



# bulletin

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## HAROLD NEWMAN'S CLOUDY CRYSTAL BALL

"FOR EVERYTHING THERE IS A REASON,  
AND A TIME FOR EVERY PURPOSE UNDER HEAVEN."

Ecclesiastes 3:1

"Not since the demise of John L. Lewis has there been anyone who can utter a deep negative rumble as impressively as the East Orange Erasmus, Allan Weisenfeld. His snort of derision can demolish most argument even before the flow of his words begin. Allan was still Secretary of the New Jersey State Board of Mediation when in a now famous article he stated, 'As a people, we are prone to accept slogans as though they were verities. 'Preventive mediation' is a most appealing slogan. Who among us, including the working mediators, would not prefer to meet casually over a period of weeks across the bargaining table than to meet when facing the tension of a deadline? The real world is the one in which we work, however, and it almost never measures up to the ideal.

"On the one hand, we are told that government ought to refrain from interfering in the private affairs of labor and management unless such affairs threaten to get so out of hand as to be a detriment to the public. On the other hand, we are told that the government mediator should be a party to private labor negotiations from the beginning so that the potential travail of large-scale disputes may be minimized. Obviously, in proposing diametrically opposing points of view we are endeavoring to eat our cake and have it too.<sup>1</sup> And Allan went on to state that mediation, by definition, is a remedial rather than a preventative process and that 'preventive mediation' is a contradiction of terms.

"Leiserson,<sup>2</sup> Weinberg,<sup>3</sup> and Northrup<sup>4</sup> among others, have been critical of preventive mediation. But it certainly has its champions--including members of my own staff. Now, the National Commission for Industrial Peace which was appointed by President Nixon under Executive Order 11729 has made among its recommendations one that FMCS be expanded so that more effective service could be offered by the agency in its dispute resolution and preventive mediation activities. The Commission was chaired by David Cole and included names to be conjured with--Meany, Larry, Dunlop, Usery, etc. One does not lightly disregard such a galaxy.

"And what of public sector bargaining? Is there a stronger argument to be made for preventive mediation there? (In truth, we do a kind of preventive mediation in the preaching we do from the platform to advocate groups. This is training, and to my mind, a kind of preventive mediation. But are they listening?) What other kinds of preventive mediation could or should we do? Set up labor-management committees? Have the parties conduct pre-negotiation sessions under the benevolent eye of a mediator?

"I am not certain that preventive mediation conducted by PERB is a viable possibility and not just because of the attendant fiscal strain. But it would be a joy to see some experimentation by the parties in pre-negotiations. Such an experiment was conducted this year in the South Jefferson School District. It was an experiment in 'concentrated bargaining.' The parties decided that they would

seek to negotiate a new contract within a two-week period. They did not succeed. It took three weeks and a visit by PERB mediator Byron Yaffe whose icy blue eyes fixed the parties on one day only. But--compare with the usual length of teacher-board negotiations! The story of the South Jefferson experiment, which I believe was a great success, is available from the Institute of Public Employment at Cornell.<sup>5</sup>

"Preventive mediation by PERB? Probably not. At least not now. But the parties should be encouraged to try pre-negotiation experiments of every kind."

<sup>1</sup> Allan Weisenfeld, "Mediation or Meddling?" Industrial and Labor Relations Review, January 1954.

<sup>2</sup> William L. Leiserson, "The Function of Mediation in Labor Relations", Proceedings IRRA Fourth Annual Meeting, December 1951.

<sup>3</sup> William Weinberg, "The Jurisdictional Problem Between State and Federal Mediation Agencies", Labor Law Journal, March 1961.

<sup>4</sup> Herbert R. Northrup, "Mediation-The Viewpoint of the Mediated", Labor Law Journal, October 1962.

<sup>5</sup> "A Colloquy on Concentrated Bargaining", edited by Ronald Donovan and Joseph Adler. Occasional Paper #6, December 1974. Institute of Public Employment, New York State School of Industrial and Labor Relations, Cornell University, Ithaca, New York 14853. \$.75 per copy.

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The dates for the first 1975 PERB Panel Seminar at Cornell have been changed. The new dates are February 9 through February 12. The two March dates, the second through the fifth and the ninth through the twelfth are not changed.

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REAL EARNINGS DOWN. Data on changes in earnings for the United States for production of nonsupervisory workers on private nonfarm payrolls show that real earnings are below those a year ago. Although average weekly earnings were up 7.6 percent from October 1973 to October 1974, the 12.2 percent increase in the Consumer Price Index resulted in a 4.1 percent drop in real average weekly earnings and an adjustment for federal taxes for a worker with three dependents increases the drop to 4.9 percent. (Source: Bureau of Labor Statistics, U. S. Department of Labor)

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Consumer Price Index (1967=100) for October was as follows:

	Index	% Increase Since Oct. 1973
New York Area	160.2	11.9
United States	153.2	12.2

Data for November are scheduled for release December 20th.