

COMMON GROUND

INDUSTRIAL RELATIONS RESEARCH ASSOCIATION FOR WESTERN NEW YORK



WINTER 1989 - 1990



PRESIDENT'S MESSAGE

by Charles Davitt

Celebrating a particular event can be a very joyous occasion, but it is even better when we celebrate the event with most of the people who made it all possible. I'm referring to our Western New York Chapter's upcoming 25-year anniversary of working to improve the knowledge and understanding of the field of industrial and labor relations.

For 25 years, our Chapter has worked to maintain an open dialogue among labor, management, academia, and the various state and federal agencies. While we do not, as individuals, professionals, labor leaders or business people, all have absolutely the same interest, we all have the same stake in the labor relations of our community. It is against this backdrop that we as members of the IRRA come together to share that common interest.

Since we all recognize that it is often easier to have a meeting of members than a meeting of minds, our monthly meetings are conceived and developed with the intent of providing the membership with relevant, as well as diverse, views regarding a wide range of issues facing labor relations practitioners.

Our meetings have been graced with such speakers as UAW's Owen Bieber, GM's Alfred Warren, and Buffalo's own Assistant Secretary of the Treasury, Sal Martoche. Our speakers, as well as our programs, such as "Law Night" and arbitration mini-conferences, have encouraged (perhaps "provoked" would be a better word) membership participation in exchanging views. Our organization has for 25 years operated on the principle that membership means participation, the right to be heard and the obligation to let other members be heard as well.

So, as we prepare to observe the quarter century milestone of our Chapter's founding, let us do so with more than a mere recognition of our survival. Let us proceed with a renewed spirit of active membership participation. It is your attendance and involvement that insures our continued success as one of the most active IRRA chapters in the country.

CONGRATULATIONS, IRRA MEMBERS OF
WESTERN NEW YORK AND BEST WISHES FOR A
LONG AND HAPPY ASSOCIATION!

NATIONAL NOTICE

The editors of the IRRA Newsletter, "COMMON GROUND," have been contacted by Marge Lamb of the IRRA National Office for advice on producing a chapter newsletter. According to Ms. Lamb a number of IRRA chapters which received copies of our September newsletter contacted the national office seeking information about how our newsletter is compiled, produced and circulated. Ms. Lamb said that there were many comments about the professional quality of our publication. The editors of "COMMON GROUND" want to thank all of the Western New York Chapter IRRA members for their enthusiasm and support and give special thanks to the editorial contributors. The praise from other IRRA chapters is a nice reflection on our local organization!

WELCOME TO NEW MEMBERS

Please extend an enthusiastic welcome to the following new members

Richard J. Blough

Director - Human Resources
American Brass Company

Bruce Fenwick

Personnel Director
Town of Cheektowaga

Vincent R. Morello

Teacher
N.Y.S.U.T.

Kevin T. Stocker

Student

Amy J. Vigneron

Attorney
Flaherty, Cohen

James A. Voye

Asst. Business Manager
Local #41, I.B.E.W.

"OPEN FORUM" NOTICE TO READERS

The editors of "COMMON GROUND" would like to feature in the newsletter a column entitled, "Open Forum," which would be a platform for open debate from a management and a labor representative on an issue of current interest. The positions offered in the "Open Forum" column will not be substantively edited and will reflect only the opinions of the authors, not those of the editors of "COMMON GROUND" or the Western New York Chapter of the IRRA. Additionally, the "Open Forum" column will not feature only one side's perspective. Rather, a balanced debate will be presented.

Although the editors of "COMMON GROUND" plan to invite specific persons to contribute to this feature, we also welcome proposals for topics and writers as well as actual submissions. We request, however, that if you submit a topic, you also submit the names (and telephone numbers, if available) of both a labor and management representative to write on that topic. Additionally, if you actually submit a position statement, please include with it suggestions of people who could be solicited to write from the other perspective.

We look forward to your participation and hope "Open Forum" will be a lively and interesting feature of our Chapter's newsletter.



NATIONAL IRRA SPRING CONFERENCE UPDATE

by Howard Foster

Planning for the National Spring Meeting of the IRRA is proceeding apace, with the program nearing final form. The program will feature some 60 contributors from labor, management, government, and universities across two countries. It will be a major undertaking for the Western New York Chapter and depends upon the active support, including attendance, of all Chapter members.

The program will build on Buffalo's standing as a major border city and gateway to our Northern neighbor. It will focus substantially on relationships and comparisons between the United States and Canada with respect to a host of workplace-related topics. Anyone looking for a crash course on differences and similarities between the industrial relations systems of the U.S. and Canada can attend sessions on:

- Labor and the Free Trade Agreement from a national perspective
- Labor and the Free Trade Agreement from a local or regional perspective
- Affirmative action and equal employment opportunity
- Worker's compensation
- Public policy and strikes
- Pay equity and comparable worth
- Labor law (with emphasis on the rules of organizing and the duty of fair representation)
- Labor relations and unionism

Those wishing to sample from a broader array of topics, can choose from sessions on:

- Bargaining in education
- Judicial review of arbitration awards
- Organizing the auto transplants (the case of Mazda)
- Fairness in compensation (procedural justice)
- Grievance procedures in nonunion organizations
- Unions and collective bargaining in basic industry

A special attraction of the program will be the keynote speaker for the Thursday lunch, the **Honorable Lynn Williams**, International President of the United Steelworkers of America, who will share his views on the outlook for organized labor in North America. Mr. Williams is Canadian by birth, and thus will lend a perspective on the topic that fits nicely with the broader theme of the meeting.

The Western New York Chapter of IRRA owes thanks to its sister chapters in Central New York (Syracuse) and in Hamilton (Ontario) for their contributions to the program. Mark Karper of the Central New York Chapter was instrumental in organizing the sessions on "Bargaining in Education" and "Trade Unions and Collective Bargaining in the Basic Industry." Harish Jain of the Hamilton Chapter put together the sessions on "Affirmative Action in the U.S. and Canada" and "Pay Equity in the U.S. and Canada."

Complete details on the program, including all contributors, will be distributed to members in an early 1990 mailing.

REMEMBER: The Conference will take place on May 2-4, 1990, at the Ramada Renaissance. In addition to the formal program, there will be a reception hosted by the National IRRA on Wednesday evening, May 2, and a bash hosted by the Western New York Chapter (at the 38th Floor, Marine Midland) on Thursday evening, May 3. The program will run from Thursday morning to Friday noon. Please try to clear your calendars and help make this a memorable event.

DISPUTE RESOLUTION ADDRESSED AT PEACE BRIDGE CONFERENCE

by Judith A. Peter

L. Stanley Chauvin, President of the American Bar Association, was among the featured speakers at a major conference on dispute resolution in the 1990's hosted by the Better Business Bureau's Dispute Settlement Center.

Co-sponsored by a diverse group of United States and Canadian organizations, the conference focused attention on alternative dispute resolution techniques in both the U.S. and Canadian public and private sectors. The conference, which was held at the Hyatt Regency Hotel in Buffalo from September 14 through 16, 1989, attracted 428 registrants from the U.S. and Canada. It included 40 workshops on a variety of dispute resolution topics, designed to accommodate educators, the legal profession, businesses, and community representatives.

In addition to Mr. Chauvin, featured speakers at the conference included Jeffrey Z. Rubin, Executive Director at Harvard's Law School Program on Negotiation; Laura Blackburne, Executive Director of the Institute for Mediation and Conflict Resolution in New York City; John Kelly, Q.C. Chairman of the Ontario Bar Association's Committee on Dispute Resolution; and Deborah Murnion, President of the NYS Association of Dispute Resolution Centers.

The conference also featured a Socratic method debate on the subject of confidentiality in dispute resolution. Moderating the discussion was James J. Alfani, Director of Education and Research for the Florida State Supreme Court's Dispute Resolution Center. Panelists included Ms. Blackburne; Kevin Dillon, Erie County District Attorney; Howard Foster, Associate Dean of the State University of New York at Buffalo's School of Management; Maryann Saccomando Freedman of the Erie County Supreme Court; Matt Gryta of the Buffalo News; John Herritage, Deputy Commissioner of New York State's Bureau of Municipal Police; Dean Peachy, Network of Kitchner, Ontario; and Fred E. Woods, Staff Attorney, American Bar Association.

During his luncheon speech, Mr. Chauvin spoke of his commitment to the use of dispute resolution to enhance the justice system. "Until the day comes that all citizens have the right to have disputes expeditiously, economically and fairly settled, we will not have justice," Chauvin said. "And the work you are doing, the initiatives you are taking, are going a long way toward achieving that. What you are doing now is important. What you will do in the future will be critical."

CONFERENCE RECEPTION PLANNED

by Eric E. Lawson, Jr.

"Extravagant" is the word used to describe the reception being planned for the 1990 IRRA Conference to be held in Buffalo. According to organizers, the reception is a gift to persons attending the conference and will make a statement to attendees that the Western New York IRRA Chapter is talking proud.

As part of the planning for the conference, Miriam Winokur and Marilyn Zahm are chairing a sub-committee to plan for the reception to be held on Thursday night. With the encouragement of the Planning Committee, fundraising for the reception began last summer. The following sector chairs were designated: Chuck Davitt - management, Bob Doren - lawyers and law firms, Gene Adams, Gerry Hogan and Ron Uba - unions, Jim McDonnell and Greg Dell'Omo - academics and neutrals. Appropriate acknowledgements of those contributing to the reception will be made. People wishing to make a contribution should contact the person designated for their sector, or send donations directly to Marie Siegel. All solicitation activity will conclude on January 1, 1990.

No conference succeeds without the dedication of supporters both willing to attend and to generate interest in the program. The Western New York Chapter of the IRRA needs the support of all of its members to make this conference a success. Folded into this issue of "COMMON GROUND" are a number of brochures which briefly describe the conference and urge people to write for more information. Please use these brochures to secure your own registration and to solicit attendance by others. The spring issue of "COMMON GROUND" will contain a full program of the conference.

CONFERENCE ON EMPLOYEE PARTICIPATION IN DECISION MAKING

by Charles E. Leonard

"Progress Through Cooperation" was the theme of a very well-attended conference on employee involvement in decision making held in Syracuse on October 16. The conference was sponsored by the New York State Public Sector Labor-Management Consortium, which includes the major public sector unions, public sector employer organizations and the Public Employment Relations Board. There were about 250 participants at the conference, most of whom represented school districts or school employee unions.

The keynote address was delivered by Dean David Lipsky of the New York State School of Industrial and Labor Relations at Cornell University. Dean Lipsky spoke about the various forms that labor-management cooperation can take in his speech entitled, "The Many Faces of Cooperation." His address was followed by three workshops presented by the Greece Central School District/Teachers Association, New York City/Municipal Unions and the Rochester City School District/Rochester Teachers Association.

The luncheon speaker was Peter Regner, Director of Staff Operations and Programs for the Federal Mediation and Conciliation Service, who covered in a very light and humorous way the "Ten Commandments" of successful labor-management cooperation efforts.

The afternoon workshops featured Brunswick Central School District/NYSUT, Niagara Falls Water Department and Waste Water Treatment Plants/United Steel Workers and Ulster County/CSEA.

Those who attended had the opportunity to see how their public sector counterparts have implemented programs aimed at increasing labor-management cooperation and were encouraged to pursue their own efforts aimed at improving labor-management cooperation.

WESTERN NEW YORK EMPLOYEE INVOLVEMENT COUNCIL

by Francine S. Laszewski

The Western New York Employee Involvement Council is an informal network of professionals dedicated to the principles and ideals of participative management. The group is dedicated to improving the quality of corporate worklife and ultimately improving the quality of life in the community.

The Western New York Employee Involvement Council was started in the summer of 1985 by a group of corporate professionals who had a mutual interest in employee involvement issues. They formed this group in order to discuss and share ideas and potential solutions to problems faced by the employee involvement processes within their own organizations. After contacting the Buffalo Chamber of Commerce and with help from the late Bud Hall, the group was established and began holding monthly meetings. At these meetings, members discussed problems they were experiencing within their own organizations and many of the initial meetings were spent clarifying the terminology used by each organization for their own employee involvement process. This clarification helped to establish a "common language" for members to better communicate and discuss different points of view and new ideas. For the first two years of the Council's existence, many companies sought advice on how to begin an employee involvement process and the Council grew as new members joined and news of the organization spread.

An advantage that membership in the Western New York Employee Involvement Council has provided is the opportunity to network at planning meetings, dinner meetings and Council-sponsored workshops. These events provide opportunities for members to gather information as well as share resources such as articles, books, video tapes and the knowledge of other people in the area of employee involvement.

See 'Employee Involvement Council' (page 6)

SUPERVISORY SKILLS SERIES SPONSORED BY CORNELL UNIVERSITY

by Elena Cacavas

The 26th Annual Cornell University Supervisory Skills Series held in Buffalo in October and November provided a seminar setting and intensive instruction on supervision in the 1990's.

The program, sponsored by the Western District Extension Division, was premised on the concept that supervisory skills will be tested as never before in the decade ahead. The series was designed to prepare supervisors to meet that challenge and focused on realistic situations which supervisors will repeatedly face. Role playing and case studies were geared to assist participants in applying the knowledge gained.

The series consisted of four interrelated sessions, all of which had to be attended by the enrollees. A Cornell Certificate in Supervisory Skills was conferred upon participants at the program's completion.

The segment entitled "Supervision in the 1990's," focused on basic concepts for supervising effectively and factors affecting worker attitudes and performance. It was taught by Dr. Roy R. Pipitone, who has designed and taught management development programs for business and industry both as a management consultant and as a district instructor for Cornell University ILR's Western District. Dr. Pipitone draws his knowledge from over ten years of college teaching in labor relations and management at State University College at Buffalo, Canisius College and Erie Community College, where he holds the position of professor in Business Administration.

Dr. David R. Hill headed a segment entitled, "Problem-Solving to Improve Productivity." This segment focused on why subordinates and colleagues resist change and applying creative problem-solving techniques in developing new team approaches to solving work problems. Dr. Hill is a district

instructor for Cornell University ILR, teaching courses in Cornell's one year college credit supervisory studies certificate program and workshops on creative problem-solving, communications and organizational behavior, and other subjects in management development. He serves as Associate Director of the Instructional Development Center and Director of the International Learning Center at Erie I BOCES.

"Building a Unit Work Team" was the segment headed by Judith K. Miller and focused on leadership styles and strategies in handling varying situations and employees. Ms. Miller is a district instructor for Cornell University ILR with an extensive teaching background. She presently is Director of Purchasing for the State University of New York at Buffalo and was previously employed as a purchasing agent at Worthington Compressors, Inc. and a buyer for the City of Buffalo's Department of General Services, Division of Purchasing. She is a member of the Western New York Purchasing Association and is Chairman of the Board for the Neighborhood Housing Services, West Side.

Performance appraisals, employee development and constructive discipline were the topics for a segment entitled, "Employer Relations," headed by Morris G. Bull. Mr. Bull is a district instructor for Cornell University ILR, who recently retired from the position of Director of Training for Trico Products Corporation.

EMPLOYEE INVOLVEMENT COUNCIL CON'T

The Western New York Employee Involvement Council has no formal ties to any professional organizations and monthly meetings are held at members' work locations on a rotating basis. An annual workshop is sponsored and dinner meetings are planned three times a year with speakers and/or roundtable discussions on topics presented by members. Your participation is welcomed and encouraged. For more information about the Council and how to become a member contact: Fred Smith at American Brass, (716) 879-6700 or Susan Swarts at Niagara Mohawk Power Corporation, (716) 857-4324.

FALL SEMINAR ON LABOR AND EMPLOYMENT LAW

by Joseph L. Braccio

The Labor and Employment Law Section of the New York State Bar Association held its annual fall seminar in Manchester, Vermont during the last week in September. A variety of interesting labor issues were discussed during the two day conference which attracted union and management attorneys from across New York State.

The first day of the seminar began with a lively exchange between a union attorney and a management attorney on the increasing use of strike alternatives. The union attorney explained that unions are working to rule, refusing overtime, scheduling safety meetings, and conducting "corporate campaigns" because the use of replacement workers has diminished the effectiveness of strikes. The management attorney suggested that many of these alternatives are unprotected activity and may result in employee discipline or lockout.

The Regional Directors from Region 3 (Buffalo), Region 29 (Brooklyn), and Region 2 (New York City) were also on the panel during the first day. Alvin Blyer, Regional Director from Region 29, cautioned that the Board must receive election objections within seven days after the ballot tally and that mailing the objections on the seventh day does not meet the requirement. Richard Ahearn, Buffalo Regional Director, discussed the recent injunction against rulemaking in the health care industry and indicated that pending final judicial resolution, current cases will be processed without reference to the rule.

The second day began with a discussion between a union and a management attorney on the complicated topic of work jurisdiction and unit scope. At issue is an employer's ability to insist on changes in unit scope provisions that may define the unit not only in terms of job classifications, but also in terms of work tasks. The seminar concluded with a presentation from Eric Schmertz who is a former law school dean and nationally known arbitrator. Mr. Schmertz's presentation was entitled, "What an Arbitrator Always Wanted to Tell a Practitioner," and

included several humorous and enlightening anecdotes from years of arbitration experience. Mr. Schmertz observed that some advocates in arbitration have become belligerent and unprofessional. He cautioned that this growing trend could undermine the appeal of arbitration as a less hostile and more reasonable method of conflict resolution.

The Labor and Employment Law Section is chaired by Buffalo attorney, Ronald L. Jaros.

TRANSITIONS

Anne S. Simet, a partner at the local law firm of Hodgson, Russ, Andrews, Woods & Goodyear, whose practice has been concentrated in the employment field within the Litigation Department since 1979, is now transferring to that firm's Labor Department. While she will continue litigating labor cases, she will also be involved in the wide range of public and private sector law practiced by her new department. We look forward to welcoming her into the IRRA.

Don Donato, an arbitrator and labor/management consultant operating out of the Rochester area, recently accepted a position in California. Don was a co-editor for the September issue of "COMMON GROUND." We will miss Don, but wish him success in his west coast endeavors.

The Cornell University School of Industrial and Labor relations has established its new facilities in the historic Dun Building at 110 Pearl Street in Buffalo, New York, where it will occupy the eighth, ninth and tenth floors.

The Buffalo office of the New York State Division of Human Rights has relocated from 69 Delaware Avenue to 65 Court Street, fifth floor.

The Law Offices of E. Joseph Giroux, Jr. have relocated to 181 Franklin Street, Buffalo, New York 14202 (716) 853-6300.

Effective January 1, 1990, Richard D. Furlong left the law firm of Lipsitz, Green, Fahringer, Roll, Schuller and James to start his own union-side consulting firm concentrating on union organizing. His business will be based in Western New York with offices located in Buffalo and Rochester.

CORNELL ANNOUNCES WINTER COURSES

Registration is now open for the Cornell University ILR Buffalo Labor Studies winter term. The eight new courses, scheduled to start on January 17, 1990, are:

Labor Law I: Private Sector, taught by Bob Reden

Labor Law I: Public Sector, taught by Joel Poch

Collective Bargaining, taught by Cliff Suggs

Images of Labor on Stage and in Writing, taught by Manny Fried

Union Leadership Development, taught by Cliff Suggs

Labor History, taught by Nuala Drescher

Crisis Bargaining, taught by Rich Furlong

New York State and Local Government, taught by Steve Pendleton

The classes are scheduled to meet on Wednesday evenings on the Buffalo State College Campus.

Since 1972, Buffalo Labor Studies has offered education in the skills of collective bargaining and union representation on the job. Over 400 Western New York union members and officers have graduated from this college-credit program.

For more information, contact Yvonne Rebholz, Administrative Coordinator, Buffalo Labor Studies, at 716-842-6180 or visit the program organizers at 110 Pearl Street, 10th Floor, Buffalo, New York 14202. Limited scholarship assistance is available.



COME OR CANCEL

Monthly, the Western New York Chapter of the IRRA spends money that could be put to far better use. Despite the organization's repeated appeals, members continue to make reservations for dinner meetings and then fail to attend. Please be sure to either honor your dinner reservations or call to cancel them. More careful attention to correcting this problem will allow the organization to redirect money which is now spent paying for the reservations. Thanks!

LET YOURSELF BE HEARD

The strength of our Chapter's newsletter, "COMMON GROUND," is dependent upon contributions from members of the organization. Our newsletter is only as strong as the Chapter members decide to make it. The editors of "COMMON GROUND" are open to suggestions for articles, information on new developments within our membership or in the labor area, and submission of articles, letters and columns. We are interested in hearing your praise as well as your criticism. We want to produce a newsletter that you will want to read and welcome participation in this publication effort!

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