Review: Collective Bargaining-The Search for Solutions

Reviewed Work(s):

Collective Bargaining by Objectives by Reed C. Richardson


Organized Civil Servants: Public Employer-Employee Relations in California by Winston W. Crouch

The Public Interest in Government Labor Relations by Richard P. Schick; Jean J. Couturier

Collective Bargaining in Public Employment: The TVA Experience by Michael L. Brookshire; Michael D. Rogers

Scope of Public-Sector Bargaining by Walter Gershenfeld; J. Joseph Lowenberg; Bernard Ingster

James L. Perry


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BOOK REVIEWS

REVIEW EDITORS' CHOICE*


This lucid and carefully produced text encourages those who view program analysis as an orderly process, and who seek government programs based on verifiable assumptions. Chock-full of intelligent definitions and public examples, it will also serve well as a basic reference for managers and practicing program analysts. The coverage includes descriptive as well as inferential statistics, probability theory, measurement principles, research design, economic analysis, survey research, and multivariate analysis. Poister chooses conceptual clarity over unnecessary mathematics. His treatment will make some students into informed consumers of program analysis, and provide others with a firm foundation for further specialized study.

Michael J. White

*From time to time the review editors, singly or together, will highlight through a brief note a book which might otherwise escape our readers' attention. Selections will be personal but will usually involve a work of special merit which does not fit into any forthcoming cluster review.

COLLECTIVE BARGAINING—THE SEARCH FOR SOLUTIONS

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The past decade has undeniably demonstrated the importance of employee unions and collective bargaining in the public sector. A simple indicator of the importance of these phenomena is the volume of written work produced over the last ten years. In this Review alone, three review essays have appeared since 1974 about volumes on public employee unionization and collective bargaining. And there seems little chance, especially in light of the projections of Chapman and Cleaveland's 1971 Delphi study, that these topics will fade from the top of the public agenda anytime in the near future. Not surprisingly, public sector bargaining has garnered this attention because of the litany of purported impacts and consequences often associated with it. Near the top of this litany appear charges of decreased management authority, exhorbitant growth in labor costs, and decreased responsiveness of government to the interests of the general public.

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Two characteristics of the public sector’s transition from “management-administered” to “collectively-bargained” personnel systems help to account for this traumatic adjustment. The first of these characteristics was the magnitude and suddenness of the change from previous modalities of employee-employer relations. Collective bargaining and, to a lesser extent, employee unionization are major innovations in social organization and decision making in the public sector. As such, they depart radically, rather than incrementally, from the modalities of public employee-employer relations which they replaced. Given their radicalness one could well have expected a certain amount of turmoil to accompany their adoption.

A second characteristic of the transition which has contributed to the present turmoil was the initial unpreparedness of policy-makers and public officials to respond to employee demands for bargaining rights with policies that recognized the potential conflicts between the design of collective bargaining and that of government. The early legislative histories of the adoption of public-sector bargaining policy reflect little concrete and serious discussion of either novel organizational designs for collective bargaining or the consequences of bargaining for the three values central to governmental design, i.e., representativeness, politically neutral competence, and executive leadership. One model of collective bargaining already existed in the private sector and it had accumulated a substantial following among union leaders, neutrals, and academics. In the absence of alternatives, legislators were then frequently confronted with a simple choice—accept or reject traditional collective bargaining. Their decision calculus was often equally simple, considering that usually the public employees who favored collective bargaining vastly outnumbered other interest groups who opposed it. Therefore, where collective bargaining has been adopted in the public sector, it more than coincidentally reflects the bundle of laws, rules, regulations and behaviors institutionalized during a thirty-year period in the private sector.

At this stage, nothing can be done about the suddenness of the public sector’s transition to collective bargaining. For many jurisdictions, turning back the pages of history to the time of management-administered personnel systems is also improbable. However, the public sector’s acceptance of the private sector model of bargaining might be reversible. With the passage of two decades since Wisconsin adopted the first comprehensive bargaining statute, practitioners and academics have had an opportunity to assess the public sector’s experiences with the industrial model of collective bargaining. Three views or “schools” of thought have emerged about the meaning of these experiences for the future of collective bargaining in the public sector. One school readily accepts collective bargaining and is primarily concerned with how to redesign governmental and political systems so that collective bargaining is not impeded by them. The second school acknowledges particular problems with the transfer of private sector practices to the public sector. However, members of this school are reasonably content to tinker with the system, rather than to introduce wholesale changes. The third school advocates a position much different from the first two. Their view is that recent experience has demonstrated serious conflicts between collective bargaining and the basic values of governmental design. Members of this school contend that the bundle of laws, rules, and behaviors institutionalized in the private sector are inappropriate for the public sector and unique organizational designs must be developed for public sector bargaining.

The six volumes reviewed here reflect the differing orientations of these three schools. The Richardson volume gives passing attention to problems created by bargaining in a public sector setting. It is primarily concerned with how to improve the effectiveness of negotiators. The essays in the Gershenfeld, Lowenberg and Ingster book report the “tinkering” surrounding the scope of bargaining in public sector negotiations. The remaining four volumes reflect a nascent interest in the design of models of public sector bargaining which, more readily than the private sector model, accommodate the goals and objectives of government. Brookshire and Rogers offer the TVA experience as an example of how substantial modifications in traditional collective bargaining have produced cooperative labor-management relations in the public sector. Similarly, Crouch examines the California system as a model for employee-employer relations in the public sector. The books by Jennings, et al., and Schick and Courrier are concerned less with highlighting alternative models than with identifying the values and goals collective bargaining should serve.

The Traditional Model

The Richardson volume is heralded in the foreword by George Odiorne, a developer and early advocate of management by objectives, as “probably the major innovation in collective bargaining of the decade, or perhaps of the past thirty years’’ (p. ix). Unfortunately, this book is little more than a text on labor relations. Richardson perceives the extension of collective bargaining to the public sector as evidence of collective bargaining’s “new vitality” and its superiority over alternative means for “resolving labor-management problems in a free democratic society” (p. 52). He attempts to divide his discussion between public and private sector bargaining. However, much of the material on the public sector narrowly focuses on bargaining in the federal government and Executive Order 11491.

A large portion of the remainder of the book uses secondary sources to discuss fairly traditional topics in labor relations. The text is peppered with what Richardson terms “homilies” about bargaining and grievance handling, and profuse illustrations of reasons for employee grievances.

The bargaining-by-objectives technique introduced in the book is an adaptation of management by objectives to the bargaining process. Use of the technique involves the development of preliminary bargaining objectives, establishment of optimistic, pessimistic and target settlements, and the costing out of bargaining settlements. Actually, bargaining by objectives is no more than a systematic means of preparing for and conducting negotiations. And, despite the title of the book, only about fifty pages of the 350 page text are devoted to the development and discussion of the bargaining-by-objectives approach. Richard-
son's own disclaimer reveals the limited utility of the approach. He notes that "there is no single formula or guide from which the negotiator may draw other than experience and observation which tells him what to do in a specific situation" (p. 49). While this volume might be adequate as an elementary text, someone seriously interested in the theory and practice of bargaining would be better served by a volume such as Walton and McKersie's classic, *A Behavioral Theory of Labor Negotiations.*

**Tinkering With The System**

The Gershenfeld, et al. book represents the output of the first George W. Taylor Memorial Conference on Public Sector Labor Relations. Taylor was the late labor relations professor and arbitrator who chaired the advisory committee that developed the New York State collective bargaining statute. This volume focuses on a single theme, the scope of bargaining, i.e., a consideration of what subjects are or should be bargainable in the public sector. The volume presents seven essays on the scope of bargaining in different state jurisdictions. Although the book is designed to survey practices in the public sector, the jurisdictions considered are highly unrepresentative of the breadth of public sector practices. Among the seven jurisdictions discussed in the book, five (New York, Michigan, New Jersey, Wisconsin, and Pennsylvania) have comprehensive collective bargaining legislation for public employees. Practices in these states are quite similar to those in the private sector. The other two essays offer few contrasts with practices in these five states. Morris's essay on Texas is a general discussion of public employee bargaining in that state and it generates few insights about the resolution of the scope of bargaining issue. The essay on federal practice is, like the others, highly descriptive and provides no compelling ideas or framework for identifying what subjects "should" be bargainable.

Despite the sound and fury which once surrounded the scope of bargaining issue, Robert Helsby, chairman of the New York State Public Employment Relations Board, notes that "the anticipated emotional and controversial struggle over what is and what is not bargainable has just not materialized" (p. 69). Most of the essays indicate that the situation is still in flux, but there are neither great pressures nor sufficient reasons for significant change. However, these conclusions must be viewed cautiously in light of the restricted sample of experiences represented in the book.

As the output of the first Taylor Memorial Conference, the conclusions in this volume are both ironic and disturbing. Ingster writes in his concluding essay that Taylor believed very strongly that public employers have "a significantly different mission from that of a private employer and that the taxation and budget-making processes of government cannot be viewed as merely a different form of the sales and profit objectives in the private sector" (p. 211). These essays suggest that the scope of bargaining in the public sector has not evolved to reflect these differences.

**Alternative Organizational Designs**

**For Collective Bargaining**

Collective bargaining in the Tennessee Valley Authority has had a long and outwardly favorable history. Brookshire and Rogers set out to recount this history, illustrate how the TVA has approached particular public employment issues and problems, and consider how the TVA model might be transferable to other locations. Although the authors set out to objectively achieve these goals, the picture they paint of labor-management relations in the TVA is highly selective and uncritical (perhaps because one of the authors is an employee of the TVA Division of Personnel). John Dunlop, former secretary of labor, gives some hint of these inadequacies in his foreword. Although he generally shares the authors' favorable views of TVA labor relations, he chides them for not presenting information on the linkages between labor-management relations and organizational performance.

Brookshire and Rogers fail to provide the reader with answers to other equally important questions. For example, in judging whether the TVA structure might be transferable to other jurisdictions, some information on the strength of the TVA unions and employee associations and the regional labor-relations climate would be invaluable. However, the authors give few clues about these facets of the relationship. Meager information is also provided on employee reactions to and satisfactions with arrangements for collective bargaining in the TVA. This aspect of the relationships seems to be particularly important since, as the authors describe it, some TVA employees have little control even over their own unions. The Salary Policy Employee Panel, a five-union federation which represents white-collar employees, is empowered to negotiate agreements without employee approval of the final agreement. One issue which obviously arises from this arrangement is whether employees perceive some sense of control and whether the arrangement influences employee morale and performance.

Another alternative model for public employee-employer relations is discussed in the Crouch volume. He considers the status and practices of collective bargaining in state and local government in California. His study is actually oriented toward a much broader theme: the politics of public administration. He provides rare insights into the development of public policies regarding employee-employer relationships. His interest is not only the practice of collective bargaining as it has uniquely developed in California, but also the interrelationships between state and local governments and a multiplicity of interest groups which have come to characterize California labor relations. The strength of the Crouch volume, the detail and insights it offers about the politics of the public employment policy-making process, is also its weakness. Crouch draws few generalizations from his lengthy and detailed history of employee-employer relations. Crouch's point, of course, is that the process which has led to California's policy is "a textbook example of the disjointed incremental theory of decision making propounded by..."
Charles A. Lindblom and David Braybrooke" (p. 241). But while California employee-employer relations policy might be a worthy alternative to full-fledged collective bargaining, Crouch fails to draw out the strengths and weaknesses of this alternative model.

The Public Interest

The Jennings, et al. and Schick and Couturier volumes, while peripherally concerned with models for public sector bargaining, are primarily interested in identifying the practical and normative bases for integrating collective bargaining with governmental and political system designs. The Jennings, et al. book represents the most comprehensive study to date on collective bargaining in mass transit organizations. The study is based upon interviews and analysis of labor-management relations at mass transit agencies in nine southeastern states. Much of the book is devoted to reporting the practices and comments of labor and management in twenty representative organizations in these nine states. The most novel aspect of this volume, and its primary contribution aside from its emphasis on mass transit, is its discussion of contemporary labor-management issues in mass transit. Among the contemporary issues upon which the authors focus are the impact of labor-management relations on technological change, the extent to which labor-management relations influence employee job security, minority employment, and constraints upon the public interest.

Their examination of the "public interest" looks at whether management has sufficient authority to respond to the interests of various publics in a unionized setting. Using interviews with labor and management, they isolated nine issues which labor and management associated with the public interest. Among these issues were the safety of the system, the cost of services for disadvantaged groups, guarantees of uninterrupted service, and overall service levels. Unfortunately, Jennings, et al. are not able to provide a definitive answer about whether labor-management relations impede management from serving these public interest considerations. They conclude, however, that management has a relatively free reign. This conclusion is obviously at odds with the perceptions of many practitioners and academics. Although their conclusions might be tainted by the geographic unrepresentativeness of their sample of organizations, their study clearly demonstrates the need for more empirical research about the impacts of collective bargaining on the delivery of governmental services.

The Schick and Couturier book is devoted exclusively to an examination of collective bargaining and the public interest. Their review of the many implicit and explicit uses of the public interest in the labor relations literature reflects the quagmire one enters when he or she attempts to study this concept. Like Jennings and his colleagues, Schick and Couturier adopt an operational definition of the public interest. They define it simply as "access to and influence upon the governmental labor relations decision making process by third parties" (p. 8). Their objective, using case studies of collective bargaining in Milwaukee, Philadelphia, Memphis, and Berkeley, was to determine whether or not this operational definition of the public interest was compatible with the collective bargaining process.

Schick and Couturier infer from their case studies that most observers are not very interested in gaining access to the bargaining table. They did find that many outsiders were interested in assuring the accountability of their elected and delegated decision makers. Thus, there was a concern among these observers with access to elected officials responsible for employee-employer decision making. However, the authors found two significant impediments to third parties assuring the political accountability of those responsible for bargaining. Both of these problems are associated with the fact that negotiations are held in camera. At election time, citizens may be unable to identify those responsible for bargaining decisions. Furthermore, if a sufficient amount of time elapses between bargaining and elections, the citizen may well not even remember the issues associated with bargaining.

Schick and Couturier conclude that some compromise is needed between professional control and citizen control of the labor relations process. Their view has significant implications for the prevailing model of collective bargaining, which is characterized by closed negotiations and professional control. They suggest a greater use of citizens' advisory committees composed of labor, management, and neutral members, greater disclosure by the parties of their initial positions, provisions for public comment about the issues prior to negotiations, and similar methods for opening access to information and influence over the collective bargaining process in local government. They stop short of recommending open negotiations, but they suggest that this idea is worth further study.

Although these six books are not evidence of a radical break with the recent past, they indicate that the field of public administration is slowly beginning to constructively evaluate and modify the model of collective bargaining which has been transferred from the private sector. However, we still have some distance to go before public administration develops organizational designs for collective bargaining as equally viable or acceptable as that of the private sector. As these volumes demonstrate, particularly those of Jennings, et al. and Schick and Couturier, we have moved beyond polemics and have learned to ask meaningful questions. What is necessary in the future is continued experimentation with forms of employee-employer relations which respond to employee needs as well as to the requirements of complex governmental systems. Not only must we assure that the citizenry has some access and representation through the bargaining process, but we must assure that the negative consequences of collective bargaining are minimized for those who are least able to voice their concerns about the process. We must also find better solutions to the constraints on executive leadership created by collective bargaining. The other side of the executive leadership issue, of course, involves instilling in management a sense of responsibility for the interests of employees as well as the interests of political officials and clientele groups.
Notes


2. Richard L. Chapman and Frederic N. Cleaveland, "The

SHORTCHANGING THE PUBLIC

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Not long ago, corruption was marked terra incognita on the map of public administration. Despite evidence of its ubiquity and pervasiveness, it was barely mentioned in any major text. At most, it was regarded as an exotic subject related to under-development, a stage which, it was assumed, Western society had long outgrown. It was not worth researching, if indeed it could be researched at all in an approved scientific manner. The whole effect was to minimize its existence, as if somehow it would disappear if no attention were given it. Now daily revelations in the press and a growing bibliography of academic works attest the seriousness of corruption in contemporary public life. Gradually the chart is being filled in with theories of corruption which purport to describe and explain it, and to offer proposals for coping with it. The books under review contribute so substantially to this process that it is difficult to do them justice, such is the wealth of their contents.

Corruption is a subject which lends itself to many perspectives. Each of these books approaches it differently. The most general, George Benson, Political Corruption in America (Lexington, Mass.: Lexington Books, 1978), adopts a descriptive approach, outlining the history of corruption at different levels of government, discussing various theories about its causes, and offering suggestions for reform relating to the structure of government and the moral climate. In contrast, Susan Rose-Ackerman, Corruption: A Study in Political Economy (New York: Academic Press, 1978) is entirely theoretical, though there are many references to the substantive literature. As the title suggests, the book applies economic theory assumptions to corruption. Rational politicians, voters, bureaucrats and clienteles are seen as assessing the potential for gain in acting corruptly, and making decisions based on opportunities, incentives, and costs. The aim is to determine whether organizational design, relying on the self-interest of participants, can substitute for appeals to personal honesty in maintaining corruption-free governmental processes. Various models of choices are presented which purport to explain how individuals would act given specific assumptions about motivation and organization. The possible utility of this approach is demonstrated in John Gardiner and Theodore Lyman, Decisions for Sale: Corruption and Reform in Land-Use and Building Regulation (New York: Praeger, 1978), which analyzes a series of case studies to explain how patterns of corruption develop, why corruption appears in some areas more frequently than others, and what steps might be taken to reduce its frequency or impact, by reducing opportunities and incentives. A third, sociological, approach is used by Lawrence Sherman, Scandal and Reform: Controlling Police Corruption (Berkeley: University of California Press, 1978) to analyze efforts to reform corrupt police departments in four cities. Here the focus is on the organization, rather than the individual, and the role of scandal as a means of social control. Though the works differ in approach, scope and emphasis, they share important assumptions.

Naomi Caiden is currently a lecturer at the University of California, Irvine. She has written several articles in the area of public finance and co-authored a book with Aaron Wildavsky, Planning and Budgeting in Poor Countries. Presently Caiden is preparing a book-length history of public finance in the 19th century.