

WHAT WOULD YOU DO?

"What would You Do" If you were arbitrating the following? We will ask our panel of arbitrators and advocates? And ask the audience too, for short quick answers to the following hypotheticals

1. After issuing your decision, the losing party calls you and says you missed the crucial exhibit. You look at your notes and agree. You screwed up and tell both parties. The side that won(in error) objects to any change. "You're function officio". What would you do?

2. After the employer raises repeated hearsay objections as the grievant answers the question: "Just tell us what happened?" Union counsel says "I know some of it may be hearsay, but just let him tell his story without the other side constantly interrupting". Management insists on its right to object to hearsay? What would you do?

3.The hearings are over, and while writing your opinion, you notice a contract provision the advocates ignored but that is right on point and more persuasive than the language the advocates rely on? Would you use it? What would you do?

4. During the hearing it is clear that the grievant was intensely disliked by management and his fellow employees and you sense would continue to be disruptive if reinstated. But his conduct did not deserve termination. Can you fashion a remedy other than "reinstate and make whole"? What would you do?