PERSUADING THE ADJUDICATOR:
CONFLICT TACTICS IN THE GRIEVANCE PROCEDURE

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ABSTRACT

This field study investigates the conflict tactics of labor and management participants in adjudicated grievance hearings. The grievance process has been identified as a primary mechanism for resolving daily labor-management conflicts, yet it has previously received little research interest. The present study analyzed transcripts from ten grievance hearings between the management and unions of one organization. The following three research questions were addressed:

1) what tactics are selected in the adjudication setting?
2) which tactics were most effective in persuading the adjudicator?
3) are different tactics selected by parties with different grievance-handling relationships?

A seventeen item scheme for coding individual tactics was generated following analysis of prior grievance transcripts and of the situational factors operating in the adjudication setting. These tactics were found to be more impersonal and reactive than those found in compliance-gaining and negotiations literature. The
seventeen tactics fell within five categories: Moral Standards, Rational Standards, Standards of Responsibility, Credibility Comparison and Perspective Manipulation.

Tactic effectiveness was operationalized in terms of decision outcome, thus an effective tactic would be one that secured a decision favorable to the sender. The individual tactics selected by a party were not found to be related to the decision outcome \( (p = .75) \), however, a small highly significant relationship \( (p = .001, C = .149) \) was found between the categories from which tactics were chosen and effectiveness.

Qualitative analysis of the transcripts indicated that there was a connection between the nature of the labor-management grievance handling relationship and the selection of tactics.

An additional finding was that the tactics varied not only in content but also in the direction or channel along which a tactic moves to the target. The following four directional formats were found in the present study: Direct, Indirect, Reflexive and Referential. Tactic direction is felt to be an important factor in persuasion which merits further research although it was not found to be related to effectiveness in this study.
CHAPTER I: INTRODUCTION AND LITERATURE REVIEW

Introduction

The one basic criteria of good faith, recognized and accepted by the parties, is contained in the iron rule: Preserve the sanctity of your lines of communication. Edward Peters, 1955

An understanding of the role of communication in intra-organizational conflict settings has become increasingly important in light of the current deterioration of American union-management relations. A review of numerous trade union journals and management-oriented periodicals reveals a climate of mutual hostility and distrust between labor and management. Two views of this situation emerge. Labor is accused of driving businesses into bankruptcy through its unrealistic demands and outdated adversarial approaches (Seligman, 1982; Banks, 1982; Marth, 1982). Management, on the other hand, is allegedly no longer willing to work with labor and has resorted instead to union-busting techniques (Allied Industrial Worker; AFL-CIO News; Solidarity). Donald Ephlin, Vice President of the United Auto Workers, has said that,

This is the worst anti-union, anti-labor period in my lifetime. We are the only country in the free world where the labor movement is fighting for its life (Taylor, 1983, p. 48).
Union-management disputes have been characterized as interest-group conflicts in which each party "has an interest in making the total resources as large as possible for itself (Pondy, 1967, p. 313)." Pondy (1967) notes, however, that these conflicts rarely become manifest where collective bargaining and other administrative mechanisms for resolving conflict are operating efficiently. Collective bargaining involves,

the process whereby...parties attempt to settle what each shall give and take or perform and receive, in a transaction between them (Rubin & Brown, 1975, p. 2).

Jandt (1973), also discusses the grievance procedure as an organizational system designed to prevent open union-management confrontation by regulating the conflict within socially accepted boundaries. The grievance procedure has been described as a forum in which "complaints of workers, employers and unions can be aired and discussed," and as "an avenue of bilateral communication on matters of interest to both parties (Sloane & Witney, 1972, p. 217)."

Collective bargaining and the grievance procedure, therefore, have been identified as a central means by which an organization can manage conflict. A greater understanding and more efficient use of these administrative mechanisms may be gained through investigation of the communication which takes place within them.

The purpose of this research is to study the communication of labor and management participants in the grievance process and to
discover the extent to which this communication is effective. Specifically, this study investigates the persuasive tactics selected by the opponents during one step of the grievance procedure and seeks to ascertain how successful these tactics are in securing a decision that is favorable to the sender.
Review of the Literature

This section reviews the results of grievance procedure studies and suggests a research framework to be utilized in investigations of the grievance process. This review contains and refers to the industrial relations terminology and concepts which have been briefly defined and explained below.

Definitions and Explanations

Throughout this chapter the industrial relations terms, collective bargaining, negotiations and bargaining, are used. Although these terms are not synonymous, there appears to be no definition which is standard throughout the research literature, thus they are used interchangeably by some authors. In the interest of clarity, therefore, these terms will now be defined as they will be used in this and following chapters. Collective bargaining refers to the relationship between an employer and the exclusive representative of an employee group, and to the mutual obligations which are implied by this relationship. In collective bargaining the parties involved are obligated to meet at reasonable times, to confer and negotiate in good faith and to execute a written agreement. Negotiation refers to the interaction between the parties as they
discuss and eventually settle the terms of a collective bargaining agreement. This term is somewhat broadly defined as embracing "everything that occurs, from the initiation and recognition of the dispute proper to the final outcome (Gulliver, 1979, p. 71)."

Bargaining, on the other hand, refers to a narrower range of activities that occurs within negotiations. As a process, it is "the presentation of more or less specific proposals for the terms of agreement on particular issues (Gulliver, 1979, p. 71)."

A brief explanation of the grievance procedure will greatly facilitate an understanding of the present research. The grievance procedure is the mechanism of industrial justice through which employees can register complaints during the life of a collective bargaining agreement. In addition to providing an outlet for employee frustration, grievance procedures contribute to the stability of labor-management relations. Where organizations lack a grievance procedure,

questions that arise will be resolved through a test of power, in the same way that the agreement itself was reached. Having a procedure for interpreting the agreement and resolving disputes thus serves as a substitute for continued confrontation in formal negotiations (Staudohar, 1977, p. 5).

The relationship between the grievance procedure and the negotiated agreement may be seen most clearly through an analogy to the legal system. If a citizen feels that the law has been broken or
that his/her rights have been violated, that citizen may bring his or
her case before the courts. The ruling of the court in turn sets
precedent and is included in case law. The grievance procedure
functions similarly, in that employees can protest if they feel that
the terms and conditions of employment guaranteed by the collective
bargaining agreement have been violated, or if they feel that
management has acted in a discriminatory, arbitrary or capricious
manner. Grievance decisions, furthermore, provide interpretations of
the contract language and will affect the administration of the terms
of the agreement in the future.

To carry the analogy further, the procedural structure itself
is similar to that of the legal system. The grievance procedure is
comprised of a series of steps to which an employee can appeal
earlier decisions much as the decisions of lower courts may be
appealed to higher ones. Although these steps vary slightly among
different organizations, there is general adherence to the following
standard:

Step One: Employee discusses problem with immediate
supervisor.

Step Two: Employee, shop steward and line management
meet to discuss grievance.

Step Three: Grievance is brought before top management
and/or industrial relations staff.
Step Four: Grievance is brought before an outside arbitrator.

An attempt is made at the first step of the procedure to resolve the matter informally through discussion between the employee and supervisor who are directly involved. The procedure becomes more formal at the second step with involvement of higher level union and management representatives such as the shop steward and line managers. At the first two steps of the procedure, the power to make decisions is held solely by management. The employee and union have the right to further appeal but they are not empowered to alter or refuse the decision. At the third step, however, the grievance is brought before an individual or group of individuals who is/are charged with the responsibility of hearing the decision impartially. The decision-maker at this step is often an industrial relations professional who, although employed by management, is not a management representative. This individual will listen to the positions presented by the management and union before rendering an impartial decision.

The third step of the grievance procedure is particularly important because there is pressure on both the union and management to have the grievance resolved without going to arbitration. Arbitration, the fourth step of the grievance procedure, is a "mechanism for submitting disputes to an outside third party for a final, binding decision (Staudohar, 1977, p. 29)." Arbitration is
costly since the parties generally split the arbitrator's fees. Additionally, it involves an element of risk, since the decision, which is binding on both parties, is made by someone outside the organization whose power is virtually unlimited.

The present study will be concerned with investigating the communication which takes place at the third step of the grievance procedure. Unlike the first two steps of the grievance procedure or negotiations, where the decision-making power is held by one or both parties to the conflict, the decision-making format at the third step is one of adjudication, or hearing before an impartial third party.

**Centrality of the Grievance Procedure**

A comparison of the grievance procedure and negotiations literature reveals a scarcity of research on the former. This lack of research interest may be due in part to the perception that the grievance procedure is relatively mundane when compared to the aura of excitement and mystery which surrounds negotiations. Kochan (1980), argues that, although the negotiations process is associated with "heroics and trauma (p. 384)", the grievance procedure is more central to the maintenance of healthy union-management relations. Kochan (1980) notes that whereas participation in actual negotiations sessions is limited to a small number of union and management representatives, a large proportion of employees and supervisors are directly involved in and all are affected by the administration of
the contract. He concludes, therefore, that it is through the application of the terms of the agreement that collective bargaining has its greatest impact on the attitudes and behavior of individual workers (Kochan, 1980, p. 384).

Thomson and Murray (1976), furthermore, have stated that the grievance procedure represents the primary mechanism by which industrial parties interact on a day to day basis... As such it deserves more critical attention than it has received (p. 1).

Limitations of the Research Literature

In reviewing the grievance procedure literature, it appears that researchers have confined themselves largely to addressing management-oriented issues. Grievance procedure studies almost invariably seek to identify determinants of the level of grievance activity within organizations and to suggest action which management can take to reduce this activity. One such study (Fleishman & Harris, 1962), which investigated the relationship between supervisory leadership style and grievance submission rates, was an extension of the Ohio State Leadership research series. In this study grievance rates in a manufacturing plant were found to be lower where the foreman's leadership style was characterized by a "Consideration" rather than a "Structure" style (Fleishman & Harris, 1962). Here, employees were less likely to file grievances where their supervisors stressed open communication and mutual trust rather
than direction and strong superior-subordinate role definition.

A second study, (Dalton & Todor, 1982), addressed the relationship of union steward characteristics to the grievance rate, and yet even here, where the subjects themselves are union members, the discussion is oriented toward management. Dalton and Todor (1982) suggest that management can intercede in several ways to reduce the number of grievances. They do not, however, discuss the implications that their findings have from a union perspective. It seems that unions should be aware that stewards with a strong commitment to the company tend to actively and/or passively suppress employee grievances.

Although ascertaining grievance determinants is certainly important and does suggest steps by which grievance activity may be reduced, it contributes little towards an understanding of the grievance procedure as a process. It seems that if the dynamics of the grievance procedure are to be uncovered, the research approach must be more processual than mechanistic. McGrath (1966) stated similar concerns that, although made with specific reference to the negotiations literature, apply to grievance procedure research as well,

Perhaps the key lesson we have learned from our review of relevant research, from our findings and our model, as well as our common sense, is that negotiation is a complex phenomenon. This complexity is such that a long, careful research effort will be needed before we can expect major
gains. Therefore, we must set our sights on long range goals, with the expectation that our initial progress will be slow. We should not spend our time casting about to find 'the magic variable' which will account for negotiation results, but rather we should proceed systematically to assess the effects of a whole set of variables - member, group, situation - which separately and interactively shape the process and outcome of negotiations (p. 132).

The researchers who study grievance determinants seem, likewise, to be pursuing the "magic variable" which will permit prediction of, if not control over, grievance activity within organizations.

This pursuit has involved the investigation of only a few of the variables which are relevant to the grievance process. Lewin and Peterson (1982, p. 48) have observed that studies tend to cluster around five main themes:

1) the demographic differences between grievants and non-grievants.

2) the effects of management and union leadership patterns on grievance incidence rates.

3) the relationship between organizational characteristics and grievance activity.

4) the relationship between personality traits and disposition to grieve.
5) the comparison and contrast of grievance activity between different sectors and industries.

The first and fourth of these themes concern the demographic and personality characteristics of grievants and non-grievants. The second involves the relationship of leader characteristics and grievance activity, while the third and fifth themes concern the relationship of grievance activity and organization characteristics. The questions which have been asked, in other words, revolve around the relationship of grievance activity to either a) the grievant, b) the union and management leaders, or c) the organizational structure. Referring back to McGrath's (1966) concerns, what is needed in grievance process presearch is an integration of efforts to study these and other variables. The absence of such integration has been noted by Lewin and Peterson (1982) who have found that grievance process research is "disjointed in the sense that there has been a lack of an overall framework or direction across the studies" (p. 47).

A Framework for Researching the Grievance Process

Thomson and Murray (1976) have suggested a conceptual framework (see Figure 1) which details key elements or variables sets involved in the grievance process. The inclusion of grievance manifestation or action as an element provides a processual basis for the framework. There are, however, two areas where the framework seems weak. The first area is in the omission of organizational structure as a key element. Variables such as the size, industry
Figure 1. Thomson & Murray's Framework of Key Elements in the Grievance Process (1976, p. 22)

1. Attitudes, beliefs and perceptions of the interested parties
   (a) Grievance issue characteristics (e.g.,
       number, clarity, information, amount,
       'zero-sumness', 'all or noneness',
       strength of dissatisfaction)

   (b) Identities of the parties
       (i) Identities of 'self' and
           'other' (individual, role,
           group, aggregate)
       (ii) Degree of internal unity
            within groups and larger
            units
       (iii) Third party types (ally,
            agent, mediator, judge)

   (c) Overall relationship of the parties
       (i) Power balance
       (ii) Mutual attraction
            (liking, trust, openness)

2. Grievance manifestations (actions)-regulated
   (procedures followed); unregulated (no
   procedures or procedures ignored):
   Direct interaction between opponents
   (a) Bargaining - positive and negative
   (b) Coercion
   (c) Avoidance
   (d) Persuasion
   (e) Problem-solving
   Indirect actions
   (a) Intra-group activity
   (b) Interaction with third parties

3. Grievance outcomes and aftermath
   (a) Actual distribution of rewards and costs
   (b) Effects on the parties and their relationship
   (c) Effects on larger or smaller system levels
type and sector of the organization have been noticeably excluded. The second area is in element two, grievance manifestation. This element is confusing in the framework constructed by Thomson and Murray, (1976) and several types of variables are combined rather than broken into separate subsets. These two areas of weakness have been corrected for in a revised version of the framework (see Figure 2). This revised framework is not being presented here as a final model upon which all grievance process theory should be built. It is instead intended as a guide for research efforts to which there will be future additions and adjustments.

Thomson and Murray (1976) emphasize the need for research on two elements of the framework which they consider to be critical to the process. These elements are: 1) the overall relationship between union and management, and 2) third parties to the grievance process, e.g. agents, allies, mediators and judges. The first element, which will be considered later in this chapter, has already been the focus of two studies (Turner & Robinson, 1972; Thomson & Murray, 1976). The second element, third parties, have been numbered "among the more subtle and least discussed influences on all forms of conflict in organizations (Thomson & Murray, 1976, p. 21)." The immediate discussion will address one type of third party found in the grievance procedure, the judge or adjudicator.
Figure 2. Revised Framework

1. Characteristics of the Organization
   a) Size
   b) Sector
   c) Industry

2. Characteristics of the Parties
   a) Identities
      i. opposing parties
      ii. third parties
   b) Contractual Language
      i. scope of procedure
      ii. steps in procedure
   c) Relationship
      i. power balance
      ii. mutual trust

3. Grievance Manifestation
   a) Interaction
      i. bargaining
      ii. coercion
      iii. avoidance
      iv. persuasion
      v. problem solving
   b) Formality
      i. procedures followed
      ii. procedures ignored

4. Grievance Outcomes
   a) distribution of rewards and costs
   b) effects on the parties
   c) decisions rendered
   d) grievance submission rate
   e) settlement rate
Adjudication

The impact of the adjudicator's presence on the grievance process can be pinpointed through a comparison of the adjudication and negotiation decision-making formats. Gulliver (1979) believes that,

A fundamental characteristic of negotiation is the absence of a third party decision-maker. It is my contention that the paramount distinction between the two modes - negotiation and adjudication - comes from that fact. This is because the absence or presence of an authoritative third party produces an essential difference in the nature of the decision-making process. The focus of the decision-making, together with the process leading to it and affected by it, is taken to be crucial because it is directed to the end result of dispute treatment, that is, some outcome... Yet it is not the kind of decision outcome which is distinctive but rather the process by which a decision is reached. (p. 3-4)

Gulliver contends, in other words, that the presence of the adjudicator indirectly affects the final outcome through influencing the nature of the interaction between the parties. His own work (1979), however, has centered on the negotiations setting and his contention has not been further researched. The present study of the third step of the grievance procedure included an exploration of the interaction between the parties and of the relationship between that interaction and the final outcome.

Interaction at the Third Step

Adjudication, as was stated earlier in this chapter, is the
decision-making format found at the third step. A fuller explanation of grievance handling at this step, is warranted, however, since the present study explored the interaction found in this phase of the process.

There are two basic adjudication modes, the inquisitorial and the adversarial (Thibaut, Walker & Lind, 1972). The inquisitorial mode involves the active investigation of the conflict by the judge in the absence of party representatives. The second mode, adversarial, is so named because openly biased opposing representatives alternate arguing their positions in the presence of the judge. The adversarial mode, which is widely used in both legal and administrative settings, has been found to counteract an adjudicator's biases more effectively than the inquisitorial (Thibaut, Walker & Lind, 1972). At the third step of the grievance procedure, adjudication follows the adversarial mode. This step involves hearings where union and management representatives take turns presenting their positions and questioning witnesses for the purpose of persuading the adjudicator to decide in their favor. When exploring the interaction between the parties at the third step, then, the focus of the study must be on the persuasion of the adjudicator by the two conflicting parties.

One fruitful branch of persuasion research has been the identification of persuasive message strategies and tactics (Miller &
Burgoon, 1978). A strategy is an overall "game plan" or series of tactics, while a tactic is a communicative behavior or individual move which is made during the course of a conflict (Putnam & Jones, 1982). Strategy identification involves retrospective interpretation on the part of the researcher because strategies must be inferred from the collection of tactics that are chosen by a particular party. Tactics, on the other hand, are discrete behaviors which may be observed during the interaction. This study will focus on the tactics used during the third step of the grievance procedure.

The identification of tactics that are used at the third step will be necessarily a largely inductive process because previously developed taxonomies of tactics may not be applicable to the present conflict setting. Tactics that are employed during negotiations are specific to that particular conflict resolution form and will not be found in others such as adjudication (Putnam & Jones, 1982; Thomson & Murray, 1976). Taxonomies have also been developed from research on compliance-gaining conflicts (i.e. conflicts where one person attempts to gain compliance from a second person) and yet these taxonomies (Marwell & Schmitt, 1967; Miller, Boster, Roloff & Seibold, 1977; Kipnis, Schmidt & Wilkinson, 1980; Wiseman & Schenck-Hamlin, 1981), may also be inappropriate for the present research. Donohue (1981) has said that in order to develop coding schemes which are relevant to the context being studied, it is necessary to examine the situational dimensions of that context.
Miller, Boster, Roloff and Seibold (1977) have found, for example, that compliance gaining tactics are situation-bound, in that they vary depending on the nature (interpersonal versus non-interpersonal) and duration (long-term vs. short-term) of the conflict relationship. Other situational variables that have been found to influence the kinds of tactics selected are 1) the personal benefits to be gained by the sender, 2) the sender's dominance over the receiver, 3) the receiver's resistance to persuasion, and 4) the degree to which the sender feels justified in asking for compliance. (Cody & McLaughlin, 1980). The taxonomies of tactics derived from compliance-gaining research, therefore, may be totally inappropriate for the adjudicated union-management conflict found at the third step of the grievance procedure. The first objective of the present study, then, was to discover what types of tactics were employed by the parties in their attempts to persuade the adjudicator.

**Interaction and Outcome**

The second area of Gulliver's contention regarding the influence of the adjudicator on the decision-making process which was explored in this study is the relationship between interaction and outcome. Outcome variables in previous studies of the grievance process (e.g. Fleishman & Harris, 1962; Dalton & Todor, 1982) have been confined to those that reflect grievance activity. The rate at which grievances are submitted and the speed with which they are
resolved, however, are more a function of politics, absenteeism and union strength than of the grievance handling process itself (Lewin & Peterson, 1982). Grievance activity, in addition, is an outcome variable that is important to management but holds little interest for the union (Lewin & Peterson, 1982). Lewin and Peterson (1982) have called for a redirection in grievance procedure studies toward the use of effectiveness as an outcome variable. The effectiveness of a grievance procedure is critical because, if the original or primary conflict cannot be adequately handled through the procedure, secondary conflicts between the parties will arise (Thomson & Murray, 1976).

One objective of the present study was to determine which tactics used in the grievance procedure's third step are effective and which are not. Lewin and Peterson (1982) stress the need for researchers to recognize that effectiveness is viewed differently from union and management perspectives. They suggest, therefore, that attitudinal measures (e.g. satisfaction) which require interpretation, should be bypassed in favor of behavioral measures such as the grievance decision (Lewin & Peterson, 1982). At the third step of the procedure, the adjudicator makes a decision either to sustain or to deny the grievance. The union is the claimant or party that initiates a grievance so that a denial is a decision in favor of the management position while a decision to sustain is one in favor of the union's position. In this study, then, a tactic will be
considered to be effective if it results in a decision that favors the sender's position.

Interaction and the Parties' Relationship

This review will now return to a discussion of the first element which is considered by Thomson and Murray (1976) to be critical to the grievance process: the overall relationship between the parties. This relationship has been investigated in two studies conducted by Turner and Robinson (1972) and Thomson and Murray (1976). Thomson and Murray (1976) found that the level of trust in the collective bargaining relationship affected the approach taken toward the grievance procedure. Thus, high levels of distrust between the parties during negotiation of the contract led to more formalized grievance procedures. From these results, Thomson and Murray (1976) developed a contingency theory of grievance handling which states that a negotiations climate of high conflict and hostility will result in a formal approach to the grievance procedure while a problem-solving approach will be found in climates of low conflict and cooperation. A similar relationship was found in a study by Turner and Robinson (1972), who discovered that grievances were successfully settled earlier in the procedures where there was a climate of trust and cooperation between the parties. The overall relationship between the parties, therefore, has been found to affect the formality of the grievance procedure and the speed with which
grievances are resolved. Possible connections between the relationship of the parties and the interaction itself, however, have previously been unexplored.

The third objective of the present study was to explore possible influences which the relationship between the parties had on the selection of tactics during the grievance hearings at the third step. Analysis of the relationships between parties will be made in terms of Thomson and Murray's (1976) typology of five grievance handling relationships. This typology, which was originally developed by Derber, Chalmers and Edleman (1965) to describe overall union-management relationships, has been restated by Thomson and Murray (1976) with specific reference to grievance handling. For each relationship type the following variables are considered: 1) the degree of trust and respect, 2) the relative power of union and management, 3) the kinds of action taken by the union, and 4) the existence of an "us versus them" win-lose, or zero-sum perspective of issues. The five grievance handling relationship types are:

1) **aggressive** - In this situation workers feel many dissatisfactions which they articulate as grievances and both parties see most of the issues as zero-sum. Workers do not trust or respect management and vice versa. Grievants possess a good deal of influence which is expressed in the form of threats and the use of force. There is no attempt at meaningful joint consultation or problem solving activities.
2) repressed hostility - Workers in this situation also may feel many dissatisfactions and believe them to be zero-sum issues but do not articulate them as open grievances. Attitudes of mistrust and disrespect are dominant. The main difference from the aggressive type is that the grievants feel they have no power to influence things in their favor: hence they engage in no actions of any kind (nor of course does management attempt genuine joint consultative activity).

3) moderate - Grievances in this situation arise with moderate frequency and some are seen as zero-sum issues. On the other hand, workers and management basically accept and respect each other while still believing that each acts mostly for its own interests which are not always complementary. The grievants have moderate levels of power to influence matters in that they can affect issues of hours, some working conditions, some work allocation decisions. There is prior consultation with management and workers on relatively traditional and minor issues. There is some use of problem solving approaches to grievances but also some positive bargaining of the type 'we'll do this if you do that.' The use of threat and force is relatively rare.

4) passive - Attitudes are basically positive: few grievances are felt, few are articulated. There is little perception of zero-sum issues and respect between the parties. Again, the workers have very little influence, there is little joint consultation and little other action of any kind. Workers basically 'do what they are told' and do not mind it.
5) **Cooperative** - In this situation attitudes are generally favorable: few grievances are felt or articulated, none are seen as zero-sum. A feeling of liking and trust exists between the parties. Worker influence is high and is expressed primarily through joint consultation activities prior to management decision making. When they arise, grievances are handled solely by problem solving approaches. There is never any use of threat and force.

(Thomson & Murray, 1976, p. 23-24)

The Research Questions

The present study, rather than seeking to explain the grievance process through a single variable, is instead a first step toward exploring areas of the process which have been previously unresearched. Three main objectives for this study have been stated in this review:

1) To discover the types of tactics employed by the parties in an attempt to persuade the adjudicator.

2) To determine which of these tactics are effective.

3) To explore possible influences which the relationship between the parties may have on the selection of tactics.

These objectives will now be presented in the form of research questions to which the present study was addressed.
RQ 1: What are the tactics selected by the parties during the hearings at the third step of the grievance procedure?

RQ 2: Which of these tactics are effective in persuading the adjudicator?

RQ 3: Are different tactics selected by parties with different grievance handling relationships?

Figure 3 illustrates, in terms of the revised framework, the areas of the grievance process explored in this study.

Chapter II will describe the method by which this study was conducted. Chapter III reports the results of the study and Chapter IV discusses the findings and suggests future directions for grievance process research.
Figure 3: Research Areas of Present Study

1. Characteristics of the Organization
   a) Size
   b) Sector
   c) Industry

2. Characteristics of the Parties
   a) Identities
   b) Contractual Language
   c) Relationship
      i. opposing parties
      ii. third parties

3. Grievance Manifestation
   a) Interaction
   b) Formality
      i. bargaining
      ii. coercion
      iii. avoidance
      iv. persuasion
      v. problem solving

4. Grievance Outcomes
   a) distribution of rewards and costs
   b) effects on the parties
   c) decisions rendered
   d) grievance submission rate
   e) settlement rate
CHAPTER II: METHOD

The Research Setting

This field study researched the tactics selected by the union and management participants during hearings at the third step of the grievance procedure of a county government in a small eastern state. The adjudicators at the third step of this procedure are three county citizens who are appointed to a panel by the Executive with the advice and consent of the Council. The County Executive at the time of this study was Republican while Council was largely composed of Democrats. One month prior to the present study, a new panel composed of two democrats and one republican was newly appointed. Grievance hearings are held in the evenings on a semi-monthly basis and the panel members are paid a nominal fee for each meeting. The panel members vote individually on each grievance but a single decision based on majority opinion is rendered by the panel in each case.

The management of the county is represented at each hearing by one of two staff members who are involved in the government's labor relations section. Management witnesses included personnel department members, department heads, supervisors and employees.
There were three bargaining units involved in the grievance hearings. Two of these units, one for hourly workers and one for clerical workers, are local chapters of the American Federation of State, County and Municipal Employees (AFSCME). The third bargaining unit consisted of police who are members of the Fraternal Order of Police (FOP). The AFSCME units, with a membership of 950 employees, were represented in the hearings by one of two professional representatives. The FOP unit, with 218 members, was represented by the president of that unit, who is also an employee of the county. Each of the three bargaining units called upon union officials, grievants and other county employees as witnesses during the hearings.

Ten grievance hearings held between October 1983 and May 1984 were included in the present study. The researcher attended these hearings and obtained tape recordings of the proceedings. The tapes were then transcribed and coded.

Procedure

This research was conducted in two stages. First, two systems were developed in preparation for the actual coding. During the second stage, the data were collected in the field setting and coded for analysis.
Development of the Coding Systems

The approach taken toward identification of tactics, although mainly inductive, included some deduction as well. Induction, as discussed in Chapter I, is necessary because previous taxonomies may be inapplicable to the adjudication setting. Wiseman and Schenck-Hamlin (1981), furthermore, believe that induction leads to more exhaustive and representative taxonomies. Deduction from theory and past research, however, allows for the building and integration of new information with the old, thereby avoiding reduplication of effort or multiple labels for the same tactics (Wiseman & Schenck-Hamlin, 1981).

Clark (1979) and Donohue (1981) have each suggested that it is best to combine deductive and inductive approaches to the creation of coding schemes.

Clark (1979) has said that,

To develop schemes appropriate for analyzing the messages obtained (inductively) it is useful to anticipate the kind of strategies which potentially may vary as a function of the variables involved. Additional categories may suggest themselves as responses are scrutinized, but some dimensions of analysis should be identified prior to elicitation of messages (p. 266).

Donohue (1981), furthermore, states that in addition to deriving coding categories from prior research, the researcher must also analyze sample interactions, "to insure that the categories are
sensitive to the situation examined in the study" (p. 278). For these reasons, the approach to the development of coding systems for the present research incorporated both deduction and induction.

Two systems for data coding were developed following a consideration of the conflict literature, a review of transcripts from past grievance hearings and actual observation of several hearings. Specifically, the work of Marwell and Schmitt (1967), Kipnis, Schmidt and Wilkinson (1980), and Wiseman and Schenck-Hamlin (1981) were reviewed. The tactics and categories into which they are grouped in the literature cited above were evaluated for their applicability to the adjudicated conflict setting. That which was inappropriate to the setting was discarded and that which appeared applicable was further compared to the researcher's review of five transcripts of past grievance hearings and to her observation of the proceedings of several other hearings.

This review confirmed the researcher's belief that existing categories would have to be radically altered and supplemented in order to develop a system which would be valid for the study of persuasion within an adjudicated conflict setting. The systems which were developed provide a method for coding the data on two levels: 1) the content level, and 2) the level of directionality. An explanation of each level and the development of the two systems is discussed below.
The first coding system developed for the present study allows for the coding of tactics on the content level. The content of a tactic is its persuasive basis. The content coding system was developed by first analyzing the tactic categories found in the compliance-gaining literature and then identifying individual tactics in transcripts of past grievance hearings.

Compliance-gaining tactics have been categorized both through factor analysis (Marwell & Schmitt, 1961; Kipnis, Schmidt & Wilkinson, 1980) and multi-dimensional scaling (Wiseman & Schenck-Hamlin, 1981). A full discussion of the methods employed by these research teams and their results is not necessary for the purpose of this paper. For readers who are unfamiliar with this research area, a brief explanation is provided following references to specific categories.

Compliance-gaining research, which is based on Exchange Theory and social power research, tends to focus on the sender's avoidance of punishment and manipulation of the target's access to rewards (Donohue, 1981). There is, therefore, a common emphasis on sanctions and controls throughout the conflict literature although the specific categories identified by individual research teams vary. Three of the five categories discussed by Marwell and Schmitt (1961), rely on sanctions as the basis of persuasion. These categories are
as follows:

**Rewarding Activity** - Sender promises to reward target for compliance.

**Punishing Activity** - Sender threatens to punish target for non-compliance.

**Expertise** - Sender states that rewards will follow compliance and/or punishment will follow non-compliance because of the nature of things.

Kipnis, Schmidt and Wilkinson (1980) have distinguished four categories of control tactics used in superior-subordinate work related conflicts as well as a separate category for sanctions. These five categories may be explained as follows:

**Exchange** - Sender promises to do something in exchange for compliance.

**Blocking** - Sender stops the target from not complying.

**Upward Appeals** - Sender obtains support of superiors or appeals to higher authorities.

**Coalitions** - Sender obtains support of co-workers and subordinates.
Sanctions - Sender uses administrative sanctions to reward target for compliance or punish him/her for non-compliance.

Finally, Wiseman and Schenck-Hamlin (1981), have set aside two categories dealing with sanctions. The first category, Manipulation of Sanctions groups tactics on the basis of whether the sender manipulates some reward or punishment. The second category, Locus of Control, groups tactics in terms of whether the sender controls the reward or punishment.

Although sanctions and controls play a large part in compliance-gaining, such categories are inapplicable to the present research setting because they presuppose that the sender has power over the decision-maker. It seems that the adjudication panel at the third step of the grievance procedure has been established for the precise purpose of excluding persuasion through the use of control and sanctions. The panel members, who are neither aligned with union or management nor employed within the organization, are not personally involved in the grievances they hear or the decisions rendered. They are, in a sense, immune to promises, threats, rewards, punishments and related tactics. It is possible that the union and/or management may attempt to bribe or threaten panel members, but this information is unavailable to the present researcher. These tactics, furthermore, would be employed prior to
the grievance hearings themselves and for that reason would be outside the scope of the present research.

A second group of categories found in the compliance-gaining literature has been excluded from the present system because these categories focus on the sender's style rather than on tactic content. Kipnis, Schmidt and Wilkinson (1980), have, for example, included the following two categories in their typology:

- **Assertiveness** - sender demands or orders compliance.
- **Ingratiation** - sender acts humble or makes target feel important.

There is no question but that these categories identify differences in the approach to persuasion. Properties of persuasive style, however, are not the same as, and should not be confused with tactic content.

The distinction between style and content is clearer and perhaps more important in adjudicated conflict settings than in two-party compliance-gaining. Buttering-up or bullying, in compliance-gaining, may be in and of itself sufficient to secure compliance. For example, when one friend praises another and then simply requests compliance, (i.e. I am your friend, I like you, do this for me), the friendship bond itself may lead the target to acquiesce. Similarly, when a boss demands that his/her subordinate do something (i.e. I am your boss, I employ you, do this), the power bond between the two
individuals may supply the necessary incentive for the target to comply. It is important to note in both cases, however, that it is the existence and dynamics of the relationship between sender and target that motivates the target to comply.

In an adjudicated conflict setting, there is no bond between sender and target which can be capitalized on for the purpose of persuasion. The only relationship between the adjudicator and opponents is a formal conflict resolution relationship. Each opponent feels strongly enough about their position to submit the conflict to an impartial outside judge, whose role is to make a fair decision. There must, therefore, be some content to the positions presented by the opponents. Simply asking nicely or demanding forcefully does not provide the necessary persuasive basis.

Categories such as assertiveness and ingratiation correspond, in the adjudication setting, more closely to differences in sender style than in tactic content. In the present study each opposing group conducted itself with a distinct style. There was a sharp contrast, for example, between management's restraint and the aggressiveness of one union. The key point here is that these differences were static, in that, each opponent maintained its style throughout the hearings studied rather than changing from week to week. The degree to which the individual opponents were assertive or ingratiating, therefore, appeared to have more to do with the
identity of that party and its attitude toward the grievance process than with a particular grievance or issue being discussed.

A third category which seems to be related to those dealing with style was found to be irrelevant to the present research for a slightly different reason. This category, Directness of Strategy, was identified by Wiseman and Schenck-Hamlin (1981) to differentiate between tactics based on whether the sender's intent to persuade is explicit in the message. It seems that this type of categorization would be relevant only in situations where the target might be unaware that a persuasion attempt was being made in the present conflict setting. In the present conflict setting the sole purpose of the meeting is to resolve the conflict, thus the union and management's intent to persuade cannot be marked. Hinting and other roundabout tactics, therefore, are not found in this setting.

Once the control and style-oriented categories of the three compliance-gaining research teams were eliminated as inappropriate for the present research, four categories remained. Two of these categories, Activation of Personal Commitment and Activation of Impersonal Commitment have been discussed by Marwell and Schmitt (1961). The category Activation of Personal Commitment includes tactics such as altruism, negative esteem and debt while Activation of Impersonal Commitment includes tactics such as self-feeling and moral appeal. The difference between these two categories is that
the former deals with interpersonal commitments between the sender and target and the latter with general commitments which the target has internalized (Marwell & Schmitt, 1961, p. 363). Both categories, however, make reference to moral standards as the basis for the compliance request.

A review of past grievance hearings confirmed that the union and management do in fact use moral standards as a basis for persuasion. The impersonal/personal distinction, however, is not a meaningful one in the present setting because the adjudication panel is the target of the tactics but not the subject to which the tactic refers. To illustrate this point the tactic debt, which is classified in Activation of Personal Commitments by Marwell and Schmitt (1961), will be considered as an example.

The debt tactic manifests itself in a compliance-gaining setting as "you (the opponent) should comply, because you (the opponent) owe me (the sender)". In other words, the opponent here is both the target of compliance and the tactic's subject. Notice the difference in the way the same tactic is manifested in an adjudication setting,

you (the adjudicator) should uphold our position because they (the opposing party) owe us (the sender's party).

The adjudicator is in this case the target of the tactic while the
opponent is the subject. The implication of the tactic in the latter setting is that the adjudicator should uphold the sender's position because he/she agrees with a moral standard, which is in this case that debts should be paid. All moral standards invoked during persuasion of the adjudicator, therefore, are impersonal or internalized ones. The desired outcome of the tactics, furthermore, is not strictly speaking an action, but an agreement. The union and management ask the panel not to do something themselves, as in the case of compliance-gaining, but instead to agree with the sender's position on an action that has already been taken or will be taken in the future.

The final two categories found among those discussed by the three research teams are Rationality (Kipnis, Schmidt & Wilkinson, 1980) and Explicitness of Rationale (Wiseman & Schenck-Hamlin, 1981). Both categories include tactics that justify, explain and provide a rationale for the compliance request. Following an analysis of past grievance hearing transcripts, it was clear that the union and management do provide reasons and justifications to the adjudication panel. Justifications, however, are present in all of the tactics, rather than being found in a limited set of tactics. Justification is in fact the unifying thread that runs through all persuasive messages found in the present research setting.

Once again a comparison of compliance-gaining and adjudicated
settings will clarify the point just made. The sender, in a compliance-gaining setting, selects from among a wide array of tactic types, some of which serve to trick or coerce the target into compliance and some which provide reasons for the compliance request. The adjudication setting, as has been previously discussed, differs from that of compliance-gaining in four distinct ways, 1) the adjudicators are not controlled by the senders, 2) there is no relationship between adjudicator and sender existing beyond that of conflict resolution, 3) the adjudicators are fully cognizant of the persuasion attempt, and 4) the desired outcome of persuasion is agreement, not action. The union and management must, therefore, rely on tactics which will convince the adjudicators that their own position is superior to that of the opponent. The nature of the sender's task, then, mandates that the tactics chosen are those which will either provide justification or support for their own position or those which will detract from the opponent's position.

The categorization of tactics found in the adjudication setting, then, revolves around differences in the types of justification and detraction that are provided in the individual tactics. The first category, Moral Standards, has already been discussed. This category includes tactics that justify the sender's position through reference to some shared moral standard. A tactic in the Moral Standards category implies that the adjudicator should uphold the position that is compatible with a particular standard of morality.
and given that the sender's position is closest to that standard, it is his/her position that should be upheld. Four other categories of tactics were discerned in the review of transcripts from past grievance hearings. These are: Rational Standards, Standards of Responsibility, Credibility Comparison and Perspective Manipulation. The first and second of these categories function similarly to the Moral Standards category in that a standard is invoked by the sender, whose position is presented as being most compatible with that standard. The third and fourth categories, Credibility Comparison and Perspective Manipulation, function a bit differently. Tactics belonging to the Credibility Comparison category seek to detract from the opponent's position by impugning the opponent's credibility while assuring that of the sender. Through Perspective Manipulation the sender detracts from the opponent's justifications or asserts the validity of his/her own justifications by directing the adjudicator to take a certain perspective of the conflict at hand.

A list of the five categories and 17 individual tactics used in coding data for the present study may be found in Table 1 along with brief explanations of each. It should be noted that two of the tactics, logic and equity were not identified prior to the actual coding of data in the second step of the procedure.
Table 1: Content Level Coding System

A. Moral Standards - A standard or principle of morality is invoked in support of the sender's position.

1) Debt: People should pay their debts.
2) Equality: People should be treated equally/consistently.
3) Empathy: People should treat others as they would like to be treated themselves.
* 4) Equity: People should be treated fairly/justly.

B. Rational Standards - A standard or principle of reason is invoked in support of the sender's position.

5) Law: People should obey the law/rules/contract.
6) Authority: People should obey authority/courts/arbitrators.
7) Efficiency: People should behave efficiently/practically.
* 8) Logic: People should behave logically/sensibly.

C. Standards of Responsibility - A standard of responsibility is invoked in support of the sender's position.

9) Blaming: People who are at fault should be punished.
10) Second Chance: People who admit they have done wrong should be given a second chance.

* Tactic was identified during coding of data.
11) Mistake: People should not be punished for honest mistakes and misunderstandings.

D. Credibility Comparison - The credibility of the opponent is called into question while the sender's credibility is assured.

12) Truth: They are not being honest, we are.
13) Motivation: They have hidden motives, we do not.
14) Knowledge: They don't know what they are talking about, we do.
15) Competence: They haven't done their job, we have.

E. Perspective Manipulation - The adjudicator is directed to view the conflict from a perspective that supports the sender's position.

16) Issue Definition: The issue or question before the adjudicator is framed in a way that favors the sender's position or detracts from the opponent's position.

17) Minimization: The strength of the opponent's position is minimized by the sender.
The Directional Level

The second system for data coding that was developed for this study differentiates between the direction of tactical messages. The direction of a tactic is the course or channel along which a tactic moves towards the target. Ultimately, the target of all tactics made by the union and management is the adjudication panel which, as the decision-making body, must be persuaded. The direction of the tactics vary, however, and this variety is reflected in the format of a tactic. Some tactics are aimed directly to the adjudicator, some are indirect or referential messages about the adjudicator, while others are reflexive messages about the sender. These differences are important because the impact of a particular tactic may vary depending on the direction in which it is sent. Credibility tactics when sent reflexively, for example, would seem to create an impression of defensiveness whereas they might indicate that the sender is "on the attack" when sent referentially. The system for coding tactics on the directional level is shown in Table 2.

It must be noted that the content of the tactic may remain consistent while the direction of the tactic varies. To illustrate this point, the tactic of competence is shown below in four directional formats.
Table 2: Directional Level Coding System

a) Direct: To the adjudicator
   "You, the panel members..."

b) Indirect: Ostensibly to the opponent
   "You, the opponent..."

c) Referential: To the adjudicator about the opponent
   "They, the opponents..."

d) Reflexive: To the adjudicator or ostensibly to
   the opponent about self
   "We, the senders..."
Law - People should obey the law.

a) Direct: you should rule in our favor because of the law

b) Indirect: your position is not upheld by the law

c) Referential: their position is not upheld by the law

d) Reflexive: our position is upheld by the law

In format (a) the sender speaks directly to the adjudicator, in (b) and (c) the sender speaks to the adjudicator through the opponent, and in (d) the sender speaks to the adjudicator by making statements about him/herself. The content or basis for persuasion in each format, however, is the principle that "People should obey the law."

The content and direction of a tactic seem to be related although separate levels. Certain tactics are not found in all four directional formats. One such tactic is empathy which does not take a reflexive format:

Empathy - People should treat others as they would like to be treated themselves.
a) Direct: you should rule in our favor because of the principle of empathy.

b) Indirect: you have not put yourselves in our shoes.

c) Referential: they have not put themselves in our shoes.

In summary, an analogy of tactic directional formats to verb conjugation seems apt. Some verbs are conjugated irregularly but in every conjugation the verb's infinitive or root meaning remains constant. With tactics, the directional formats may be irregular but, regardless of the tactic's direction, its content or persuasive basis is stable.

Collection and Coding of Data

The research attended ten grievance hearings and then transcribed the proceedings from tape recordings. Throughout the hearings the researcher's role was that of an observer and all parties involved were aware that she was conducting thesis research. During these hearings, the researcher recorded her observations of non-verbal messages which conveyed tactical information. This information was later noted on the actual transcripts.
Preparation of Transcripts

Sections of the transcripts that were not relevant to the present study were excluded from analysis. This research investigates only the persuasive messages of union and management. Statements, questions and remarks made by the panel member, therefore, were not included in analysis.

Also excluded from the coding were sections of each transcript where background information is presented by the union and management advocates. The panel needs to have this information so that they understand the names, places and times that are referred to during the hearing. When the advocates give their opening statements they routinely introduce the following types of information: 1) the names of employees involved in the grievance, 2) the dates on which violations allegedly occurred, 3) descriptions of worksites, and 4) dates and results of prior meetings between grievant and management. During the questioning period of a grievance hearing, each witness is asked to state his/her name, position and seniority. These kinds of information are routine and only rarely disputed by the opponent. It is presented, therefore, for the purposes of informing and preparing the panel to hear the positions of the parties and not for the purpose of persuading or justifying these positions.

The responses of a witness to the questions of an opposing advocate were also excluded in most cases. During cross-examination,
the questioner controls the communication by deciding which topics will be discussed and dwelled upon. The questioner is also able to phrase questions in such a way as to use the testimony of an opponent's witness to support his/her own position. The strategic advantage during cross-examination, therefore, belongs to the questioner while the witness answers passively. In most cases where a witness attempts to argue against the questioner, furthermore, this argument is blocked by the questioner's objection. The few cases where a witness did succeed in breaking away from a "yes", "no", brief answer format, his/her statements were included in analysis.

The remaining sections of the transcripts were next divided into episodes which are the units of analysis for the present study. An episode is a semantic unit or sequence of sentences uttered by a single speaker that maintains a single coherent theme (van Dijk, 1982, p. 177). For the present study, the themes were individual points made by a speaker concerning his/her position. Appendix A provides an example of the division of a transcript into episodes.

Reliability

The reliability of the content coding system was next established through rater agreement on 10% of the data. The researcher trained a professor in communication to independently code episodes on the content level. The training included a discussion of the content system, an explanation of the contractual language and
industrial relations concepts referred to by the parties.

The transcripts given to the independent coder had been divided into episodes and coded on the directional level. Tactic direction, then, had been precoded and was not included in the reliability check. This precoding was necessary because the direction of tactics could not be discerned from the transcripts or tape recordings alone. In most cases, the referents of pronouns, (e.g. you, he, she, they, we) were unspecified by speakers and were evident only in the observation of the hearing. During the hearings themselves, the referents were made clear through the gestures and eye contact of the speaker. In order for the independent coder to be able to code tactic direction, therefore, she would have had to be present in the hearings themselves. To sufficiently explain the observed non-verbal signals to the independent coder, the researcher would be, in essence, feeding such detailed information to the coder that the reliability check would be rendered invalid. The exclusion of reliability on the directional coding system is nevertheless a limitation of the present research which will be further discussed in Chapter IV.

There were two trial coding runs before reliability was established. During the first trial, the independent coder was asked to identify one tactic per episode. Although the researcher and independent coder agreed on 80% of the episodes, it was decided that
some episodes contained more than one tactic and should be double
coded. There was agreement on 90% of the single coded episodes
during the second trial, but on those episodes coded twice there was
agreement only on approximately 60%. The researcher then further
discussed the context of the episodes with the coder and differenti-
tated between some tactics which had been disagreed upon.
Reliability of .87 was then established on both single and double
coded tactics.

**Data Coding**

The remaining episodes in the ten transcripts were coded by
the researcher on both the directional and content levels following
the reliability check. Each episode was additionally color coded to
indicate whether the speaker was aligned with the union or manage-
ment. Descriptive information concerning the data and results of
statistical analysis are reported in Chapter III.

Interacts are widely accepted among communication scholars as
crucial units of analysis (Weick, 1969, Fischer & Hawes, 1971). The
nature of the data in the present study, however, unfortunately did
not lend itself to interaction analysis. At times it could be seen
qualitatively that the statements of one party were antecedent to the
subsequent statements of the opponent but such interact patterns did
not happen consistently. This lack of consistency is due to the
regulation of communication during grievance hearings. The hearings
are structured into 3 major stages: opening statements, questioning, closing statements. The opponents are not permitted to interrupt one another and do not always have the opportunity to respond to one another's arguments. The data in the present study, therefore, have been analyzed in terms of the frequency of occurrences of particular tactics.
CHAPTER III: RESULTS

The results of this study relating to each of the three research questions will be presented following some brief descriptive information concerning the data base. There were a total of 669 episodes in the ten grievance hearing transcripts. Of these episodes, 311 were double coded contributing to the total of 980 tactics identified in the data base. Management used 468 or 47.8% of the total tactics while 512 or 52.2% were used by the unions. The unions also tended to use more types of tactics in a single hearing \(X = 9.5\) than did management \(X = 8.6\).

Research Question One

The first research question investigates which tactics were selected by the opponents in the grievance hearings. Seventeen individual types of tactics were selected by the parties during the ten hearings. Table 3 lists these tactics in frequency order, Minimization being the most frequently, and Second Chance the least frequently chosen. The number of times a particular tactic was selected and the percentage that the number represents of the total, are listed for 1) unions and management together, 2) the unions, and 3) the management. For each of these three groups Minimization and
Table 3: Frequency and Percentage of Individual Tactic Selection

<table>
<thead>
<tr>
<th>Tactic Type</th>
<th>Both Parties</th>
<th>Management</th>
<th>Unions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>times selected</td>
<td>% of all selected</td>
<td>times selected</td>
</tr>
<tr>
<td>Minimization</td>
<td>245</td>
<td>25.0%</td>
<td>119</td>
</tr>
<tr>
<td>Law</td>
<td>192</td>
<td>19.6%</td>
<td>96</td>
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<td>Blaming</td>
<td>90</td>
<td>9.2%</td>
<td>55</td>
</tr>
<tr>
<td>Truth</td>
<td>81</td>
<td>8.3%</td>
<td>36</td>
</tr>
<tr>
<td>Efficiency</td>
<td>61</td>
<td>6.2%</td>
<td>42</td>
</tr>
<tr>
<td>Motivation</td>
<td>60</td>
<td>6.1%</td>
<td>19</td>
</tr>
<tr>
<td>Knowledge</td>
<td>48</td>
<td>4.9%</td>
<td>22</td>
</tr>
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<td>Equality</td>
<td>41</td>
<td>4.2%</td>
<td>13</td>
</tr>
<tr>
<td>Issue Definition</td>
<td>39</td>
<td>4.0%</td>
<td>21</td>
</tr>
<tr>
<td>Equity</td>
<td>35</td>
<td>3.6%</td>
<td>9</td>
</tr>
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<td>Competence</td>
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<td>3.0%</td>
<td>5</td>
</tr>
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<td>20</td>
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<td>Logic</td>
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<td>8</td>
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<td>Empathy</td>
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<td>1.0%</td>
<td>1</td>
</tr>
<tr>
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<td>1.0%</td>
<td>0</td>
</tr>
<tr>
<td>Mistake</td>
<td>5</td>
<td>.5%</td>
<td>2</td>
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<td>Second Chance</td>
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<td>.1%</td>
<td>0</td>
</tr>
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<td>Totals</td>
<td>980</td>
<td>100%</td>
<td>468</td>
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</tbody>
</table>
Law were the first and second most frequently chosen tactics. The third most frequently chosen tactic by the management and by both parties together was Blaming while the unions selected Truth. The majority of all tactics selected by both parties (53.8%), the management alone (56.2%) and the unions (52.2%), fell within the three tactic types most frequently chosen by these groups. Finally, only two of the tactic types, Debt and Second Chance were unselected by one of the parties, that party being in both cases, management.

Similar frequency of selection and percentages information may be found in Table 4. This table presents the number of times tactics were selected from a particular category by the three groups. Rational Standards was the category from which tactics were most frequently chosen by both parties together, and was followed closely by Perspective Manipulation and Credibility Comparison. A much smaller percentage of tactics was chosen from the Moral Standards (9.8%) and Standards of Responsibility (9.8%) categories. The management selected tactics most often from the Rational Standards category while the unions chose most often from the Perspective Manipulation category. A much higher percentage of the union's tactics (14.3%) were chosen from the Moral Standards category than was the case for management (4.9%).

A third area of results relating to the first research question concerns the frequency and percentages of tactics sent in the
Table 4: Frequency and Percentage of Tactic Category Selection

<table>
<thead>
<tr>
<th>Tactic Category</th>
<th>Both Parties</th>
<th></th>
<th>Management</th>
<th></th>
<th>Unions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>times selected</td>
<td>% of all selected</td>
<td>times selected</td>
<td>% of all selected</td>
<td>times selected</td>
<td>% of all selected</td>
</tr>
<tr>
<td>Rational Standards</td>
<td>286</td>
<td>29.2</td>
<td>166</td>
<td>35.5</td>
<td>120</td>
<td>23.4</td>
</tr>
<tr>
<td>Perspective Manipulation</td>
<td>284</td>
<td>29.0</td>
<td>140</td>
<td>29.9</td>
<td>144</td>
<td>28.1</td>
</tr>
<tr>
<td>Credibility Comparison</td>
<td>218</td>
<td>22.2</td>
<td>82</td>
<td>17.5</td>
<td>136</td>
<td>26.6</td>
</tr>
<tr>
<td>Moral Standards</td>
<td>96</td>
<td>9.8</td>
<td>23</td>
<td>4.9</td>
<td>73</td>
<td>14.3</td>
</tr>
<tr>
<td>Standards of Responsibility</td>
<td>96</td>
<td>9.8</td>
<td>57</td>
<td>12.2</td>
<td>39</td>
<td>7.6</td>
</tr>
<tr>
<td>Totals</td>
<td>980</td>
<td>100</td>
<td>468</td>
<td>100</td>
<td>512</td>
<td>100</td>
</tr>
</tbody>
</table>
four directions (see Table 5). Tactics were most frequently sent in the Referential direction and were least frequently Direct. The highest percentage of union tactics were sent Referentially with Indirect being the second most frequent direction. Management, however, sent tactics most frequently Reflexively with the Referential direction second.

Research Question Two

The second research question concerns the effectiveness of the tactics that are chosen. Three chi-squares were computed in order to assess this research question. The chi-squares investigated relationships between the decision outcome (win or lose) and 1) individual tactic selection, 2) selection from tactic categories, and 3) tactic directionality. The contingency table for the chi-square of individual tactics by decision outcome may be found in Table 6. No significant relationship was found between the individual tactics selected and the decision outcome ($x^2 = 14.62, p = .75, df = 16$). The contingency table for the chi-square of tactic category by decision outcome may be found in Table 7. The results of this chi-square ($x^2 = 22.274, C = .149, p = .001, df = 4$) reveal a highly significant relationship between the selection from tactic categories and the decision outcome. The contingency coefficient ($C = .149$), however, suggests that it is a small relationship. The contingency table for the chi-square of tactic direction by decision
Table 5: Frequency and Percentage of Tactic Direction

<table>
<thead>
<tr>
<th>Direction of Tactics</th>
<th>Both Parties</th>
<th>Management</th>
<th>Unions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>times selected</td>
<td>% of all selected</td>
<td>times selected</td>
</tr>
<tr>
<td>Referential</td>
<td>362</td>
<td>36.9</td>
<td>164</td>
</tr>
<tr>
<td>Reflexive</td>
<td>278</td>
<td>28.4</td>
<td>173</td>
</tr>
<tr>
<td>Indirect</td>
<td>250</td>
<td>25.5</td>
<td>90</td>
</tr>
<tr>
<td>Direct</td>
<td>90</td>
<td>9.2</td>
<td>41</td>
</tr>
<tr>
<td>Totals</td>
<td>980</td>
<td>100</td>
<td>468</td>
</tr>
</tbody>
</table>
Table 6: Chi-Square Contingency Table
Individual Tactics by Decision Outcome

<table>
<thead>
<tr>
<th>Tactic Type</th>
<th>Outcome</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Win</td>
<td>Lose</td>
<td></td>
</tr>
<tr>
<td>Minimization</td>
<td>122</td>
<td>123</td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>91</td>
<td>101</td>
<td></td>
</tr>
<tr>
<td>Blaming</td>
<td>45</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Truth</td>
<td>39</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>30</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Motivation</td>
<td>21</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>Knowledge</td>
<td>18</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Equality</td>
<td>13</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Issue Definition</td>
<td>21</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Equity</td>
<td>10</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Competence</td>
<td>10</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Authority</td>
<td>12</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Logic</td>
<td>4</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Empathy</td>
<td>1</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Debt</td>
<td>0</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Mistake</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Second Chance</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>439</td>
<td>541</td>
<td></td>
</tr>
</tbody>
</table>
Table 7: Chi-Square Contingency Table  
Tactic Category by Decision Outcome

<table>
<thead>
<tr>
<th>Tactic Category</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Win</td>
</tr>
<tr>
<td>Rational Standards</td>
<td>137</td>
</tr>
<tr>
<td>Perspective Manipulation</td>
<td>143</td>
</tr>
<tr>
<td>Credibility Comparison</td>
<td>88</td>
</tr>
<tr>
<td>Moral Standards</td>
<td>24</td>
</tr>
<tr>
<td>Standards of Responsibility</td>
<td>47</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>439</strong></td>
</tr>
</tbody>
</table>
outcome is presented in Table 8. Here, no significant relationship was found between the two variables \( (x^2 = 4.912, p = .25, df = 3) \). In summary, the results of these chi-squares suggest that, although there is no relationship between the individual tactics selected or the direction of the tactics and the outcome, the decision outcome is related to the tactic categories from which the opponents choose their tactics.

**Research Question Three**

The final research question addressed in this study concerned the possible connection between the relationship of the parties and the type of tactics selected. Two of the grievances analyzed in this study were filed by the FOP and the other eight were filed by AFSCME. Table 9 separately lists the tactics selected by management in the FOP and AFSCME hearings. The tactics selected by the FOP and AFSCME are presented in Table 10. As will be further discussed in Chapter IV, the FOP-management relationship is a moderate one while AFSCME and management have a largely aggressive relationship.

Looking first at the results in Table 9, management selected eleven tactic types during the FOP hearings and fourteen during the AFSCME hearings. In terms of the tactic categories, management depended less on each of the four Credibility Comparison tactics during the FOP hearings. Specifically, the percentage of management selections for the following tactics was smaller in the FOP than in
Table 8: Chi-Square Contingency Table
Tactic Direction by Decision Outcome

<table>
<thead>
<tr>
<th>Tactic Direction</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Win</td>
</tr>
<tr>
<td>Referential</td>
<td>173</td>
</tr>
<tr>
<td>Reflexive</td>
<td>130</td>
</tr>
<tr>
<td>Indirect</td>
<td>100</td>
</tr>
<tr>
<td>Direct</td>
<td>36</td>
</tr>
<tr>
<td>Totals</td>
<td>439</td>
</tr>
<tr>
<td>Tactic Type</td>
<td>FOP Hearings</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------</td>
</tr>
<tr>
<td></td>
<td>times</td>
</tr>
<tr>
<td></td>
<td>selected</td>
</tr>
<tr>
<td>Minimization</td>
<td>12</td>
</tr>
<tr>
<td>Law</td>
<td>16</td>
</tr>
<tr>
<td>Blaming</td>
<td>13</td>
</tr>
<tr>
<td>Truth</td>
<td>0</td>
</tr>
<tr>
<td>Efficiency</td>
<td>3</td>
</tr>
<tr>
<td>Motivation</td>
<td>3</td>
</tr>
<tr>
<td>Knowledge</td>
<td>1</td>
</tr>
<tr>
<td>Equality</td>
<td>2</td>
</tr>
<tr>
<td>Issue Definition</td>
<td>2</td>
</tr>
<tr>
<td>Equity</td>
<td>2</td>
</tr>
<tr>
<td>Competence</td>
<td>0</td>
</tr>
<tr>
<td>Authority</td>
<td>7</td>
</tr>
<tr>
<td>Logic</td>
<td>0</td>
</tr>
<tr>
<td>Empathy</td>
<td>1</td>
</tr>
<tr>
<td>Debt</td>
<td>0</td>
</tr>
<tr>
<td>Mistake</td>
<td>0</td>
</tr>
<tr>
<td>Second Chance</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>62</td>
</tr>
<tr>
<td>Tactic Type</td>
<td>FOP Hearings</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------</td>
</tr>
<tr>
<td></td>
<td>times selected</td>
</tr>
<tr>
<td>Minimization</td>
<td>16</td>
</tr>
<tr>
<td>Law</td>
<td>9</td>
</tr>
<tr>
<td>Blaming</td>
<td>13</td>
</tr>
<tr>
<td>Truth</td>
<td>4</td>
</tr>
<tr>
<td>Efficiency</td>
<td>1</td>
</tr>
<tr>
<td>Motivation</td>
<td>4</td>
</tr>
<tr>
<td>Knowledge</td>
<td>1</td>
</tr>
<tr>
<td>Equality</td>
<td>1</td>
</tr>
<tr>
<td>Issue Definition</td>
<td>2</td>
</tr>
<tr>
<td>Equity</td>
<td>6</td>
</tr>
<tr>
<td>Competence</td>
<td>0</td>
</tr>
<tr>
<td>Authority</td>
<td>2</td>
</tr>
<tr>
<td>Logic</td>
<td>0</td>
</tr>
<tr>
<td>Empathy</td>
<td>7</td>
</tr>
<tr>
<td>Debt</td>
<td>0</td>
</tr>
<tr>
<td>Mistake</td>
<td>3</td>
</tr>
<tr>
<td>Second Chance</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>70</td>
</tr>
</tbody>
</table>
the AFSCME hearings: Truth, Motivation, Knowledge, and Competence.

From the Standards of Responsibility category, the percentage of management Blaming selections was more than twice as high in the FOP hearings (21.1%) as in the AFSCME hearings (10.3%). Second Chance was never selected by management, while Mistake was chosen only once in an FOP hearing.

Of the tactics in the Moral Standards category, Debt was never selected by management. Equality, Empathy and Equity were all depended upon slightly more in the FOP than in the AFSCME hearings.

The tactics of Law and Authority were more highly depended upon in the FOP hearings (25.8% and 22.3%) than in the AFSCME hearings (19.7% and 3.2%). The reverse was true, however, for the other two tactics in the Rational Standards category: Logic and Efficiency.

Finally, the percentage of selections for both of the tactics in the Perspective Manipulation category was higher in the AFSCME than in the FOP hearings: Minimization (26.4% vs. 19.4%), Issue Definition (4.7% vs. 3.2%).

Turning now to Table 10, there were several differences between the emphasis placed on various tactics by the FOP and AFSCME bargaining units. The FOP selected a smaller percentage of each of the four Credibility Comparison tactics than did AFSCME. AFSCME,
however, selected a much smaller percentage of its tactics from the Standards of Responsibility category than did the FOP. The percentages of AFSCME and FOP selections for these tactics were as follows: Blaming (5.0% vs. 18.6%), Mistake (0% vs. 4.3%), and Second Chance (0% vs. 1.4%).

From the Moral Standards category, the FOP chose a larger percentage (8.6% and 10%) of Equity and Empathy tactics than did AFSCME (4.5% and .4%). Debt and Equality however, were depended upon more heavily by AFSCME (6.1% and 2.3%) than by the FOP (1.4% and 0%).

Generally, AFSCME selected a higher percentage of Rational Standards tactics, than did the FOP. The only exception to this was for the tactic of Authority which was depended upon slightly more by the FOP (2.9% vs. .2%).

Finally, from the Perspective Manipulation category, the FOP and AFSCME selected roughly the same percentages of Minimization (22.8% vs. 24.9%) and Issue Definition (2.9% and 3.6%) tactics.

Other Results

A tally was kept by the researcher of the number and kind of objections raised by the parties during the grievance hearings. A total of 54 objections were made throughout the 10 hearings. These objections were concerned either with the testimony of the witnesses (e.g. relevance, hearsay, speculation) or the conduct of the
representative asking questions (e.g. badgering or leading the witness). Of the 54 objections, 25 were sustained and 26 were overruled. AFSCME withdrew two of its objections and once voluntarily withdrew a question in response to a management objection. Twenty of the objections were raised by management. Of these objections, approximately 40% were sustained by the panel. The other 34 objections were raised by the AFSCME units and approximately 55% of these were sustained. The FOP did not raise any objections, nor were any raised by the management in the FOP hearings.

One possible influence which would bias the adjudication panel members towards one of the parties is their political affiliation. A chi-square was done to test for a relationship between a panel member's political affiliation and the individual vote. No significant relationship was found between these two variables.
CHAPTER IV: DISCUSSION

This study has explored three previously unresearched questions concerning the grievance process. In this final chapter, the results that were reported in Chapter III will be discussed. Following that discussion, there will be some comments regarding the limitations of the study and suggestions for future research.

Persuasive Tactics in the Adjudication Setting

The first research question that was addressed in the present study was: What are the tactics selected by the parties during the hearings at the third step of the grievance procedure? This question was investigated at the content and directional tactic levels.

Tactic Content

Seventeen individual tactic types were selected by the opposing parties during the ten grievance hearings. Appendix B contains an example of each tactic type as it was used in the hearings. The seventeen tactics were grouped into five categories: Moral Standards, Rational Standards, Standards of Responsibility, Credibility Comparison, and Perspective Manipulation. Fifteen of the tactics selected by the opponents had been anticipated by the
researcher prior to the coding of the data. Two additional tactic types, logic and equity, were added to the coding system after they were discovered in the data. It seems, therefore, that there may very well be additional tactic types which are used in this setting but were not selected during the ten hearings that were studied.

The tactics found in this setting possess two interesting characteristics which are not found in the compliance-gaining tactics. The first characteristic is the impersonality of the persuasive bases for the tactics. As mentioned before, compliance-gaining tactics are used in two party situations where the relationship between the parties may be used by the sender as leverage for the compliance request (e.g., you should comply because we are friends or you should comply because I did something for you). In the present conflict setting, the union and management do not have this kind of interpersonal relationship with the adjudicators. Instead, the opponents make use of more impersonal or abstract persuasive bases.

The tactics in the Moral Standards, Rational Standards and Standards of Responsibility categories rely on more or less universal standards or principles of behavior as their basis for persuasion. The universal nature of these standards seems to lend a didactic quality to the individual tactics. The sender implies that the adjudicator should rule in his/her favor based on a particular
standard. The persuasion attempt, therefore, is impersonal, in that it is dependent on the adjudicator's knowledge and acceptance of the standard and not on his/her relationship with the sender.

A second feature of some tactics found in this study is that they are reactive. Reactivity can be seen most clearly in the tactics belonging to the Perspective Manipulation and Credibility Comparison categories. The two party compliance-gaining tactics seem to be largely proactive, in that the sender initiates a compliance request for something. There are no rivals against which the sender must argue. The union and management in the present setting, however, are making simultaneous, mutually exclusive persuasion attempts and must, therefore, discount or react to one another's positions.

Considering first tactics from the Perspective Manipulation category, both Issue Definition and Minimization seeks to establish a perspective or viewpoint of the conflict which is favorable to the sender's position. These tactics may be used, however, not only to assert the "proper" perspective, but also to react against the perspective offered by the opponent. The Issue Definition tactic, in other words, may be used to discount the opponent's arguments by suggesting that they are irrelevant to the conflict and should, therefore, not be considered by the adjudicator. Minimization, moreover, is a purely reactive tactic type. Here, the sender minimizes the opponent's argument by dissecting it into smaller parts. In
effect the sender tells the adjudicator that the opponent's argument is weaker than it appears to be and that it will fall apart under close scrutiny.

The Credibility Comparison category is also composed of tactics that are reactive. Whereas Issue Definition and Minimization focus on perspective of the conflict, Credibility Comparison tactics attack the opponent's credibility. Tactics falling within the latter category, in essence, raise the question, "Who are ya gonna believe, us or them?" Each of these tactics singles out one element of credibility; truth, knowledge, competence, motivation. Individually such tactics may be used to react to specific assertions of the opponent. Repetition of a single tactic or the use of a combination of tactics, furthermore, can do more serious damage by impugning the opponent's overall credibility and thus calling their entire position into question.

That reactivity to the opponent is integral to the adjudication setting is clear, since Minimization was the most frequently selected tactic by management and unions (FOP and AFSCME considered together) alike. Minimization alone accounted for 25% of all tactics selected during the ten hearings.

Tactic Direction

The tactics selected in this setting were also found to be
manifested in four directional formats: **Direct, Indirect, Reflexive** and **Referential**. Tactic direction has not previously been discussed by persuasion scholars, most probably because the options for directing tactics are more limited in a two party conflict. The direction of a tactic is important, however, because as mentioned in Chapter II, the impact of a particular tactic type on the receiver may vary with its direction.

Perhaps the most interesting finding regarding the directional level is that the **Direct** format, being the least frequently selected by unions and management, accounted for less than ten percent of the tactics directed in the hearings. It seems that the opponents tended to avoid asking the adjudicator to rule in their favor. They chose instead to make assertions about one another and themselves which would lead the adjudicator to rule in their favor. The unions and management, therefore, appeared to be "painting pictures" of their relationships for the benefit of the adjudicator rather than making direct requests of them.

Although both unions and management chose the **Direct** format least frequently, they differed in the format which was favored. Management sent most of its tactics **reflexively** with **referential** and **indirect** being the second and third favored directions. The unions, however, sent tactics most frequently **referentially**, while **indirect** and **reflexive** were the second and third favored directions. This
pattern seems to be consistent with Putnam and Jones' (1982) finding that management tends to rely on defensive or self-supporting tactics while labor concentrates on offensive tactics. Management, in other words, by reflexively directing its tactics, is more concerned with the painting pictures of "self" while unions referentially and indirectly aim their tactics at creating pictures of the "other".

The Effectiveness of Tactics

The second research question addressed in the present study was: Which of these tactics are effective in persuading the adjudicator? Effectiveness, it will be recalled, was operationalized in terms of the decision outcome. Of the ten grievance hearings analyzed in the present study, seven were denied, or decided in favor of management while three were sustained in favor of the union.

All of the tactics selected during the ten hearings were grouped as either effective or ineffective depending on whether they had been chosen by the party who won or lost the particular grievance. Three chi-squares were then done to ascertain whether there was a relationship between the decision outcome and 1) the individual tactics, 2) the direction of the tactics, and 3) the tactic categories. The individual tactic types selected and the direction of these tactics were found to be unrelated to the decision outcome. The tactic categories, however, were found to have a highly significant relationship to the outcome.
This relationship, referring back to the raw data, seems to depend largely on the number of selections from the Moral Standards category. The winning parties chose a smaller percentage of their tactics (5.47%) from this category than did the losing parties (13.09%). The second largest difference between the winning and losing parties was in their selection of tactics from the Perspective Manipulation category. The winning parties chose 32.57% of their tactics from this category, while the losing parties chose only 26.06%. It appears, therefore, that it is more effective for the parties to rely more heavily on tactics that direct the adjudicator's perspective of the conflict and rely less on tactics that invoke moral standards.

Management did follow this pattern more closely than did the unions and perhaps this explains their greater success in winning grievances. Management selected 29.9% of their tactics from the Perspective Manipulation category and 5.3% from the Moral Standards category, whereas the unions selected 28.1% and 14.2% from these categories. Looking further at the individual unions, the FOP, which lost both of its grievances, selected 25.7% from the Perspective Manipulation category and 20% from Moral Standards. AFSCME, on the other hand, selected 28.5% and 13.3% of its tactics from these two categories, and won three of its eight grievances.
Relationship of the Parties and Tactics

The final research question that was addressed in this study was: Are different tactics selected by parties with different grievance-handling relationships? There were two grievance-handling relationships involved in this study; the FOP - management, and AFSCME - management relationships. As has been previously stated, there were only two FOP grievance hearings, while the other eight were AFSCME hearings. The unequal, and low, numbers of hearings concerning the two unions did not lend itself to statistical analysis. A review of the results, however, indicates that the tactics selected by the opposing parties is related to the relationship of the opponents.

There seem to be clear differences in the selection of tactics in the FOP and AFSCME hearings. Most noticeable of these differences is that, when opposing the FOP, management selected a larger percentage of blaming tactics and a smaller percentage of each of the Credibility Comparison tactics than it did when opposing AFSCME. It is possible that management is less willing to attack the credibility of the FOP, but more willing to blame them for the conflict. A second possibility is that management selects blaming and Credibility Comparison tactics in response to those which are selected by the opponent. This second hypothesis seems to be supported by a comparison of the percentages of Credibility Comparison...
and blaming tactics selected by the FOP (12.8% and 18.6%) and AFSCME (28.8% and 5.0%).

These tactic selection differences in the FOP and AFSCME hearings appear to be consistent with the differences in the FOP - management, and the AFSCME - management grievance-handling relationships. The researcher first identified these relationships based on her observation of the interaction between the parties. In terms of the Thomson and Murray typology, AFSCME and management were classified as having a largely aggressive relationship. The FOP - management relationship, on the other hand, was thought to most closely resemble a moderate type. Following this initial identification of the relationships, the researcher interviewed one representative from each of the three parties, AFSCME, FOP and management. During these interviews, the union representatives were asked to describe their relationship with management while the management representative was asked to describe its relationship with both unions.

The AFSCME representative said of management that "they were more adversary (sic) than necessary," during the time period included in this study and that "it is mostly, in my personal opinion, because of the lack of trust by both sides." The FOP representative stated that between management and the FOP, "the working relationship is good to excellent," and that grievances are handled on "a
professional level." The management representative responded to the researcher's question as follows,

Concerning the relationship between (management) and the Fraternal Order of Police, (management) is of the opinion that the esprit (sic) de corps of that fraternal organization fosters a professional attitude between labor and management. Concerning the relationship between (management) and the American Federation of State, County and Municipal Employees, (management) is of the opinion that the democratic nature of the federation limits (AFSCME) to constituent representation.

Management's description of its relationships with the unions, although diplomatically vague, indicates that management concurs with the descriptions given by the union representatives. Each of the representatives' descriptions, furthermore, appear to be compatible with the researcher's original classifications. The central difference between the AFSCME - management, and FOP - management relationships seems to be that the latter enjoys a far greater degree of mutual trust and respect than the former.

It is interesting to compare the way these relationships were presented to the adjudicator by the unions and management during grievance hearings. AFSCME tended to portray management as unethical and incompetent and its attitude towards management during the hearings was often hostile and sarcastic. The FOP, on the other hand, alluded to a very close, cooperative working relationship with management. What is perhaps surprising is that management did not validate either of these representations of its relationships with
the unions. Management portrayed itself as being eminently reasonable, businesslike and somewhat aloof. Appendix C contains excerpts from transcripts which serve as contrasting examples of the way management and the two unions portrayed their relationships to the adjudication panel.

Limitations

The results of this study have contributed to a greater understanding of communication within the grievance procedure. Future researchers will hopefully not only pursue that which has been successful in this study but also learn from and improve upon the shortcomings. For this reason the limitations of this study must be noted and, where possible, avoided in similar research efforts.

The level of data and small number of grievance hearings included in the study have hampered the researcher's ability to analyze through the use of sophisticated statistical techniques. Analysis at the interact level is desirable and should be utilized whenever possible, for example, in studies of less formal grievance steps. Given that individual hearings tend to be lengthy and that only a limited number of grievances can be heard at one time, it seems that studies of this type might best be conducted by research teams. Long-term studies of one year or more, furthermore, might uncover communication patterns that did not emerge within the time frame of the present study.
A second limitation which might be avoided in studies by more than one researcher is the problem of ascertaining reliability. It will be remembered that in the present study it was not possible to check the reliability of the directional level because of the importance of non-verbal information. The presence of a second researcher at the grievance hearings or the use of video taping for the purpose of achieving rater agreement would allow for the collection of reliability data.

Another area in which the study was limited was in the researcher's ignorance of either possible ulterior motives of the parties or behind-the-scenes deals that may have been made between the opponents and/or between the opponents and the adjudicators. For example, following one grievance hearing that was not included in this study, a member of management stated that the union had not been trying to win the grievance, and that it knew it could not win on the merits of the case. Instead, it was suggested that the union was attempting to unnerve the adjudication panel to such a degree that they would make a ruling based on erroneous contract interpretation. It was further suggested that the reason the union was trying to do this was so that they could take the grievance to arbitration and win. The union later denied that it had these intentions. Neither union nor management advanced theories that this type of motive was at work in the grievances included in this study, nevertheless, the possibility remains that such motives were operative.
A similar possibility is that the members of the adjudication panel made decisions based on reasons other than that they were persuaded by the winning party. Specifically, this study took place in a public sector organization where decisions were influenced by politics. It is the belief of one management member that Democrats tend to vote in favor of labor while Republicans vote in favor of management. Although no accusation of partisan politics was made of the adjudication panel in the present research setting, a chi-square was done to determine if there was a relationship between the individual panel member's votes and their political affiliation. None was found.

It is possible that the actions of the opponents and decisions of the adjudication panel were based on less-than-honorable motives but the researcher found no evidence of such motives. The absence of certainty, however, is one limitation which should be avoided when possible in future studies of this kind.

A final limitation of the present research is the lack of generalizability of the results. On the one hand this research has yielded a great deal of information concerning one step of the grievance procedure of a particular organization yet these results may not be valid for other grievance procedures. It is likely, for example, that within private sector organizations there are different factors influencing communication within the grievance process. This
study must be replicated in different settings, therefore, before the generalizability of these results can be determined.

Suggestions for Future Research

Researchers have only begun to scratch the surface in the investigation of the grievance process. In addition to testing the results and replicating this study, there are many new directions which should be explored in future research.

The influence of third parties other than adjudication panels on the grievance process needs to be examined. Arbitrators, for example, adjudicate union-management conflicts, yet it is probable that the tactics used in arbitration differ from those found in the present study due to the greater expertise and authority of the arbitrator. Additionally, it would be interesting to compare the kinds of tactics used in settings such as the present study where the adjudicator(s) come from outside the organization, with settings where the adjudicator is an in-house labor relations professional.

Another topic which should be studied is the communication of the adjudicators and their effect on the grievance process. It is possible that supportive communication on the part of the judge affects the proceedings differently than does defensive communication. Also an adjudicator's tendency to adopt a laissez-faire vs. authoritative role in the hearings may influence the behavior of the
opponents.

Independent and outcome variables other than those included in the study should be explored in future research. Rather than looking at individual tactics it might be useful to assess the overall quality or soundness of a position. It may also be possible to analyze the degree to which a position is either narrowly focused on one major point or based on a wide range of arguments. The present study has operationalized effectiveness in terms of the decision rendered. There are, however, other important effectiveness measures which can be used including preparation for future negotiations and satisfaction of other employees. The latter measure may, in fact, be the most important outcome from a union perspective. Union representatives are legally obliged to represent the bargaining unit members and therefore, often indulge in grandstanding in order to give the grievant a sense of having his/her "day in court".

One challenging research project would be to follow grievances through an entire procedure rather than analyzing a single step. This longitudinal approach would provide an understanding of the changing role of communication at different stages of the grievance process. It would also be possible, in this approach, to pinpoint those stages where most misunderstandings and additional conflicts arise.

The focus of conflict research must also be broadened.
Persuasion research, to date, has been limited to covering only a couple of decision-making formats, most notably negotiations and compliance-gaining. Other formats such as debates and legal settings should be examined to further our understanding of ways in which situational variables affect communication. In the present study, the directional level of tactics was addressed. This is potentially an important and exciting area of research which deserves further investigation.

Finally, it seems that if research is to provide unions and management with suggestions for improved employee relations, scholars must extend the scope of their research beyond the bargaining table. The day-to-day interaction between labor and management must first be investigated, then understood and ultimately improved upon. The present study provides a beginning by suggesting ways to increase the persuasiveness of communication within one step of the grievance process.
REFERENCES


APPENDIX A: EPISODES AS UNITS OF ANALYSIS

Episodes in Statements by a Party Representative

The following three episodes were excerpted from the opening statement of the FOP president during one grievance hearing. The text, which appears alongside the excerpt, explains the theme or point being made in each episode.

It is the FOP's position that if an officer is injured during the course of his duty then, thereby as a result of that and as the result of his employment, then he should be permitted to seek therapy on or off-duty. If it occurs on duty, then he should be permitted to seek therapy on-duty since he was, in fact, injured on-duty. If this policy is permitted to stand as it is, then that officer will have to schedule therapy while he is off-duty. This will take time ...the officer will now have to take time away from his family and his off-duty hours to schedule therapy for this purpose and we feel that that is unfair based on the fact that he was injured while in the course of his employment.

Episode One: The union explains its position regarding the therapy policy. The central theme is the FOP's feelings.
And again, just let me reiterate, that before this was the practice, that he was permitted to schedule his therapy for on or off-duty, whatever he desired, he or she so desired.

Now all of a sudden, as of August 20, 1983, they decided to change the policy and we feel that that is a violation of the maintenance of standards.

Episodes During Cross-Examination

The excerpt below has been taken from an AFSCME representative's (A) cross-examination of a management witness (B). This grievance involved the termination of an employee for excessive absenteeism. This excerpt constitutes one episode in which the central theme is the discussion of the discipline policy. Prior to this excerpt, the witness had testified under direct examination that the policy existed, was widely known to all employees and was consistently enforced. The AFSCME representative, in this episode, questions that testimony. This representative has the tactical advantage in that he can interrupt the witness or make his doubts clear through repetitive questioning. Although the witness' responses are consistent with his earlier testimony, he cannot direct the questions or embellish on his responses. This excerpt, therefore, was considered as one union episode.
A: Mr. B., you testified earlier that you have a progressive discipline policy in effect. Is that written anywhere?

B: Is it a written policy?

A: That's my question. Is it a written policy?

B: It is an understood policy. That is, one/

A: To whom is it understood by?

B: Our supervisors and employees.

A: How do the employees become aware of it?

B: Through the supervisors.

A: Before or after the infraction?

B: Before, well they/ A: When they're hired, do the supervisors bring them in? Do they say, "Well here's our policy and procedure on sick leave, lateness, leave without pay?"

B: It has been a standard policy, one that has been adhered to by the department in the three years I've been there. So the employees are aware of it.

A: All your employees are aware of it?

B: Yes, I would say all of the employees are aware of it.

A: Do you enforce that rule consistently among all your employees?

B: Yes.

A: Do you have any employees currently working in the ( ) Department with a worse absenteeism record that (the grievant's) since January 1983 till today?

B: January?
A: This year.

B: Now, there may be other employees that are equally as a problem, have a similar type of attendance problem and have been issued /

A: There may be, or there are, or there may not be?

B: No, there are.

A: Who are those employees?

B: I don't have the names off the top of my head.
APPENDIX B: EXCERPTED EXAMPLES OF INDIVIDUAL TACTICS

Minimization: In this episode, the management representative (A) and the union witness (B) participate in a spiral of questions designed to minimize and counter-minimize one another's position.

A: Mr. B, in your testimony on direct concerning progressive discipline, is it not true also that while you're following progressive discipline in the actual, be it a reprimand, suspension, disciplinary time off, for however many days, that it be very important that it is clear and specific in there that if the employee does not correct whatever he's being disciplined for, that further disciplinary action will follow? Is that not an important clause to put in any type of disciplinary letter?

B: That's a usual clause to put in those letters, its become almost ( ), so that it may not necessarily have the clout it once did. Because almost every letter that comes in the disciplinary proceeding from the first warning says if you don't shape up, you might be discharged. So it's lost its effectiveness.

A: It's important, though, from an arbitration standpoint because an arbitrator will look for that to put the employee on notice that if he doesn't correct it, when they do take the next step of progressive discipline, that the employee was aware that if he did not correct it, he was going to go to the next step of corrective discipline. Is that correct?

B: That's true. Providing the punishment fits the crime.
Issue Definition: The union representative, in his closing statement advises the panel that the only issue they should consider is whether the contract has been violated. He implies that management's arguments concerning efficiency are irrelevant.

The contract speaks for itself and your duty here is to uphold this contract. At this step of the grievance procedure. And to do anything else (e.g.) Would it make sense? or Does it make sense? Would it be convenient? Would it ease operations? That's not the function or use of the third step in the grievance procedure. It might fall into your function as a (panel) in some other duties that you have, trying to make things run better, dealing with class specifications and things like that. But here under the grievance procedure, you're a step. A step to see that this contract is enforced.

Efficiency: In this episode a management witness describes what would have to be done to effect transfers by the method advocated by the union.

Theoretically, in order to have a secretary do different duties within the same department, we would probably have to poll all the (employees in the organization) which would be a very difficult task to accomplish that. The other problem in this particular case is that to rearrange and reschedule all the secretaries did not seem to be most beneficial, not in the best interests of (the organization) or the department because you disrupt everyone's workload and work assignments.

Logic: The management representative here, reflects on the union's position during his closing argument.
The union, in its closing remarks, stated to the (panel), "Well, there are times when it doesn't make sense. There are times when you have to uphold the contract even though it may not make sense." What the union is asking us to do tonight doesn't make sense.

Authority: The management representative asserts in his opening statement that the union is grieving an issue which had previously been answered by an arbitrator. This excerpt is the beginning of a lengthy episode, which contains a comparison of the grievance at hand and the arbitration case.

It is (management's) position that, again, there is clear arbitral authority on the issue before you. The question has been raised before, we are essentially involved in the question of who has jurisdiction over certain work to be performed in certain areas. Not too long ago, an arbitration decision was handed down in a case...

Law: In this episode the union representative (A) questions the President of the union (B) concerning the "legality" of management's actions.

A: And is it your opinion as union president and a long time employee that (management) has the right to temporarily transfer people without regard to seniority under the existing collective bargaining agreement?

B: Under the Bargaining Agreement?

A: Well the one that existed at the time of this grievance.
B: They cannot transfer without regard to seniority.

A: Was the movement of (the grievant) to the records section a transfer under the contract?

B: No. It was not (done) under the contract.

A: I mean, was it a transfer?

B: Yes, yes.

A: Was it in accordance with the provisions of the contract?

B: No, no.

Knowledge: The union representative here objects to the testimony of a management witness.

I object. Mr. ( ) isn't an expert in the area, he isn't a shop steward, he hasn't been determined as such. It would only be his opinion.

Competence: The union representative discusses the testimony of a management witness during the closing statement. As superintendent, the witness' job includes the investigation of disciplinary actions and the establishment of disciplinary procedure.

In cross examination of (the Department Superintendent) when he was asked, "What days did these (absences) occur? And how many minutes or hours or days were the latenesses?" He couldn't even testify to that. He didn't investigate. Different testimony from different witnesses showed that, in fact, nobody knows what the work rules and regulations are.
Motives: In this episode, the grievant testifies that he believes that he was terminated because the organization and his supervisor were after him.

Basically, it was the feeling I got from (my supervisor) what he said to me, "The (organization) is out to get me". Basically that's what it was. Basically, and I don't know, I've had problems with him saying certain things about me. Where he said, I made, where it was just between me and him. And he has brought yourself (the management representative) in. Whereas, though, I can't understand why he said some things.

Truth: Here, a member of the panel asks the grievant to clarify a statement he had made earlier. The grievant is contending that he was improperly skipped in an overtime rotation.

Panelist: You said one of the supervisor's admitted at the meeting that overtime was not posted?

Grievant: Yes. It first come up, before there were any meetings we tried to resolve it. When I went up to (the Department Superintendent) with (my supervisor), (the Superintendent) said to him, "Are you sure you posted it?" My supervisor said "I didn't post it". and (the superintendent) said "Well, we'll have to pay the man." (A second supervisor) got into it and it got changed all around. (The Superintendent) asked (my supervisor) again if it was posted and he said "yeah". This was about a half-hour later. Changed the story around.
Equity: In this episode, the union representative (A) cross-examines a management witness (B).

A: But when that person went back to the field, then the additional responsibility fell on the people who were left in that classification, did it not?

B: It may have, but that did not mean that it was a substantial change. It was just additional work; an increased volume of work.

A: An increased volume of work doesn't merit an increase?

B: No, no, absolutely not. It depends on the nature of the work, whether there's a substantial change or not. An increase in the volume is no basis for reclassification.

A: Oh no?

B: No.

A: So, it doesn't matter how hard you work, its what level you work at.

B: If its within your job specification, unfortunately that's true.

Debt: The union representative here re-states testimony of the management witness to the effect that the overtime opportunity is owed to the dispatchers.

We have testimony tonight by the (management) witnesses that there are built-in overtime days for the dispatchers that are on a 7-day operation. They do not have a normal Monday thru Friday, Saturday and Sunday off like most of us enjoy.
Empathy: The following is a statement by a union witness to the panel.

You can take a lot of things that are in writing and you can discard them or you can see the facts clearly. I think the facts are clear on (management's) part, but as an individual who has been through this I can tell you right now that there are a lot of times that I would have scheduled therapy on my off-hours. However, my off-hours with my family and different things are very dear to me and I'm not about to schedule 11 hour days for anyone, OK? I'm just not about to do that and I don't think anybody with any common sense is going to do it, OK? That's the only thing that I would have to say about scheduling or therapy or doctor's appointments or anything else. We don't work 9-5. If we worked 9-5, hell of an argument. We don't work 9-5 in (our) department. Everybody else in the (organization) or a lot of people do. Obviously those gentlemen (management representatives) don't. But if you had to go to therapy right now, I'm sure you'd feel differently. It's very hard when you get through this and that's basically all I have to say.

Equality: The union representative (A) questions the grievant (B) who has been terminated for excessive absenteeism.

A: Mr. B., are you aware of any other employees in the organization that have missed more time than you?

B: Oh they have quite a lot of them.

A: Without mentioning names, are they (in the same department you were in)?

B: Yes, they are.

A: Are they disciplined in the same fashion you've been disciplined in?
B: Well, I can't really judge on that but basically I gather that they haven't because they're still (employed).

Blaming: This is an episode in the management representative's closing statement for a grievance involving a termination.

(The grievant) recognized at that meeting, 'I've got a problem and guys, I'm going to correct it.' He has not. (The Dept. Superintendent) submitted a review of (the grievant's) attendance from anniversary year to anniversary year. For 1983: sick leave verified, 3.5 hours, sick leave unverified, 12.5 days; latenesses on 10 occasions and the worker's compensation, which I stated in my letter of Nov. 1st was not even held against him. That is not the record of an employee willing to correct his unsatisfactory attendance record. When I spoke with the grievant on July 15th, I told him, 'The (panel), (myself), the union - we're not going to terminate you, you're going to terminate yourself unless your unsatisfactory attendance is corrected.' That's what he was told. It was his responsibility. We hired him to come to work. (The grievant) has problems doing that.

Mistake: The union representative here addresses the adjudication panel members.

I can not say that the time limits have been waived in this particular grievance because, through no fault of your own, no fault of management either, I didn't mean to imply that, but certainly no fault of ours either, we requested a hearing on this way back in Nov. 4th for the (panel) of 1982... For that I argue that time limits should not even be considered in regards to this particular grievance.
Second Chance: The union representative in this episode, urges the panel to disregard the grievant's error.

I don't think (the grievant) has a lackadaisical attitude. I think that he may have been misinformed as to what he probably should have done. Don't let that affect the outcome of this meeting.
APPENDIX C: EXCERPTED EXAMPLES OF RELATIONSHIP PORTRAYAL

FOP - Management Relationship

I. A grievant is asked by an adjudication panel member whether he has followed a particular procedure:

I'm sure that I did. I can't be specific, it's been a long time. I'm not trying to be difficult, believe me. But I believe that I did because I would normally do that. I think these guys (gestures to management representatives) would tell you that I would normally follow through like that.

II. The same grievant later states that:

I'd like to make one thing clear, that I think (the management representative) would have to agree with. I believe that if I was at the step two meeting, I would have wanted to be there because I think we would have come to some reasonable conclusion because I know (him) to be a nice guy, a reasonable guy. And I would have wanted to be there. I think that's the truth.

III. The management representative's response to the grievant's above statement was:

The question is not whether he wanted to be there; the question is whether he had an obligation to be there and whether (management) was properly notified that he would not be. That is the question
before the (adjudication panel). The question is whether the contract has been complied with and whether for whatever reason (the grievant) failed to attend that meeting which it was his obligation to do so.

AFSCME - Management Relationship

I. The AFSCME representative has asked a witness to testify from an old overtime schedule sheet. The information on this sheet is confusing. AFSCME apparently requested other schedules from management but was not successful in obtaining them. The representative is asked by an adjudication panel member if he would like to go off the record (i.e. turn off the tape recorder) while the overtime schedule is deciphered. The representative responds:

No, I don't want to go off the record. I want it on the record. I cannot for the life of me understand why the (most recent) schedule was not submitted. I could not get it either. This is a 1981 schedule and I'm trying to get the witness to testify to something, I don't have a document that I can even use. And it's very difficult. I just wish the (adjudication panel) would bear with me.

II. The management representative (A) has been questioning an AFSCME witness (B) for some time. The witness appears to be suspicious of (A) and has repeatedly evaded the questions asked. (A) asks a question regarding a job description that had been posted.
A: After reading the posting it was your thinking that (the position) was going to be purely supervisory?

B: That's what it is.

A: And does it not also say that you would be required to perform the duties of a dispatcher? In the third sentence, 'the employee performs, supervises in or assigns the work of the dispatchers? Is that correct?

B: I'm sorry, I missed your point.

A: Does it not read (calls witness by first name), and I'm not trying to trick you or anything, does the posting not read that...

III. The management representative, in his closing statement during this same grievance hearing, states:

I would also ask that if the (panel) tonight disagrees with (management), that money not be involved. The (management) has demonstrated its good faith to this employee... And if (the panel) disagrees with that, (management) would strongly recommend no back pay award to these grievants. If you have a better way, a better suggestion as to how the overtime should be distributed in accordance with this contract, (management) is willing to listen. We are trying to be fair not only to (this employee) but to the other dispatchers in the room as well.