



bulletin

FOR MEDIATORS / FACT FINDERS

PUBLISHED BY THE NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD

APRIL 1974
(Vol. 5, No. 4)

HAROLD NEWMAN'S CLOUDY CRYSTAL BALL

"The freedom to persuade and suggest is the essence of the democratic process"

(Edward L. Bernays, Article in "Freedom & Union 1947)

"Our Board has always held that it had an ongoing responsibility to provide education to our clients and to the general public about the Taylor Law and its administration. The three members of our Board, the Directors and various members of our staff continue to attend workshops and seminars conducted by advocate and neutral groups as well as those sponsored by educational institutions in all parts of the State. There are discussions of impasse procedures, improper practices and other matters of concern to impartial and advocates. Speaking to advocate groups can sometimes be a somewhat masochistic exercise. Inevitably, there is some unhappiness with scope of bargaining decisions, fact-finding reports, etc. But the exchange of information and points of view, even though no conversion results, is useful and valuable.

"Over the past few months I have dispatched Eric W. Lawson, Jr., a large WASP Henry Kissinger, to attend regional workshops of the New York State United Teachers. He found as always is the case, a great deal of approval of our efforts and procedures and some pockets of deep dissatisfaction. Like the other members of the conciliation staff, Eric also attends the annual 'institutes' of the State School Boards Association, and so was neither surprised nor dismayed to discover that not everybody loves us. But I found one of his reports of criticism of a specific panel member of more than routine interest. The individual in question is highly competent, knowledgeable and enthusiastic. Her settlement record is so good that we consider her one of the most valuable of our panel members. Nevertheless, she was faulted by some teacher negotiators because as Fact Finder she allegedly predetermines how she shall rule on certain issues and 'in puris naturalibus' tells the parties in advance!

"I talked to the Fact Finder on the telephone. She informed me that on several occasions when she was attempting a mediated settlement prior to formal fact-finding, she had, indeed, told one side not in the presence of the other, that on a particular issue no Fact Finder in the State had yet been able to justify recommendation and they ought to try to obtain some kind of agreement on it during the mediation process. I cannot consider this either a high crime nor even a misdemeanor. It seems to me a perfectly legitimate thing to do. If any of our panel has a different view, tell me. I'll be glad to publish it.

"Meanwhile, a glorious opportunity awaits panel members who would travel to Albany's Hyatt House on the 13th of May. For there, the advocates who represent School Boards, the State Office of Employee Relations, the State University and City University of New York, will face the serried ranks of those who negotiate for the faculty unions. The advocates will take up what they believe to be the major issues confronting the parties and they would like to see panel members there. Bob Helsby

knows why and won't tell me. But as the late radio and TV commentator, Elmer Davis, said, 'The first and great commandment is, Don't let them scare you'.*"

* But We Were Born Free (1954)

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Murray Bilmes of our panel responds to George Roukis's article which we reprinted in last month's issue of PERB Bulletin:

"With regard to the quotations of Mr. Roukis, all I can say is that I have tried to stress to the parties that their collective bargaining is viable, is alive, is growing and is developing--unlike a case before a court of law which normally terminates a dispute.

A judicial approach to a collective bargaining impasse for fault, or right or wrong, is improper. It must be stressed to the parties that they are going to live together whether they like it or not and since neither is faultless, they must overcome these human defects and work at living together whether they do so with the blessing of a marriage ceremony or whether they just do so without such blessings."

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The following news clipping was sent to me:

"FORT WASHAKIE, Wyo. (AP) -- In this time of tough wage and salary bargaining, teachers at the Fort Washakie School District were pleasantly surprised this week when their demands for an \$8,000 salary base were met with a counter offer of \$8,200 by the school board.

"Base pay for the current school year is \$7,400. But the board, taking into consideration cost of living factors, decided to outbid the teachers.

"Another added benefit not requested by the teachers was insurance for accidental death or dismemberment."

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TEACHER STRIKES NATIONWIDE*

"The table below summarizes teacher strikes Nationwide for the 1972-73 school year. Strikes ranged from one day to 53 days, with 17 percent lasting more than three weeks; lost man-days were less than one-half of one percent of the estimated man-days of instruction scheduled for the Nation; and fewer than five teachers in 100 were on strike.

"The total number of man-days of instruction was calculated by multiplying the estimated total instructional staff in 1972-1973 by an assumed 180 day instructional year, which is the minimum number of instruction days most states mandate.

"Three states, Hawaii, Illinois, and Pennsylvania, plus the District of Columbia -- accounted for 83 percent of the total man-days lost. One hundred twenty strikes were by affiliates of the National Education Association involving an estimated 48,230 teachers. Twenty-three strikes were by American Federation of Teachers' unions and involved 66,278 teachers. Note that despite its size, New York State's record is outstanding.