

PROFESSIONAL RELATIONS

BULLETIN

Division of Professional Relations

Box 286, Rahway, N.J. 07065



DENNIS CHAMOT, *Editor*

No. 6

February, 1974

FROM THE EDITOR...

DPR News

AS most of you know, the Council voted to remove our probationary status at its meeting last summer. However, our bylaws were not considered at that time (they were inadvertently left out of the printed agenda, and so could not be studied in advance by most Councilors. No foul play here, just oversight by one of the committees). We expect them to be approved shortly (see p. 3). In any case, we have not been able to hold elections as provided in these as yet unapproved bylaws (Article III, Section 5). I am certain that we will this year. We have received a few more suggestions for candidates. Send any others to our chairman, Tom Fitzsimmons.

Reply

While on this topic, I should point out that the authors of the letter printed on this page appear to have read far too much into our preliminary announcement. The list of suggested names was just that. There is no official slate, nor are nominations closed, nor do we even have a date for the election. We believe that inspection of the proposed bylaws will confirm that we are, indeed, a very democratic Division. *None* of our officers are to be appointed; *all* must face open election. And nominations by petition are very easy to

obtain (see Bylaws, Article III, Section 5b). The DPR is the member oriented division, but to be effective, it needs active members. We hope that Drs. Arond and Bader will continue their high interest.

Program

The Program Committee has once again come up with an interesting list of activities for the next national meeting in Los Angeles. Some of these include a symposium on legislation and the professional chemist, an open hearing on insurance and the professional chemist, a session on technology assessment, and a full day symposium on human values in science. We will also have our usual social hour (Monday at 5:00). See *C&EN* for all the details.

Commercial

This is probably as good a place as any to remind you to send in your 1974 dues if you haven't already done so. A renewal form is on this page. And while you're at it, how about getting a friend or two to join the DPR? Professional relations should be of interest to all professional chemists and engineers. Support the only ACS division devoted to this topic.

Letters

Dear Sir:

We do share your rejoicing over the acquisition of a non-probationary status by the DPR, an event in which we had the pleasure to participate.

However, while acknowledging the progress in professionalism implicit in such acceptance, we must register our deep alarm at the no-choice, one-party slate offered to the membership in the October DPR Bulletin. We are interested to learn whether or not there was a nominating committee, and if not, who acted in lieu of such a committee. With regard to the nominees for Councilor, a no-choice slate is particularly reprehensible since the democratic election of all councilors (of Sections as well as Divisions) is now an issue of major concern to the entire membership of the ACS.

We are aware of the invitation for "other suggestions" published at the bottom of the list of proposed candidates as well as the term "preliminary" which modifies "list of candidates." Nevertheless, and in spite of such qualifications, we regard the offering of a single slate as a violation of the very essence of the meaning and intent of the Division, which should act to spearhead democratic and member-involved practices within the Society as a whole.

Very truly yours,
LESTER H. AROND
HENRY BADER

— DENNIS CHAMOT

(see column at left for reply — Ed.)

**Have you
paid 1974 dues
yet? If not,
this is the
last Bulletin you
will receive.
Renew today!**

RENEWAL FORM — DPR-ACS

I am a member of the American Chemical Society. Please renew my membership in the Division of Professional Relations. Enclosed is \$4* to cover dues through December 31, 1974. *Make checks payable to DPR-ACS.

Signature _____

Printed Name _____
Last First

Address _____

Mail to: Division of Professional Relations
American Chemical Society
P. O. Box 286
Rahway, New Jersey 07065

A Formal Grievance Procedure

**Mark R. Ertel, Contract Administration Department,
United Steelworkers of America**

Our major article this time is a discussion of formal grievance procedures. Most chemists and engineers are employees, but as professional employees, usually without a contract, without a union, without any effective employee organization, their only route to settlement of grievances is to talk to their immediate supervisors or personnel department. If this fails, the only recourse is resignation. Considering the wide range of potential grievances, from details of the work place to salary and fringe benefits to arbitrary dismissal, the current system is woefully inadequate. One alternative is a formal, contractual grievance procedure, supported by an active union. The Steelworkers are extremely experienced in this area -- DC.

A grievance and arbitration procedure provides the union with a method of reviewing management's acts. It is a process adopted by management and labor to provide a step by step method for resolution of conflicts between the parties. It is a method of resolving disputes and it derives its importance and its lasting effects from its characteristics as a method. It is a method which gives greater effectiveness to reason rather than raw power; it is created by the parties and, thus, hopefully is more responsive to their values and peculiar or individual circumstances.

The existence of a grievance and arbitration procedure is an admission that conflict cannot be eliminated, but rather that conflict is a part of management's and labor's continuing relationship. The parties have a joint interest in developing sound ways of dealing with these conflicts. Individual conflicts can be resolved. Such resolution is a source of progress and improvement.

The method used in processing a grievance is adaptable to the parties' special needs. It can be informal or formal, can be conducted as an investigation or as a court proceeding, can have as its goal the settlement of the case at hand or the development of precedents and principles for the parties' guidance.

As a formal process the following criteria and guide-posts have been accepted as a common sense procedure for settlement of grievances and disputes:¹

1. Collective bargaining agreements should contain provisions that grievances and disputes involving the interpretation or application of the terms of the agreement are to be settled without resort to strikes, lockouts, or other interruptions to normal operations by an effective grievance procedure with arbitration as its final step.

2. To be effective, the procedure established for the settlement of such grievances and disputes should meet at least the following standards:

(a) The successive steps in the procedure, the method of presenting grievances or dis-

putes, and the method of taking an appeal from one step to another should be so clearly stated in the agreement as to be readily understood by all employees, union officials, and management representatives.

(b) The procedure should be adaptable to the handling of the various types of grievances and disputes which come under the terms of the agreement.

(c) The procedure should be designed to facilitate the settlement of grievances and disputes as soon as possible after they arise.

(d) The procedure should be open to the submission of grievances by all parties to the agreement.

3. Managements and unions should inform and train their representatives in the proper functioning of the grievance procedure and in their responsibilities under it. In such a program it should be emphasized:

(a) That the basic objective of the grievance procedure is the achievement of sound and fair settlements and not the "winning" of cases;

(b) That the filing of grievances should be considered by foremen or supervisors as aids in discovering and removing causes of discontent in their departments;

(c) That any tendency by either party to support the earlier decisions of its representatives when such decisions are wrong should be discouraged.

4. The parties should provide by mutual agreement for the final determination of any unsettled grievances or disputes involving the interpretation or application of the agreement by an impartial chairman, umpire, arbitrator, or board.

The United Steelworkers of America believe in a formal grievance and arbitration procedure. An agreed upon step-by-step process has been in our labor agreements since the union's origination in the 1930's. Importantly, it must be recognized that in order to be a meaningful method of resolving legitimate complaints and grievances, the procedure must function both efficiently and expeditiously. With this in mind, the United Steelworkers of America and Basic Steel Industry have incorporated the following concepts into their grievance procedures:²

1. The agreement must clearly specify the fact-finding and confrontation role of the "plant-floor" steps (first and second steps). This is where the fact gathering and open discussion of the problems and complaints must take place. This is where authority and

responsibility should be vested in all but technical or policy-making cases.

The first step must be oral discussions between the grievant with or without his grievance committeeman or assistant grievance committeeman, and the foreman or operating supervisor who is responsible for making the decision involved in the complaint or request. If it is a disciplinary matter, the meeting should be with the foreman triggering the discipline. These front-line supervisors and union representatives must be under instructions to meet, and must have authority to settle cases if warranted. As a minimum, the date of the first step meeting must be recorded as a part of the procedure.

2. The second step must also be another oral step conducted by the Zone Grievance Committeeman and Department Superintendent or the delegated operating unit head. At this meeting, the grievant, foremen involved, and other witnesses who are involved in the case, should be present so that all facts can be reviewed on a person-to-person basis. When the parties agree that all facts have been reviewed and the case is still not resolved, the grievance then should be filed in writing by the zone committeeman. If possible, the grievance record should be jointly developed, containing the statement of the grievance, agreed-to facts, facts disputed by either party, contractual reliance, and remedy sought and the department superintendent's response and reasons for his position. This new approach will keep the grievance out of the written stage until there has been full discussion at the lower levels of the procedure.

3. The procedures for third and fourth step should be excluded from the basic fact-finding function, at least to the extent that the facts are available to the lower steps. The third and fourth steps should be barred from use where immediate parties to the grievance have not confronted each other and attempted to talk out their problem. Unless the record shows that both these requirements have been met — fact-finding and confrontation — the case should be referred back for compliance with these requirements.

As an integral part of the responsibility and authority of the parties in processing grievances, it is imperative that proper and effective screening procedures be established and implemented at each step of the grievance procedure. The parties should adjust the existing time limits so that there is adequate time for effective processing and screening at each step of the grievance procedure.

A grievance and arbitration provision is an absolute necessity in the full implementation of the terms and provisions of a labor agreement. A formal grievance arbitration procedure offers consistency . . . the parties learn to work under the procedure. Still, that procedure must be flexible in order to meet the parties' needs. The settlement of individual disputes is the primary purpose but only when the parties are satisfied, not frustrated or alienated, is the full purpose met.

¹Report of the President's National Labor-Management Conference (1945) Department of Labor.

²Report of the Joint Study Committee on Grievance and Arbitration Procedure, Coordinating Committee Steel Companies and the United Steelworkers of America, June 13, 1971.

By-Laws of the Division of Professional Relations, American Chemical Society

Article I — Name and Objects

SECTION 1. The name of this organization is the Division of Professional Relations of the American Chemical Society.

SECTION 2. The objectives of the Division are: to represent its membership and to inform general membership in professional rather than scientific matters; to increase awareness of members and to influence Society policies on professional matters through the organization of appropriate programs, conferences and discussion groups; to use such media to assess member opinions on professional matters and to make this information available to Society members through appropriate means.

Article II — Membership

SECTION 1. Membership in this Division is open to all members of the American Chemical Society who return a completed application to the Secretary of the Division and who pay the dues.

SECTION 2. Qualified persons — not members of the American Chemical Society and/or representing other organizations wishing to cooperate with the Division in its objectives — may become Affiliates upon written application to the Secretary of the Division, acceptance by the Executive Committee and payment of the dues. Affiliates shall have all privileges except those of voting for and holding elective position, voting on By-Law or incorporation changes and serving on the Executive Committee.

SECTION 3. Any member may resign membership in the Division by submitting a written resignation to the Secretary of the Division during the year for which the member's dues are paid.

SECTION 4. Loss of Membership

a. Any member in arrears for one year shall be dropped from membership and may be reinstated by written application to the Executive Committee.

b. A Division affiliate shall retain such status only so long as payment is made of Division dues and the affiliate's name shall be stricken from the rolls as soon as dues are in arrears.

SECTION 5. Members who attain emeritus status in the ACS may obtain similar status in the Division upon written request to the Secretary of the Division.

Article III — Management

SECTION 1. The management of the Division shall reside in its Executive Committee. The Executive Committee shall consist of a Chairman, Chairman-Elect, Secretary, Treasurer, two Division Councilors, two Division Alternate Councilors, four Members-at-large and the immediate Past Chairman. The officers of the Division shall be the Chairman, Chairman-Elect, Secretary and Treasurer. Councilors and Alternate Councilors shall be MEMBERS of the Society and of the Division. All other positions on the Executive Committee may be held by members of the Division who are MEMBERS or ASSOCIATE MEMBERS of the Society.

SECTION 2. The Executive Committee shall be empowered to manage all of the affairs between meetings of the Division, including its finances. A majority of its members shall constitute a quorum of the Executive Committee for the transaction of business. The Executive Committee shall meet at least twice each year at national meetings of the Society and its annual meeting shall be at the Fall

meeting; a meeting may be called at any time by the Chairman or at the request of any three members of the Executive Committee. Notice must be sent to each Executive Committee member at least ten days prior to the date for such meeting.

SECTION 3. The duties of the members of the Executive Committee shall be as follows:

a. The Chairman shall preside at meetings of the Executive Committee, carry into effect the decisions and recommendations of that Committee, preside at business meetings of the Division, appoint all committees, except those herein specified, and perform such other functions as are generally required of a Chairman.

b. The Chairman-Elect shall preside over meetings in the absence of the Chairman.

c. The Secretary shall keep minutes of all business meetings of the Division and of the Executive Committee and shall discharge such responsibilities as are laid down in the Constitution and By-Laws of the Society or by the Executive Committee of the Division. With the assistance of the Treasurer, the Secretary shall maintain a list of Division members and affiliates and send them such notices as the business of the Division may require. Together with the Treasurer, the Secretary shall submit a report to the Division at its annual meeting and an annual report of the Division to the Society's Council Policy Committee. All elections for and changes in office shall be certified promptly by the Secretary of the Division to the Executive Director of the Society. The Secretary shall preside at Executive Committee and Division business meetings in the absence of the Chairman and Chairman-Elect.

d. The Treasurer shall have charge of the funds of the Division, with their disposition subject to the approval of the Executive Committee. The Treasurer shall discharge such other responsibilities as are laid down in the Constitution and By-Laws of the Society or by the Executive Committee of the Division. The Treasurer shall assist the Secretary in maintaining a list of members and affiliates and in sending them such notices as the business of the Division may require. Together with the Secretary, the Treasurer shall submit a report to the Division at its annual meeting and an annual report of the Division to the Society's Council Policy Committee.

e. The Councilors and Alternate Councilors shall represent the Division on the Council of the Society and shall perform such duties as are prescribed in the Constitution and By-Laws of the Society.

f. The Members-at-large shall be voting members of the Executive Committee and shall discharge such responsibilities as are laid down by the Executive Committee of the Division.

g. The immediate Past Chairman shall offer counsel in deliberations of the Executive Committee and shall assist in the smooth transfer of operations during changes in personnel of the Executive Committee.

SECTION 4. The terms of office of members of the Executive Committee shall be as follows:

a. The Chairman, Chairman-Elect and immediate Past Chairman shall each serve one year and the Chairman-Elect shall automatically succeed to the office of Chairman. The Chairman shall be ineligible to succeed him — or herself.

b. The Secretary and Treasurer shall each serve two years and their elections shall be in alternate years.

c. The Councilors and Alternate Councilors shall serve three years and they shall be elected in a manner to produce alternation.

d. The four Members-at-large shall serve two years, two being elected each year.

e. Terms of all officers and other members of the Executive Committee shall begin January 1 of the year following election and end when their terms expire or when their successors are elected if later.

f. Vacancies in any opening on the Executive Committee caused by death, resignation or removal may be filled by the Executive Committee and the new member so appointed shall serve until the next regular election.

SECTION 5. Election of Members of the Executive Committee.

a. Members of the Executive Committee shall be elected by mail ballot. The Secretary shall declare that candidate elected to each office who receives the largest number of votes cast. Ties shall be resolved by a majority vote of the whole Executive Committee.

b. The Chairman shall appoint a Nominating Committee of three (non-officer) members in good standing, one of whom is a member-at-large of the Executive Committee. The Nominating Committee shall report to the Secretary by August 12 with a list of one or more Division members as candidates for each opening on the Executive Committee to be filled. The Secretary shall mail the list of nominations to each Division member by September 1. Other candidates for each office may be nominated by petition signed by ten members in good standing in the Division provided that such candidate is willing to serve and is otherwise eligible. Such petition must be received by the Secretary by October 1. Ballots shall be mailed to Division members by first class mail by November 1. Ballots must be returned by December 1. The Executive Committee shall establish procedures to carry out the provisions of this section.

Article IV — Committees

SECTION 1. The Chairman shall appoint all committees, with the advice and approval of the Executive Committee.

Article V — Meetings

SECTION 1. The Division shall hold divisional meetings open to all registered members of the Society at one or more national meetings of the Society each year; it may schedule divisional meetings apart from the national meetings, provided that the meetings are in accordance with the By-Laws of the Society.

SECTION 2. The Division shall hold an annual business meeting at the Fall National meeting of the Society and at other national meetings of the Society as called by the Executive Committee if notice of date and subject matter is given to the membership in writing at least eight weeks prior to the meeting.

SECTION 3. Twenty members of the Division shall constitute a quorum for the conduct of business.

SECTION 4. The business and Executive Committee meetings of the Division shall be conducted in conformity with "Roberts' Rules of Order, Revised."

(continued)

Bylaws — cont'd.

Article VI — Finances

SECTION 1. Divisional dues for members and affiliates shall be annual and the amount shall be decided by the Executive Committee. The dues of affiliates shall conform to the requirements of the Constitution and By-Laws of the Society.

SECTION 2. Emeritus members of the Division shall pay no dues.

SECTION 3. Registration fees at symposia held apart from national meetings of the Society shall be at reduced rates for members, to be decided by the Executive Committee.

SECTION 4. The fiscal year of the Division shall correspond to the calendar year.

SECTION 5. Expenses of all committees shall be documented for purpose, date and amount before authorization for payment by the Executive Committee.

Article VII — Amendments

SECTION 1. Any petition for amendment of these By-Laws shall be submitted with reasons to the Secretary of the Executive Committee over the signatures of not fewer than two members of the Executive Committee or not fewer than five members of the Division.

SECTION 2. The Secretary shall place the petition before the Executive Committee at its next meeting. A *two-thirds* vote of this body on the submitted or adapted petition shall instruct the Secretary to send the proposed amendment to the membership by mail or official bulletin for mail voting. The proposed amendment shall obtain approval by a *two-thirds* majority of the votes cast.

SECTION 3. Amendments to these By-Laws shall become effective upon approval by the Council, as consistent with the Constitution and By-Laws of the Society, unless a later date is specified.

Article VIII — Dissolution

Upon dissolution of the Division, any assets of the Division remaining thereafter shall be conveyed to such organization then existent, dedicated to objects similar to those of the Division and American Chemical Society, or to the American Chemical Society so long as whichever organization is selected by the governing body of the Division at the time of dissolution shall be exempt under Section 501 (c) (3) of the Internal Revenue Code of 1954 as amended or under such successor provision of the Code as may be in effect at the time of the Division's dissolution.

Guidelines for Elections: I Must Vote No

**Gordon L. Nelson, Vice-Chairman, DPR
Councilor, Eastern New York Section**

The ACS Council at its meeting in Chicago last summer was presented a document entitled, "Proposed Guidelines for ACS Elections for President and Directors" (published as a full page in *C&EN*, Sept. 17, 1973, p. 30). Drafted by E. L. Eliel and R. E. Lyle of the Council Committee on Nominations and Elections, the Guidelines arise (Preamble) from claimed inequities in the ACS electoral process and fears that such inequities have the potential of engendering not only the inability of the ACS to attract candidates of the highest caliber, but also unethical or illegal acts on the part of candidates or their supporters as well. As this document will be voted upon at the Spring Council meeting in Los Angeles, it warrants your attention.

The Guidelines, while providing for an official statement from each candidate to appear in *C&EN* and to be disseminated for publication in local section and divisional organs, would prohibit any advertising on behalf of candidates, prohibit publications from accepting such advertising, prohibit divisions and local sections or their representatives from endorsing candidates, and prohibit the use of Society, divisional or local section facilities, publications, or mailing lists for the purpose of soliciting or distributing information on behalf of candidates. Individual letters on behalf of candidates would be allowed, but only if not produced on a mass basis.

As Councilor from the Eastern New York Section, I recently received a letter from a constituent, a distinguished scientist for whom I have considerable respect. That letter reads in part:

"The basic premise of the Guidelines, that the ACS is not a political organization, if not clearly wrong is at least highly suspect. Every organization with which I am acquainted, from the Boy Scouts to the Zoological Society has a substantial political component which is inherent in the formation of the organization. If anyone believes that the distinguished past presidents of the ACS earned their reputations and positions by sheer force of ability, they have been living in a different world than I have. ACS presidents usually come from industry, academia, or government, and all have been politically sophisticated in their own areas.

"A second premise, that the chief officer of the ACS must continue to be a part time worker for the ACS if we are to have a professional and scientifically experienced leader,

is also suspect. The National Academy of Sciences, an organization at least equally as prestigious as ACS, has recently decided otherwise.

"Since the Guidelines start from such a poor base it hardly seems worthwhile to comment further, but I cannot resist a few words about proposed guideline 10 (violations to be reported to the Committee on Nominations and Elections). Assume a candidate and his supporters violate several guidelines, but are elected by a substantial margin. What good will come from objecting to the Committee on Nominations and Elections?

"The fascinating thing about the proposed document is that it decries politics but is itself highly political in nature. The ACS has operated more or less successfully for many years with a fairly simple electoral process. In the last few years considerable dissatisfaction has arisen in the membership and the official process has been used to try to bring about changes that a substantial number of members (judging from the election returns) believe desirable. The response of the 'establishment' has been to attempt to secure the status quo by restrictive rules on petitions and election guidelines instead of trying to get at causes. I predict this approach will fail."

If the "Guidelines for Elections" is not a highly political document, it is an unfortunate one. The ACS has a declining and somewhat dissatisfied membership, a membership which is being asked to pay a 12% dues increase for 1974. If the ACS is to be more than a journal publisher and conductor of meetings, if its offices are to be more than rewards for past activities, if younger members are not to be continually turned off, the vitality of debate on issues must be encouraged — not prohibited. Advertising, endorsements, and campaigning by members on behalf of other members is a sign of a strong, meaningful Society, where its offices are honors but not honorary, where past professional reputations are not substitutes for programs and policies and the ability to lead the ACS in the directions its members decide.

While we appreciate the efforts of the Committee on Nominations and Elections, the proposed document is totally without redeeming social value.

Read page 30 of the September 17th *C&EN*. If you agree with us, urge your councilors to vote *no*.

Published by the
American Chemical Society
P. O. Box 47
Wilmington, Del. 19899

Nonprofit Organization
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