ARBITRATION 1990
NEW PERSPECTIVES ON
OLD ISSUES
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PROCEEDINGS OF THE FORTY-THIRD
ANNUAL MEETING
NATIONAL ACADEMY OF ARBITRATORS

San Diego, California May 27-June 2, 1990

Edited by
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Some issues in arbitration never fade away, they just continue making the rounds at Annual Meetings of the National Academy of Arbitrators. The 43rd Annual Meeting, held in San Diego, California, May 27 to June 2, 1990, promised “new perspectives,” however, and Academy President Alfred Dybeck led the way by giving a backward and forward look at the development of the arbitration process in his Presidential address at the Thursday luncheon. He used his experience on the U.S. Steel-Steelworkers Board of Arbitration, which he has chaired since 1979, to illustrate how principles developed by arbitrators have contributed to collective bargaining tradition and innovation in the industry (Chapter 1).

J.F.W. (Ted) Weatherill, long-time Academy member and currently Chairman of Canada Labour Relations Board, was the Distinguished Speaker at the Friday luncheon. He followed a similar historical theme, discussing the forms and limits of employee representation and linking the problems of postindustrial unionism to the fundamental changes worldwide, such as free trade, deregulation, and technological change. To dramatize the cultural changes in the North American work force, he concluded his presentation with passages in French and Spanish as well as English (Chapter 2).

The subject of “legalism” in arbitration was given a new twist by an arbitrator-management-labor panel, linking it with overall legislation applying to the workplace (Chapter 3).

Practices at the hearing (Chapter 4) and the arbitrator’s remedial powers (Chapter 5) were discussed, and contributed papers concentrated on timeliness, seniority, and plant-closing disputes (Chapter 6). To federal sector and interest arbitration was added a more recent development of employer-promulgated arbitration in nonunion environments (Chapter 7). The arbitrator’s responsibility to the parties under the Code was specifically applied to disclosure requirements and evidentiary problems, and the need to improve opinion writing was stressed.
There was also a session on drug-testing disputes (Chapter 9).

Finally, to promote the Academy's determination to reach out to its neophytes, a panel of new members discussed what the Academy could do to improve their integration (Chapter 10), sparked by answers to a questionnaire distributed to newer members earlier in the year (Appendix D). Other Academy business included amendments to its Constitution and By-Laws (Appendix B) and Opinion No. 20, promulgated by the Committee on Professional Responsibility and Grievances, relating to the correction of evident errors in an arbitration award (Appendix C).

The challenge to come up with new perspectives on old issues was successfully met by the Program Committee chaired by James Stern, and Arrangements Committee Chairman Kenneth Perea proved that San Diego was an admirable selection to join the list of "wild card" Annual Meeting sites.

The editor's task was made easier this year by the cooperation and promptness of the authors in submitting their manuscripts, and BNA editor Camille Christie remains the guiding hand to steer everything to publication.

July 15, 1990

Gladys W. Gruenberg
Editor
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