



# bulletin

FOR MEDIATORS / FACT FINDERS

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HAROLD NEWMAN'S CLOUDY CRYSTAL BALL. "Long years ago, one of my brothers in a moment of youthful puzzlement and confusion wrote,

'Freud, where would be your Inhibition, if mortals got their young by fission?'

"I am no longer young, but I am puzzled and at the moment confused and, indeed, shocked because two panel members whose work has hitherto been characterized by excellence and sensitivity are guilty of the same strange aberration. They lead me to a different verse.

'Fact-finders please take very cautious heed, the parties take seriously what they read!'

"In separate parts of the State, two fact-finding reports have been written that have triggered an unnecessary uproar. In both instances, the fact-finder has deliberately used 'cold water shock therapy' by making preposterous recommendations in order 'to shake up' a rigid party to the impasse and cause them to make some meaningful movement.

"It should be clearly understood (at least I thought everyone understood) that the fact-finder is someone engaged essentially in advisory arbitration. He is NOT a behavioral psychologist. If he is, his talents should be offered not to PERB but to the Department of Mental Hygiene. If a fact-finding report is heavily and deliberately weighted to one side without valid basis in data and testimony, the recommendations will nevertheless be carried like a holy banner by the party which gets favored treatment. How could it be otherwise? So remote from reality were both of the reports to which I refer that the press in the localities affected has severely attacked both the fact-finder and PERB. Worse still, is that a crisis atmosphere has been created between the parties. My staff and I are now struggling with the dual burden of calming the outraged group and trying to persuade the favored one that the fact-finding recommendations which they clutch to their bosoms are as meaningful as the Treaty of Tilsit (1811).

"There are criteria for fact-finders, e.g., comparability, CPI, etc. These criteria are well-known to the fact-finders to whom I referred and yet in a kind of mid-summer madness, they had sought to utilize the Report and Recommendations in a manner far beyond the perimeters of logic and good sense. I beg you, let us have no more of this.

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"You will recall that in the last issue of the Bulletin, I requested information about impasses in which 'last best offer arbitration' has been used. Jerry (J. Ozias) Kaufman has sent me a copy of the BNA report in the matter of the Public Works