



Book Reviews

A concise reference for arbitrators

Arbitration for the Practitioner. By Walter E. Baer. Jefferson, NC, McFarland Co., 1988. 152 pp. \$24.95.

This excellent book's target audience and its paramount philosophy are succinctly stated in its Introduction. It is aimed at "management and union participants . . . [who] don't deal with the intricacies of the arbitration process on a day-to-day basis, but when an issue comes to arbitration, it becomes their responsibility to present their organizations's position effectively and successfully." They are cautioned: "There is no substitute for thorough, comprehensive, detailed preparation. There is no excuse for its lack. The conscientious, dedicated, and determined advocate has learned the importance—in fact, the absolute necessity—of thorough pretrial preparation . . . cases are seldom if ever won in . . . a hearing room. They are won by the side that has slaved to find all the facts in the case and all its corporal parts, and is fully prepared before any [hearing] begins." To those sentiments every arbitrator will respond: "Amen."

To assist the advocate achieve that goal, Walter E. Baer devotes two chapters to methods and criteria for selecting the arbitrator; one chapter to preparing the case, with emphasis on interviews and preparation of witnesses; a long chapter on "Arbitration and Advocacy," consisting mainly of the "do's" and "don'ts" of direct- and cross-examination; a short chapter entitled "Principles and Practices" covering a variety of questions having to do mostly with procedure and evidence; another long chapter called "Concepts-Theories-Issues," which discusses a number of basic substantive and procedural issues; a short chapter on arbitrability; and a page-and-a-half "Conclusion" in which, among other things, the author reiterates his advice, "The *sine qua non* for success in the field is unflagging industry, in advance and throughout the trial" Finally, a list of "Citations" by chapter is included, along with a brief and inadequate index. There is no bibliography. Also conspicuous by its absence is any discussion of screening procedures, prior to arbitration, designed to identify and eliminate (through negotiation or withdrawal) cases which should not go to arbitration because they are susceptible to settlement or because they are unwinnable in arbitration. Many companies and

unions involve the same persons responsible for arbitration in such screening processes.

There are, of course, other books that cover much the same ground as this one. This book, however, is eminently readable and admirably concise, resulting, with the help of fine print, in a small volume that will travel well. It will probably go along to hearings, while standard reference works, such as Elkouri and Elkouri, remain home. This does not mean the aspiring advocate will not need more detailed reference sources, but if there is a better starting place than Baer's manual, I am not aware of it. It is an impressive effort for which many arbitration participants will be grateful.

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Interdisciplinary approach to labor relations

Labor Relations: Process and Outcomes. By Marcus H. Sandver. Boston, MA, Little, Brown and Co, 1987. 529 pp. \$29.50.

Why a new addition to the already ample supply of industrial relations textbooks (or books summarizing original research used for instructional purposes)? Professor Marcus H. Sandver tells us that his offering contributes to an " . . . interdisciplinary understanding . . . " derived from a "comprehensive review of the historical, legal and institutional aspects of labor relations" However, the uniqueness of this approach is difficult to discern, since what we have is a text that, for the most part, covers the standard topics in a fairly conventional way. Regrettably, more often than not, it does not reach the level of treatment found in a number of texts currently in use.

For example, the discussion of the Taft-Hartley Act is limited to a recital of the key features of the law; no analysis or assessment of its effects is included. The same criticism applies to the treatment of the Landrum-Griffin Act, the emergency procedures of the Railway Labor Act, and the right-to-work controversy. A single chapter of 26

pages tries to cover contract provisions ranging from management rights to seniority, wages and fringe benefits, doing justice to none of them.

In a generally well-rounded chapter on collective bargaining in the public sector, the author states that "Congress was not allowed to pass laws dealing with the internal labor relations policies of the various State governments." One must assume that the author is referring to the 1976 Supreme Court decision in *National League of Cities v. Usery*, which has been widely interpreted as limiting the Federal Government's role in regulating State employees. However, this case was overruled in 1985, in *Garcia v. San Antonio Metropolitan Transit Authority*, thereby apparently leaving Congress free to act in this area should it decide to do so.

The above observations notwithstanding, there are several strong points in this volume, notably the chapters on collective bargaining structure, bargaining theory, and labor history. It is, on the whole, very readable, balanced, and extensively documented. There are well-founded expectations that future editions will increase the book's usefulness for instructional purposes and assure it wide acceptance.

One final comment: The author may want to rethink the heading of Chapter 12, "Outcomes of Bargaining: Strikes and Industrial Conflict," in light of the fact that approximately 95 percent of all contract negotiations are settled peacefully.

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Publications received

Economic and social statistics

Economic Report of the President Transmitted to the Congress February 1988, Together with the Annual Report of the Council of Economic Advisers. Washington, 1988, 374 pp. \$10. Available from the Superintendent of Documents, Washington 20402.

Tauchen, Helen, Ann Dryden Witte, Harriet Griesinger, *Deterrence, Work and Crime: Revisiting the Issues with Birth Cohort Data.* Cambridge, MA, National Bureau of Economic Research, Inc., 1988, 46 pp. (Working Paper Series, 2508.) \$2, paper.

Health and safety

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Odynocki, Boris, "The Unhealthy State of Employee Health Care," *Business and Society Review*, Summer 1987, pp. 16-21.

Riche, Martha Farnsworth, "Behind the Boom in Mental Health Care," *American Demographics*, November 1987, beginning on p. 34.

Roberts, James S., "Reviewing the Quality of Care: Priorities for Improvement," *Health Care Financing Review Annual Supplement*, 1987, pp. 69-74.

Industrial relations

Bezemek, Robert J., "'No-Fault' Absenteeism Policies: A Critical View," *California Public Employee Relations*, March 1987, pp. 2-9.

Crockett, Geoff and Ken Hall, "Salaried Professionals and Union Membership: An Australian Perspective," *The Journal of Industrial Relations*, March 1987, pp. 49-65.

Duane, Michael J., Ross E. Azevedo, Yin Sog Rhee, "Location of Negotiations and Bargaining Behavior: My Place or Yours?" *Journal of Collective Negotiations in the Public Sector*, Vol. 16, No. 4, 1987, pp. 377-83.

Freeman, Richard B., *Contraction and Expansion: The Divergence of Private Sector and Public Sector Unionism in the U.S.* Cambridge, MA, National Bureau of Economic Research, Inc., 1987. (Working Paper Series, 2399.) \$2, paper.

Hirsch, Barry T. and Robert A. Connolly, "Do Unions Capture Monopoly Profits?" *Industrial and Labor Relations Review*, October 1987, pp. 118-36.

"*Job Loss and Job Change: Three Studies: The Effect of Advance Notification of Plant Closings on Unemployment,*" by John T. Addison and Petro Portugal; "Job Displacement and Earnings Loss: Evidence from the Displaced Worker Survey," by Michael Podgursky and Paul Swaim; "The Economic Consequence of Labor Mobility," by Christopher J. Ruhm; "Discussion by the authors," *Industrial and Labor Relations Review*, October 1987, pp. 3-49.

Mann, Eric, *Taking on General Motors: A Case Study of The Campaign to Keep GM Van Nuys Open.* Los Angeles, CA, University of California, Institute of Industrial Relations, Center for Labor Research and Education, 1987, 408 pp., bibliography.

Mitchell, Richard, "The Preference Power and the Practice of the Federal Industrial Tribunal, 1904-1970," *The Journal of Industrial Relations*, March 1987, pp. 3-24.

National Foundation for Unemployment Compensation & Workers' Compensation, *Highlights of State Unemployment Compensation Laws, January 1988.* Washington, National Foundation for Unemployment Compensation & Workers' Compensation, 1988, 90 pp. \$12.50, paper.