



# bulletin

FOR MEDIATORS / FACT FINDERS

PUBLISHED BY THE NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD

AUGUST 1974  
(Vol. 5, No. 8)

## HAROLD NEWMAN'S CLOUDY CRYSTAL BALL

"My way of joking is to tell the truth. It's the funniest joke in the world."

George Bernard Shaw (1856-1950)

"The Taylor Law as my readers well know permits government employers and the unions with whom they bargain to write their own local procedures for impasse resolution rather than go to PERB. Very few have chosen this route and it frequently has happened among those that have, that the procedures have broken down and we have had to intervene. Very recently, a Long Island school district which has local procedures called upon my office for assistance. They had gone through the first two steps of their procedure. They obtained a mediator and then a Fact Finder from the American Arbitration Association and now sought to move to the third step because the first two had failed to achieve an agreement. The third step is to call upon PERB for assistance. But in the plain writing of their impasse procedure (which is written into the current and expiring contract), it states that when PERB is called upon to intervene, we may do whatever we deem necessary but we may not mediate. I inquired of the parties if this meant that we were to suggest an interest arbitration panel. I received a thunderous reply in the negative. Somewhat shaken, I asked just what the parties expected us to do to break the impasse if we are not to mediate and they don't want arbitration. 'Do whatever is necessary, one negotiator replied.

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"I have a quite regular correspondence with the president and chief negotiator of a police local in the Hudson Valley. He declares impasse annually--just about a month after negotiations begin with the town. 'Why do you always go to impasse?' I asked him on the phone recently. 'Why can't you just once get an agreement without PERB mediation?' 'Because,' he replied, 'the damn town won't do anything for the Police Chief.' 'What do you care about that?' I asked. 'Hell, I'm the Chief,' said he.

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"Alice Grant went to a rural school district to set up a first mediation session. She was asked to see the President of the Board of Education who happens to be an ordained minister. 'I am sorry that you had to make the trip all the way out here, Miss Grant,' he said, 'but you are just wasting your time.' 'Why is that?' asked Alice. 'Because I have spoken to the Lord and he has told me that the teachers are to receive no raises this year at all,' was the reply. Rumor is that Alice responded that SHE too had talked to the Lord somewhat later and he told HER....

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