



LONG ISLAND NEWSLETTER

Peter Bee
President



Phil Nicholson
Editor

LONG ISLAND LABOR AND EMPLOYMENT RELATIONS ASSOCIATION

PRESIDENT'S MESSAGE:



PETER BEE

Another milestone! On March 24, 2005, I successfully presided over my first meeting (held at the Nassau County Bar Association building) as your new President. Martin Scheinman, well-known labor arbitrator/mediator, was our guest speaker. Marty was his usual informative self, regaling us with stories of the

Nursing Home industry that challenged our ideas about how health care for the elderly is evolving (particularly its entanglement with state and federal politics), and entertaining us with his unique style and way of "making the deal." Marty's comments also sparked a lively discussion not only about the direction of health care in general, but about the growing trend of labor and managerial interests to merge — not only in public sector collective bargaining, but more and more in private sector bargaining as well.

Marty's remarks were followed by a brief reminder about our Spring Conference scheduled for May 6, 2005, at the DeSeversky Conference Center in Old Westbury. Please register; please come; and please bring a friend! Conference Chair Richard Roth tells us that the Conference this year will feature Charles Kernaghan, Executive Director of the National Labor Committee for Worker & Human Rights, as our keynote speaker. Also, a panel debate will take place with Phil Nicholson (renowned labor scholar, college professor & author) "defending" Wal-Mart against claims by John Durso (President, Local 338, RWDSU) that Wal-Mart is not good for either Long Island or the Country! A second panel will include Al Blyer, Regional Director of NLRB Region 29, moderating a discussion on "How Employers and Labor Organizations Can Deal

with Organizing Campaigns" with Management Attorney Mark Sussman (Jackson, Lewis), and Labor Attorney Gwynne Wilcox (Levy, Rattner). (see conference schedule inside).

On a more general note, who amongst us has not deplored the current state of labor relations? Well, then, let's get off our collective (excuse the pun!) duffs and do something about it: get more active in LERA and work toward solving your favorite gripe. Get in touch with me and volunteer for a LERA committee; write an article for the LERA newsletter; mentor a student member with work in the field; or, at a bare minimum, come to the next LERA dinner meeting and complain about labor relations while eating a good meal! You may find that not all management representatives are capitalist pigs, not all union agents are commie pinko liberals, and not all neutrals are really slanted towards the "other side." The [labor] war has rules and making friends amongst the enemy can lower the casualty rates considerably! Who knows? Over a glass of wine and an interesting speaker, an occasional peace may break out . . . ❖

— Peter Bee

MARK YOUR CALENDAR NOW!

**ANNUAL LI LERA SPRING
CONFERENCE SET FOR
MAY 6, 2005 at the DE SEVERSKY
CENTER, New York Technical Institute**

MARTIN SCHEINMAN ADDRESSES MARCH 24 LI LERRA MEETING



NOTES FROM THE LERA 57th ANNUAL CONFERENCE

I attended the 57th Annual Meeting of the IRRA (now LERA) in Philadelphia from January 6 to 9, 2005. Not having attended a national IRRA meeting in years, it was wonderful to interact with friends and colleagues I had not seen for some time.

The main organizational order of business was the change of name to LERA, which was consummated at a session on Thursday evening, January 6, the night I arrived. The next day I attended a number of excellent panels, and will comment about two areas, one theoretical and one practical.

Twenty years ago a major work was published that has come to be a labor relations standard, *What Do Unions Do?* by Richard Medoff and Mark Freeman. In the tradition of John R. Commons, Sumner Slichter, Neil W. Chamberlain and John T. Dunlop, these two labor economists wrote a book that attempted to provide a modern theoretical framework for the study of labor relations. A distinguished group of academic critics reviewed the events of the last two decades in an attempt to evaluate the validity of their work, and also to see where there might be new areas of concern worthy of examination. Mark Freeman was present and offered an update of his own thinking relative to what he and Medoff had written in the mid-1980's. Over the years, the debate continues to be between the academics who attempt to create models, usually based on their economic training (or other disciplinary foci), and the practitioners, who generally disparage these models as useless exercises.

As we enter the 70th year of the National Labor Relations Law, the other major area of discussion was the question of whether NLRB elections make sense in the current organizing climate. In a panel entitled, "Voluntary Recognition, An Innovation in Labor-Management Cooperation," Andy Levin of the AFL-CIO unqualifiedly stated that the Federation would no longer spend money on traditional certification elections. Representatives from the SEIU echoed that position. Their view is that the Board and the courts have made the traditional election route intolerable. The approach they favor is the card check and voluntary recognition using a neutrality agreement negotiated in advance with the employer. Fred Feinstein, former NLRB counsel in the Clinton administration, now at the University of Maryland Law School, concurred with this view at another session. Obviously, there are other opinions about this issue that exist among some unionists and on the management side. I believe the topic will be included in our spring conference agenda, and I look forward to further discussion.

The next annual meeting will be in Boston in January 2006, and I am planning to go. ❖

— *Gerald H. Grayson*

SPRING CONFERENCE AGENDA MAY 6, 2005

8:30-9:30 a.m.

Registration and Coffee

9:00-9:15 a.m.

Welcoming Remarks:

Peter Bee, Esq., President L.I. LERA
Richard Roth, Conference Chair

9:15-10:15 a.m.

**Is Wall-Mart Good for Long Island
or the Country?**

Facilitator: Gerald H. Grayson, Ph.D.
Speakers: Phil Nicholson, Ph.D.
(will present the pro-Wal-Mart Case)
John Sarno, President,
Local 338, RWDSU (against)

10:15-10:45 a.m.

Coffee Break

10:45-11:15 a.m.

Keynote Speaker

Charles Kernaghan, Esq.,
Executive Director, National Labor
Committee for Worker and Human Rights

11:15-11:30 a.m.

Coffee Break

11:30-12:30

**How Employers and Labor Organizations
Can Deal With Organizing Campaigns**

Facilitator: Richard J. Roth,
Former Assistant to the Regional Director,
Region 29, NLRB
Speakers: Al Blyer, Regional Director,
Region 29, NLRB
Mark Sussman, Esq., Mgt. Attorney
Gwynne Wilcox, Esq., Labor Attorney

12:30-2:00 p.m.

Luncheon – Buffet prepared by
NYIT Culinary Arts Program

2005 LERA MEMBERSHIP DUES ARE NOW WAY OVERDUE

Checks should be mailed and made payable to:

Mr. Richard Roth
Membership Chair, LI LERA
85 Magnolia Lane
East Hills, NY 11577

FORTHCOMING EVENTS, MEETINGS, NOTES, ETC.

May 25, 2005.

Comparative and international Labor and Employment Law Conference. A conference on comparative and international labor and employment law, sponsored by the US Branch of the International Society for Labor and Social Security Law, will be held at the Chicago-Kent law school. This program is on the day preceding the start of the annual meeting of the National Academy of Arbitrators and will be conducted at the same time as the Mid-west Arbitration Symposium (sponsored by FMCS). Contact www.uky.edu/law/ISLLSS/.

June 16-17, 2005.

LERA National Policy Forum: "Benefits at Risk: Meeting the Challenge of Providing Health Care Benefits and Retirement Income in the 21st Century." Hotel Washington, Washington, DC. Contact www.LERAoffice@uiuc.edu or tel: 217-333-0072.

June 17-18, 2005.

Conference on 21st Century Human Resource Management Practices and their Effects on Firms and Workers. University of Illinois at Urbana-Champaign. Contact www.caolson@uiuc.edu.

June 26-29, 2005.

13th Annual International Employment Relations Association Conference. Aalborg, Denmark. Contact www.socsci.aau.dk/leo/iera/leo13.htm.

July 26-28, 2005.

IIRA 5th Regional CONGRESS OF THE AMERICAS: "Social Dimensions of Globalization: Labor Relations and Social Protection in the Integration and Free Trade Processes and the APEC". Santiago, Chile. Information and registration, contact www.inet@ulare.cl.

July 20-21, 2005 and September 15th-16th, 2005.

The Program on Negotiation at Harvard Law School-Negotiating Labor Agreements: "New Strategies for Achieving Better Collective Bargaining Outcomes." Intensive Two-Day Interactive Conference for Union and Management Leadership. Register at www.pon.harvard.edu or call Monica Dane at 781-239-1111.

January 5-8, 2005.

LERA 58th Annual Meeting. Sessions and Workshops on the theme: "Labor and Capital in the 21st Century: Human, Social, and Financial Contributions to Creating Wealth." Boston, Massachusetts. Contact www.LERAoffice@uiuc.edu or call 217-333-0072.

LABOR AND EMPLOYMENT RELATIONS ASSOCIATION

**SPRING CONFERENCE
FRIDAY, MAY 6th, 2005**

**SHAPING THE WORKPLACE
OF THE FUTURE**

**KEYNOTE SPEAKER: CHARLES KERNAGHAN, ESQ.,
EXECUTIVE DIRECTOR
NATIONAL LABOR COMMITTEE FOR WORKER AND HUMAN RIGHTS**

**PLACE: DE SEVERSKY
CONFERENCE CENTER
NEW YORK INSTITUTE
OF TECHNOLOGY
OLD WESTBURY, NEW YORK
(516) 686-7675**

Time: 8:30 am, Registration
Agenda: See page 3 for Agenda
Date: Friday, May 6th, 2005

RESERVATION FORM

**TO: EUGENE S. GINSBERG, 300 GARDEN CITY PLAZA, 5TH FLOOR, GARDEN CITY, NY 11530
OR RICHARD J. ROTH, 85 MAGNOLIA LANE, EAST HILLS, NY 11577.**

Please register the following person(s) for the 2005 LERA Spring Conference on May 6, 2005. The pre-paid registration fee is \$85, for non-members, \$95, for students, \$35, for seniors (62 and over except for members), \$35. Checks should be made payable to LI L.E.R.A. Please R.S.V.P. To Gene Ginsberg at above address or call him at (516) 746-9307, or Richard J. Roth, 85 Magnolia Lane, East Hills, NY 11577

Name: _____ Organization: _____

Address: _____

E-Mail Address: _____

Number of Persons: _____ Check Amount: _____ Telephone: _____

The Long Island Newsletter is a quarterly publication of the Long Island Labor and Employment Relations Association.

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