DISPUTE SETTLEMENT IN THE PUBLIC SECTOR**

1. Compulsory Arbitration


In this analysis of the strengths and weaknesses of compulsory arbitration of public sector disputes as compared with other methods, the author concludes that compulsory arbitration is an effective substitute for the strike weapon and a workable procedure for dispute settlement.

Bowers, Mollie H. "Legislated arbitration: legality, enforceability, and face-saving." Public Personnel Management (1313 East 60th St., Chicago, Ill. 60637), July-August, 1974. pp. 270-278. $3.00.

The courts have upheld the legality of legislation which provides for binding arbitration and the question of enforcement of awards. The author concedes that compulsory arbitration may continue to be used as a face-saving device.


The author opposes mandatory compulsory arbitration because of its adverse effect on collective bargaining. He stresses the importance of voluntary agreements and, with certain exceptions, would grant public employees the right to strike.


Nevada's unique law gives the governor the authority to order the factfinders' award binding on any or all issues. Both the governor and the factfinder are required to consider the potential fiscal impact of the settlement and the ability to pay of the local government.

* Prepared by Helen Fairbanks, Librarian, Industrial Relations Library.
** Items from this list should be ordered directly from the publisher. Addresses are given in connection with each reference.

This article reviews the arguments for and against compulsory arbitration as a method of impasse resolution in the public sector. The author concludes that compulsory arbitration is appropriate and suggests methods to ensure that it is compatible with collective bargaining.


This evaluation of mandated interest arbitration in the public sector finds the experience has been largely favorable in that it does not undermine free collective bargaining and has reduced strikes. Donald S. Wasserman, AFSCME, in his comments (pp. 315-318) on the Rehms paper contends that both legislated interest arbitration and final-offer arbitration favor the employer.

Stevens, Carl M. "Is compulsory arbitration compatible with bargaining?" *Industrial Relations* (Institute of Industrial Relations, University of California, Berkeley, Calif. 94720), February, 1966. pp. 38-52. $1.50.

In this examination of the role of the strike and the question of whether some types of compulsory arbitration can fulfill the functions of the strike strategy, the author concludes that compulsory arbitration is compatible with collective bargaining. He proposes a new concept in labor relations in which the arbitration authority bases its award on the one-or-the-other principle.

2. Factfinding


This article reviews the diversified procedures currently in use to handle public sector negotiation impasses and identifies problem areas. The authors recommend factfinding with a show-cause hearing before an impartial panel.


Three speakers discuss various aspects of the factfinding mechanism. In presenting the union viewpoint, Jerry Wurf states that factfinding has worked where union members have confidence that the rules are fair
and that professionals are used. Arvid Anderson outlines provisions of statutes providing for factfinding, reviews the experience of state and municipal agencies and discusses the pros and cons of the factfinder process. William Sexton discusses some of the shortcomings based on experience in Michigan.


This study examines the use of factfinding in one state and evaluates its effectiveness in preventing strikes and resolving public employee disputes. The report finds that the factfinding process has been relatively successful in resolving bargaining impasses.

3. Final-offer arbitration

Feigenbaum, Charles. "Final offer arbitration: better theory than practice." Industrial Relations (Institute of Industrial Relations, University of California, Berkeley, Calif. 94720), October, 1975. pp. 311-317. $3.00.

Final-offer arbitration in the opinion of the writer results in awards that are "less equitable and less responsible to the needs of the parties than could have been fashioned by an arbitrator."

Feuille, Peter. "Final offer arbitration and the chilling effect." Industrial Relations (Institute of Industrial Relations, University of California, Berkeley, Calif. 94720), October, 1975. pp. 302-310. $3.00.

The author concludes that final-offer arbitration increases the incentive to bargain and is more effective in producing negotiated agreements than conventional arbitration procedures.


The author examines the experience with final-offer arbitration in several jurisdictions, emphasizing the incentives to bargain in various arbitration alternatives. He discusses the variety of final-offer procedures in use and offers practical suggestions for participants in final-offer cases.

Grodin, Joseph R. "Either-or arbitration for public employee disputes." Industrial Relations (Institute of Industrial Relations, University of California, Berkeley, Calif. 94720), May, 1972. pp. 260-266. $3.00.

The author analyzes the pros and cons of final-offer arbitration and concludes that it is a worthwhile alternative to conventional arbitration.


Based on their analysis of the empirical evidence of six negotiations, the
authors find that final-offer arbitration provides incentives to both parties
to bargain and increases the probability of negotiated settlements.


A summary of the laws relating to final-offer arbitration in the Canadian public service and six U.S. jurisdictions.


This study analyzes and compares the laws and experience in Pennsylvania, Michigan and Wisconsin with binding arbitration for public safety employees. Included is a chapter which summarizes the views of mediators who have participated in some type of final arbitration. Another chapter presents a statistical analysis of the effects of final-offer arbitration on the salaries of police and firemen in Wisconsin and Michigan.


In this paper the author discusses the legalization of strikes by public employees, the imposition of compulsory arbitration, and factfinding as mechanisms for resolving impasses in the public sector. He finds all three procedures unsatisfactory and proposes an arbitration procedure in which the arbitrator selects as his award the final-offer of one party or the other.


One of the panel members describes the process of choosing between labor and management proposals in a public sector dispute. He concludes that the final-offer arbitration was successful in preventing a strike but would prefer a system which allows the arbitrator some flexibility.


The author discusses the limitations of final-offer arbitration and proposes procedures for improvement. He concludes that it will prove to be an effective device for resolving impasses if the arbitrator is strictly limited to one final-offer from each party.