

I. Presidential Address

The Labor and Employment Relations Association: The Legacy, the Present, and the Challenges for the Future

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Introduction

Before I get into the substance of my presentation, I would like to express my thanks to all of you for permitting me to serve as your president during this past year. To serve in that capacity gives one a sense of pride, but it is also very humbling because of the many talented and capable individuals who have served this organization in the past, are currently serving, and will serve in the future. For me it has been a very exciting, interesting, and rewarding year, and for giving me that opportunity, you have my deepest thanks. I must also express my thanks for the assistance of; the multi-talented members of the Executive Board, the chairs and co-chairs of the various committees, interest sections and the Industry Councils who are the real driving force behind LERA. I would also like to thank the members of the Program Committee and, in particular the vice-chairs, Dan Mitchell of UCLA and Talmage Reynolds of NASA for their work in developing this year's program. Last, but certainly not least, I owe a great debt of thanks to our professional staff; Peter Feuille, our Secretary Treasurer who has provided substantial behind the scenes guidance to keep the Association financially sound during the good and bad years; Paula Wells, our Executive Director, who is a master of organization and keeps us on the straight and narrow whenever we tend to stray; and her very able assistants, Lisa Sprinkle and Emily Smith. Their services have been of immeasurable value to the Association and to me personally

Because I view this presentation as a "state of the union" report and because this meeting marks the end of our 60th Anniversary year and the beginning of our 61st year, I thought it might be well to spend a little time discussing the legacy left by those who came before us; where we are at present; and the challenges facing us in the future. In my view, the challenges facing LERA in its goal to shape the workplace of the future have never been greater and the Association has never had as many opportunities to provide real and lasting solutions to those challenges as it does now.

The Legacy

The idea of a professional association for individuals in, or interested in, the field of industrial relations had its beginnings at the annual meeting of the American Economic Association in January of 1947. The following statement appeared in the Proceedings of the First Annual Meeting of the Industrial Relations Research Association (as it was then known):

"At the annual meeting of the American Economic Association in Atlantic City in January of 1947, Lester [Richard A. of Princeton] and William H. McPherson of the University of Illinois called together all the persons interested in the field [industrial relations] who they could find in attendance. The meeting was attended by approximately 30 labor economists. The discussion centered on the question of a need for a learned society in

the field of industrial relations and the feasibility of creating such an organization. It was decided to set up an Organizing Committee to investigate all aspects of the problem and to set up an association if the idea appeared practical.”

Obviously the idea proved practical because in the following year, 1948, the first officers and executive board members of the Industrial Relations Research Association were elected and membership drives were held. The first annual meeting was held on December 29, 1948. By the end of 1948 the Association had 1025 members. The first president of IRRA was Edwin E. Witte, an economist, often referred to as the “Father of Social Security, who served as the Executive Director of President Roosevelt’s Committee on Economic Security. Included among the initial officers and board members of IRRA were W. Willard Wirtz, later to become Secretary of Labor under Presidents Kennedy and Johnson, and Clark Kerr, a professor of industrial relations who later became president of the multi-campus University of California and an arbitrator of national note. Kerr also became president of IRRA in 1954.

A glance down the list of former presidents of the IRRA indicates the caliber of those who served, preserved, protected and passed on to us the organization that we now know as LERA. It includes luminaries such as John Dunlop, and George P. Shultz, our distinguished speaker of last evening, as well as labor leaders such as Rudy Oswald and Lynn Williams, and many other individuals who have left their mark as practitioners or distinguished professors in one or more of the academic disciplines encompassed under our big tent.

I have long assumed that the historical dichotomy which seems to exist between the academic and practitioner members of our group and between the national organization and the chapters resulted from the fact that initially IRRA was the product of academics. However, again referencing the Proceedings of the First Annual Meeting, it was stated:

“The need for a learned society or professional association in the field of industrial relations has long been suggested by the large number of students – in the universities, in government, and in the ranks of industry and union – concerned with the field.”

As president Witte noted in those Proceedings: “[T]he purpose of the Association [was] to bring together the people from all academic disciplines concerned with labor problems, labor-management relations, and social security, and research workers and professional practitioners in these fields.”

In its earlier years, LERA, at the national level, was composed mostly of academics from the various labor-related academic disciplines, while the chapters, some of which were chartered very early on, have been composed primarily of practitioners. I should note that the Washington DC Chapter, one of the first chapters, was chartered on December 30, 1948 and celebrated its own 60th Anniversary last year. Using my own Southern California Chapter as an example, because I believe it closely followed the origins of most chapters at the time, it was chartered in the 1960’s. The leader of the charter group was Irving Bernstein, the first chapter president, who was a professor of Political Science at UCLA and a much sought after labor arbitrator at the time. Bernstein became the president of the national LERA in 1976. The charter group was composed primarily of attorneys representing labor or management, industrial relations professionals from industry and union leaders from the Southern California labor relations community. The academics in the group were there primarily because they were also labor arbitrators. It was an excellent vehicle for the practitioners to share their experiences, and most of the meetings covered practical subjects related to collective bargaining and labor arbitration in which we were involved on a daily basis.

As an aside, I celebrated my 40th year as a member of LERA concurrently with LERA’s 60th Anniversary. The first annual meeting I attended was in 1976. I don’t recall where it was held but I do recall that, as president of the Chapter, I was sent to the annual meeting at the Chapter’s expense per Chapter policy at the time. I attended many of the sessions but I must confess that as a management-side lawyer (and a much younger one to boot) I found them interesting but in most cases of little practical value in my practice. Much improvement has occurred over the years at the national level in providing practitioners with material melding the academic with the practical. Probably the best example of that is our publication, *Perspectives on Work*, which is a must-read for practitioners and academics alike. I cannot mention *Perspectives* without thanking Charles Whalen, for the absolutely superb job he has done as its Editor since 2001. The last issue for which Charles will be responsible is the December 2008 edition.

The LERA has also come a long way over the years in making the annual meetings more user-friendly for practitioners. Beginning in the early 1990's workshops for practitioners were increased, and at this 61st Annual Meeting the substantive sessions are evenly divided between workshops and symposiums. This is also the second annual meeting in which LERA has been able to qualify some of its programs for MCLE credit for California attorneys. The concept of establishing Interest Sections for practitioners and academics alike was fostered and developed beginning during the presidential term of Hoyt Wheeler. Today the Interest Sections are active and functioning as they were intended. The Interest Sections include the Collective Bargaining Network, the Dispute Resolutions Section, the Work and Employment Relations Network, the International Interest Section, the Labor and Employment Law Section, the Labor Markets and Economics Section, the Labor Studies and Union Research Section and the Globalization, Investment and Trade Section. Beginning in 2005 and with the financial assistance of a grant from the Alfred P. Sloan Foundation, LERA embarked on a program to establish Industry Councils for the aerospace, airline, automotive, construction, health care, higher education, public sector, utilities and other industries. Under the leadership of our next president, Joel Cutcher-Gershenfeld, as founding chair of the LERA Industry Councils Committee, the Industry Councils are also functioning as intended.

The first midyear meeting of LERA took place in June of 1999 in Washington, D.C. under the able chairmanship of John Burton. This was the precursor of LERA's National Policy Forum in which all LERA members, practitioners and academics alike, were able to listen to and converse with lawmakers, policy makers, Congressional Staff Members, government officials and others who hold sway over laws and regulations governing the workplace. Since then the national Policy Forum has been held on alternate years with the FMCS Labor Management Conference.

The Present

This is the legacy which has been handed down from those who have ably led LERA in the past. Where are we now?

During the presidency of David Lipsky, a Strategic Planning Committee was formed to explore that very question. We were faced then, as we are now, with a decreasing membership, which had been particularly notably among the academics, the core group of LERA's constituency. Our total membership in 2008 was 2309, down from a high of 3482 in 1999. During that same period the Academic members decreased from 1174 to 895, while the practitioner members decreased from 2308 to 1196. The reasons for the decline in membership are many, not the least of which is competition from other industry and trade associations and the shift in universities from the emphasis on traditional industrial relations programs to human resource based programs. One bright side of the membership report is a decline in the number of non-renewing members (270) from the peak years of 1999 through 2006 when non-renewed memberships averaged a little over 500 per year.

The decline in membership was accompanied by a decline in our income from all sources, particularly with the expiration of the Sloan grant this year. This has caused us to look for alternative sources of revenue, including strategic alliances or partnerships with other organizations. The two new committees with the lead responsibility in this area are the Development and Contributions Committee, under the able chairmanship of John Burton and the Grants and Sponsorships Committee under the equally able chairmanship of Marlene Heyser, both past presidents of LERA. As you have probably noted our LERA Welcome Reception was sponsored by our newest partner, the Bureau of National Affairs (BNA), whose contributions in the labor and employment area though its many publications is well known by academics and practitioners alike. BNA has also agreed to participate with us in the upcoming National Policy Forum in June of this year by participating on the Program Committee and again providing financial support for the event. Marlene Heyser was principally responsible for bringing BNA and LERA together for which we are grateful. The National Policy Forum will be held in Washington D.C. on June 18 and 19, 2009 at the George Washington University Cafritz Conference Center.

This year we began implementing the key outputs from the strategic planning process which occupied the attention of the officers, Executive Board, LERA Staff, past officers of the Association and other representatives of key constituent groups during 2006/2007. The process reaffirmed that LERA is the

recognized leader bringing together labor, management, scholars, neutrals, government and societal leaders under one big tent for the purpose of advancing theory, practice, and policy in all aspects of labor and employment relations through research, dialogue, dissemination, learning and innovation. Five major goals were identified during the process: first - building community in ways that advance theory and policy; second - ensuring appropriate forums that bring together labor, management, government and scholars; third - increased attention to the many social networks that connect with LERA; fourth - grow the membership; and fifth – expanded development efforts by LERA.

In addition to establishing goals, the strategic process listed key initiatives or objectives for each goal, some of which have already been implemented while others are still in the works. For example under the goal of building community, a LERA Blog Site has been launched to provide a dialogue among members and non-members on subjects of mutual interest. I urge you to visit the site and participate. Under the same goal, LERA teamed with the New Yorker to publish the LERA 60th Anniversary New Yorker Cartoon Collection, which has provided us with an opportunity to laugh at ourselves and has proven to be a financial success despite our initial misgivings. Continued publication of *Perspectives on Work* also falls under this goal. In this regard I am pleased to announce that Susan Cass has accepted the position as Editor of *Perspectives* and Chair of the Perspectives Editorial Advisory Board. Susan is no stranger to *Perspectives* since she was a co-founding editor and served with Hoyt Wheeler and Tom Kochan on the project from 1997 to 2001. We are pleased to welcome her back.

Under the goal of ensuring appropriate forums to bring the diverse segments of our membership together, a full review of the overall meeting architecture of LERA is underway and will be continued under the able leadership of Joel Cutcher-Gershenfeld, our next president, who, coincidentally, has been one of the facilitators of the implementation of the strategic process, along with Nancy Peace. Through our existing Industry Council structure, we have had significant input to the programs of the last two FMCS Labor Management Conferences and we intend to continue to do so in the future.

The program committees for the next National Policy Forum and the next annual meeting are already in place and work will soon begin.

One of the key goals is the growth of our membership. Each of us joined the Association for a specific reason, and the fact that we stayed is an indication that whatever the reason, it was and continues to be important to us. One important method of growing our membership is for each of us to invite our colleagues and business associates to join LERA at the national level or at the chapter level or both. If each of us invited one colleague or business associate to an annual meeting or a local chapter meeting or conference, and the programs were meaningful to that person, the potential of doubling our membership exists. The key is that the programs must be meaningful and the invitation must be extended. Both of those require your input and participation.

Under the goal of expanded development efforts, several key initiatives or objectives have already been implemented. The former Development Committee has been divided into the Development and Contributions Committee and the Grants and Sponsorship Committee, both of which are tasked with the responsibility of generating operating funds for the Association, and we are beginning to see the fruits of those efforts.

As the Association continues to implement the specific initiatives of the Strategic Plan outlined under the five major goals, ultimate achievement of those goals is certainly possible in the foreseeable future.

One of the goals I set for myself was to achieve more integration between the national association and the local chapters. I devoted one President's Column in our Newsletter to that subject. Unfortunately that goal has yet to be fully achieved. However, thanks in large part to Bill Canak, the Chairman of the National Chapter Advisory Committee for the last several years, and the members of that committee, the chapters are alive and flourishing. We estimate that there are somewhere in the vicinity of 5,000 members in 47 active chapters. The largest group of chapter members would most likely fall into the practitioner category. It is difficult to correlate the number of national members among the chapter members, because, except in a few instances involving chapter and national officers, membership in one does not require membership in the other, and there is no system in place for chapters to report the names of its members to the national. At best we get a headcount of local members from reporting chapters. At the national level, when members join or renew their membership, they are asked to identify the local chapter of which they are a member. However, if

you browse through the national membership directory, there are a surprising number of national members who do not list a chapter affiliation. I would urge each and every one of you who is not currently a member of a local chapter to take a look at the chapter profiles on our national website, select the chapter closest to you, join that chapter, and actively participate in its programs. If each of you would make that a priority we would come much closer to achieving our goal of integration between the national and its chapters and our goal of growing the membership. On the other hand, if there is no local chapter near you, you might think seriously about forming one. That is exactly what Ellen Dannin did when she and others assisted in the formation of our newest Pennsylvania Nittany Chapter, whose charter was approved at the Board Meeting last month. Ellen has been an active member of LERA for a number of years, is a member of the Executive Board and a Law Professor at Penn State University.

One of the more pleasant tasks I had as president was to visit, to the extent possible, local LERA Chapters. Most of the chapters have regularly scheduled or periodic dinner or lunch meetings throughout the year. Active chapters generally list their programs on the LERA Website under chapter profiles. Many Chapters, such as the Orange County LERA Chapter of which I am a member, also sponsor day long or even in some cases two-day labor law conferences or seminars on subjects of particular appeal to practitioners. In the fall of 2007, I participated in the 10th Annual Conference of TERRA, the Tennessee Chapter, and this year Joel Cutcher Gershenfeld participated in its 11th Annual Conference. I also participated in the 22nd Annual Conference of the Alabama Chapter in Orange Beach, Alabama, and the 2nd Annual Conference of the Wisconsin Chapter in Milwaukee. In addition I attended the Orange County Chapter's 26th Annual Labor Law Conference in Anaheim and visited the San Diego, California Chapter on one of its regularly scheduled dinner meetings. The enthusiasm and vitality among the various chapters is exciting. One of the purposes of our visits was to elicit from the local chapter members their ideas of how the national Association can benefit from the chapters and how the national can assist the chapters. This exchange of ideas will ultimately benefit both. A good example of how this exchange of ideas can work occurred when Joel Cutcher-Gershenfeld visited the TERRA Chapter's annual conference this past fall. In a conversation between Joel and Kim Lefever, a TERRA chapter member, Kim broached the subject of LERA embarking on a certification program for its members. The training for qualification as a certified specialist could be provided by a combination of the national LERA, LERA Chapters and Universities who would be willing to join in the program. Adoption of such a certification program is now under serious consideration and a committee has been formed to undertake that project.

The Challenges for the Future

The field of labor and employment relations has always been a very dynamic and challenging one. Two of its principal ingredients are conflict and change and the challenge is how to resolve one and cope with the other. We have just been through a very hard fought national election and a new President will soon be inaugurated. President-elect Obama has promised change in many areas, most notably in the laws and regulations governing the workplace. A somewhat reconstituted House and Senate is likely to make significant changes in the labor laws of this country and the new President is not likely to veto those that make it through the legislature. Labor law reform and change is inevitable. The election followed closely on the heels of a continuing period of significant chaos and conflict threatening the economic stability of the country that is not likely to end soon. For the last few months, the business sections of the leading newspapers and periodicals and the news broadcasts on television and radio have been filled with daily reports of actual and planned layoffs by many of the largest corporations and business organizations here and abroad, and the ever increasing percentage of unemployed workers. Economists were arguing whether we were or were not in a recession. However, whether real or perceived the turbulent effect on the workplace has been the same. People are losing their homes because of the collapse of the housing and credit markets. Employees are losing their jobs along with the general loss of confidence in our financial well being. In my representation of employers, both large and small, I have dealt with conflict, change, and compromise for most of my professional life. However, I cannot recall another period of time where the challenges have loomed quite as large as they do today. The outlook for the workplace of the future at the moment is anything but clear.

Probably none of us in this room individually can come up with all the right solutions to the issues which will arise from the changes that are coming nor do we have all the solutions for the conflicts that will undoubtedly arise. In fact, we might not all agree fully with the ultimate resolution of these issues. However, the point is that, as a group, I can think of no other organization that has the combined talent, experience, research and knowledge to insure that the issues will be resolved, the conflicts solved and that the workplace of the future will survive, grow, and recapture the American Dream. In order to accomplish this it is important that we, as individual members of LERA, have a voice in the process. One of the major opportunities to provide such guidance and assistance will occur at the LERA National Policy Forum in Washington, D.C. this coming June. The theme for the National Policy Forum is "Beyond Gridlock in Labor and Employment Policy: Ensuring Good Jobs, Fair Treatment, and High Performance in a Turbulent Economy." President-elect Joel Cutcher Gershenfeld has stated that the NPF is designed to connect theory and practice in ways that will have impact. Through a series of workshops featuring panels of legislators, labor and management practitioners and leading researchers the NPF will provide a unique opportunity to participate in the public policy dialogue concerning policy issues around union organizing, pension and health care benefits and other issues for which legislative debates are anticipated and where public policy can be informed by scholarly research and practitioner perspectives. Plan on getting in on the ground floor and being a part of what could be a very positive approach to developing public policy to help shape the workplace of the future. This is an opportunity for LERA to leave its mark on society.

Once again, I thank you all for giving me the opportunity to serve as your president for this past year. I look forward to working with Joel this coming year, and joining all of you at the National Policy Forum in Washington, DC in June, at the annual meeting next January in Atlanta, Georgia, and perhaps even at some of the local chapter meetings and conferences during 2009.