are on the Executive Committee and are always willing to listen to your ideas and help to develop strategy for accomplishing whatever goals you have, or for that matter advising that what you have in mind might not be the best thing to do. Also, it is important to make clear to all of your committee chairs that you want to know what they are doing and to let you know if they are having any problems which they want to discuss with you.

George: You have been serving as an arbitrator for more than 50 years. Obviously, you are either a poor money manager or you enjoy what you do. What do you find most rewarding about serving as an arbitrator?

Ed: I have now been arbitrating since 1966. I have not retired, and probably will continue to arbitrate until health considerations tell me that it is time to quit. Why do I continue? Simply, I love the work. I like the fact that I can still do my part to bring justice to the workplace by remedying situations where employees or employers have been treated unfairly and by remedying situations in which either labor or management have violated the terms of their collective bargaining agreements. I also find it rewarding (psychologically and financially) that there are Employers and Unions in some 19 states, from Florida to Hawaii who have decided to entrust their disputes to me for resolution.

George: Describe your life outside of arbitration. What outside interest have you pursued over the years?

Ed: My interests outside of arbitration center around family, friends, travel, music, theater, reading, eating good food, watching TV, movies and sports events and doing crossword puzzles. I have very good and loving relationships with my wife Mary Jane, my four children and nine grandchildren, and Mary Jane's three children. Their locations, before Covid, enabled us to travel to California, Washington State, Israel and many places in between, including Ireland, France, Italy and Denmark. I enjoy spending time with Academy colleagues, as well as personal friends and relatives. My most long-standing extracurricular interest has been choral singing which I have been doing since 1958 when I was a college freshman. This year is my 50th in the Madison (WI) Philharmonic Chorus.

George: Have you ever had any "second thoughts" about your career choice?

Ed: I have not had any second thoughts about my career in arbitration. Years ago I had thoughts about becoming a University professor or going to law school. Instead, I opted for a

career in mediation and arbitration. In this economy and in this day and age it is wonderful that I was able to find work that was very meaningful to me and that I was able to continue doing for more than fifty years. Not too many people can say that.