

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Gladys Gruenberg  
NAA Vice President, 1996-7  
Interviewed by Joyce Najita  
October 2006

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**Vice President, National Academy of Arbitrators**

**1996-97**

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Najita: This is the interview with Gladys Gruenberg dated October 13, 2006. So, Gladys why don't we begin with your background and that's question number one. And so if you could just tell us, begin there.

Gruenberg: Okay, I was born June 22, 1920, so my mother tell's me, and it was in Milwaukee, Wisconsin. We were at the time living in a house that was built by my father and his father, and they were both carpenters. All I know of my background is that I don't know of any of my relatives who were alive at the time who had come from, who had immigrated to the United States, they were all born here. And all in Wisconsin, as far as I know. So, I have no idea where they came from originally, we never talked about it. As far as I know my grandfather and my grandmother, all on both sides were born here in the United States. I can't go back any farther than that. So I don't know anything about any of the rest of the relatives from there on. But, I know that my father was a carpenter and belonged to a carpenters' union and went to the carpenters' union regularly. He also was a veteran of the first World War, he also was a carpenter then. He joined the Navy and they sent him over to England to make and repair airplanes because they were all made of wood. So he has a good conduct medal, I still have, from the first World War. My mother and father decided that they would wait until after the

war when he came back to get married. So that's what they did and they were married right after he came back in 1918 and I was born in 1920. So that, we lived on the south side of Milwaukee during my whole childhood. I went to Catholic grade school and I went to Catholic girls' high school, Mercy High School, on the south side of Milwaukee. And from Mercy, it was run by the sisters of Mercy, it was just about the year 1936 that I graduated from high school. I had skipped two grades in the process and was so little than the rest of my class that everyone called me "Shrimpy."

Najita: Oh, when did you grow? Because you're not shrimpy in the sense of your height.

Gruenberg: Well I am, I'm 5' 1". So you know I'm not exactly tall. I didn't grow very fast. I didn't participate in any sports that I know of. So I went to a girls' high school the way in which I decided I would make a name for myself in high school was to get in the drama society. So I did what they called dramatic arts. We did a lot of monologues and that kind of thing and I was in the play. I was always doing the child in the play because I was so little. In any event, that's neither here nor there but getting such a close look at what the nuns did and the way in which they handled classes. I, my favorite one was the Latin teacher and as a result as a mentor I decided I wanted to be like her and I joined the Sisters of Mercy right after high school. And I went to and got everything all ready and went to their novitiate in Des Plaines, Illinois and I stayed there exactly 30 days and I couldn't stand it anymore. So I told my parents to come and get me and they did. Then when I got back to Milwaukee and started talking to some of my old teachers they said well you can't just go to an ordinary college, I was just planning on going to

a public college in Milwaukee. They said, no, no you have to go to a Catholic college so they engineered getting me a scholarship to Marquette. That's where I got my bachelor's degree and I majored in Latin and Greek there.

Najita: Oh, that's where the Latin comes in.

Gruenberg: Yes and I also I decided that I was going to teach Latin in high school, it was still being taught at that time. We're now talking about 1936-40 which is when I went to Marquette. I was going on to get my Master's degree because I figured you couldn't get a job even in high school unless you had a master's degree. So while I was getting a master's degree since the classes were at irregular intervals I decided I wanted to get a job and I had afternoons off, so I looked in the want ads and there was a job there that was offered for someone from 5-7 at night in stenographics. So I was a stenographer, my mother always wanted me to take shorthand and typing because she wanted me to be able to get a job and so that was the only job she heard women could get. So, she was practically right. So, that's the first job that I got. I answered a want ad and it said woman who wanted work and it didn't say who they were. It just gave a telephone number and I answered the telephone and they said yes come in. So I went in for an interview and it turned out to be a union office. The business agent who was there, was there only from 5-7 on three days a week. So I said how come you would ask a Latin major to come in, a person going to Marquette, to come in to do stenographic work for you. And he said, "we wanted to see what a Latin major looked like." So I worked there for two years and the business agent then was promoted to a job in Washington, D.C. and I took over his job after he left.

Najita: Oh, my gosh.

Gruenberg: I was writing union contracts and going to union meetings and negotiating contracts and this was for about 6 months. And that was just after the war started, we're talking about 1942 now. The men were leaving various government jobs at the time. And in the process of working with someone from the National Labor Relations Board, in the course of handling an election process that we had petitioned for as the union, he said why don't you try and get yourself a job with the Labor Board. I said, I don't know anything about law or anything like that. He said well they're just using the normal social studies examination and if you pass that they'll take you off the list. So I took the examination and lo and behold 2 months later I got an offer of a job as a field examiner with the National Labor Relations Board. All the men were dying for people to come and work for them, anybody who had any kind of writing skills or anything like that, they were very happy to get, you didn't have to be a lawyer. So when I got the offer they said I could go to New York, New Orleans, or St. Louis. Since I'd never really been away from home before, even to go to college or anything I was very leery about going as far away as New Orleans and New York so I decided to go to St. Louis.

Najita: Closer to home.

Gruenberg: Yes, and every weekend for about the first year I worked there I went home, every weekend.

Najita: Were you the only child?

Gruenberg: No. I was not the only child. I kept Ozark Airlines I think in business for a long time because every weekend I went home to Milwaukee from St. Louis on Ozark

Airlines. But gradually I got to meet the other people in the office and you get to know them a little bit better and there were 8 of us, field examiners, in the St. Louis office and we were quite a closely knit group at the time. They were mostly single women, three single women, and two single men and eventually my husband Harold came from Washington, D.C., to become a field examiner also. So we were kind of an office romance at the time and we played tennis together, we played golf together, all the 8 people, you know we were two foursomes we went out on the golf course every weekend. And we'd come back to our apartments and sit on the floor and drink beer and just generally converse together and stuff like that so it was a very fraternal group.

Najita: Right, so there were 3 single women?

Gruenberg: No, there were 4 single women and 4 single men.

Najita: Okay, good.

Gruenberg: We didn't pair off together at all as a matter of fact, for awhile. We just all got together, just a gang. We went out at night, nights we went out to dinner together. The office of the Labor Board was downtown and we'd always go to a bar called 905. It was always a joke because after my husband got into private practice his office was at 905.

Najita: What a coincidence!

Gruenberg: But in any event that's neither here nor there. Getting back to my home life, I had a younger brother who was three years younger than I. And he decided that he also would go to Marquette and he became a chemical engineer. But then World War II came along and he decided that he also would go into the navy. But he

actually went on a ship and went over to Hawaii and all kinds of places on the Pacific and got to know people on the West Coast pretty well. But, two months after he came back he joined a Jesuit order and he's now a priest and has been ever since 1947. So I don't have any nieces or nephews at all even though I did have a brother. I lost track of him pretty much during the 70s and 80s because he went to South Dakota to a mission there and he was there for 20 years. He's now back, he's living in Milwaukee, he's at the Jesuit retirement home in Milwaukee. His health is as good as mine, he's 83 and he's the designated driver for everybody. He drives all the people to their doctor's appointments and various other appointments.

Najita: Good genes.

Gruenberg: Yes, we have good genes in the family. My father lived to be 86 and I guess my grandmother lived to be 92, we're long lived. Getting back to the National Labor Relations Board now when the war was over and all the people started coming back who wanted their jobs back. We were all notified when we got the jobs that we were on temporary basis so we all got pink slips. And so I was out of a job but by that time Harold and I had started dating. When he first came to the office I couldn't stand him. He knew everything because he was from New York and Washington, D.C. He knew everything and I didn't know anything. So as a result we were not that friendly to begin with. But then I went out on an election in southern Illinois and I got into an automobile accident and wound up in a hospital with a broken leg and all kinds of other things that kept me in the hospital for about 2 weeks. They thought my neck was broken and I was in very

bad shape. He came to visit me every night. He brought me pizza and beer and all kinds of stuff. And the end result I decided he was a pretty nice guy. So when I got my pink slip from the Labor Board he said "What are you going to do?" I said, "I'm going back to Milwaukee." He said, "Well, you can't do that." So he said, "We've got to get married."

Najita: That was his proposal.

Gruenberg: I said, "Okay." He said, "I can't let you go back to Milwaukee, that's a terrible place." We moved into his apartment which was a one room apartment in St. Louis and we still did pretty much the same thing that we'd always done. But then he started, well just to back track a little bit. When I got my pink slip I had already signed up at night law school at St. Louis University. So I went to the first semester in law school from September to December in 1946 and then I was looking for a job as long as I was going to be staying in St. Louis. Harold Gibbons was the Business Manager of the Teamsters union offered me a job as a research and education director. So I went to work for him but in the process there was a lot of traveling to do among all the locals and it was a sort of a regional thing, and I was away from law school too often so I had to drop out, and I never went back. But the following year Harold decided he was going to do the same thing so he went to night law school the following year and got his degree from St. Louis University in 1951. He opened his private practice representing unions. After I worked for Harold Gibbons I decided that that was not for me. His union was just a little bit too extravagant for me, I didn't like some of the tactics they were using. So at one of the meetings Father Brown was a speaker.



Father Brown, National Academy president in 1960, and I'd never known him before. But after the meeting I went up to him and I said I'd like to talk to him. He said, "Oh well why don't you come out with me and we'll have a cup of coffee someplace." So I went with him and in the process in 2 hours of just sitting there talking to him he offered me a job as his graduate assistant in economics. I said well I've never had a course in economics. He said well that's all right, he said we'll just do an undergraduate course in economics so you can be eligible to start taking master's courses and then you can keep on from there. Well some of the professors in the economics department at St. Louis University thought when I was going to undergraduate courses they thought I was spying on them to re-evaluate their teaching methods because they couldn't believe that I hadn't passed an economics at that level. Because I was taking graduate level courses, not the introductory stuff. Then after that with Father Brown I started working in his office and going to arbitration hearings with him and I wrote and drafted most of his opinions because he wanted most of his opinions drafted both ways so he could decide which way he wanted to go. Writing two briefs is what it amounted to. Because the parties very seldom submitted briefs. As a matter of fact, hearings lasted a couple of hours and sometimes he would issue a bench decision, so it was very informal. I took notes and since I knew shorthand and typing I took everything in shorthand and so I had no problem with that. So when he took me out on cases he introduced me as his secretary, so that's the way that I went to all of his hearings. It wasn't until he died in 1968, no – 1978, and even all that time I never got a case that he was involved in. I started getting a few

cases from FMCS because in 1970 I was added to the roster. But at that time all you needed to be added to the FMCS list was to have someone write a letter for you and so of course Father Brown wrote a letter saying this woman will be a wonderful arbitrator, and I hadn't heard a case, and I was put on the list. The same way with the AAA; you didn't need any cases at that time to be put on the list. The Academy was pretty much the same because I remember Father Brown recommending people to be admitted to the Academy who hadn't done any arbitrating either. At least three people who are members of the Academy who didn't even have a case when they joined the Academy because he recommended that their judgment was such that he was sure that they would be good arbitrators, and they ultimately did become good arbitrators. So two of them were not lawyers, but two of them were.

Najita: That's interesting.

Gruenberg: So that's about my introduction to arbitration. As it concerns me personally, I got admitted to the Academy in 1980 and that means that I had been on panels for 10 years by that time. And the cases that I got had nothing to do with Father Brown, and I didn't get them because of him at all even though he was responsible for my knowing how to arbitrate cases and all that sort of stuff when I went out with him. I didn't get any cases as a result of his recommendation. As a matter of fact when he died he had a few cases that were still pending that he had heard, had the transcript for and I had been with him on, and he suggested that I do the decisions and the parties rejected it and got new arbitrators in all the cases that he had. So as far as women were concerned at that time they were not,

especially in the Midwest, they were not considered to be the kind that had good judgment in the area of labor relations. For the same reason they weren't made judges and all that sort of thing. The reason that I think more women started getting involved in these things was not only that law schools started opening up; I think most of the women in the Academy now are lawyers. But what also happened was in the late 60s and early 70s, states were passing public employee bargaining laws and many of those people were in hospitals and in schools. And they were women and so they were in unions where there were a lot of women. So as a result they were willing to take women as arbitrators in that situation, and the men even thought that if women were the grievants that it would be better if there was a woman arbitrator because she would be more sympathetic. Of course they were wrong about that. Women arbitrators think the same as men arbitrators.

Najita: Men – right, good point.

Gruenberg: In any event, that contributed to an increase in women in arbitration. Also in 1972 the Equal Employment Opportunity law, the Civil Rights Act, began to be applied to public employees as well. So as a result, the combination of public employee bargaining laws and Civil Rights Act being applied to women and the whole concept of sexual harassment and that sort of thing, started making women eligible for arbitration cases in those areas.

Najita: Good point.

Gruenberg: So in 1980 there were 8, the year before 1980 there were 8 women members in the Academy and I think another 8 came in 1980. So I think that we had the

largest as a total number of people coming into the Academy, I think we had the largest number of applicants in that year.

Najita: Of female applicants?

Gruenberg: Well both male and female; I think there were about 15 new people that came in that year. That's about the biggest number that we had that came in. And of course since then women have come in a lot.

Najita: Yes, that's a notable year, 1980. Right. I'm sure that's in the Academy history, too.

Gruenberg: I think so.

Najita: I'll check on that.

Gruenberg: Yes, I think you'll find I talked a lot about that. It's interesting to note now though that when I was doing this thing for the orientation today I had gone through the 2005, 2006 directories to find out what role women played in the Academy now. I discovered that we are now 14% of the membership and we have 30% of the committee positions.

Najita: Oh, isn't that something!

Gruenberg: And there about 290 women who are in committee positions. Now some of those are duplications because women are on two committees sometimes, so I didn't check that. But it shows that women in the Academy now are doing more in terms of carrying out the work of the Academy than the men have been.

Najita: Well, doesn't that tell us something.

Gruenberg: Now we have in rapid succession after having only two women as president up until 1980, 1990, or 2003 or whatever when Margery came in, she's the third one. Now we have another one two years later and Barbara Zausner. I think it shows

people are recognizing the fact that women are really churning out the work of the Academy. So far as my work in the Academy is concerned, I decided and I think I recommended this to new members coming in. If you want people to recognize your name, get it put before people as often as possible and the way to do that is to get on the roster of The Chronicle because there you're on the editorial board and your name is mentioned every time. So that's what I did. I got on at that time it was just a newsletter, it wasn't called The Chronicle as I remember. As a newsletter there were three editors that were appointed to The Chronicle committee. And each one was responsible for the format and all the materials that went into The Chronicle. So each editor had to do her own issue. And it was a mimeographed sheet that went out. And then after that we started having a printer, and you had to the way newspapers used to do, set up a masthead, and format each printed material in each column where it was supposed to go and everything and setting it up. I don't recall now what they call that, it's a mock-up I guess that what you call it. You had to do your own mock-up and send it to the printer. It was quite a job. We didn't have any computers or anything like that at that time. So this is the first thing I did in the Academy, or I should say the first thing I did was regional chair. In St. Louis we had a system whereby the new member of the Academy was automatically made regional chair because nobody else wanted to do it. So you knew when you joined the Academy that was going to be your first job--regional chair. And that's just what they did, whenever a new member from St. Louis came in, you're regional chair.

Najita: Well, that's one way that you're going to learn about the Academy.

Gruenberg: Yeah, right. So I became regional chair in 1981 right after I was admitted and that was the system we used in St. Louis and we still do as a matter of fact. We haven't had new members since Jerry Fowler was made regional chair, and he's been regional chair now for 8 years. Nobody else wants it and he just stays on. At least he gets his name in the book, that's the main thing. After that, we had a couple of good regional meetings while I was chair. We included Kansas, Iowa, Missouri, and parts of Illinois in our region. So we had a couple of regional meetings in Columbia, Missouri, and also one in Kansas City. We had people of national stature from the Department of Labor and the Mediation Service and people like that who came out to be a part of the program. So we had a good program, it was in conjunction with the region of the Industrial Relations Research Association too, with IRRA at the time.

Najita: You're also active in the IRRA too, so we should mention some of that somewhere.

Gruenberg: Well I was part of the organizing committee to set up the regional chapter of IRRA in 1972; that was right after I started arbitrating and I was still at the time, well, I should backtrack a little bit now that we're talking about the 1970s I guess. I started teaching at St. Louis U while I was in the master's program. I got my master's degree in 1949 and I got my Ph.D. in 1952.

Najita: Gee, that quickly.

Gruenberg: And in 1952 is when I was put on full time as an assistant professor. I was the first female professor or full time faculty member in the Business School at the time, and there were about 45 members in the faculty at that time.

Najita: In the department?

Gruenberg: No, not in the department in the whole school. There were about 5 in the economics department and Father Brown was one of them. I was on the full time faculty then. I became pregnant with my first child in 1955 and that's when at the time all women especially in teaching positions were told that's the end of your teaching career as long as you're pregnant. So my first child was born in the following October in 1955 and I said well if I'm going to have any more children I'm certainly not going to go back to school and be in and out and they wouldn't have taken me anyhow if they'd known I was going to be in and out. So as a result I stayed home and raised three children for the next 15 years. As far as I was concerned I kept up some of my activities so that I could eventually go back because I did I want to go back as soon as they got into private school and I didn't have to worry about them being at home anymore. Even though I had pretty much a full time job up to that point. I taught at Maryville University in St. Louis, I taught at Washington University all on an adjunct part time basis.

Najita: Okay, this was during the 15 years?

Gruenberg: Yes, during the 15 years, 1955-1968. I did some work for Father Brown; he was the editor of a magazine that the Jesuits put out called Social Order. So I did articles for that and did book reviews and various things for him, worked in his office at various times. So when I wanted to apply to get back to St. Louis University as a full time professor they of course wanted to know how I kept up in the field and this was all part of what I had to offer to having kept up in the field. Well I had enough people who were still there who knew me. St. Louis University had a habit of giving people titles and tenure rather than money, so as

a result they stayed on because the other places they'd go to they wouldn't have tenure. So all of the people that I had been associated with were still there. So I was hired as an associate professor in 1968 and got tenure three years later then got a full professorship in about 1972 I think it was.

Najita: That's fast.

Gruenberg: That same time we started a personnel and industrial relations program because they were not -- Father Brown had been teaching what he called a labor school for union and management people in the evening. Eventually they decided to turn that into an evening degree program. Well it didn't turn out that well because these people didn't want to come full time and get a degree. They just wanted to learn how to handle grievances and what arbitration was all about and labor law and all that sort of thing. But they didn't have any idea about getting a college degree. So it didn't work out very well. So I thought maybe that they could transfer some of that stuff to the day school and have the students who really wanted to go to college take some of those courses. So Father Brown and I worked up a schedule whereby you could integrate those courses into the economics department program. And that's what we did. But the management people had courses that we also were interested in such as supervisory class how to do supervision and how to handle behavior and human resources which is in personnel, recruiting, and all that sort of thing.

Najita: Interviewing.

Gruenberg: So as a result we worked with them and the two departments together had a joint program called Personnel and Industrial Relations. It was called PAIR at the time



and the Association Personnel Management, it's called ASPA, American Society for Personnel Administration, was what it was. They had some student chapters and we set up a student chapter and also a student chapter of IRRA. The student chapter of IRRA was in the economics department and the student chapter of ASPA was in the Management department and we worked together with students so we could cross-discipline that way. We could get a certificate in Industrial Relations and Personnel Management. So that's pretty much all I taught. I taught little economics, except labor economics. And we had labor economics and labor law and collective bargaining and arbitration in the economics department, and they had all the personnel administration and that sort of thing in the management department. And these people were had sort of joint degree in that situation. So that was the first interdisciplinary course that they had at the business school and most of the professors were very opposed to interdisciplinary courses because they dilute the discipline. So as a result as soon as I left the University when I got my emeritus status in 1983, that was the end of the PAIR program. Because there wasn't anybody else there to teach it. You don't need to teach labor economics anymore.

Najita: That's happening all over the place.

Gruenberg: In 1983 I took emeritus status and I went into full time arbitration. My husband retired from his law practice in 1989 and he also did arbitration work and also he represented multi-employer pension funds in the construction industry primarily. He did that from our office downstairs in the basement. And all of his stuff is still there.

Najita: I was going to ask back about The Chronicle. You said there were three editors.

Gruenberg: Yes, getting back to the Academy, that was a diversion. As far as The Chronicle was concerned it developed from a mimeograph section to a printed. As I said we had to set up our own mock thing to send to the printers, each one of the editors. And after that gradually it developed into something more. Now these people who are on The Chronicle committee really write articles.

Najita: So that the three editors took care of one issue?

Gruenberg: Yes, each editor was responsible for each issue. It was after that that I started working as the editor of the Proceedings. That was the introduction that I had to publication. You see here I was also on Research and Education Foundation when it was first set up. I was one of the first directors of the Research and Education Foundation. There was a special committee that was set up on publication procedures. Jim Stern was the first chair of that to investigate how we should finally decide who was going to – because they were changing editors of the Proceedings every year. It was very difficult for one person to handle that in a way that would bring about continuity. The number of pages in the Proceedings was starting to go down to about 150 and that sort of thing, and BNA was leaning on the Academy to do something about that. So Jim Stern chaired a committee called the Special Committee on Publication Procedures and since he had been a Proceedings editor back in the early days and I got on that committee and then when he left I became chair of the thing. Then automatically the chair of this special committee became the Proceedings editor and that's how I became

Proceedings editor. When I was chair of that committee I automatically became Proceedings editor and I was Proceedings editor for 10 years.

Najita: That was probably the longest tenure of all editors.

Gruenberg: Then after the other thing that I was interested in and joined very soon after. I think probably Jim Stern was responsible once again because he was chair of the History committee and I enjoyed working with him and so I decided to join the History Committee. And after he put forth a proposal that, the Academy should start doing something about the archives and writing a history of the Academy. I became chair of the History committee and that's when we started doing the interviews of the various presidents so that we could start building up a background for writing an Academy history and I still have all of those tapes at home. I have to send them to the archives, about six boxes that I want to send to the archives.

Najita: Absolutely, that's such incredible stuff. The old history I've read I think that first volume, I think Jim gave me a copy of that first volume, and it is wonderful. What the people were saying about what it meant to be an arbitrator, what arbitration is all about. Great, good stuff Gladys.

Gruenberg: So that's how I got to be chair of the Academy history committee and stayed on it until we finally got financing for the Academy history. And they decided that it was something that should be done by more than people than just me and also somebody who had a publication background. Dennis Nolan, because he was doing a lot of publication work at that time mostly in law reviews, law journals, was selected and then of course you were selected with your background in

industrial relations and that sort of thing. Then we had more or less decided it was the easiest co-authorship I think that anybody's ever done and the most smooth running one because everybody took a section. I went to the archives and did the governance of the Academy, and you took the economics and industrial relations, cultural, social background at the time, and Dennis Nolan took the legal background at the time, and it worked out great.

Najita: And we still remained friends.

Gruenberg: We agreed on everything, it was great. We didn't have to do any rewriting of anybody's because we weren't overlapping at all, there was no problem.

Najita: Right, it was beautiful.

Gruenberg: So that's how the history came to be. I was given a grant to go to Ithaca where the archives were at the time. We stayed there for two weeks. My husband went fishing on the lake, we had a cottage there. I went everyday into town to Cornell Library and worked on those 42 boxes that were there, and I think I saw everything that was in everyone of them. That's how – we all the minutes everything.

Najita: It's a good thing you're not allergic to old paper, really.

Gruenberg: It wasn't that old at the time. But anyhow it was very interesting and I didn't regret a single minute of it. I enjoyed working on it. The history came out in 1996, 1997.

Najita: That's right, 50 years. Isn't that something, the years fly by, Gladys.

Gruenberg: A lot of stuff has happened since then.

Najita: Oh, okay that's another thing you have to comment on, if you want to.

Gruenberg: Well, somebody else is going to have to write an appendix to the History. So as a result of that activity I got elected to the Board of Governors. Then eventually as the vice president, and I chaired the Nominating Committee one year. Now I'm a member of the New Member Orientation Committee because I'm a specialist in Academy History. So I tell them about Academy history and that's about it.

Najita: As a member of the New Member Orientation Committee I consider that committee one of the most important committees. In part because you're getting these new members either excited about the Academy and then wanting to become involved. I sat in on your presentation before the new members, and I think it's a wonderful presentation and something that should get people interested in becoming involved. That's the fun of being a member of the Academy, being involved in activities.

Gruenberg: I think that also getting them to read the history which I don't think any of them who get the history at the time they become a member wants to sit down and read it. It may seem interesting enough to want to do it. If they think there may be something in it for them, they'll enjoy reading then they may read the history. I think everybody should read the history because it's very important that they understand where we're coming from and we happen to be where we are because we're a very unusual organization.

Najita: Exactly, right. I hope you continue to do that because I think when I became a new member there wasn't that kind of a historical perspective. But having heard you give your presentation I said that's exactly what every new member needs to know with respect to the Academy. Nobody really knows, no one really sits

down as you say and reads the history or even comes in with any understanding of what the Academy is all about. I think that's really the kick off point as to whether they're ever going to become involved. I think a lot of members come in, go through the orientation, and we never see them again. Right?

Gruenberg: Right, I think so.

Najita: And one of the things that I know for my case which brings me back to the meetings twice a year, if possible, is being involved in the activities of the Academy and also getting to know people. I think that's one of the most precious things about the Academy.

Gruenberg: Yes, getting to know people and considering them as friends.

Najita: Right.

Gruenberg: That's about the only time that you ever get to see them so you want to go back and see them and find out what they've been doing and how they are.

Najita: Right, and you can just sort of pick it up you don't have to go through this elaborate dance about getting reconnected again, you just connect. That's the nice thing about the Academy. I know I come because I get to see you, Gladys. That's for sure. That's really one of the things seeing good friends.

Gruenberg: The feeling is mutual.

Najita: I said, if some of the new members can get some of that kind of feeling or establish that bond I think we'd have a lot more active membership in the Academy. And so your doing that new member orientation is just what the doctor would order. Another thing I wanted to go over with you was – do you think that women arbitrators perhaps bring to the practice of arbitration that is unique or

different or special or is that something that. I know you mentioned earlier that women arbitrators can think just as well as male arbitrators. But do you think that there might be something that is there that we don't talk about that we should be aware of or there should be more said about it. I'm curious to find out what you might think about it.

Gruenberg: Well I think that mainly in the cases that involve sexual harassment or discrimination cases where probably women have a different insight into the issues that are involved than men do. And that's why you find in many cases that if a man is the arbitrator, he will ask different questions from the way a woman would probably do it. In terms of getting the facts and the background and delving into it a little bit more deeply than probably a man would. But I think that most arbitrators are sensitive to those issues and I think as far as decisions are concerned I don't think that the decisions are any different.

Najita: One of the things that's happening back in Hawaii is the new arbitrators we're finding are stuck with the use of the just cause checklist. 1,2,3,4,5,6,7. I guess Ted and I are kind of concerned that these arbitrators aren't really getting at the facts, establishing the incident and then based on the record to make a decision not going through the checklist and saying yes, no, yes, no.

Gruenberg: I've never used the checklist.

Najita: Oh, great!

Gruenberg: I just don't think that it's necessary to go into that stuff in an ordinary arbitration case. It was made for the railroad industry, and I don't think for nonhearing situation it was made for a review process to see whether the parties had

procedurally done the right things. Whereas most cases don't involve that kind of situation. I think in the Academy we've talked about it enough so that people ought to know that it really doesn't apply to most cases. At least part of it does because it certainly makes, unless there's something specific in the contract that requires managers, for example, to do a kind of investigatory procedure I don't think it makes any difference whether they've investigated the case or not. It just depends on why they fired the person, that's all and whether they did it for proper reason or not. Whether they investigated it, I don't think has any bearing on the case unless the contract calls for it.

Najita: But see on the mainland as I read the decisions that come out in the LAR, I don't see this religious attachment to the just cause checklist. Every once in awhile you may come across one new arbitrator, for example, who might use it and say, using Daugherty's checklist, 1,2,3,4,5,6,7. For the life me I can't understand where or why our younger arbitrators in Hawaii are so stuck with it.

Gruenberg: Maybe they get it in school or something. I really have no idea. I really have no idea why it should be specific for Hawaii.

Najita: Maybe. Well in any case I think that's one of the things that Ted and I want to try and get them off that dime and look at the record and see if indeed what the employer did, was there indeed, does the record support what the employer has done and then of course the question of the remedy. What do you think might be some of the kinds of areas that the Foundation, the REF might do, the Research and Education Foundation, might do in terms of kind of projects that they might



support or not necessarily projects but what direction is the Foundation moving in terms of the next set of activities.

Gruenberg: Well the latest that the Foundation is trying to work up some sort of a joint arrangement with the Research Committee. To try to get those people to think of new topics that the Foundation can support in terms of educational projects. Not only in terms of the publication type things but also in terms of like the advocates program that we had set up prior to the Academy meeting now the annual meeting, that the Foundation is supporting and financing in order for educational purposes. And since the Foundation was set up for both research and education they ought to be doing more in that field and that's what the latest thrust has been in terms of trying to decide what kinds of things the Foundation ought to finance. So anything in that area – the Board of Governors apparently had thought that speakers should be, and the meetings should be, financed by the Foundation. But the Foundation has decided that that's not what they're interested in and the annual meeting should belong to the Academy and not the Foundation. And that they should pay for everything that goes on. If there's some extra type thing like the advocacy session you were at today on employment law, for example, or the session that's put on for the advocates prior to the annual meeting that could be something we could finance because we're promoting arbitration as a concept rather than helping finance part of the annual meeting. So they don't want the annual meeting to have anything to do with the annual meeting because that would inject us too much into the activities of the Academy itself which we should definitely keep separate.

Najita: Yes, because that would be in line with the whole purpose of the Research and Education Foundation. It was to support more the research and education as such not the regular work of the Academy. So that the Foundation then provides funding for the advocate program or these special skills enhancement workshops.

Gruenberg: Yes, we haven't provided funding yet for the skills enhancement workshops but I think that would be a good idea. I think we could do that as well as the advocates' educational sessions. But I don't think that it's come up. How many of those have they had that you've been? Do you remember?

Najita: I think there was one last fall and this one and I kind of think that those should be self supporting because it's for members of the Academy and we should be willing to pay for the cost of those programs. But the advocate program I think is a good one that the Foundation can support because it has to do with the newcomers coming into the program. In fact one of the things we were talking about in Honolulu was the training of new arbitrators. Now that's another area, but I was just wondering whether the Foundation had been thinking of the training of new arbitrators or is that something that the Academy itself ought to be doing. Because the generation is getting older, at least in Hawaii they're taking on years, and so one advocate just told me two weeks ago, you know I think we need to train new arbitrators but arbitrators without a law degree, people who know labor, industrial relations, collective bargaining. But then with schools, for example, like the University of Hawaii there are no programs as such teaching young people. So I'm thinking where are we going to get these new arbitrators who are not lawyers.

Gruenberg: There aren't going to be any anymore. Even the University of Wisconsin had to give up its program, University of Illinois will be next and then where will the Industrial Relations Research Association going to go.

Najita: Well, it's no longer IRRA, it's LERA.

Gruenberg: Right, Labor and Employment Relations Association. I was kind of sorry to see them change that name.

Najita: Well, the Hawaii Chapter has retained it and they've vowed not to give up IRRA because they said the sentiment was we'd have lost our identity.

Gruenberg: I think that's true, when you have a name for that long.