



Police Labor-Management Relations (Vol. II): A Guide for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders



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and

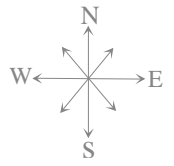
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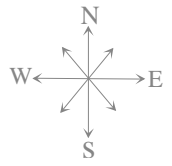
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This guide provides police managers and union leaders with a method and tools to help them to work more effectively together in implementing change, make reforms and handle crises within their departments. It is an offshoot of a larger project funded and initiated by the COPS Office to unravel the world of police labor-management relations and offer practical and principled solutions for putting aside traditional adversarialism and working more effectively together. A related volume, *Police Labor-Management Relations (Vol. I): Perspectives and Practical Solutions for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders*, edited by Ronald Delord and Jerry Sanders, is also a product of that initiative.

The authors of *Police Labor-Management Relations (Vol. II): A Guide for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders* were Michael J. Polzin, assistant professor and administrator of the Program on Innovative Employment Relations Systems at the School of Labor and Industrial Relations at Michigan State University, and Ronald G. DeLord, president of the Combined Law Enforcement Associations of Texas.

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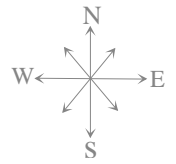
About the Authors

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Ron was a patrol officer for the Beaumont (Texas) Police Department from 1969 to 1972. He served as a patrol officer and detective for the Mesquite (Texas) Police Department from 1972 to 1977. In 1977 he was one of the founders of the Combined Law Enforcement Associations of Texas (CLEAT) and was elected its first president. He is currently serving his ninth 3-year elected term. CLEAT is the state's largest police union with more than 13,500 rank-and-file members. Ron is the coauthor of *Police Power, Politics and Confrontation: A Guide for the Successful Police Labor Leader* (Charles C. Thomas, Publishers); coauthor of "Unionization" in *The Encyclopedia of Police Science* (Garland Publishing); editor-in-chief of *The Ultimate Sacrifice: The Trials and Triumphs of the Texas Peace Officer* (Wadsworth Publishing); and he is a frequent columnist for American Police Beat newspaper with a circulation of 100,000. He is a principal partner in the Police and Fire Labor Institute that has conducted labor training programs for police and fire labor leaders in the United States, Canada, Australia, and New Zealand. He is a frequent lecturer on police labor relations at seminars, universities, and training programs. Ron graduated from the 10-week Harvard Trade Union Program in 1992. He has a bachelor of science degree in government from Lamar University in Beaumont, Texas; a master of arts degree in police science and administration from Sam Houston State University in Huntsville, Texas; and a doctorate of jurisprudence degree from South Texas College of Law in Houston, Texas. He has been a licensed attorney in Texas since 1987.

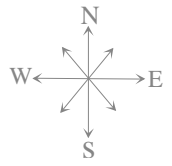


Authors' Note

To simplify the terms used in this training guide, the term “police,” “police officer,” “police department,” or “law enforcement agency” will include municipal, county, special district, state, or federal law enforcement officers and agencies. The term “police chief” will include police chiefs, sheriffs, constables, or the head of a law enforcement agency. The term “police manager or police management” will include the head of the law enforcement agency and the command staff of the agency. The term “government administration” will include city managers, county managers, or the chief administrative officers of municipal, county, special districts, state, and federal governments.

In the public sector, especially among law enforcement labor organizations, one is more likely to see the terms “association or lodge,” instead of “union,” attached to the name of the organization. The Fraternal Order of Police (FOP) uses the word “lodge” to describe its affiliated groups. Some organizations use “association” in their name and are also FOP lodges. Affiliates of the International Union of Police Associations (IUPA, AFL-CIO) and the International Brotherhood of Police Officers (IBPO/NAGE, AFL-CIO) tend to use the term “union” more often in their organizational names. Independent law enforcement labor organizations, not affiliated with FOP, tend to use combinations of the terms “police officers’ association,” “police association,” or “police benevolent association.” Independent labor organizations in sheriff’s departments generally use “deputy sheriff’s association,” “sheriff’s officers’ association,” or “deputy sheriff’s benevolent association.” There is no one common denominator when it comes to organizational names or affiliations.

We will use the term “police union” to include all law enforcement labor organizations regardless of their agency or organizational affiliation. With 80 percent or more of the nation’s law enforcement officers in employee organizations unaffiliated with the AFL-CIO, the use of the term “union” causes many law enforcement officers to bristle and try to explain how their employee organization is really an association or lodge. It is just a matter of semantics because associations, unions, and lodges are labor organizations if they are formed by dues-paying employees desiring to improve their wages, hours, and working conditions through collective bargaining, collective action, or collective begging.



Introduction

“New mayor promises to clean up police department.”

“Community groups demand public accountability of police.”

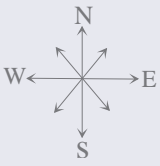
“Shooting death by police officers of unarmed man results in riot.”

Unfortunately, every police agency in the United States can expect to see headlines such as these at some point. Every police manager and police union leader will be faced with the media circus and stresses created when change, reform, or a crisis hits the agency. Police managers and police union leaders need to understand that there are ways they can work together to resolve these issues and maintain a cooperative labor-management relationship.

This guide, and the book to which it is a complement (*Police Labor-Management Relations (Vol. I): Perspectives and Practical Solutions for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders*), were created because there are no educational and training programs for police union leaders and police management that focus on how to implement change in a law enforcement agency in a cooperative manner, how to work together to obtain reforms within the agency, or what to do during a crisis to avoid escalating the situation. While there are training manuals, seminars, and literature on traditional police labor-management relations, these programs generally are targeted toward wages, hours, and conditions of employment in law enforcement agencies with formalized collective bargaining or a grievance procedure. Traditional labor-management programs are designed to have a “winner” and “loser” in each situation. The need for cooperative interactions between police unions and police management occur daily and not just during the collective bargaining process, grievances, or arbitration.

In early 2002, the Office of Community Oriented Policing Services of the United States Department of Justice funded a project to address this situation. The goals of the project were to do the following:

- 1) Survey police union and police management on the current state of labor-management relations with an emphasis on implementing change in the proper direction, and also on the operations of the law enforcement agency with an emphasis on reform efforts.
- 2) Analyze the survey data to determine those aspects of the labor-management relationship that would appear to be the most cooperative and those aspects that would appear to be the least cooperative when the law enforcement agency is desirous of change or reform, i.e., what is working and what is not.
- 3) Create a model police labor-management process to implement change and reform the law enforcement agency.
- 4) Establish methods to encourage police unions and police management to work together to make the reduction of crime a part of their relationship (with or without the right to collectively bargain) and to develop a shared vision of a safer community.
- 5) Develop an educational and training program for police union leaders and police management in how to implement change in a law enforcement agency in a cooperative manner.



The first four goals were achieved in *Police Labor-Management Relations (Vol. I): Perspectives and Practical Solutions for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders*. It was decided to place the fifth goal of the project into a supplemental training guide to use separately for in-service training, seminars, conferences, and self-facilitated instruction. It is critical that one read *Volume I* before reading this training guide to understand all of the concepts for developing cooperative police labor-management relations.

This volume, *Police Labor-Management Relations (Vol. II): A Guide for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders* is divided into four chapters.

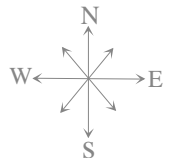
Chapter One focuses on starting the informal processes for building cooperative police labor-management relations. Often, police management or the police union may recognize a need to open the door to communications, but the other party does not appear to be interested.

Chapter Two focuses on the formal process of building joint police labor-management relations, chartering the effort, and creating an agenda for change.

Chapter Three focuses on teaching management and labor a practical tool to use in problem solving and planning in any of a number of situations including implementing change, making reforms, and handling crises.

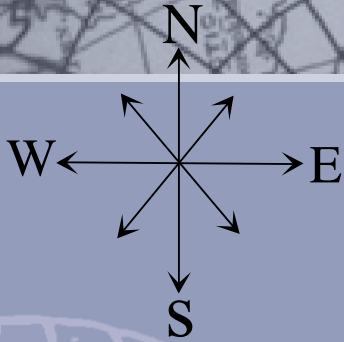
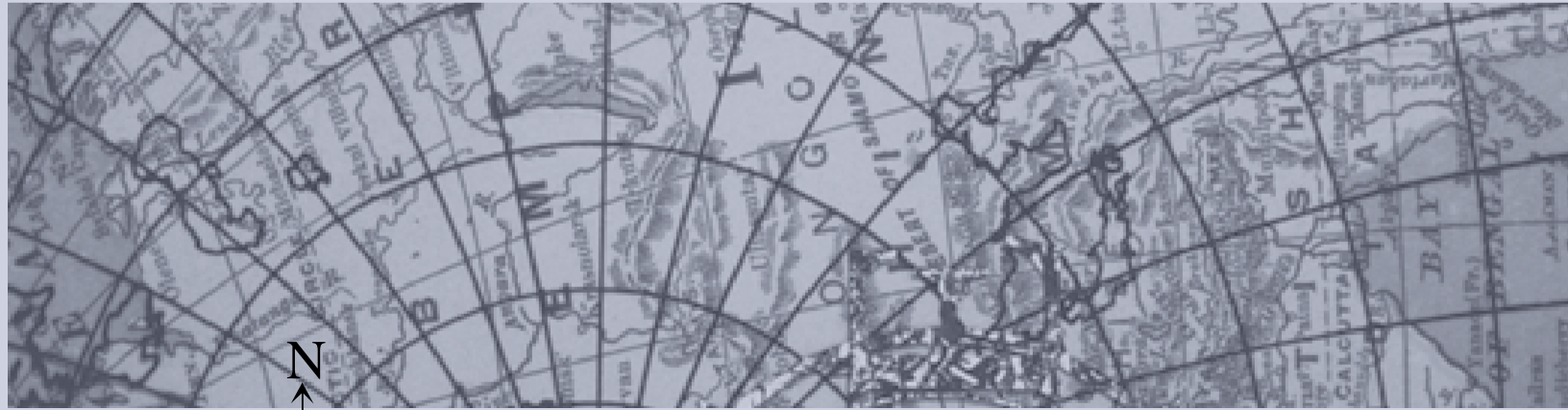
Chapter Four provides three simulated real-life cases to which union-management groups can apply the problem-solving method to increase their understanding of how the method works and to build capability so that they can apply it to their own concerns.

The guide illustrates for union and management leaders how a cooperative labor-management effort can be developed within their departments. Some departments may be able to follow the guide and facilitate the cooperative efforts themselves. Certainly, Chapter One provides practical information to help any department improve the relations between union and management. The rest of the guide is written for those departments that wish to use the strengthened relationship to strengthen the department and improve the service provided to constituents.



CONTENTS

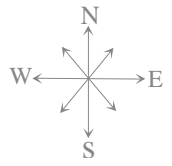
Acknowledgements	i
About the Authors	iii
Authors' Note	v
Introduction	vii
Chapter One	
Informal Processes for Building Cooperative Police Labor-Management Relations	1
Chapter Two	
Exploring and Beginning a Joint labor-Management Effort: Creating the Charter and Setting an Agenda	9
Chapter Three	
Developing Skills for Effective Joint Labor-Management Change	33
Chapter Four	
Applying the Interest-Based, Problem-Solving Method	49



CHAPTER ONE:

Informal Processes for Building Cooperative Police Labor-Management Relations





INFORMAL PROCESSES FOR BUILDING COOPERATIVE POLICE LABOR-MANAGEMENT RELATIONS

In a perfect world, both police managers and police union leaders want to work together to make their community a safer place to live. The parties would openly communicate, cooperate on matters of mutual concern, respect the role each has to play, and trust each other during stressful times. As a general rule, one would want to believe that all police managers and police union leaders would prefer to have such a cooperative relationship.

Unfortunately, we do not live in a perfect world. Police managers and police union leaders regularly work side by side as law enforcement officers but they do not communicate regularly on the labor-management issues that arise each day. Police managers and police union leaders have separate agendas and do not even consider that they could be cooperating on many community issues. Neither party understands the role police management and the police union play in the process and, as a result, neither party respects the other. Police managers become angry with union leaders when the union defends a member who has been disciplined, and may lash out at the union leaders personally. Police union leaders get angry at police management when they discipline an officer, and may lash out at those managers personally. Neither police management nor police union leaders trust each other enough to deal with the root cause of labor-management issues in private conversations with each other.

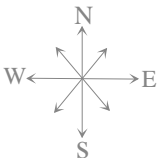
How does a police manager or police union leader get started when either may be the only party interested in improving the relationship between police management and labor? The obstacles may seem insurmountable. Grievances and hard feelings may have been building for years. Too often chiefs neglect to include the union in discussions about the direction of the department. Similarly, the union newsletter commonly hammers the chief and his command staff. Elected officials are worn out by the bickering between management and labor. As in all difficult tasks, changing police-union relations will have to be broken into incremental steps. The first objective is to understand the four tiers of a principled relationship.

The Four Tiers of a Principled Union-Management Relationship:

1. Communication.
2. Cooperation.
3. Respect.
4. Trust.

Cultivating the Four Tiers of a Principled Relationship

The four tiers of a principled relationship between police management and the police union are communication, cooperation, respect, and trust. They are the stepping-stones for building a strong and effective labor-management relationship. The tiers are listed in the order in which they must be developed and maintained. Police management and police unions have to start with communication and build toward cooperation, respect, and trust. In no agency do police management and police union trust each other without communicating, cooperating, or showing each other respect. The tiers are also arranged in the order of their difficulty to achieve or maintain, with improved communication the easiest to achieve. Improved trust is the most difficult to achieve—and is also very fragile—because it requires visible evidence of changed behaviors and successful efforts for the parties to believe that their counterparts are sincere.



Every law enforcement agency can be measured to determine whether police management and the police union have one or more of these tiers in their relationship. Most agencies have some level of communication and in some instances the union and management may cooperate on matters of mutual concern. Fewer agencies have a level of respect between management and labor. It is even more rare to find a level of trust. If an agency lacks one or more of these tiers between police management and the police union, it should start working on improving the police labor-management relationship. The following are some informal steps to take.

Opening the door to communication between management and labor

Communication means the exchange of thoughts, messages, or information. All relationships start with communication. This is the easiest step for police management or the police union to take because only one party needs to open the door to communication. The hard part is how to get started. Here are some steps that police management and/or police unions can take to start the communications process:

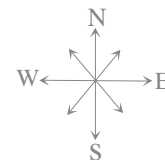
- Set aside old grievances and hard feelings. Do not attempt to open the lines of communications by resolving every past grievance. Too many police managers and police union leaders let old grievances and hard feelings become festering sores that block them from communicating.

EXAMPLE:

The police union president is angry with police management because he believes that management did not back the union during the last contract dispute. Police management is mad about the union attacking it in the media for not supporting an officer involved in a shooting a year ago.

The reality is that there will be disagreements between management and labor and that the agency will continue to have police management and a police union who will have to learn to live together.

- Take small steps by talking informally. Make it a habit to invite one another to meet for breakfast occasionally or to have a cup of coffee during the day. Talk on the phone every week to see what is happening on the other side. In agencies where the union president or leadership is not released from duty, invite the chief or police management to ride along periodically with union leaders. Talk about small things that happened during the week and what can be done to improve the department. Avoid hot-button issues that cannot be resolved informally, acknowledging that some issues or differences may have to be resolved through the formal structures set aside for that purpose. In general, both sides should solicit ideas and try to carry out as many of them as possible.
- Use publications to open the door. Many agencies and unions have periodic publications. Too often the management newsletter ignores the presence of a union in the agency, and the union newsletter publishes page after page of attacks on management. Tone down the rhetoric to lessen tensions and open some avenues of communication. Invite the other side to do an interview about issues of mutual concern to the agency. If the union feels it has to raise concerns about management, limit them to the editorial section of the publication. Showcase police management in the union publication when the opportunity arises. Police management publications can recognize the union when it is involved in good works in the community. Keep it light and informative. Remember that there may be issues involving pending grievances and litigation on which neither party can comment.



- **Invite each other to meetings and events.** When was the last time the union invited the chief, sheriff, or command staff to address the union meeting? Does police management allow the union president to attend staff meetings and strategic planning sessions? Providing the other party with an opportunity to speak in a friendly and nonhostile environment will start the communications process. Police management gets scores of invitations to address and attend community events. These are great opportunities for police management and labor to be seen together in a nonconfrontational setting. Police unions can invite the chief and command staff to attend the union's awards banquet and participate in recognizing officers for their achievements.
- **Share nonconfidential information.** Police management and police union leaders come across nonconfidential information every day that could be of importance to the other party. Information is power, and sharing that information sends a strong message that one of the parties wants a cooperative relationship.

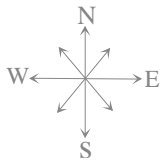
EXAMPLE:

The union president learns from a political operative that one of the council members intends to go after the chief at the next council meeting over the chief's handling of some incident. The chief is unaware he is about to be blindsided. A heads up from the union president allows the chief to be prepared and avoid being embarrassed. On the management side, the chief receives information that a community activist will be holding a press conference that day alleging police misconduct. The chief tells the union president about the press conference so the union president will have time to prepare a response to the media.

Cooperating on matters of mutual concern

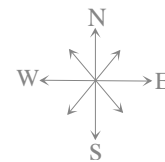
Cooperation means to work or act together toward a common goal or purpose. Once police management and the police union are communicating on some level, the parties need to look for opportunities to be cooperative on matters of mutual concern. Issues arise in the community that present opportunities for police management and labor to work together. Here are some examples of issues on which police management and the union can cooperate:

- **Look for community projects to work on together.** Most agencies are too strapped for funds to take on many community projects. Often, the police union has a more flexible income than the agency. Unions traditionally have funded Police Athletic Leagues, with management giving officers the time to work with the children in the community. Fairs, festivals, and community social events are good places to have a joint union-management booth to educate the public about the agency. In some agencies, management and the unions cosponsor the annual awards and recognition ceremonies. Management should involve unions in recruiting candidates for the department. When the officers have a good union contract, it should be a part of the department's recruiting message. When police management and labor work together it lets people know that the parties have a shared vision of a safer community.
- **Funding law enforcement agencies.** Normally, the management of the police agency submits its budget proposals to the chief executive officer (CEO) (mayor, city manager, county administrator, or state agency head), and the CEO submits a final budget proposal to the elected officials. Police unions then lobby the elected officials for wages and benefits and, sometimes, for equipment.



Cooperation between management and labor can be mutually beneficial during this process. Police unions have joined with the elected officials, CEOs, and police management to convince voters to approve a tax increase to fund the agency. Unions have also built a coalition with the same groups to defeat tax rollback efforts in many communities. Numerous police unions have joined with management and community groups to support bond proposals to improve the agency. If police management involves unions in drafting and soliciting grants from government agencies, the unions would have a vested interest in securing the grant funds. While it is often difficult for appointed agency heads to speak out publicly on funding issues, when police management publicly supports the union in improving wages and benefits, it improves morale and builds a cooperative effort.

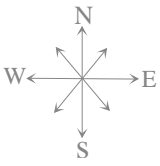
- **Standing together on public safety concerns.** Some issues transcend politics and cry out for cooperative efforts by police management and labor. Scores of law enforcement agency heads have joined with police unions to improve the safety equipment on police cars. Deaths and injuries caused by alleged faulty gas tank placement have seen management and labor conducting joint press conferences to educate the public and bring pressure on manufacturers. Many smaller agencies have limited funds to buy basic safety equipment. In these agencies, management and labor have joined forces to raise the funds to obtain the resources to buy protective vests for their officers. Look for opportunities to attend community and civic functions where management and labor can be seen lobbying the public for the needed revenue to provide each officer with adequate safety equipment.
- **Cooperating on controversial community issues.** Police management and labor are not always on opposite sides of controversial issues such as racial profiling, civilian review boards, consent decrees, departmental reorganizations, and promotional overhauls. Police management and labor need to cooperate and come to a mutual understanding of what is in the best interest of the agency. While the media, community groups, and elected officials may have different agendas, police management and labor more often than not have a similar agenda. While these types of controversial issues generally require legislative and contractual changes, which bring attorneys and professional negotiators to the forefront, police management and labor should look for areas of mutual concern and seek solutions privately.
- **Politics can make strange bedfellows.** All policing in the United States is political. Every law enforcement agency is controlled by elected officials or persons appointed by elected officials, and every candidate makes public safety a part of his or her political campaign. Public safety is the largest portion of every public budget. All public opinion polls indicate that public safety is near the top of personal concerns of the general public. No one can escape the political impact on law enforcement. While political activity by police unions is controversial internally and often divisive, police unions remain extremely active in political campaigns. Many agency heads, like sheriffs and constables, have to campaign to get elected or stay elected. The position the union takes in the campaign can make or break the elected agency head. Since most police chiefs are appointed, they are always concerned about who is elected or defeated. Police management and police unions have a vested interest in the political process.



Learning to respect the roles played by police management and labor

Respect means to feel or show deferential regard for, or to hold in esteem. If police management and labor are communicating and cooperating on matters of mutual concern, they also must understand what makes the other side tick. Respect is one of the more difficult tiers in a principled relationship, but it is one tier that can be started by one party showing respect for the other. Here are some insights to help police management and labor learn to respect the role each has to play in the agency:

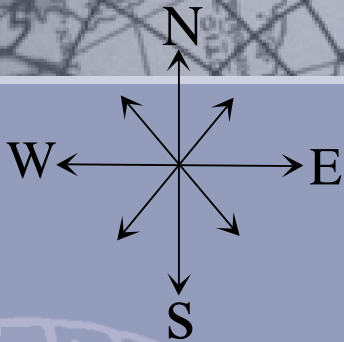
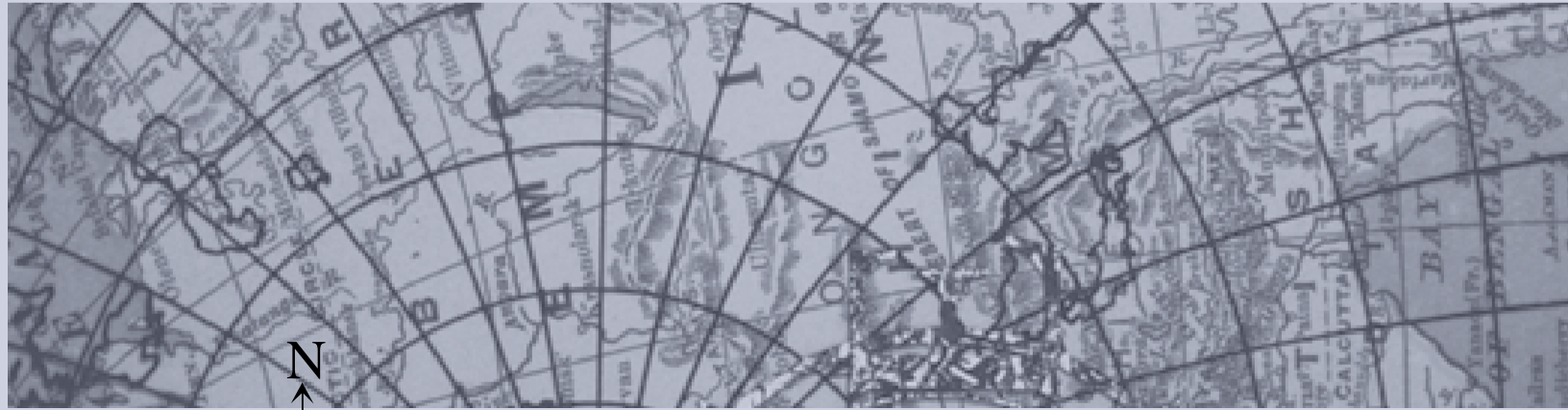
- **Both sides have a constituency.** Chiefs, sheriffs, constables, law enforcement directors, and police union leaders each have a constituency. Agency heads are elected or appointed by elected officials. Their management team and the general public are also part of their constituency. Police union presidents have a constituency that includes their board of directors and members who elected them. Agency heads and police union presidents have to be constantly aware that their constituents are watching and judging their performance. The reality is that both management and labor have a role to play in the agency. The first step either side can take in building respect is to recognize that the other party has to do and say certain things as a part of his or her role. Unions should not get angry with the chief for taking positions that make him or her look good to the governing body or public. Chiefs should understand that the union president has to make sure his members see that he is representing their interests inside the agency and to the public.
- **Respect the position, if not the person.** A person usually does not serve as a law enforcement officer without some pride in the profession. That sense of pride becomes even greater when an officer becomes head of the agency or a union leader. The head of a law enforcement agency will almost always be a veteran officer who worked hard to reach the top position. Police union presidents, especially in larger agencies, are veteran officers who have served for many years in leadership positions in the union before being elected president. Both management and labor achieved their positions through hard work and accomplishments. Respect for the position of chief of police or union president is important to having a respectful relationship. Both management and labor have a vision of what they want to accomplish during their tenure. When the union views the chief as a political flunky or the chief sees the union president as a disgruntled employee, the parties will not respect each other in their daily contacts. The respect one officer should show another is the same level of respect that the chief as an officer ought to show to the union president as an officer, and vice versa.
- **Avoid personal attacks.** It is impossible to achieve a respectful relationship when management or labor is making personal attacks on the other. During stressful periods the relationship between the union and management may deteriorate and each side may feel that attacks have become personal. If the parties have an open channel of communication and they have a history of cooperation, they should stop and think before launching a personal attack on each other. All conflicts will end in an accord. Even the worst crisis will pass. Ask if the other party is merely fulfilling his or her role as chief or union president. Are there forces at work internally or externally that are driving the controversy and causing the other side to have to act out in the media and public? If the chief or union president feels he or she needs to play hardball on the issue, statements and actions should be targeted at "the agency" or "the union" and not at the person holding the position.



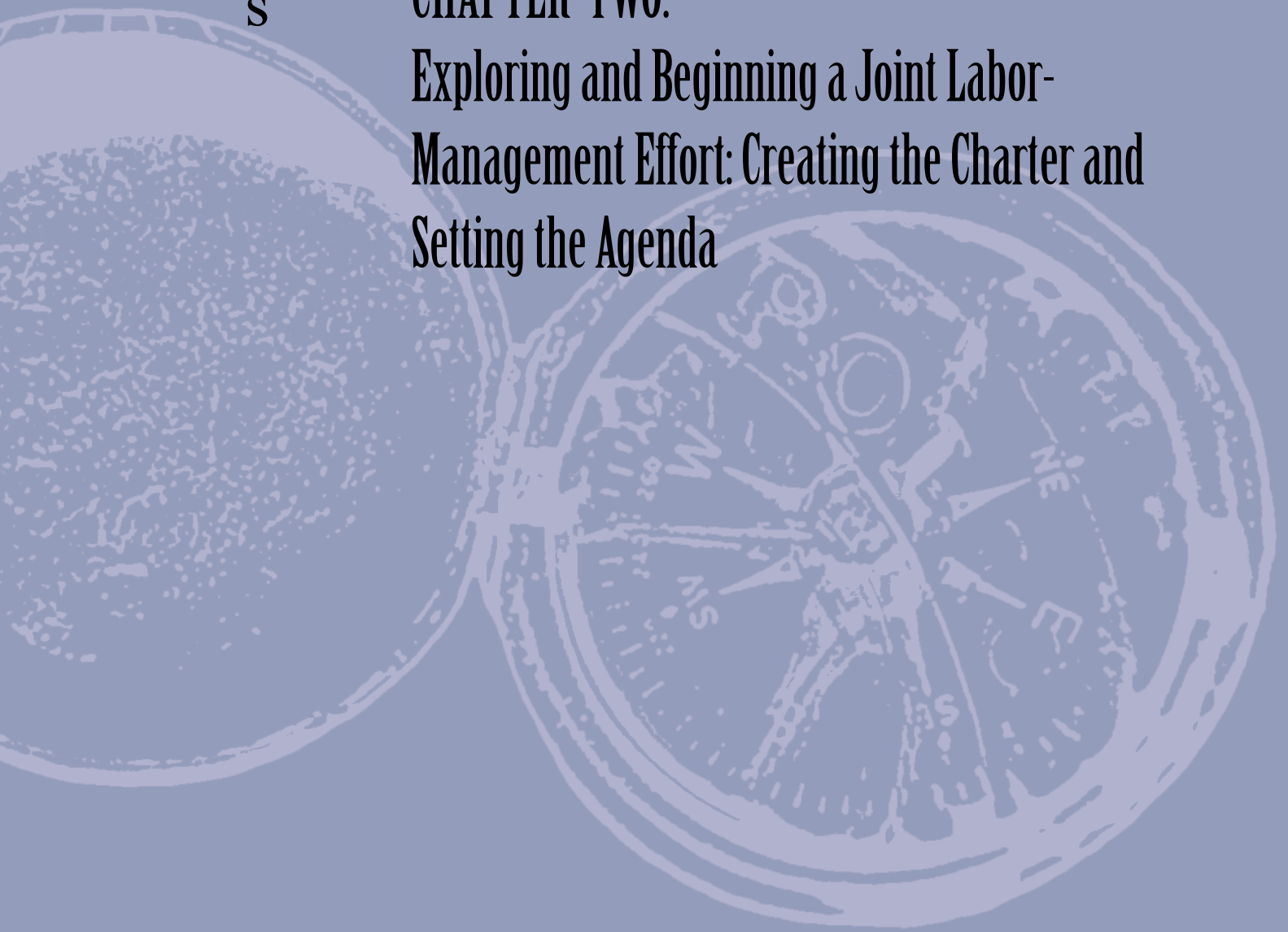
Developing trust is hard to do but it is worth it in the long term

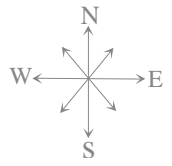
Trust means having a firm reliance on the integrity, ability, or character of a person. Very few relationships between parties, especially those who have to occasionally take adversarial positions, develop to the point where the parties trust each other enough to confide their personal opinions or confidential information and rely on the other party not to use it against them later. Trust is the most fragile of all of the tiers in a principled relationship. Trust can vanish and be difficult to regain between management and labor over one real or perceived betrayal of trust. If management and labor achieve a level of trust, no other tier has a bigger payoff. Here are rules for developing and maintaining a trusting relationship:

- **The cardinal rule: confidential means confidential.** Police departments leak information like a sieve and rumors spread like wildfire. Chiefs cannot always be sure that command officers are not leaking information to the city council to gain a political edge. Union leaders know that many members have mixed loyalties or want to garner favor with management so they leak information about internal union strategies. Chiefs and union presidents are often put into positions where they can speak privately about controversial issues. The decision is whether to trust the other party with information or opinions. Generally, management and labor have to keep their guard up in public because their constituents are watching. If management and labor have the other three tiers in place, especially respect for each other as the chief and union president, the next step is to trust each other. The cardinal rule is simple and absolute: confidential means confidential. What is said between the chief and union president must stay between them and never be repeated or used later to gain an advantage. If either party breaks the rule, all trust will disappear and the relationship will deteriorate.
- **There is a very thin line between duty and the relationship.** The corollary to disclosing personal opinions or confidential information between management and labor is to think carefully about what to disclose. Both police management and labor have a duty to their constituents and the law. Do not tell each other things that would require the other party to disclose it legally or morally. There is no warning light that will tell management or labor to be wary of what they say to each other. Chiefs and union presidents ought to know what they can say in private and confidentially to each other. If they respect each other and feel that they can trust each other, they can test the waters slowly to see if it works.
- **Even Superman had his weaknesses.** Having power and knowing when to use it are two different things. The union president is being pressured by the members to get the chief to agree to some uniform changes. The chief has the power to say yes or no. The union president has enough trust in his relationship with the chief to tell him privately that he needs a small victory to show that he is being effective. The chief grants the union's request and lets the union president take the credit. One day the union president receives inside information about some mistakes in the purchase of patrol cars for which the chief will be held accountable by the city council and the media. It would be very easy for the union to leak the information to the press or their friends on the council. The union president instead goes to the chief in private and gives him the information before it is made public. Management and labor will always have opportunities to embarrass, humiliate, or fire a shot at the other party. When people have a trusting relationship they carefully weigh the impact of using their power to damage the other party. All human beings have strengths and weaknesses. A lasting relationship needs to accommodate both. One element of trust as a tier in a principled relationship is that one can expect the other party to show some mercy at times because the other party may need the mercy one day.



CHAPTER TWO: Exploring and Beginning a Joint Labor- Management Effort: Creating the Charter and Setting the Agenda





EXPLORING AND BEGINNING A JOINT LABOR-MANAGEMENT EFFORT: Creating the Charter and Setting the Agenda

Introduction

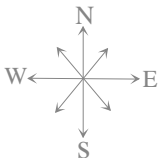
When both union and management have reached the point of wanting to take on some challenges together in a cooperative fashion, they should be mindful of a couple of things before beginning a joint labor-management change process. The first is that a joint labor-management approach will generate resistance from some members of both union and management groups, especially if the relationship between union and management has been testy over the years. People may hear the right or politically correct words but they may have a hard time believing in the sincerity of either the message or the messenger.

Lack of trust complicates problem-solving and change efforts, but it need not stymie them. Both parties need to be sensitive to the fact that some supervisors and officers will not want their leadership to engage in joint activities. Joint union-management efforts typically take on concerns that previously had been solely the domain of management. Some managers may fear that this will lead to a loss of their power or make their jobs less satisfying. Some union members will resist because they believe that they are not being paid to do management's work and because they think that management doesn't follow up on things they agreed to do and fear being manipulated. Union and management leaders involved in the process do not have to bow to the concerns of what will likely be a minority (though it may be a vocal one) but they will need to be sensitive to the tensions this creates for the leaders of the other party and act in a way to minimize or defuse these tensions over time.

The second thought to keep in mind is that the process of change itself generates anxiety and resistance. The "if it ain't broke, don't fix it" mentality is alive and well in our world of continuous change and people draw some comfort from what they know, even if there are things about their work lives that are less than optimal. Adding to this is the possibility that the parties involved are not always aware of the existence of threats to the status quo and/or don't believe what they hear, giving rise to their perceptions that their situation is not in need of repair. Consequently, they will be hard pressed to accept or support changes that they cannot justify.

What these thoughts argue for is twofold. First, trust between union and management can increase when both parties work together toward a common goal. Involvement of those most affected—often the first-line supervisors and the rank-and-file patrol officers—is key to building trust between the parties and increasing acceptance of, and support for, the changes. The involvement of those affected will go a long way to improve the quality of the outcomes and increase the degree of acceptance of, and support for, the change. Second, to be willing and contributing participants in the process, both parties need to have access to the information that will justify their involvement and they will need to be effective contributors on an equal footing with each other.

Involvement and communication, then, are key elements of a change process. How much involvement and toward what end, as well as what is to be communicated, how, and by and to whom, are all questions that should be addressed before the change efforts actually begin. These are some of the issues that will be addressed in this chapter.



Involvement of those affected will be key

Involvement is one of the big factors that will help overcome resistance to change. Those closest to the work (and most responsible for carrying out the changes) have a great deal of expertise and knowledge—much of it kept within the body and soul of their own experiences and, therefore, unrecorded—that will help to improve the quality of what is decided. Their involvement will help to build acceptance of the outcomes and ease the implementation process. But the invitation to participate in the change process must be genuine and above board. Hidden agendas and attempts to use a joint process to manipulate the other party will be found out and they will sour efforts to accomplish anything in a cooperative fashion for a long time to come. Moreover, they will make the level of mistrust even worse. In short, if one party does not want to listen to the ideas of the other party and incorporate its interests into decisions, the invitation should not be extended.

Communication and information sharing will have to increase

Informed, effective change requires sharing information. Building trust requires sharing information. Problem solving requires sharing information. Cooperative efforts require sharing information. Empowering patrol officers to solve problems in the field will require sharing information. Creating effective supervisors requires sharing information. And strengthening the labor-management relationship requires ongoing communication and sharing information.

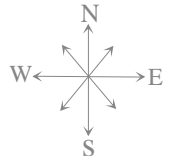
Communication and sharing information are two other key elements of effective joint labor-management change. Many know that when information is not provided, it is created, whether accurate or not. The degree to which leaders keep each other in the loop is a strong indicator of the commitment that each brings to a joint labor-management process.

Participative processes will generate more demands on the system for information. In a joint labor-management venture, the need to know will no longer be dictated by the party with the information but, rather, by the party that wants it. Access to information is a potentially contentious subject and one that is very important to all involved. As with participation, if the parties are not willing to share information willingly and to discard practices of holding back information that trumps the other party, then they should examine their joint labor-management ambitions. It is certainly appropriate for the parties to declare that some things will be excluded from a joint focus, although those domains should be clarified for all at the onset before unrealistic expectations develop. These matters also will be addressed in this chapter.

Typically, management needs to take the first step

Because of the history and culture of police organizations, the initiative to explicitly improve labor-management relations and implement a cooperative joint labor-management process will most likely have to come from the chief or sheriff and top management. What this means is that top management will have to take the first step, and perhaps the second, third, and fourth, to get union leadership to take notice that their desire to change is sincere.

The nature of a union-management relationship is typically one in which management acts and the union reacts. It has been that way since the officers (and often their supervisors) selected the union to represent them, usually in reaction to rank-and-file perception of management acts that ran counter to the interests of



employees. The act-react cycle of itself will continue to influence how the union leadership carries out its role in a process that attempts to take the relationship to an improved level. Management, then, must indicate clearly through its behavior its desire to develop a better relationship and to be patient if the hoped-for response is not immediately forthcoming.

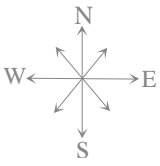
The union can initiate change, as well

There is nothing inappropriate about the union taking the lead in initiating change, although it occurs less frequently. Improving the labor-management relationship and joining with management in designing organizational change efforts, such as community policing, can lead to positive outcomes for officers as well as for the department and the community. If union leadership feels a strong need and the call for change is not forthcoming from management, the union should take the initiative. The suggestion for patience offered to management applies to union leadership as well. Ingrained attitudes and behaviors do not change overnight. Overtures to change might have to be repeated until the other party acknowledges and considers them and decides to proceed. If management is the initiator, thoughtful consideration of the request is appropriate. Merely giving in or buying in to what is asked is neither appropriate nor required because the primary responsibility is to represent the interests of the members. Reaching agreements that address the needs of both parties through principled, interest-based conversations is appropriate and should be the goal of improved labor-management relations and all joint activities.

Format for the rest of this chapter

The rest of this chapter is divided into two parts. The first, *Chartering the Joint Labor-Management Effort*, outlines a process for creating a structure that will help police managers and union leaders implement change, make reforms, and handle crises in ways that address and support the needs and interests of both parties. This will be accomplished by completing a series of tasks that will specify the purpose of joint activities, the scope and boundaries of the work they will take on, and the mechanics of working together. The second part, *Developing an Agenda for the Labor-Management Effort*, consists of a series of tasks that will facilitate conversations between union and management that result in a shared understanding about the present, the desired future, the barriers to change, and a plan for change to which all can commit.

The authors of this publication recommend taking on the tasks all at once during what usually is a 2-day period, preferably in a retreat-like environment. This allows the union and management leadership to build some momentum, to further develop their joint history, to strengthen their relationship by getting to know each other a bit more informally, and to get the job done. If scheduling prohibits this, then other arrangements can be made to complete these tasks. Groups should be cautious, however, of stretching the process out over too long a period. When this happens, groups typically find that they spend unnecessary time reviewing and revisiting discussions held and decisions made at previous sessions. For continuity and to build commitment to the process, it is vital that all appropriate people from both the union and management sides participate in all exploring and beginning sessions.



Because this is a guide for *facilitating* union-management change in police departments, the book is written for those internal to the department who would facilitate that change. The reader should note, however, that the authors do not assume that all departments will have sufficient internal expertise to facilitate joint union-management efforts. Some departments, for any of a variety of reasons, will need a third party to facilitate their union-management change efforts. Nonetheless, the process of exploring, beginning, and implementing a joint labor-management change process would be the same.

NOTE:

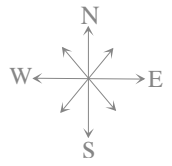
In union-management settings, having cofacilitators, drawn from the union and management ranks, may be desirable initially until participants are comfortable with the process and have confidence that the interests of both parties will be well respected in all discussions. Choosing a facilitator or facilitators is an important task. Though the chief and the union president may be the most experienced in chairing meetings, they may not be most appropriate for facilitating union-management efforts. A facilitator in a union-management effort helps the parties adhere to a process that they mutually agree to for the purpose of bringing forth their best thoughts and ideas on matters of mutual concern. To be most effective, the facilitator focuses on the process and remains somewhat distant from the actual content of the discussions. At times, it may be difficult, or not possible, for the chief or union president to do that. To be fair, however, it is certainly possible for a chief and union president to be an effective facilitator if he or she is willing to turn over the facilitation to another when personal involvement in a discussion is vital.

Role of the facilitator

The facilitator helps focus and expedite conversations between union and management in a way that builds understanding and helps the parties to reach agreements where appropriate and desired. To help that effort, the facilitators can pose a number of questions to help focus union and management thinking. A simple, but useful, format to follow is shown below. It should not be viewed as a road map but as a minimum set of directions. Some tasks may require more steps than are shown. Effective facilitation always requires strong listening and communication skills, sensitivity to what is not being said, the ability to surface and address tensions that are impeding productive conversations, and the ability to deal with all parties in an even-handed manner.

Facilitators should not expect that union and management will or should always agree on the same things, for example, purpose or scope of work, and authority of the group. Presumably, there will be common elements in each of these and other topical areas but there will also be points that each party raises that will not be a priority for the other. Some may even be in conflict. That is understandable and even desired.

An important point to emphasize before discussions take place (and during, if deemed appropriate) is that a joint labor-management effort does not require, and must not result in, either party abdicating its traditional responsibilities to its constituents. Police management will still be accountable to local government and to the public; police union leadership will still be accountable to its members and to the public they serve. Thus, there may be different reasons for desiring to move forward on joint efforts. Elements not in common or even in conflict suggest needs that each party hopes to have addressed through the joint labor-management effort. The parties should not be put off by the different points they raise that may be in conflict because addressing them successfully may lead to a stronger relationship and a more effective department.



Clarify who participates in the formative sessions

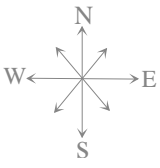
Identifying who participates in the formative sessions must be done before the sessions begin. Leaders on both sides, as well as those chosen to participate in the formative sessions, should understand that they are being asked to help define the joint labor-management effort and one of their tasks is to decide who will participate in ongoing sessions. They are participating because of the knowledge or experience that they bring and so the formative session may include people who will not otherwise have membership in the joint labor-management structure once it is established.

Suggested format for facilitating discussions pertaining to tasks in this chapter:

- Introduce and explain the task, including the rationale and background behind it.
- Create a mechanism to stimulate widespread participation in the discussion, such as dividing the group in some fashion, asking each person to think about a response to the question posed, and jot down some of their thoughts before beginning a discussion.
- Direct the groups to chart their ideas and responses on flip chart paper and be ready to present them to the group. If the discussion is done only in the large group, chart the group's responses and ideas on flip chart paper. Doing so creates a visual display that can help to build understanding. It also forms the beginnings of a written record of the group's discussion and decisions.
- If there was discussion in small groups, have them next report out to the large group. There should not be any discussion during reporting out and only questions for clarification, if needed.
- Facilitate a discussion of the ideas generated, asking first for general observations and then for points of agreement and points potentially in conflict. Chart key points made on flip chart paper (as sheets are filled, tear them off of the pad and tape them to the walls of the room).
- If the discussion brings up disagreements, build understanding about the essence of the disagreement and the needs not addressed by the ideas proposed. If the discussion identifies different needs, look for ways that those needs can be addressed that are satisfactory to both union and management.
- Generate options satisfactory to all by brainstorming ideas triggered by the needs that surface.
- Synthesize, summarize, and record what has been agreed to and what has not.
- Type up what has been agreed to and distribute a copy to all participants.
- Move on to the next task.

Chartering the Joint Labor-Management Effort

A charter is an agreement between union and management that specifies what they agree to do together and the manner in which they agree to do it. Some groups believe that the task of creating a charter is too time consuming and unnecessary. To omit this task from the early work of a union-management group is a mistake. Creating a charter provides the union-management group with an opportunity to talk with each other in the manner that they wish all of their conversations to be conducted from that point on. Further, it gives each party a chance to examine how its thinking about the joint labor-management endeavor compares with the thinking of the other party. If there are differences, they can at least be acknowledged, if not addressed and resolved. The desired result of a chartering effort is that the expectations that each party has for its joint efforts are shared and made clear.



The chartering effort consists of the following tasks. Each will be discussed in this section of this chapter.

Tasks that comprise the chartering process:

- Define the purpose
- Establish ground rules for working together
- Clarify the scope of work
- Identify the boundaries and constraints
- Specify the mechanics of working together
- Clarify necessary agreements.

Define the purpose

The first task of the chartering effort is to define the purpose of the joint labor-management efforts. Several key questions define the focus of these beginning conversations:

- Why are we coming together?
- To what forces are we responding?
- What problems, issues, concerns, or opportunities do we hope to address?
- What do we hope or expect will be different as a result of our working together?
- What are the shortcomings of the current way in which we work together?
- What needs are not met by our current labor-management relationship?

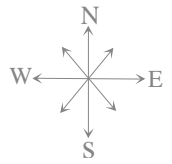
Separate union and management groups should address these questions first, then meet as a large group and discuss their ideas. The parties may not trust or be comfortable enough with each other at this point to respond to the questions in mixed small groups and it would probably be useful anyway for the parties to respond to these questions in a way that brings forth their unique perspectives and interests. This will identify points each makes that are in common and these will begin to define the initial focus for their joint efforts. It will also identify points raised by one and not the other as well as points in conflict. Both will be items to consider when creating an agenda for the labor-management effort.

If there are points in conflict, the facilitator should try to identify the real needs or concerns that underlie them. To do so, a facilitator might ask in a nonjudgmental way questions such as these:

- Why do you want what you want?
- What questions or problems will that address?
- What do you or your members need from addressing those goals?

The responses that participants have recorded on flip chart paper may suggest that other points should be added to the charts concerning the purposes behind the joint activity. Meanwhile, the group has responsibility to seek an understanding of the points in conflict, which will help to manage the tensions that may arise from these conversations.

Once the information from the small groups have been reported and discussed, the large group should craft a statement of purpose, first highlighting or recopying key words, phrases, or ideas to consider when drafting a statement. At this session it may not be possible to come up with the precise wording of a statement.



If that is the case, help the group to get as far as it can on the task, then assign a subgroup of union and management (no less than two, no more than four) to compose a statement that captures the essence of the purpose to which all can agree. Set a deadline, perhaps the next session. At that session, refine the purpose statement to a point that all can agree, record it, and move on. The statement can always be amended at a later time, if appropriate.

NOTE:

Some facilitators will want to know how much time is needed for this and other tasks. That is not always easy to predict so we just make our best guesses, keeping in mind that work sometimes takes the amount of time available to do it. Forcing groups to be concise in their comments by limiting the time available can be effective in moving conversations along. Because the groups are relatively new to this type of group process, allowing 30 to 45 minutes is appropriate. As in all cases, the facilitator can determine if the groups need more or less time and make adjustments accordingly. The important thing to remember is that a goal of the joint process is to bring forth the best thinking that resides within the collective body. Sometimes that will come from those who speak infrequently. Small group interactions, charting responses, and sufficient time helps to create an environment that supports gathering input from all.

The reporting-out process by the small groups and the following large-group discussion should be given at least as much time as the earlier small-group discussions, if needed. Defining the purpose of the joint labor-management effort is a task that will lead to recognition of common goals as well as clarification of different goals. Both are desirable for the effective development of the joint labor-management effort.

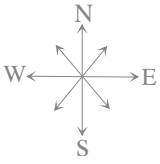
Sample statement of purpose. It may be that facilitators and union-management groups will not be sure of what to look for in a strong statement of purpose. The sample statement below is offered for the facilitators, so that an appropriate statement of purpose can be recognized when it emerges from the group. It is not advisable to give a sample to the group members because they may say, "That's good; let's use that one!" without giving the task the thought that it needs. Remember that the outcome desired from these sessions is twofold: to develop a plan for change, and engage in a process that results in participants understanding, accepting, and internalizing what they agree to. They will not do that nearly as well if they simply adopt language from someone else.

EXAMPLE:

To improve the quality and effectiveness of labor-management relations within the department in order to improve the effectiveness of services provided to the community and the quality of the work environment within the department.

Establish ground rules for working together

Ground rules are behavioral guidelines that help groups build understanding and reach agreements. Adherence to ground rules helps to build accountability and can contribute to increased levels of trust. Establishing ground rules at the onset will help to establish a tone of mutual respect, which is necessary in union-management settings where conflicts and tensions will emerge.



It is appropriate for the facilitators to suggest ground rules for the group to follow for the initial session. To start, they can simply be the following:

- Encourage participation from all participants
- Address ideas and issues; no personal attacks
- No hidden agendas
- One person speaks at a time
- Listen to speakers before responding
- Let speaker finish or complete a thought before responding.

The facilitators can post the rules for all to see at the start of the session and ask if anyone needs clarification of any items on the list. Then the facilitators ask participants if they can agree to these ground rules before beginning the session. Seldom are objections raised to any of these initial ground rules because most can see that civil and meaningful conversations are impossible without them.

With a common statement of purpose in hand, it is appropriate for the union-management group to turn to the task of generating and adopting ground rules that will guide the ways in which they will work together. The ground rules that were used to start the joint conversations should be used to start the process. Facilitators should list these on a flip chart and then ask the entire group to brainstorm other ideas that might be included in a set of ground rules.

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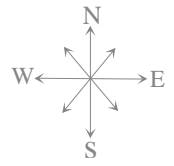
Brainstorming is a process in which people generate thoughts and ideas that are added to a common list, usually on flip chart paper. No discussion is allowed during the actual brainstorming because discussion often leads to comments of an affirming or negating nature, both of which can dampen the generation of ideas. The point to a brainstorm process is to generate as many ideas as possible, even ones that may seem far-fetched or goofy, to unleash creativity in the group. It is the creativity that often leads to innovative and effective ideas. The facilitator captures these ideas on a flip chart as they are given.

The facilitators should advise participants to consider these and other questions as they generate ideas for ground rules:

- What behaviors will help build understanding?
- What behaviors will help increase trust?
- What can be done to help us hear what others have to say?
- What will help to make our meetings effective?
- How will we make decisions?
- How will we manage and address conflicts that emerge?

Sometimes, giving people a few moments to think about responses to these questions can help to stimulate the brainstorming process.

Once the idea generation stops, questions for clarification are appropriate. After that, participants discuss the ideas that have been raised and develop a sense of what seems appropriate and what seems agreeable to all concerned. Following clarification, discussion, and perhaps combining or restating ideas, facilitators attempt to see if there is consensus on a final list of ground rules to guide how union and management will



work together. Consensus is achieved if everyone in the group can live with or accept the outcome and are willing to defend it to others outside the group. (A more detailed discussion of consensus is in Chapter 3.)

Brainstorming potential ground rules can be done in 15 to 20 minutes. Discussion can usually be done in about the same amount of time. Completing a final list and obtaining agreement and commitment to follow the ground rules usually can be completed within an hour.

REMINDER:

All estimates of time are merely that—estimates. Various factors may shorten or lengthen the amount of time needed. It is the facilitator's job to keep the purpose of the task in mind and to make his or her own judgments accordingly.

Defining a tentative scope of work

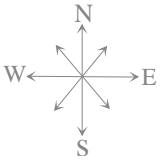
At this point, the union-management group has crafted a statement of purpose that sets forth ideas about why the group is meeting and how they commit to behaving toward each other in their work together. Now the task is to define the scope of work—the types of things that they wish to work on together—and the types of things that are not included in these initial joint labor-management efforts.

CAUTION:

By this time, some groups may have already become impatient with the process. Some will say that they don't have time for "all this talking" and will propose that the group simply launch into some sort of problem-solving activity. Yet, it is important to address each of the components of the start-up phase adequately as they are presented in this guide. The union-management relationship is fragile. It relies heavily on trust; not so much that each party will always get what it wants, but that each can count on the other party to be true to its word and do what it says it will do. In a lot of relationships, trust is present in less than optimal amounts. Trust develops when parties work together to a successful conclusion on various tasks. To proceed in the absence of (but hope for) trust requires the parties to make themselves a bit vulnerable to each other. That works as long as each does not feel betrayed by the other. To safeguard against feelings of betrayal, it is the job of the facilitators to move the parties slowly but steadily through a process that helps them to learn to talk to each other, to build on ideas and values that they hold in common, and to learn to disagree – and ultimately to reach understanding and agreement, in a way that assures that neither will be trampled by the other. In short, by taking short cuts, the parties put their joint process at risk.

Defining the scope of work

As with the previous tasks, the discussion about what will constitute the scope of work of the joint labor-management effort can begin with groups responding to a series of questions. By this time, the union-management group may be ready to engage in small group discussions in mixed groups comprising union and management representatives. Small-group work followed by large-group discussions is still preferred to encourage participation by all—some find it easier initially to talk in a small group rather than a large one—and to help build or strengthen informal relationships between individuals, which is helped by small-



group work. The following questions will help guide the discussion about scope of work. Thirty minutes or so may be sufficient for the small groups to respond to these questions and to those they might raise in their groups.

- What kinds of issues, problems, concerns, and plans would you like the labor-management group to address?
- Are there things that you think should not be addressed by the labor-management group?
- What authority would you like the labor-management group to have with respect to the issues that it takes on?

Clarify boundaries and constraints

This segment continues the discussion concerning what the labor-management group will and will not address and what considerations affect the group's work and authority. It is important to have a focused conversation on these topics because it helps to develop clear and shared expectations about what is possible within the joint labor-management process as well as what is protected or not permitted. Unnecessary conflicts can be avoided through this shared understanding. This discussion actually could be managed as an addendum to the previous discussion about scope of work. To do so, the group would respond to the following questions:

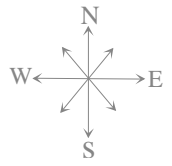
- What potential areas of involvement are off-limits to the labor-management group's efforts?
- What are the limits to the group's authority? For example,
 - Can the group spend money?
 - Can the group allocate department resources?
 - Can the group change policies and procedures?
 - What factors will constrain the group's efforts?

The same format for discussing matters pertaining to the group's charter should continue to be followed.

Specify the mechanics of working together

The next task is to work out the mechanics of the joint union-management effort that have to do with the actual meetings. Giving attention to the following questions now can minimize friction that might arise later if the rules of engagement are not clear to everyone.

These discussions are best conducted jointly by union and management. As will be seen, there are lots of details to be worked out with some requiring little discussion and some a lot of discussion. It is difficult to predict which, if any, matters will take more time than others and it is likewise difficult to predict how much time will be needed to work out agreements on each of these matters. The best approach is to take the items one at a time and discuss them until there is agreement, and then move on. It may be possible to address all of these items in one session of 2 to 3 hours. If not, take the time needed on that day or continue to discuss all items on the list at a subsequent meeting. All of the questions listed below need to be answered because they will help the group to function more effectively over the long term.



Meeting time and place:

- How often and when will the group meet?
- What is the starting and ending time for the meetings?
- Where will the meetings take place?
- Who will make the arrangements for the meetings?
- How will any of the costs involved be paid for and by whom?

Meeting notices and agenda:

- How will notices of the meetings be sent? By whom?
- How will the agenda for the meetings be established?
- Who can contribute items to the agenda?
- Who decides?
- What criteria will be used to decide what items will be included in the agenda; and
- How will the agenda be sent to members of the group? How far in advance of the meeting will the agenda be sent?
- If decisions are needed, how will members obtain the information they need to prepare for discussions?

Meeting facilitation and charting:

- Who will chair or facilitate the meetings?
- Who will write notes on flip chart paper during the meeting?
- Who will transcribe the notes and send them to participants?

Communications:

- What should be communicated to constituents?

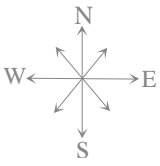
Membership:

- How large will the group be?
- Who will be members of the labor-management group?

RECOMMENDATION:

Typically, the union decides who it wants to serve on the committee and management decides who it wants to represent its interests on the committee.

- Should membership be determined by position?
- Will a specified quorum be required to make decisions at the meeting?
- Will alternates be permitted?
- Will visitors be permitted to attend the meeting? On what authority can members bring visitors? Should other members be informed? Have a say?
- What other issues or questions may be pertinent to the labor-management effort?
- Will there be a specified end date to the labor-management process?



How will decisions be made:

- What authority does the group have? Will it be able to make and implement decisions or make recommendations to another individual or body that will make and implement the decision?
- What decision-making strategy will the group use—voting, unilateral, or consensus? Is the group willing to make decisions by consensus?

NOTE:

Anything short of decision making by consensus is likely to be problematic for a labor-management effort. Perhaps the most important thing to establish is a definition of “consensus”. See Chapter 3 for a discussion of consensus

Other agreements

Some groups may decide that they want to add other specific agreements to their charters. For example, they might wish to show their support for the joint labor-management process by stating in writing that they will support the collective bargaining agreement and process. Or, if the union does not engage in collective bargaining, the department may wish to acknowledge the role the union plays in the department and indicate support for the union and its efforts to represent its members.

Other agreements might include the following:

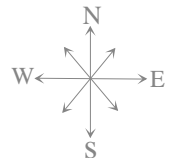
- An agreement not to blindside each other with announcements to their constituents without first running the matter past the other party’s leadership.
- A statement indicating support for the joint process.
- A statement that establishes a timeline for evaluating the joint labor-management process.
- A statement that acknowledges that either party may withdraw from the joint labor-management process through written notice. (If the parties wish, they may include a clause that asks the withdrawing party to provide reasons and suggests that the other party have the opportunity to respond to the concerns raised before the withdrawal becomes official.)

These additional statements should not complicate the group’s work but strengthen it. Raising the issues that might lead to statements of commitment or agreement at this stage in the process is, in some ways, a check to assess the degree of support that each party is bringing to the joint process.

NOTE:

These activities help bring the union-management group to the next level of discussions. Laying out these steps assumes that the parties are genuinely interested in making changes in the way they work together that will stand up for a long period. It assumes that the parties are willing to forego, or at least put in perspective, quick fixes to problems that have been nagging at them for some time in favor of looking at the systems and structural issues that tend to compromise organizational effectiveness and police labor-management relations.

The next section of this chapter is a guide for creating an agenda for change for the union-management effort. It is of great help if the union-management group develops a plan to keep it focused. Many groups flounder after a while because they lose sight of what they had initially set out to do.



Developing an Agenda for the Labor-Management Effort

Overview of this section

After creating a charter, the next step in the process is to develop an agenda, or a plan that will give direction to the union-management efforts. Participation in the chartering process should have reduced the us-versus-them atmosphere to some degree, although it is normal for some skepticism to remain. Some of the skepticism and lack of trust can change only as a consequence of successfully working together to resolve issues that confront the department, whether they are identified by the union, by management, or by an external party. This next step, creating an agenda for change, will help to do just that.

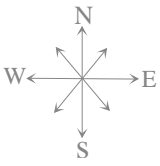
To begin, the parties need to develop a shared understanding of the current environment in which they work. Their views don't necessarily have to be the same, but each needs to understand how the other perceives the department to better understand what lies beneath some of the things they desire. Sometimes simply sharing perceptions can help to break down barriers that interfere with people's ability to communicate: "Is THAT what you thought was behind that decision?! Well, let me share some background with you that maybe I should have shared before."

Building on the shared understanding of their current environment, the next step is to envision a preferred future state for the department and the relationship. What would labor-management relations look like? To what extent do the department's internal systems support the outcomes desired from officers and staff? How would the public evaluate police services? What is the relationship between the department and union and the public administration? These and other questions would stimulate the thinking of both parties as they attempt to envision what their department would be like if they had their choice. Comparing the present with the preferred future will reveal gaps that have to be bridged to get to where they collectively (and, perhaps, individually) want to go. Identifying these will begin to suggest a plan for change.

The task then is to identify the forces, internal and external to the department, that are likely to help or hinder efforts to achieve the preferred future. Addressing the hindering forces or barriers will figure in the agenda for the change that is ultimately created.

The final step in developing an agenda for change is to list the items in order of priority by combining those items identified as necessary to bridge the gap between the present and preferred future and the list of hindering forces. The combined list may be a bit daunting and there will be some items that are more important, more critical, more foundational, or more aggravating than others. These, then, would be among the first items that the joint labor-management efforts would address, with others to follow, either in order of importance or in logical sequence.

These tasks need not take a long time to complete. All can be accomplished easily in a day or less, with effective facilitation and with all participants adhering and holding others to the established ground rules. In fact, proceeding with due diligence through these tasks will help to build momentum and enthusiasm for the process.



Developing an agenda for change can be done by completing the following tasks. The purpose and guidelines for completing them will be discussed in this section of the chapter.

Developing an agenda for the labor-management effort

- Describe the current situation and environment.
- Envision a preferred future.
- Analyze the gap.
- Identify drivers and barriers to change.
- Prioritize an agenda for change.

Describe the current situation and environment.

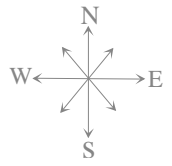
The environmental scan, or SWOT Analysis (Strengths, Weaknesses, Opportunities, and Threats), provides union and management with an opportunity to voice their thoughts, concerns and perceptions about the current state of affairs within the department and the external factors that may affect the department, positively and negatively, in both the short term and long term. It provides a benchmark against which the department can measure itself when looking back to see how far it has come in its process of change.

NOTE:

The scan will allow union and management leaders within the department to compare their views on various attributes of the department. Sometimes the perceptions will match each other and often this can be surprising to the parties, as each thinks that the other is too partisan to recognize elements in the same way as it does. Sometimes, perceptions will differ significantly on some attributes – confirming us-versus-them assumptions or causing surprise that the same events and factors could be viewed so differently. At times, the exposed differing perceptions trigger some heart-to-heart conversations of a breakthrough variety that usher in new understandings and commitments to try to do things differently. Sometimes the scan doesn't lead to any of these things, just an affirmation of things as people see them with few or no surprises. Nonetheless, in any scenario, the scan is essential because it provides a common view – “This is the way we all see the department today – for good or for bad” – and a point of departure for any change efforts.

The environmental scan results in a detailed list of what union and management leadership view as the internal strengths of the department—the things it does well—as well as the internal weaknesses of the department—the things it does not do so well or could do better. It will also contain information about what each considers to be external opportunities that the department could capitalize on to help it fulfill its mission, as well as the external threats—to being able to fulfill its mission as well as to its very existence as it is now known. The degree of difference in the perceptions of the two parties is a catalyst for important conversations between the parties as they attempt to sort out the reasons behind the differences.

Again, the union-management group would do well to deploy small groups to conduct the SWOT Analysis—one comprising union leaders only and the other comprising police management only. It may seem inconsistent to separate union and management at this point after working in mixed groups for some of the chartering tasks, but it is usually very helpful in providing a degree of confidentiality that can help participants to identify tensions that can have an adverse effect on the joint labor-management effort. The format outlined earlier in this chapter is also appropriate and applicable to conducting the SWOT Analysis.



The facilitator should direct the small groups to list on sheets of flip chart paper what they perceive as the following:

- The internal strengths that the department possesses that will help in its efforts to improve labor-management relations and implement change
- The internal weaknesses that may hinder the department's efforts to improve labor-management relations and implement change
- The external opportunities that the department could capitalize on to help it to improve labor-management relations and implement effective change
- The external threats that the department faces that may have an adverse effect on labor-management relations and the ability to implement effective change.

NOTE:

Please note that in the SWOT Analysis, groups examine both internal and external factors. External factors are those that arise from outside the department, e.g., from community organizations, local legislature, media, and other sources.

Groups may need up to 60 minutes to complete this task. When the groups are finished, reconvene the large group for reporting out and discussion. In the discussion, the facilitator should ask for observations about the two lists, using questions that include the following to stimulate reflection and discussion:

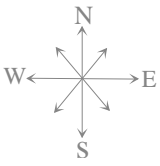
- What similarities do you see in the two lists?
- What differences do you see?
- Should any other items be listed?
- Does anything surprise you on either of the two lists?
- Are you surprised by items that were not mentioned?
- Do the lists, taken together, provide a reasonable view of the current state of the department?
- What do the lists, taken together, suggest as you prepare to move forward to improve labor-management relations and implement effective changes in the department?

As the facilitator summarizes the discussion, he or she should reiterate that the combined lists represent a starting point for change efforts and that there is a presumption that both parties wish to move beyond this state of affairs. The next task will provide an opportunity to do that.

NOTE:

The SWOT Analysis provides an opportunity for both parties to discuss issues that they think are detrimental to the department, their relationship, and or the services they provide. Participants should be held to the ground rules, especially those concerning not making personal attacks, in order to keep the conversations focused and constructive.

It is possible that tensions will emerge as a consequence of reporting out items listed in the SWOT Analysis. Tensions are an indication of some underlying conflicts that have not been resolved to the satisfaction of the parties involved. Most organizations have them and they can be very helpful as a members of the labor-management group grow in their ability to talk with each other and work through differences. At this point, however, it is not necessary to try to resolve the tensions or the issues that underlie them. As the labor-management group members learn to use the interest-based problem solving model (Chapter 3), they will be able to apply that approach to these and other issues. For now, it is sufficient to merely acknowledge the differences, to indicate that differences are to be expected, that their existence does not undermine the ability of the labor-management group to achieve successful outcomes but, rather, that being able to address differences in a constructive manner is key to successful labor-management relations and change efforts.



Envision a Preferred Future

The SWOT Analysis provided a snapshot of the department as union and management see it at this time. Knowing where they are—the starting point—is necessary for a successful journey but will not be sufficient without having a destination in mind. Envisioning a preferred future will help to clarify what union and management leadership would like the department to look like in the next 3 to 5 years. The preferred future can provide both motivation and help with deciding on a direction to take with the joint labor-management efforts.

NOTE:

This task also attempts to break down further any residual us-versus-them attitudes held by union or management leaders. A future that is the product of a joint labor-management effort has to be one that is good for both parties, otherwise one or the other will choose to withdraw from or undermine the effort. In this exercise, therefore, union and management will work together to envision a preferred, commonly held future.

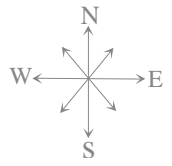
It is true that there are usually multiple paths to any destination. However, some are shorter, some longer in miles but faster in time, some more scenic, some over rougher roads, some with more distractions. A vision of a preferred future will not only serve as a goal but will also help to choose the paths to take to reach it.

The vision of the preferred future should consist of both qualitative and quantitative statements that describe what it would be like to work in the department, what it would be like to be served by the department, and what it would be like to interact within the department. For example, a preferred future statement might be more general in tone: “Compensation systems that are fair and equitable to all concerned that attract and retain high quality officers and staff,” or they might be more explicit and more easily measurable: “80 percent of grievances resolved before they get to the third step,” (assuming that such a goal would be an improvement). In any event, when taken together they should provide a comprehensive goal that will draw support from the rank and file and salaried personnel as well as motivate union and management leadership to persist in their efforts to improve the relationship and effectuate change.

The future preferred by union leadership does not have to be the same as that envisioned by management, although they should be compatible and not in conflict. For example, a statement by the union that it wants to increase the number of patrol officers by 30 percent will certainly clash with a management statement that says it wishes to reduce the size of the force by 30 percent. However, as with the SWOT Analysis, this exercise may also bring to the surface tensions and disagreements that future efforts at problem solving can address. Conflicting preferred future statements are not commonly heard. Usually the parties try to find common ground in their statements of how they would like the future to look. A way to envision a future that both union and management can rally around is to create small groups that comprise both union and management members so as to begin the process of working together.

Groups should come up with a series of statements that provide a visual image of how union and management leaders would like the department to look in a few years time as a consequence of working more effectively together. Participants should consider several dimensions in their comments including the following:

- Labor-management relations
- Services the department provides
- Internal operations
- Work environment.



Questions to help focus the large group discussion after the report out include the following:

- Are any statements in conflict?
- Are any ideas missing?
- Does the combined list represent a future that all could lend energy to create?
- What does the combined list suggest is in store for the labor-management group and effort?

NOTE:

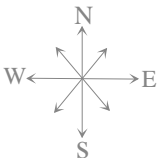
This exercise will create a picture of what the future department might look like and serve as a goal and motivator for the parties to dig in for the long haul. This exercise, following on the heels of the SWOT Analysis, is also likely to reveal that the future department looks different than the department that most people work within at the present time.

Analyze the Gap between the Present and the Future States

The task in this segment is to add more substance to the agenda that has begun to emerge through the previous two exercises. In the SWOT Analysis, union and management identify the department's strengths and weaknesses to provide a reading on the degree of agreement between the two parties on how they view the organization and their relationship. The strengths, especially those mentioned by both, can be celebrated and protected while the weaknesses can be addressed and improved. The opportunities and threats that are identified begin to outline tasks that could be taken in a union-management cooperative approach. The future vision represents an idealized state and, in effect, the two are at opposite ends of a real-ideal continuum. The gap analysis provides a number of ideas about how to move from the present to the desired future organization.

To complete this task, union and management should develop a list of what has to be accomplished to help the department move closer toward the desired future state. In addition, it is hoped that the parties would begin to acknowledge that progress toward the desired state will be enhanced as a result of their working together to take on various tasks, especially those that give rise to the most tensions within the department. Facilitators should form small, mixed union-management groups to stimulate participation and contributions from as many people as possible in this discussion and instruct the groups that they are to review elements and characteristics of the preferred future state as well as the SWOT Analysis, then generate ideas about what has to be done, changed, or must be different to achieve the future state. The ideas should be listed on separate flip chart sheets under the following categories:

- Labor-management relations
- Services provided by the department
- Internal operations
- The work environment
- External relations with the public, officeholders, media, etc.
- Other categories that seem appropriate.



Groups should be given sufficient time to complete the task, usually 30 to 45 minutes is enough. The following questions can help the facilitator to focus the discussion in the large group:

- Are any tasks in conflict?
- Are any ideas missing?
- Does the combined list represent a future that all could lend energy to create?
- What does the combined list suggest is in store for the labor-management group and effort?

NOTE:

The gap analysis does not represent the final agenda for the labor-management group. However, the ideas generated will contribute to development of the agenda and will make things clearer about what challenges lie ahead.

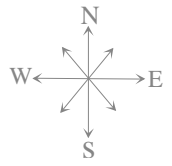
The list should contain some items that reflect back to items on the SWOT Analysis that are to be further developed or changed. The items may be found in any of the categories but particularly those labeled as “weaknesses”. If there is none or there are only a few links with the SWOT Analysis, the facilitators might ask participants why they were not included. Was the SWOT Analysis inaccurate? Are the tasks generated by the gap analysis really necessary? Is the thinking of the group evolving in a more inclusive manner as a consequence of working effectively together up to this point?

Though the process may seem repetitive, the process of change using a union-management approach is developmental, that is, certain things often have to occur before other things can take place. Conversations have to take place before communication occurs. Perceptions have to be articulated before union and management can recognize that some of them are shared. Ideas have to be generated and considered before options can be developed from them. Options lead to discussions and discussions lead to decisions. Ultimately, plans will be created and an agenda will develop that both parties own. Commitment to the tasks and the joint process deepens. Trust begins to develop as the parties work through what they agree on as well as, and particularly, as they work through things on which they do not initially agree. All conversations are important and all contribute to more effective group process and more effective, accepted, and enduring outcomes.

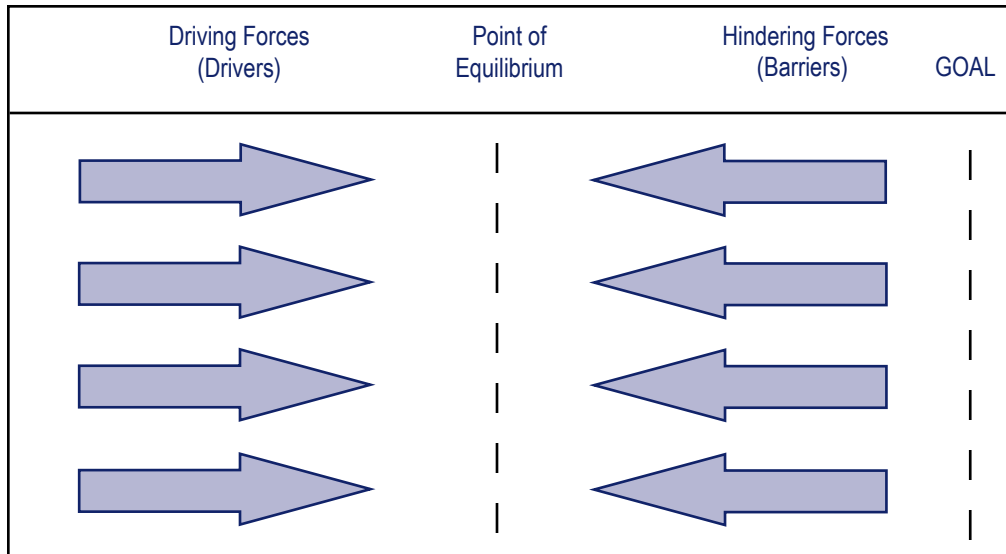
Although progress has been good and steady to this point, the process of developing an agenda for change is not quite complete. Before establishing priorities from a list of a range of data generated up to this point, the group will need to look at the forces that are likely to help them to achieve their goals, as well as forces that may or will interfere or impede their ability to achieve their goals. The Force Field Analysis will generate additional data that will help to define the agenda for change.

Conducting a Force Field Analysis

In the 1940s, Kurt Lewin, a social scientist, developed the concept of force fields and how they affect change. He suggested that there were forces that helped move people and groups closer to their change goals (drivers) as well forces that blocked or hindered efforts to achieve change (barriers). At the start of the change process, those forces are in equilibrium, with the strength of the driving forces being offset by the strength of the barriers. He went on to state that progress toward change will occur only if that equilibrium is upset: that either the drivers increase in strength or the barriers are removed or their strength declines.



FORCE FIELD DIAGRAM



Adapted from the work of Kurt Lewin.

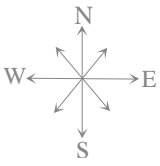
In any change effort, drivers and barriers are at work. It is extremely useful to identify them so that they can be dealt with. In practice, it is most effective to focus on the barriers. Pushing harder on the driving forces, for example, may not have the effect of strengthening them. If one were to push people to work harder, resistance may develop where there was none. Addressing the barriers through problem solving will actually disrupt the equilibrium and move the parties closer to their goals in two ways. First, developing options that will remove or reduce the effect of the barrier will help move the group closer toward its goal. Second, the act of solving a problem and removing it will help to build confidence in the joint process and trust between the parties and will further help to move the labor-management group toward its goal. The Force Field Analysis, therefore, can play an important role in developing an agenda for change.

Upon completion of this task, the parties will be able to identify forces that help in their change efforts as well as forces that hinder their efforts. Further, they will be able to understand how the equilibrium is affected positively by successfully removing barriers. In addition, they will create a combined list of barriers that inhibit the ability of the labor-management group to achieve goals that they set for themselves.

CAUTION:

The facilitators will have to provide more of a lead-in to this task than for previous tasks. They will not only have to introduce the task but will have to provide a brief explanation of the concept of a force field and how it can be used in joint labor-management efforts. The following are suggestions about how to do this:

1. Introduce the concept of a force field and discuss how drivers and barriers can affect a group's ability to move forward with change.
2. Construct the force field diagram as shown in the figure above.
3. Illustrate how the drivers are in equilibrium with the forces that serve as barriers and state that the equilibrium point represents where the labor-management group is now.
4. Indicate that the group's ability to move toward its goal will be enhanced by its ability to remove or reduce the influence of barriers.



As the next step, the facilitators should create small groups comprising both union and management. They should direct the groups to list what they consider as the forces that are driving the union-management group toward successful change as well as the forces that are hindering their ability to achieve successful change. Groups may need only 20 to 30 minutes to complete the task and chart their responses. The format used for the other tasks outlined in this chapter is applicable. As in other discussions, the following questions can help the large group focus its comments during the reporting out and discussion:

- What observations do you have concerning the lists?
- To what extent are the perspectives of the two groups alike or different?
- Are any forces missing?
- What do these lists suggest about joint efforts in your department?

NOTE:

The Force Field Analysis generates yet more data that can be used to help the labor-management group move forward. Union and management will work together in small groups (although if they resist, do not force them and, instead, allow them to conduct the Force Field Analysis in separate union and management groups) and this will help to build some joint ownership of the process as well as the ideas expressed. (If they work in separate union and management groups they have another opportunity to see how alike or different their perceptions of drivers and barriers are.) They will also generate ideas of what they perceive as barriers to their organizational effectiveness which become candidates for the agenda for change that they will develop together.

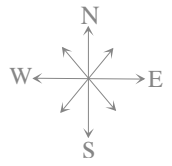
Establish an agenda for change

In a previous portion of this training, union and management leadership clarified what was included and not included in the scope of work that they address together, essentially what was within limits and what was off-limits for joint activities. The scope was probably fairly general in nature, with the specific agenda to be created later. Creating that agenda is now the focus of the group's attention.

Several activities in which the group has engaged up to this point have provided information about things that the group might want to change or reinforce. The SWOT Analysis provided information about internal weaknesses that might limit the group's effectiveness and ability to achieve the outcomes that they desire, as well as strengths that they want to keep, reinforce, or expand. In the preferred future segment, union and management envisioned what they would like their individual and joint lives to be like within the next 3 to 5 years. When they engaged in the gap analysis, they judged the distance between where they are now and where they would like to be in a few years and outlined steps to help them move forward in their efforts. The force field analysis identified specific factors or forces that hinder the group's ability to achieve change. Taken together, they form a list of what has to be done if they are to arrive at their preferred future state.

The task now is to place the information into one list, combining like entries, and removing items that fall outside the scope of work that the group authorized itself to take on. This will result in a sizable list that may seem daunting, if not overwhelming. Placing the items in order of priority will help to make the list more manageable because it would take a long time to develop a list of this type through discussion. A tool that will help to expedite the process is multivoting. Multivoting is a technique that provides each member of the union-management group with an equal number of votes to display as colored sticky dots affixed by each group member next to those items on the list that he or she thinks is most important.

Multivoting is very effective at capturing a sense of what the group considers a high priority. Multivoting does not always result in a list that all will agree is in appropriate order of priority, but it facilitates the process of setting priorities. Typically, when there is some disagreement, resolution occurs after a relatively short



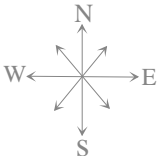
discussion. After all, the prioritized list comes after many conversations and if it is not at least somewhat reflective of what is among the most important tasks to address, then either the members of the group did not cast their votes appropriately or the ideas expressed in the discussions did not accurately reflect what members were thinking and about what they feel strongly. Upon completing this task, the labor-management group should be expected to have a list of tasks that fall within the scope of work they authorized for themselves that they would like to address using a joint labor-management process.

This list, or agenda, should be viewed as a starting point and that can be changed. At times, events will occur that require immediate attention of the labor-management group. It is important, however, for group members to see that they can create a plan that will help them to achieve concrete changes that will help them to move closer to their preferred future.

Some may say that there is nothing new about what they developed and that they have all known for a long time that the items on the agenda were things that they needed to address. That may be true for some in the union and management groups. What is different is that at the end of this process, both union and management agree that the items on the list belong there and that they are all committed to addressing them.

The following format should be used for multivoting:

1. Gather all the data generated through the previous exercises described in this chapter.
2. Eliminate or combine duplicate or similar items.
3. Omit items that fall outside the scope of work authorized by the labor-management group.
4. Create one list of all remaining items.
5. Distribute five colored sticky dots (available in most office supply stores) to each participant.
6. Instruct participants that they are to use the dots to vote, that is, to place a dot next to the items that they believe are the most important, the most critical, or the most immediate to address.
7. Instruct participants that they may vote as many times as they like for a specific item, that is, if they believe that a particular item is far and away more important than all others, then they may place all (or any number) of their dots on that item.
8. Advise participants to review the entire list before placing their dots. Advise them that when they are ready, to leave their seats and place their dots as they wish, but to please do so without talking. When they are finished, they are to return to their seats.
9. When all votes are cast, ask for a volunteer to help tally the votes on all the items. Place the number of tallied votes, in large numerals, next to the appropriate item.
10. When all votes are tallied, ask the volunteer to read aloud each item, and the number of votes received in order of priority, starting with the item receiving the highest number of votes.
11. When all items receiving votes are listed, ask the group members for their observations about the prioritized list: Does this prioritization make sense? Does anything seem out of place? Is anything missing? If you were using this to plan an agenda for change, could you live with it?
12. Lead the group in making adjustments to the list that seem appropriate, such as combining items that are similar.
13. Ask the group members once again for their observations concerning the list, particularly if the list represents a plan that the group could use as a starting point for their work together.
14. Make further adjustments as needed and ask once again if the list seems appropriate for the starting agenda.
15. Once agreement is reached, make a written record of the list.



Summary

In the previous section of this chapter, we developed a charter for a joint labor-management effort that defined the scope and boundaries of the joint activity, ground rules, and the details describing how the union and management groups would work together. In this section, we followed a process that described the current environment, envisioned a preferred future for the department, as well as for both union and management, and analyzed the gap between the present and the future. We identified the forces that help to move the union-management group toward its goals as well as barriers that inhibit progress toward the goals. Finally, we came up with a prioritized list that provides a starting point and a path to initially follow to help the union-management group move forward toward the future that it desires. A checklist is provided below for review.

In the next chapter, we will present a group problem-solving model that is appropriate for use in joint labor-management initiatives. We will describe what it consists of, illustrate how it may be different from other problem-solving methods, and discuss why it is important to use a method that requires attention to the interests and needs of the parties involved. In the final section of this guide, we will provide opportunities to apply the method in several different scenarios.

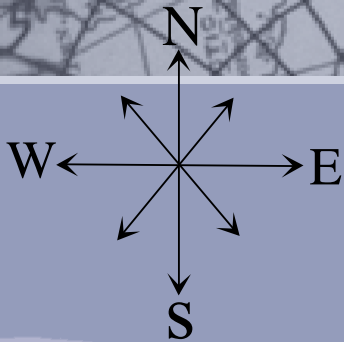
Checklist for Starting a Cooperative Labor-Management Effort:

Chartering the effort

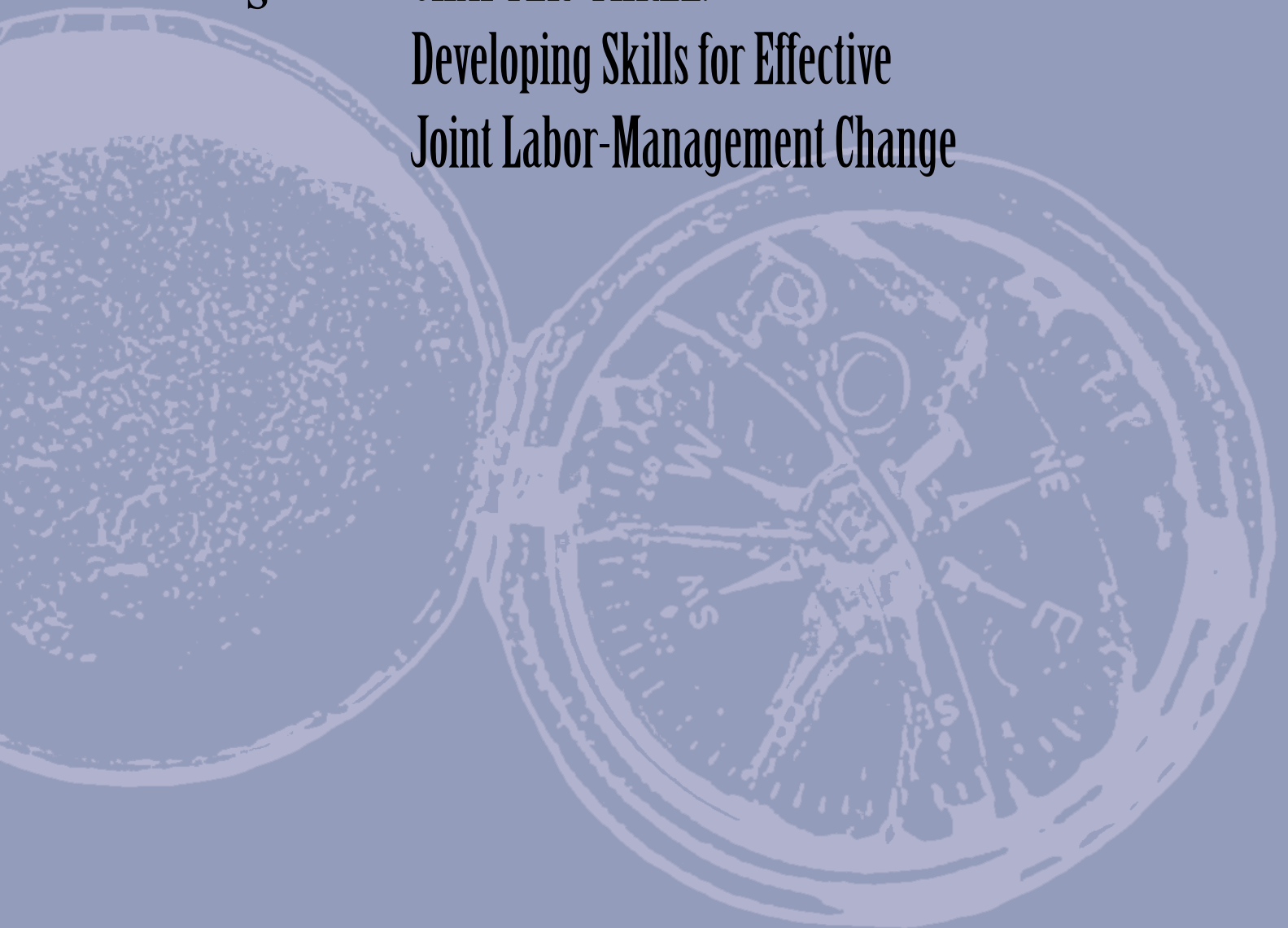
- Define the purpose.
- Establish ground rules.
- Clarify the scope of work.
- Identify the boundaries and constraints.
- Specify the mechanics of working together.
- Clarify necessary agreements.

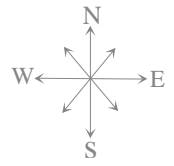
Creating an agenda for change

- Describe the current situation and environment.
- Envision a preferred future.
- Analyze the gap.
- Identify drivers and barriers to change.



CHAPTER THREE:
Developing Skills for Effective
Joint Labor-Management Change





DEVELOPING SKILLS FOR EFFECTIVE JOINT LABOR-MANAGEMENT CHANGE

Introduction

Being able to solve and/or prevent problems and address workplace issues is the primary reason for investing time and energy in developing a joint labor-management cooperative process. It is critical to the success of a joint labor-management process that the parties learn and apply a systematic process that leads to high-quality outcomes and a high degree of acceptance by those who are affected by the decisions.

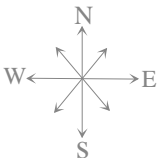
BACKGROUND:

The model presented in this chapter is influenced by the work of W. Edwards Deming, whose emphasis on building quality into work processes helped to rebuild the Japanese economy following World War II. Deming's message has been widely adopted in this country by both public- and private-sector organizations alike and figures prominently in the public sector's reinventing government initiatives. The model is also influenced by the concept of principled negotiation set forth by Roger Fisher and William Ury of the Harvard Negotiation Project in their book, *Getting To Yes*. Fisher and Ury urge that parties seek agreements by generating options that address the interests or needs of the affected parties rather than by trying to win a particular outcome, or position, through the power that one party holds in the relationship over the other.

Clearly, effective problem solving requires more than applying a systematic problem-solving model. The parties must also communicate effectively with each other, which boils down to being able to articulate one's thoughts in a way that helps to build understanding, to be able to bring to the surface contentious points or issues in a way that does not blame or lead to defensiveness, and to be able to really hear and understand what a speaker is saying in a way that lets the speaker know that he or she has been heard. Whereas good communication practices are essential for sound labor-management relations, there is nothing inherently "labor-management" involved in developing or applying effective communication skills. Consequently, other resources, widely available, can help union and management groups to strengthen their capabilities in these areas, should that be desired or needed.

Even with good communication skills, joint union-management problem solving can be tricky. Often, both parties have clear and distinct interests that any solution to the problem must address. Individual members of each party may have strong feelings that a problem or proposed solutions may generate and which will surface and raise the temperature in the room during deliberations. Often, the problem is one that has complexities or complicating factors that need to be understood so that the problem can be dealt with effectively. And each party has a constituency that it represents and to whom it is accountable.

For these reasons, practices derived from quality improvement efforts inform the problem-solving model introduced here. Police organizations are likely to be familiar with applications from quality improvement efforts. The SARA problem-solving model (Scanning, Analysis, Response and Assessment), widely used by departments throughout the United States, closely parallels the Shewhart Cycle or PDCA (Plan, Do, Check, Act) method espoused by W.E. Deming, and used in most total quality management and continuous quality improvement initiatives. Deming often claimed that it was imperative to acquire what he called profound knowledge about a problem to be able to solve it. Understanding a problem, through collection and analysis of information about the problem, is key to knowing if the right problem is being addressed, which is, of course, necessary for finding an appropriate solution.



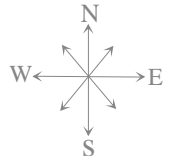
Drawing from Fisher and Ury's work allows us to recognize and accommodate the fact that often there is a negotiation element to problem solving, particularly when union and management engage in the task together. In traditional union-management bargaining, the parties come to the table with a set of proposals—things that they want in the collective agreement. These essentially are answers that they developed to address problems, concerns, or questions that are implied, but left unstated. Fisher and Ury make the case that it is most useful to try to understand and make explicit the question—or the needs, concerns, or interests—that the parties believe their proposals address and use that as the starting point for generating a range of options that individually, or taken in combination, can address the concern in ways that satisfy the interests of both parties.

CAUTION:

An interest-based, data-driven problem-solving method is not complicated but it can take time. Often, there is a tendency, supported by a culture that applauds and rewards decisiveness, to embrace what seems to be the most obvious solution and push that through to agreement. That method works some of the time, when the matter under consideration is relatively uncomplicated, when the parties have little emotional investment in the outcome, or when the decision does not require a high degree of acceptance. But a lot of issues don't have those characteristics. Some issues require sorting through symptoms in order to determine the real problem. Sometimes the problem needs to be understood by identifying and analyzing its root causes.

Sometimes those involved have strong feelings about the current situation that is being described as a problem. Perhaps they do not see a need for a change from the status quo and will resist any attempt to do so. Perhaps they believe that there is only one solution that will satisfy their constituents and argue vehemently on its behalf. Perhaps the parties do not trust each other and are skeptical of any idea that either advances. Perhaps the parties recall previous perceived injustices and find themselves allowing the unresolved hard feelings to resurface and hinder attempts to move forward. If any of the above are present, quick solutions accepted by both parties will be difficult to achieve. An interest-based problem solving method can help union-management groups to arrive at sound solutions to which both can commit.

An interest-based approach recognizes that using power within a relationship to force an agreement often results in decisions that are unwise, are of poor quality, or are not accepted or supported by those who will carry them out. This approach recognizes that high-quality decisions that are widely accepted and supported by those who must carry them out requires that those affected believe that their needs are being effectively addressed by the decision. How does that occur?



The following is an outline of an interest-based, problem-solving method, presented here so that the co-facilitators of union-management change efforts can see the sequence of the steps that comprise the method.

Outline of An Interest-Based, Problem-Solving Method

1. Select an issue or problem to address; clarify and build understanding about the issue.
2. Identify the stakeholders (who are affected) and their interests, needs, or concerns about the issue.
3. Invent options that might address all or some of the interests.
4. Evaluate the options against the interests; identify overarching interests (that is interests that are shared by all) that any solution should meet; discuss the options that address the most interests.
5. Select/agree on the option(s) that best meet(s) the combined interests of both parties (or continue to search for emerging solutions).
6. Develop plans for implementation and monitoring.

Subsequent sections of this chapter will discuss the principles that provide the foundation of the method. The method will be explained step by step so that the co-facilitators can instruct others in its use. In Chapter 4 of this guide, the method will be applied to three cases that are somewhat representative of the types of situations that police union leaders and managers are likely to encounter in their work together.

The principles of an interest-based approach

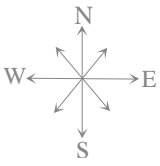
Effective use of the interest-based, problem-solving method requires at least a basic understanding of the concepts at its core as well as adherence to a systematic process. For this reason, it is important that members of the union-management group learn the principles behind the interest-based method as well as how to apply the method.

In their book, *Getting To Yes*, Fisher and Ury set forth four basic points that lie at the heart of the interest-based process:

Point 1: Separate the people from the problem. An interest-based labor-management process has a twofold goal: to achieve a high quality and widely accepted outcome and to maintain or improve the relationship between union and management in the process. To achieve both, it is important that the parties do two things. The first is to depersonalize the issues under discussion; that is, address the issue in a way that individuals' names are not included in describing the problem, even if one individual is a leading contributor.

EXAMPLE:

If there is a problem with a supervisor playing favorites, the issue that would be raised might be that supervision is inconsistent or unfair, that standards are not being applied evenly to all staff, that procedures are not being followed, rather than specifically stating that Sgt. XYZ plays favorites.



Personalizing the issue makes the accused, or blamed, parties defensive, if not hostile, and neither leads to a thorough understanding of the problem by both sides. Moreover, this often shifts the focus away from the problem.

Second, recognize that human beings sit on both sides of the problem-solving table and that they bring with them hopes, fears, values, memories, and perceptions just as any other human beings do. Recognizing that the words they use might not always generate the meaning that they intended, that they may not always understand what is said to them in the way the speaker intended, that they may have strong feelings about matters under discussion, and that they may not look at situations in the same way that others do will help make the union and management problem-solving process more effective. The need for patience and tolerance from all participants is critical.

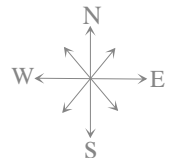
Point 2: Focus on interests, not on positions. In traditional collective bargaining, the parties usually come to the table with a set of proposals or positions that each believes are solutions to problems that they wish to address through negotiations. They discuss the merits and faults of each position, often arriving at a solution through compromise, which may mean that neither side gets what it wants or, more to the point, what it needs from that solution. The parties will have a better chance of arriving at a solution that meets their needs if they are able to move beyond discussing only their proposals and can draw out the interests or needs that each thinks that their proposals address. Then they can generate additional options that are suggested by focusing on their combined needs, thereby broadening the discussion and leading, potentially, to solutions that seemed beyond consideration before.

By first identifying the needs or interests that must be addressed by any solution creates a different dynamic in union-management conversations. Instead of discussing only two or three proposals or positions, the parties discover that often there are multiple options to consider and that only by addressing the needs of both parties will the solution have the degree of acceptance and commitment required to make it effective and enduring. Focusing on positions is very limiting to the problem-solving process and can result in decisions being made on the basis of the degree of power that one party has over the other in the relationship. It might result in a decision but it is not likely to lead to a high degree of commitment to it, nor is it likely to strengthen the relationship between the parties.

Point 3: Invent options for mutual gain. Traditional union-management bargaining and problem solving is primarily distributive; that is, it is based on the notion that whatever one party receives is at the other's expense. It is, in effect, zero-sum—what one party gains, the other party loses. The parties advance the option that they think works best for them without giving a lot of consideration to the impact that the option has on the other party.

In an interest-based approach, on the other hand, the parties purposely attempt to generate options that will address interests or needs of both parties. They attempt to integrate their interests and, in the process, find gain for both parties. It is not a compromise that they seek, for that often results in solutions that do not meet the needs of either party, but rather a consensus decision that all agree best addresses the interests of both union and management. If the option, or combination of options, does not address the needs of both parties, it is discarded in search of others that do.

Inventing options for mutual gain is the key to effective interest-based problem solving. When the parties consider each other's needs when generating options, they demonstrate their willingness to put aside power politics and seek real solutions that work for both. They acknowledge that only through solving the other party's problem will their problem also be truly solved.



Point 4: Insist on using objective criteria. This is the mechanism by which the union-management group determines which of the various options that they generate will actually be the best for all concerned. Using objective criteria to evaluate options means that the parties do not have to argue over which proposed option best solves the problem. Instead, they review all options that they generated and see which of their combined interests are met by each option. The relative power that one party has over the other within the relationship is of little consequence if decisions are made using criteria to evaluate the options.

Using objective criteria does not mean that one simply adds up the number of interests met for each option and voila!, an answer has been found. The process is not formula driven. But, the process does help the parties to arrive at a common understanding of how each option compares to the others in its effectiveness in meeting the needs of both parties. The union-management group has to determine if what appears to be the best option, after all the data has been reviewed, is indeed the most appropriate option to choose. If anyone has hesitation about the front-running option then the group must consider if all of the critical interests have been identified and duly recognized. If not, then that should be done and the evaluation of options performed again. If that is not what is causing the resistance to consensus agreement then the group should generate additional options and evaluate those options against the key interests. If that still does not lead to consensus agreement, then the parties should consider if they are addressing the real issue. Perhaps they would need to clarify their understanding about what they think is the problem.

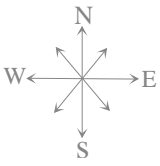
Union-management groups that apply an interest-based process generally find a solution to a problem to which all can agree. When they cannot agree, it is often because of someone's hidden agenda or dishonesty in the process. The interest-based process safeguards against that happening because people are called on to identify what a solution should do for them and their constituents and they are encouraged to generate options that address those needs along with those of the others in the group. It is contrary to one's interests to participate in the process dishonestly. It is true that no process can safeguard a group totally against hidden agendas, but if a process is not successful because of someone's hidden agenda, it will likely sour the joint labor-management process for a long time to come.

Teaching the Interest-Based Approach to Problem Solving : An Overview

The rest of this chapter provides an overview of the interest-based, problem-solving method. The following chapter describes three cases that are similar to those that union and management might face in their own department. It is useful to become familiar with the method, then practice it on issues that are not one's own before applying it to those that an organization is facing. Doing so will help to build understanding of the method and why it is important to follow all of the steps. Ultimately, this will help union and management to develop confidence in the method and see the value of applying the method to issues that confront them.

Step 1: Decide on the Issue to Address

This step presumes that the union-management group has already identified issues and problems to address in its labor-management cooperative process (see Chapter 2, Section 2) and, perhaps, list them in order of priority. From the list, the group agrees on an issue to address. Groups decide on issues in various ways: If they have a list, issues may be addressed by their priority ranking. In other groups, union and management can alternate bringing issues before the group. Regardless, the group's previous decisions about scope and boundaries apply (see Chapter 2, Section 1).



Deciding on the issue is only the beginning, however. Members of the group next must identify the ways in which the issue operates as a problem: who is affected, when, how frequently, what happens. The co-facilitators try to clarify and synthesize perspectives so that the group can arrive at a common understanding of the problem. It may be that the issue identified is merely a symptom of a more basic problem, in which case it is useful to try to uncover the root causes of the issue. Sometimes there will be several factors that people believe contribute to the problem and it will be necessary for the group to choose which it will address first. Once the group has clarified the issue that it will address, it is usually most useful to capture the issue in a problem statement—a simple statement that articulates the problem without attaching blame, speculating on cause, or offering a solution. The statement also states or implies the desired state.

EXAMPLES:

- The criteria by which patrol officer performance is evaluated are not consistent with their new duties under community policing.
- We need to manage the traffic patterns after the game more effectively so that emergency vehicles have better access.
- The way that community policing officers are selected is not consistent with language in the collective bargaining agreement.

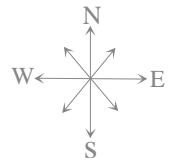
All of the above statements describe a problem without implying blame or cause and they don't suggest a solution, although they do imply what constitutes the desired state.

Though intuitively the task of clarifying the issue and articulating a problem statement seems to be fairly easy, it often takes more time than one expects. The group (and the facilitators) should not be discouraged. The fact that it is hard to pinpoint and precisely state the problem may be one of the reasons why it still operates as a problem within the department. Clearly, it is important to give the union-management group time to develop an appropriate problem statement, otherwise the group could spend a great deal of time addressing something that is not really the issue that needs to be addressed.

CAUTION:

Some common mistakes groups make in drafting problem statements:

1. The statement is too broad or general to allow for clear understanding.
2. The statement suggests a cause for the problem, which distracts a group in its effort to develop a clear understanding of the problem.
3. The statement points blame at a specific individual or identifiable group, which often leads to the accused responding defensively, which can have a negative effect on the cooperative process.
4. The statement offers a solution, rather than simply articulating a desired state. Offering a solution tends to focus the conversation on the advantages and disadvantages of that option, rather than lead to a more open inquiry into a number of possible options.



Step 2: Identify Interests

The union-management group next identifies the stakeholders and their respective interests. *The stakeholders of an issue are those who are affected by and/or can influence the issue or its outcome.*

Typically, in a police union-management problem solving effort the key stakeholders will be the following:

- The patrol officers and department staff
- The unions that represent them
- Police management
- Top administration of the municipality
- Elected officials
- The general public.

Interests refer to the underlying needs, concerns, or questions that must be addressed for the stakeholder to be satisfied by and supportive of the outcome. Interests are the needs, concerns, and questions that underlie the positions that people often quickly offer and argue as solutions when problems are first identified.

EXAMPLE:

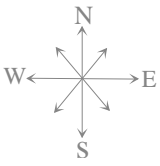
Let us illustrate with a hypothetical situation. A 16-year-old high school student wants to go to a school basketball game and then for a bite to eat on a school night. She asks her parents for permission and they consent with the condition that she comes home by 11:00 PM. She argues that the curfew should be 12:00 midnight, and an argument ensues. The positions are clearly defined: The parents' position is that the student be home by 11:00 PM; the student's position is that she be home by midnight. Normally, this situation would be resolved either by the parents holding firm and exercising their power as parents, by the teenager exercising whatever power she has in the relationship and getting her way, or by a compromise—some time between 11 and midnight. However, if we were to identify the interests of both parties, other options might emerge. The interests of the student might include:

- Freedom to exercise her own judgement
- To do what everyone else does
- To have fun
- To spend time with her friends.

The interests of the parents might include:

- Keeping up with her schoolwork
- Teaching her to act responsibly
- Her personal safety
- Parents able to sleep without worrying
- Knowing where she is when it gets late.

For each, the interests specify the needs that they believe their position addresses. However, in looking at the interests of both, several other options come to mind: e.g., calling to let parents know where she is; doing schoolwork ahead of time so parents know she is caught up with assignments; building up to a later curfew gradually; allowing a later curfew with the understanding that there will be consequences if the curfew or any family rules are broken; parents drive; keep in touch by way of a cell phone.



Once identified, the interests may need to be clarified so that all understand what is meant. Interests are not to be debated so no justification is required nor should be provided. They are what they are, although the person stating the interest may need to explain what he or she means by it. Finally, it will be clear that some interests are going to be more important to the person or group than others. It is useful to discuss the importance of each interest in terms such as: must be addressed; pretty important but not a consensus breaker by itself; it would be nice, but can live without it, and so on. When all interests are identified, clarified, and given priorities, (regardless of the way that they were identified: round-robin, large-group discussion, union and management groups) then they should be combined into one list. It is important to remember that effective solutions, that is, those of high quality and garnering a high degree of acceptance by those affected, require addressing the key interests of all the key stakeholders. It is incumbent on both parties to generate options that address the interests of the other party as well as their own.

There may be certain conditions that must be met by any solution and that are not listed as interests by any particular stakeholder. These are important and should be added to the list after checking with the group. They might include such things as the following:

- Cost neutral
- Fair
- Easy to administer
- Within the law
- Consistent with declared mission or values
- Consistent with the collective bargaining agreement.

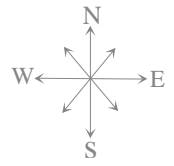
Such items may not be mentioned as the parties generate interests because, for many, they may be assumed or implicit. It is important, however, to make them explicit so they can be used to evaluate the options that are generated.

CAUTION:

Conditions such as fairness or efficiency may be difficult to determine without use of some objective standard that union and management agree to. Past practice, professional standards, prevailing practice or norms in departments in the region, governmental guidelines, and so on are examples of the types of criteria or standards that can be used to assess the fairness of various options. Without using objective criteria, the best efforts could result in parties interpreting such things as fairness on the basis of power or will, and damaging the gains in the relationship made through the interest-based process.

Step 3: Generate Options

The next task is to identify or invent options that address the key interests through a brainstorming process in which the entire group is encouraged to suggest ideas about how the problem might be solved. When brainstorming, members of groups are encouraged to call out, and facilitators chart, any and all ideas that come to mind (keeping in mind the group's basic ground rules) including those that may seem very difficult to accomplish, unlikely to get much support, or even goofy. Wild and crazy ideas sometimes lead to options that are right on the mark or have considerable merit, and can make the brainstorming process a bit more fun, as well. There is to be no discussion of ideas during the brainstorming process itself—that will come later—and certainly no judgments, criticism, or support is to be mentioned either. To do so interrupts the creative process that brainstorming cultivates and reduces the quantity and quality of ideas that come forth.

**RECOMMENDATION:**

Another technique to encourage a full range of ideas is to push past the pause that inevitably results after the group has seemingly exhausted its ideas. The facilitators allow the silence for a moment or two before asking if there are any other thoughts two or three times, with pauses in between. Doing so pushes the group to reconsider ideas that they might have thought of previously, but not mentioned, as well as to think of additional ideas. Often more ideas are added to the list

When no more ideas are forthcoming, anyone in the group can ask for clarification of any of the ideas on the brainstormed list that he or she does not understand. Discussion of the merits or disadvantages of the options can occur after all items needing clarification are addressed satisfactorily. Participants are encouraged to keep their comments focused on how various ideas do or do not address the problem and the key interests. During this discussion, various options may be combined, revised, or eliminated and additional options generated. The list should be rewritten if a number of changes have been made that make the original list hard to read.

The discussion of options should not have as its purpose agreement on the best option to pursue. The amount of time needed to arrive at a consensus agreement about a single option or combination of options could be formidable. And, such a discussion may put some members of the group at a disadvantage if they are concerned about expressing their thoughts and ideas openly. The desired outcome of this discussion is the creation of a single list of options that are clearly understood by all.

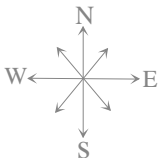
Step 4: Evaluate the options against the interests

Up to this point, union and management have stated the problem, identified their key interests, and generated and discussed options. The next step is to evaluate the options against the interests. This serves to keep union-management decision making from becoming a clash of wills or a show of power and, therefore, helps to build confidence in the process and trust between the parties.

Evaluating options against interests is a straightforward process. An easy way to do it is to create a chart or a matrix with the options along one axis and the interests along the other. Each option can be assessed as to whether it addresses each interest. If it does, then a "Y" or "Yes" is placed next to that interest. If not, then an "N" or "No" is recorded. When all options have been evaluated against all interests, the results are tallied and recorded. That, of itself, does not constitute a decision or result in a definitive statement of which options are the most appropriate, but it does provide a fairly objective review to inform the discussion. A sample matrix is shown below. It is not always necessary to number the interests and the options, as shown, but it might help to keep the chart or matrix manageable.

NOTE:

To achieve high-quality outcomes that have a wide degree of acceptance, it is important that union leaders and managers use the interest-based process to clarify their thinking and build a shared understanding of all the matters under discussion. As groups push deeper to build understanding they will find, from time to time, that their perspectives change, other needs surface or become clearer, and they may generate additional options to consider. It is important to remember that the interest-based process is sequential, that is, it is to be followed step by step although it may be necessary to circle back to earlier steps as the problem becomes clearer, other interests are surfaced, and/or additional options are generated.



Interest-Option Evaluation Matrix	Interest 1	Interest 2	Interest 3	Interest 4	Interest 5	Interest 6
Option 1						
Option 2						
Option 3						
Option 4						
Option 5						
Option 6						
Option 7						

Evaluating options against interests is a task that everyone in the group should perform as a group. Thus, there will be discussions about the degree to which options do or do not address various interests. As with all of the parts to this process, this discussion should not be short-changed. The assessment as to whether a particular interest is addressed satisfactorily by an option should have the agreement of all group members. If it does not, then the group will need to clarify its understanding of both the option and the interest.

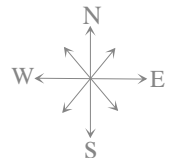
When evaluation of options is completed, members of the group will review the matrix or chart to assure themselves that they have evaluated the options correctly. If anyone has misgivings, they should be discussed at this time. No one should feel, at the end of the evaluation, that his or her thoughts or feelings were overlooked or not heard.

Discuss the options that address the most interests:

Special mention is given here because this discussion is so important. At this point, the group would discuss those options that have received the most “Y’s” or “Yes’s” to determine to what extent they suggest that a solution is within reach. The following questions will help to focus the discussion:

- What observations or thoughts come to mind when looking at all of the options?
- Do the results of the evaluation seem appropriate, given the previous discussion about this issue?
- Do any of the options stand out as addressing the needs of the key stakeholders better than others?
- Does any combination of options address the interests?
- Are key or critical interests not addressed?
- Is there some additional option that would address these needs satisfactorily?
- Is there enough information to be able to reach consensus on a solution?

Again, this conversation may not be short because this is the point at which the group decides if the ideas and data generated up to this point are sufficient to reach a consensus decision or if the group needs to revisit some of the steps. It is imperative that group members communicate what they think and feel about the options that begin to emerge as possible or likely components of a solution. If someone is hesitant about supporting a particular option, even though it addresses more key interests than any other, that hesitation should be explored. It may be that an important interest has been omitted in the previous stakeholder analysis and should be brought to the surface. It may be that the consequences of the option have not



been fully explored and those thoughts should be added to the discussion. It may be that an individual has a hidden agenda that the option does not meet. If so, that hidden agenda should be highlighted and dealt with. It is important that all voices are heard during this stage of the process so that the best knowledge, experience, and expertise contribute to the final outcome.

Step 5: Select and Agree on an Option

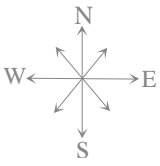
After evaluating and discussing the options, the group is ready to decide on a solution to the problem. At this point, it is likely that a preferred option (or combination of options) is emerging in the group. For this process to truly work effectively, the decision must be made by consensus. That means that everyone in the group is satisfied that the selected option addresses the key interests of union and management better than all of the other identified options and are willing to support and defend it to any challenges from outside the group.

REMINDER:

Unilateral, voting, and majority rule decision-making strategies—typically the ones found in public and privat-sector organizations—are not consistent with the joint labor-management process. Remember that the overall goal of the joint process is to develop high-quality outcomes through full participation by elected or appointed representatives of the key stakeholders, and a high degree of acceptance of and commitment to the decisions that the group makes. These goals are best achieved through a consensus process.

A consensus process requires that each person participating in the union-management effort give his or her consent to the proposed solution or identify the key interests that he or she believes are not being met by it. In consenting to the decision, one acknowledges that he or she is satisfied that, given the group's understanding of the problem, the option selected is the best option available and the he or she is willing to support the group's decision 100 percent inside and outside the group. The process requires that all in the group work to understand the hesitation or resistance being voiced and seek other options that address those unmet interests in a way that satisfies all parties. The inclusiveness and the "we're all in this together" nature of the process is what is largely responsible for the degree of satisfaction that people feel for the options selected and that leads to the acceptance and commitment required to explain and defend the decision to others and to effectively carry it out.

If hidden agendas are motivating the participation of any individuals, they may surface at this point in the process, usually either through the inability of the person giving voice to the concerns to effectively communicate a basis for the concern or to be able to offer or agree to an option generated to address the concern. It is not possible to totally prevent hidden agendas. If someone wants to undermine the process or the outcome, he or she will find a way to do that. The interest-based process reduces the temptation for hidden agendas because, by inviting all to surface their interests and requiring that all interests be considered when evaluating options, it becomes clear to all participants that the process can work effectively to address their needs or the needs of their constituents as well as those of the other party.



Step 6: Develop an Implementation Plan

The decision-making process is not complete without planning how it will be implemented. The plan should outline the process or sequence of tasks for how the decision will be implemented. It should establish a timeline (if appropriate) and indicate which individuals or groups are responsible for each task on the list. The plan should also include a mechanism for monitoring the implementation of the decision and, after a time, evaluating the effectiveness of the decision.

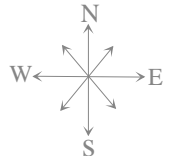
For some groups and on some issues, the problem-solving process is long and arduous. By the time they reach a decision they may be so relieved that they were able to come to agreement and/or so tired from the process, that they leave the task of implementation to happen by itself. That is a prescription for trouble. All of the promise and goodwill generated from a successful joint problem-solving process could be put at risk if the implementation is botched. If the group has neither the time or energy to spend on a plan for implementation when they have arrived at a decision, they should schedule a separate implementation with the key individuals from both parties, at the earliest opportunity, preferably within a few days so that the understanding of all that went in to making the decision is not diluted and that the momentum is not lost.

Conduct a process check

In the initial stages of a labor-management group working together, a process check should be conducted at the end of each problem-solving session. The purpose is to take a few moments to reflect out loud on how well the group worked together.

- Did the group stick to its agenda?
- Did the group follow its ground rules?
- Did the group follow the process as outlined and as facilitated?
- What did members do that helped the group to move forward?
- What ways can the group's progress on the task be improved or made more effective?

As in all group efforts, it is important to focus on behaviors and not on individuals. Instead of singling out one person for monopolizing a conversation, a comment might be: "Things move more effectively when we can hear from several perspectives, and not from just one person." Performing a process check may seem anticlimactic and even awkward after engaging in some difficult and serious discussions, but it can be very helpful in improving effectiveness and building trust within the group. After the group develops more experience in working together, there will not be a need to conduct process checks as frequently. Groups should conduct them from time to time, however, especially if it seems that a particular session was not as effective as desired.



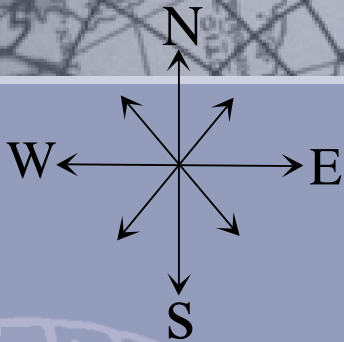
Summary

The steps of the interest-based, problem-solving process are as follows:

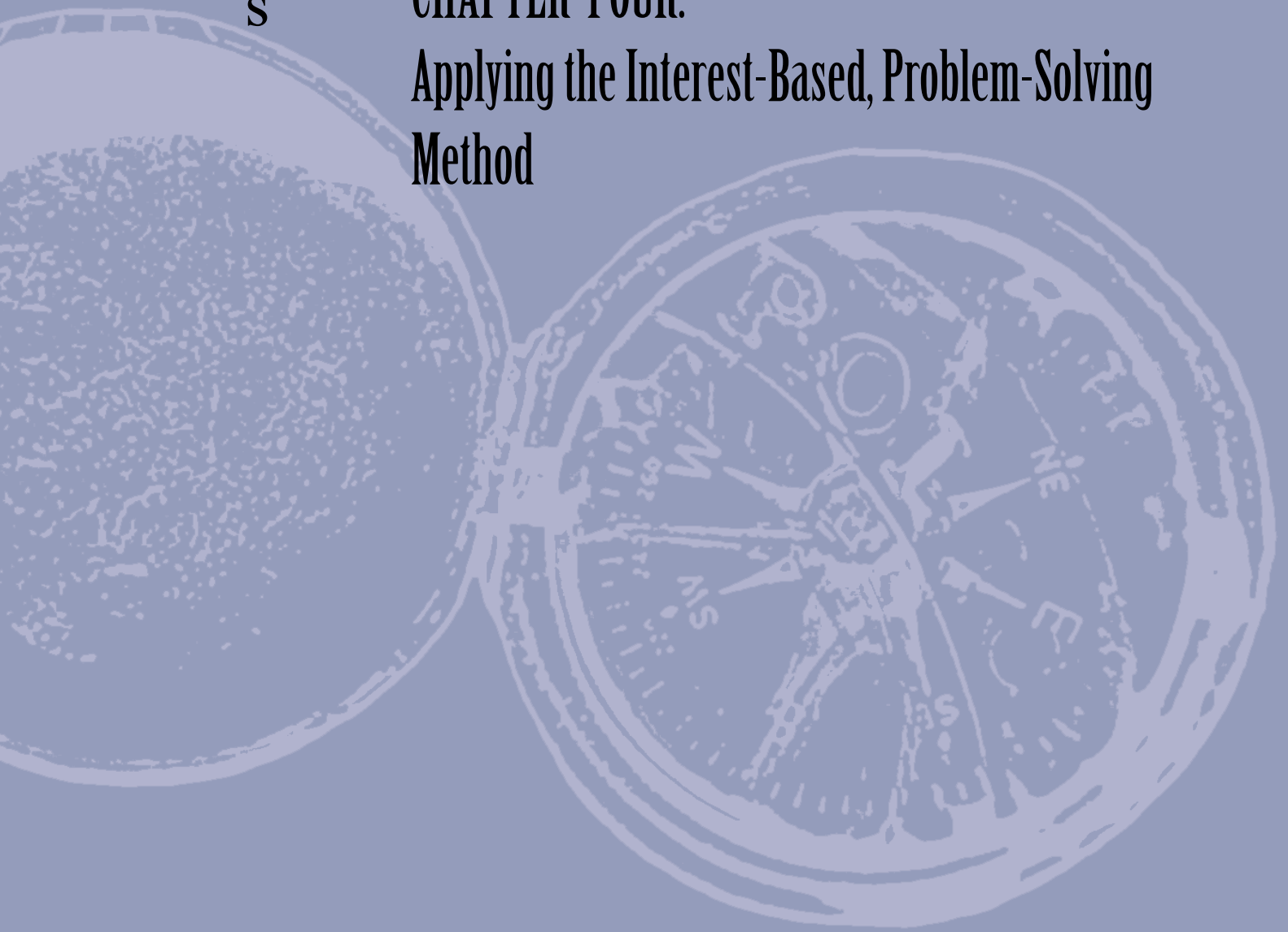
- Select an issue or problem to address; clarify and build understanding about the issue.
- Identify the affected stakeholders and their interests, needs, or concerns about the issue.
- Invent options that address all or some of the interests.
- Evaluate the options against the interests; identify overarching interests (that is, interests that are shared by all) that any solution should meet; discuss the options that address the most interests.
- Select and agree on the option(s) that best meet(s) the combined interests of both parties (or continue to search for emerging solutions).
- Develop plans for implementation and monitoring.

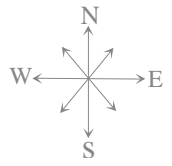
As groups are first learning the method and practicing applying it, it is very important to follow the sequence of steps all the way through to completion of the task. Unless groups become familiar with the entire process and how each step builds on the one before and contributes to the outcome, they will not have sufficient knowledge and experience to make a sound judgment about the usefulness of the method for their department.

The next chapter contains three hypothetical cases to which union-management groups can practice applying the method. We urge groups to take the time to practice the method using the cases. We have provided notes on each case to help build understanding and help groups to assess the degree to which they are learning the method.



CHAPTER FOUR:
Applying the Interest-Based, Problem-Solving
Method





APPLYING THE INTEREST-BASED, PROBLEM-SOLVING METHOD

Introduction

Groups learn the interest-based, problem-solving method best by applying it. In this chapter we present three hypothetical cases to which an interest-based method could be applied. We provide a worksheet that groups can use to work through each case. The worksheet can also be used when applying the method to issues and problems that surface within their own departments.

Accompanying each case is commentary that the facilitators can use when reviewing the work of the union-management groups who are learning to apply the method. The commentary should not be construed as the only answer or solution to the case, but as an example of what kinds of ideas might result when the method is applied. The facilitators may ask their union-management groups to work through the cases and compare their notes with those provided.

§ Thanks to Donna Winthrop, Program on Innovative Employment Relations Systems, School of Labor and Industrial Relations, Michigan State University, for her ideas on how to present this information.

NOTE:

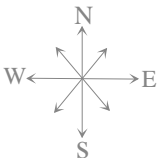
When attempting to learn to use the interest-based method, either to build organizational capability or simply to determine if or how the method can add value to the group's labor-management efforts, it is of critical importance to follow the method completely. It is difficult to evaluate the method's effectiveness unless it is followed all the way through one or more problem-solving efforts. Doing so may seem awkward at first. Some may think that the answer or solution to a particular problem is obvious (often, it is the option that they are proposing) and does not require the attention given it by applying a structured process. Others may not like being held to a discipline or having to gather data, instead of merely anecdotal claims, to help understand the problem. That is understandable because following a process may be a significant departure from common practice and requires some getting used to. But if the stakeholders desire a high-quality outcome that is based on a thorough understanding of the problem and the needs that people have in relation to it and a high degree of acceptance of the group's decision, then a structured, interest-based process will help them to do that.

An Interest-Based, Problem-Solving Worksheet[§]

Step 1. Decide on the Issue.

- List everyone's perspective of the issue
- Clarify
- Synthesize
- Identify the issue - the underlying condition that you choose to address
- State the issue in writing.

Notes:



Step 2. Identify Interests

- Identify stakeholders and their interests
- Clarify
- Discuss importance of each interest.

Notes:

Step 3. Invent Options

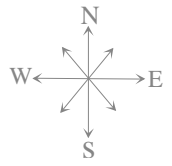
- Brainstorm options.
- Clarify the options
- Discuss options
- Combine, eliminate, add to, revise
- Establish priorities, if needed.

Notes:

Step 4. Evaluate Options against Interests

- Construct the matrix
- Test options against the interests
- Review completed matrix
- Discuss the options with the most "Y's."

Notes:



Step 5. Select and Agree on an Option

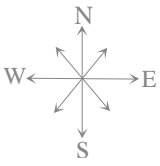
- Use consensus to decide
- If no solution emerges, discuss, add to, revise, continue to watch for emerging solutions
- Establish priorities, if needed
- Agree on a solution.

Notes:

Step 6. Develop an Implementation Plan

- Outline the process or sequence of tasks to be completed
- Establish a tentative timeline for implementation
- Identify the person(s) responsible for each task
- Create a mechanism for monitoring progress and evaluation.

Notes:



Case #1: Dealing with the media during a high-profile incident

The Facts:

Around 2:00 PM on a weekday, the communications operator received a call that a man waving a pistol was walking down the middle of the street in a neighborhood known to be a high-crime area in which the majority of the residents are Latino. The first police officers to arrive saw a Latino male about 35 years old walking with what appeared to be a pistol in his right hand. Children were playing in some of the yards. Neighbors were outside watching the man and calling for the children to come inside. Several of them tried to talk to the man who seemed disoriented or drunk. When the man saw the police car he fled down an alley. The patrol officer called out for him to stop and started chasing the man when he continued to run. The local TV station heard about the call and directed its traffic helicopter to the scene looking for a story. More police cars were dispatched and more neighbors came outside when they heard the police sirens.

Two patrol officers finally cornered the man in an alleyway. Other officers blocked the alleyway to prevent the man from escaping. A crowd gathered and one woman tried to get past the officers. When she was stopped she started screaming that the man was her mentally ill son and she did not want the officers to harm him. She wanted to speak to him but the officers refused to let her pass. The two patrol officers continued to warn the man to drop the pistol but he refused. When he started to raise the pistol the officers fired nine times, striking him six times.

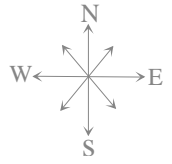
The gunshots set off a crowd reaction and the man's mother fainted. A rumor spread quickly through the crowd that the police had shot a mentally ill man. Several youths in the crowd started throwing bottles. More officers arrived and it took them several hours to quiet the crowd and restore order. The media arrived in mass with the news station helicopter reporting live from the scene. Investigators discovered that the man had been holding a realistic-looking water pistol.

The media interviewed the mother at the scene and she claimed that the police refused to allow her to speak to her son. She argued that the police could have wounded him or used nonlethal means. She claimed the police murdered her son. Several neighborhood men were also interviewed. They reported that they knew the man and that they tried to get him to go home. They added that they believed the police were too quick to shoot Latino men.

The two officers involved in the shooting were white. One officer had been on the department 1 year and had just gotten off probation. The other officer was a 5-year veteran who had been involved in a police-related death the previous year when he shot another Latino male who he said attempted to back into him during a traffic stop.

Later in the day, the mayor publicly questioned why the police had to fire nine shots to stop one man. He wanted to know why the police did not use stun guns or just withdraw and allow the man's mother to speak to him.

The TV, radio, and newspaper reporters arrive at the police station and want a response from the police department for the evening news. The chief wants to do so with caution. He does not yet have all of the facts. He has not had a chance to talk with either of the officers involved or any other officers who witnessed the event. However, he knows that he has to say something. Police relations with the Latino community have improved considerably over the past year and this event could set them back considerably. The mayor also



is demanding a response. The media and members of the community are already putting pressure on her and she wants to know who is at fault and what will be done about it.

The department has specific procedures to follow when officers are confronted with situations like this and all officers recently completed a refresher course in this procedure. To what extent this procedure was or was not followed remains to be determined through an official investigation.

The chief has asked the union president and chief steward to meet in his office because a suspension with pay is likely, pending the investigation. He knows that the media has a habit of seeking statements from the union in times like this, as well, and is concerned about how that will affect this crisis situation.

The union leadership is also wary of the media's request for a statement. They have not had a chance to learn from the officers involved or any witnesses what actually occurred. A man was shot and that is something that they wish to avoid. That it was a Latino man in a Latino neighborhood makes the situation potentially more difficult. The union has a responsibility to represent its members and it does not want the fate of the two officers decided in, by, or through the media. Yet, the union leaders acknowledge that there will be emergency paid suspensions for the two officers until the whole matter is sorted out and any other appropriate actions are taken or found to be without merit.

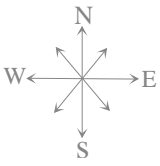
The task:

The police chief calls for an emergency meeting with the police union president. The chief brings several other managers whose input is important or who may have some involvement in whatever they decide. The chief steward as well as several others from the union's executive board joins the union president. The chief calls the meeting to order and states that he is seeking the union's involvement in deciding how best to respond to this crisis. Apply the interest-based method to this task.

REMINDER:

In addition to following the interest-based method, it might be useful to review the "10 things that police unions and police managers do to mess up their relationship," that are listed below, which management and labor are often prone to make during a high-profile crisis. A more detailed discussion of these appears within *Police Labor-Management Relations (Vol. I): A Guide for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders*.

- Assuming the traditional roles played by police management and police unions in every situation.
- Rushing to judgment.
- Ignoring or not recognizing the pressures on police management or police union leaders during a crisis or controversy.
- Defending the indefensible.
- Over-reacting, retaliating, and making personal attacks during a crisis or controversy.
- Forgetting that elected officials do not like waves and all battles are won and lost in the court of public opinion.
- Forgetting to use common sense.
- Playing hardball on the wrong issues.



Recommended procedure for applying the method

Divide the union-management group into smaller groups consisting of four to six people each. Groups should comprise both union and management members. Provide each small group with a sufficient number of worksheets for each group member and direct each group to apply the method to the case. For the first case, you might want to have the small groups report out after each step to better assure that they are on the right track and do not go too far afield in their application of the method.

Notes for the facilitator:

Step 1: Decide on the Issue

Issues that groups could focus on ultimately have to be reduced to problem statements. Examples are:

- What steps should be taken by the police chief and union leadership in response to this crisis?
- How should the publicity surrounding this crisis situation be managed?

Remember, the key to appropriate problem statements is a clear statement of the issue to be addressed without suggesting a cause, casting blame, or suggesting a solution. Crafting a problem statement may or may not take a while. Give the group the time needed to get it right.

Step 2: Identify the Interests of Key Stakeholders

First, the group should identify the key stakeholders. In this situation they are the department, the mayor, the officers who fired the shots, the union, the victim, the victim's mother, the Latino community, and the news media. Obviously, each stakeholder cannot be present in the emergency meeting so union and management will have to represent their interests in the conversation. Some might ask why the union and management need to pay any attention to the interests of these other stakeholders. The simple answer is that if they do not and the department's or union's response does not address their needs, then they will make the situation even more difficult for the department, the officers, the mayor, and the union.

The following are some examples of the key interests or needs of the stakeholders:

For the department:

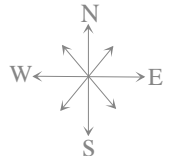
- Control, defuse, and depoliticize the situation
- Maintain a good public image
- Develop strong community relations
- Show compassion to victim and family
- Hold accountable the person(s) responsible.

For the mayor:

- Same as above
- Get re-elected.

For the officers:

- Receive fair representation in hearings
- Receive a fair investigation
- Depoliticize and defuse the situation.



For the union:

- Same as above
- Maintain a good public image for union and for officers in general.

For the victim:

- Recover
- Receive compassion
- Receive justice
- Have his voice heard in the investigation.

For the victim's family:

- Same as above
- Receive accountability
- Receive support from community.

For the Latino community:

- Receive accountability
- Develop stronger relations with the police.

For the news media:

- A story for the evening news
- The story when it unfolds.

Note: Some of these interests are shared by more than one stakeholder, although not stated here.

REMINDER:

It is important to remember that once stakeholder interests are listed, all belong to both union and management, even though one party or the other did not list them initially as its own. Remember that the reason is that, unless all parties are satisfied with the ultimate decision, the matter is not likely to be resolved.

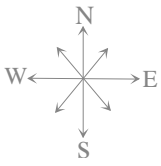
As before, the facilitators should have the small groups report on their notes on the interests of the stakeholders in this situation. It is very important to make a distinction between interests and options. Interests should in no way look like a possible solution. Anything resembling a possible solution should be addressed by asking what need that option is in response to. The need should be captured and added to the list as an interest.

Step 3: Generate Options

Each group should be directed to brainstorm possible options for this situation. Remember that in a brainstorming activity, there should be no discussion or evaluation of any of the ideas until after the list is generated.

Possible options might include the following:

- Follow the department's procedure for handling investigations of this type
- Issue a joint statement from the chief and the union president
- Brief the mayor privately



- Ask the mayor to issue a statement and defer all requests for comments to the mayor's office pending completion of the investigation
- Assure the victim's family that the victim will get best medical attention
- Suspend officers with pay pending completion of the investigation and indicate that this is a matter of policy
- In public statements, describe the process by which investigation will occur without suggesting blame for either victim or officers
- Publicly offer compassion for the victim and family without suggesting blame
- Call for a meeting with community leaders to discuss ways to defuse situation, strengthen police-Latino relations, and reduce or eliminate conditions that result in situations of this sort
- Assure the family, the mayor and the public that if wrongdoing is found the perpetrators will be dealt with appropriately
- Conduct a departmental investigation immediately
- Convene an impartial panel, chaired by a noteworthy member of the community, to conduct a public investigation.

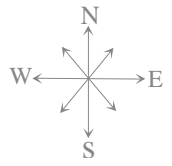
NOTE:

There are likely to be other and different options generated. The groups should be encouraged to keep looking for options for a bit even after there seems to be a lull in the conversation. Once the list is complete (although more ideas can be added), questions for clarification can be asked (still no discussion or evaluation of any options; this is very important). Once that is completed, then the options can be discussed, evaluated and combined.

Step 4: Evaluate Options Against Interests

It is often very useful to create a visual aid when performing a task of this nature. Creating an Interest-Option Matrix is one such aid. Suggest to the union-management groups that they construct a matrix on flip chart paper and evaluate each option against the list of interests. An example is provided below, with the understanding that the list of interests and options generated by the groups may make their matrix look somewhat different. The matrix on the following page contains only a partial list of interests and options; some of the options have been combined and listed below for this review.

- Option 1: Follow the department's procedure for handling investigations.
- Option 2: Issue a joint statement from the chief and the union president; in public statements describe the process by which investigation will occur without suggesting blame for either victim or officers.
- Option 3: Brief the mayor privately; ask the mayor to issue a statement and refer all requests for comments to mayor's office pending completion of the investigation.
- Option 4: Offer sympathy and provide victim with best medical attention.
- Option 5: Suspend officers with pay pending completion of the investigation.



Interests	Option 1	Option 2	Option 3	Option 4	Option 5
Defuse Situation	Not directly	Yes	In part	Yes	In part
Good Public Image	Yes	Yes	In part	Yes	Yes
Accountability and Justice	Yes	Maybe	No	No	No
Compassion for Family	No	No	No	Yes	No
Information to Public	No	Yes	In time	No	No
Fair Treatment for all Involved	Yes	No	No	No	Yes

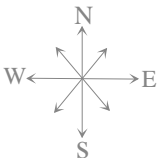
NOTE:

The above matrix is for illustration purposes only. If others were to conduct the evaluation of these options with these interests, they might interpret the extent that the options meet the interests differently. That is not a problem. The point is to conduct an evaluation of options and to do so in such a way that all can easily see the results.

The results of the evaluation are then discussed. In the example above, Options 1, 2, and 4 each have three Yes's with a couple of options also having a Maybe or a partial Yes. With these data (and remember that it is offered only for example and may be a different result than another group would develop), the results suggest that perhaps a solution would comprise the top three options because none effectively addresses all of the key interests, but together they do. When this point is made to the groups, they would discuss to what extent that is true or if some other option or arrangement of options is better suited to address the situation. Options can be combined, modified, or added to. The important thing is to make sure that everybody in the group understands them and that the group has a sufficient opportunity to assess their appropriateness as part of a solution.

Step 5: Select an Option

After evaluation and discussion, the groups most likely will be ready to decide. When performing this exercise, the groups should do their best to imagine that this event occurred in their department and to think through the intended and unintended consequences of the options under consideration. When the groups are ready to decide, they should use the consensus decision-making strategy. A simple way is to go around the group and ask each person if the option(s) on the table are ones that he or she can support. If not, as in a real situation, they should be encouraged—and assisted, if necessary—to identify the needs and interests that the option under consideration does not address. The discussion should be one in which the person who hesitates, as well as the rest of the group, seeks to surface and understand the concern causing the hesitation.



Step 6: Plan the Implementation

This step should also be included in the exercise, even though there will not be any implementation following the problem solving. The situation is probably familiar enough that union and management will have some good ideas about who is responsible for what tasks, timelines, and so on. Remember some of the key questions: What needs to be done? Who is responsible for doing it? Is there a deadline? Is there a particular sequence to follow? How will we assess if the implemented decision achieved what we wanted?

Case # 2: Resolving a problem that arises from implementation of a federal government grant

The Facts:

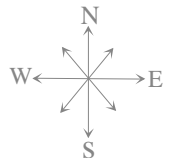
Pleasantville is a mid-sized city with a population of 100,000. The city's ethnic composition is 52 percent Anglo, 38 percent African American, and 10 percent Latino. The police force has 200 sworn officers. Women and minorities make up only about 25 percent of the police force. The city's central business district has deteriorated since the opening of a new shopping mall on the outskirts of the city. The mayor, city council, city manager, and central business alliance have been pressuring the chief of police to reduce crime in the central business district. The population in the central business district has the largest concentration of minorities and lower income residents in the city.

The chief of police applied for and received a grant from the federal government to implement a bicycle patrol unit composed of one sergeant and five patrol officers to help reduce crime in the central business district.

The Pleasantville Police Association (PPA) is the certified collective bargaining agent for all police officers and police sergeants. Police lieutenants, captains, and deputy chiefs are not covered by a collective bargaining agreement.

The chief of police and his command staff did not meet or discuss the grant application or its impact with the police association. The collective bargaining agreement has a seniority bidding clause for all shifts and certain designated job assignments, but the agreement does not specifically mention a job assignment for a bike unit. The city attorney has advised the chief of police that he can select the five officers and one sergeant without complying with the collective bargaining agreement. The chief is under pressure from the city manager, mayor, council, and his command staff to see that women and minority officers are given preference for these new assignments in the highly visible downtown business district. The chief of police knows that if he follows the collective bargaining agreement only the most senior officers and sergeants, all older white males, have a chance of getting the assignments. The chief of police posts a notice that officers can apply for the new bike patrol unit but that he will ultimately make the selection without regard to seniority.

Several senior officers and sergeants have filed a grievance with the PPA alleging that the chief of police has violated the agreement's seniority bidding provisions; that the maintenance of standards clause that requires the city to honor all benefits not specifically stated in the agreement; and that the chief of police had a duty to bargain with the association over the effects of the implementation of the new bike patrol unit even if the seniority and maintenance of standards clause did not specifically refer to it. Several women and minority officers have approached the president of the PPA and expressed a sense of betrayal that the association would work against their right to gain these high-profile assignments. The women and minority officers have retained legal counsel from the American Civil Liberties Union and NAACP to represent their interests if the association wins the arbitration or the chief of police concedes to the association and allows seniority bidding.



The local newspaper editorializes that the chief of police has made the right decision, if not legally, at least morally. Letters to the editor both praise and criticize the chief of police and PPA for their decisions.

The collective bargaining agreement requires that the PPA president and the chief of police meet and discuss any grievance in mediation before submitting it to binding arbitration. Both parties recognize that the public, opinion leaders, business community, media, and elected officials are watching the mediation closely. More important, the chief of police's job is on the line if the dispute escalates and the chief is perceived as unable to implement change. The PPA president is under pressure from members on both sides of the dispute and may face a recall election if he is perceived as letting the chief of police get away with violating the agreement. He also faces a divided membership if the association is perceived as fighting only for its older white male members. A continued public dispute is bad for both the association and management. Both parties have agreed to allow a representative of the coalition of women and minorities to participate in the mediation. No one wants the dispute to proceed to arbitration or court, so everyone is motivated to seek a win-win settlement.

The Task:

Apply the interest-based, problem solving method to this situation. Once again, follow the method as outlined on the worksheets, doing so in small groups comprising both union and management participants. Depending on the groups' progress in the previous exercise, the facilitators may have the groups report out after each step, as they did previously, or follow the method through to completion, developing one option or combination of options that all can agree to support. As with the previous exercise, we provide some notes to help the groups get a sense of the degree to which they are on track.

Notes for the facilitator:

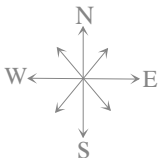
Step 1: Decide on the Issue

The key to appropriate problem statements is to make a clear statement of the issue to be addressed without suggesting a cause, casting blame, or suggesting a solution. Three possible statements are the following:

- How can the department select a diverse group of high-quality officers for the bike patrol unit while upholding the seniority and other relevant provisions in the collective bargaining agreement?
- How can the department establish a more positive and visible presence within the downtown business district?
- How might the department redesign patrol jobs to make them more attractive to officers who have higher seniority within the department and motivate them to stay rather than bid on another job?

NOTE:

As you can see, these problem statements are all related. Each suggests a different path to pursue. Each, in fact, may be addressed in turn in the process of resolving the issues raised by this case. For the sake of example, we will focus on the first problem statement here.



Step 2: Identify the Stakeholders and Their Interests

The key stakeholders in the case are the mayor and city officials, the chief, the union, all patrol officers, female and minority patrol officers, senior patrol officers, and the central business alliance. Their key interests include the following:

The mayor and city officials:

- Reduce crime in central business district
- Promote diversity within the department
- Choose the best people for the jobs
- Maintain good relations between department and community.

The chief:

- Select the best candidates
- Reduce crime in the central business district
- Actively promote diversity within the department at all ranks
- Develop and maintain good relations with the union
- Keep his or her job.

The union:

- Uphold the collective bargaining agreement (CBA)
- Maintain harmony and solidarity within the union
- Keep his or her job.

All patrol officers:

- Uphold the CBA
- Have opportunity for advancement
- Improve quality of work.

Female and minority officers:

- Have opportunities for advancement, including higher profile assignments
- Ensure that the union to represent their interests
- Maintain good relations with the community.

More senior officers:

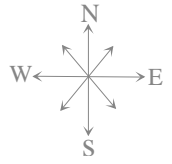
- Have opportunities for advancement
- Have enriched and more satisfying work assignments.

The central business association:

- See reduced crime in the district
- Have good relations between police and community.

REMINDER:

As in the previous case, the interests of one may also be interests of another stakeholder, though not stated here for brevity. Once claimed by one group, the interests are added to a single text list and become interests that all must recognize need to be addressed for a solution to be accepted and supported by all.



Step 3: Invent Options

As before, direct groups to use a brainstorming process to generate options. As always with brainstorming, there is no evaluation or discussion of ideas until after the brainstorming process is completed. Some options that might be generated to address the interests of the parties involved in this case include the following:

- Fill positions by seniority.
- Allow union-management group to identify minimum requirements of candidates.
- Assess of all candidates by a union-management group using assessment tools created by the union-management group.
- Rate candidates as either “meets requirements” or “does not meet requirements.”
- Fill positions by seniority from among those candidates rated as “meets requirements.”
- Expand number of officers on bike patrol.
- Evaluate effectiveness of the bike patrol; expand, if warranted, to other appropriate neighborhoods, functions.
- Create other high-profile jobs for patrol officers.
- Chief chooses best candidates.
- Provide incentives for senior officers to keep patrol jobs.
- Others.

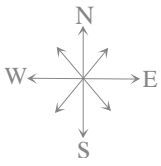
It is possible that the ensuing discussion of options will lead the small groups to consider combining options for consideration.

Step 4: Evaluate Options Against Interests

Again, we suggest that an effective way to evaluate options and create a visual display of the results is to use an Interest-Option Evaluation Matrix. Using only a few interests and options from each of the lists, a matrix for this case might begin to look like this.

Selected options:

- Option 1:** Fill positions by seniority.
- Option 2:** Chief chooses best candidates.
- Option 3:** Provide incentives for senior officers to keep patrol jobs.
- Option 4:** Union-management group identify minimum requirements of candidates; assessment of all candidates by a union-management group; assessment tools created by union-management group; candidates rated either “meets requirements” or “does not meet requirements”; positions filled, by seniority, from among those candidates rated as “meets requirements.”
- Option 5:** Evaluate effectiveness of bike patrol; expand, if warranted, to other appropriate neighborhoods, functions.



Interests	Option 1	Option 2	Option 3	Option 4	Option 5
Reduce Crime	No	Maybe	Maybe	No	Maybe
Promote Diversity	No	Might Help	Might Help	Might Help	Might Help
Best People Selected	Maybe/Not	Maybe	No	Yes	Yes
Uphold CBA	Yes	No	No	Yes	Yes
Solidarity with and In Union	No	No	Yes	Will Help	Yes
Advancement/Enrichment Opportunities for all	Eventually by Seniority	No	Yes	No	Yes

The evaluation results in this matrix should be considered as only an example. A group of union leaders and command staff may evaluate differently because their roles are likely to lead to a different perspective on the degree to which some of the options address the interests. That is OK because the important thing is to show once again how an Interest-Option Evaluation Matrix can be used.

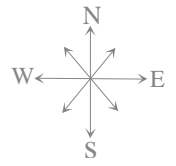
Naturally, a discussion of the results would follow. One thing that might be observed is that none of the options used in this matrix was considered effective in reducing crime. Some might argue that the bike patrol was likely the factor most instrumental in reducing crime and that the other options were generated to address other needs. Again, whether this assessment is accurate or not is not important. What is important to note is that an evaluation of options might show that one or another key interest is not met by any of the options. That would suggest either that other options should be generated or, perhaps, that a particular need represents another problem that could be addressed through this process.

Step 5: Select an Option

After evaluation and discussion, the groups will most likely be ready to decide which option to use. When performing this exercise, the groups should do their best to imagine that this event occurred in their department and to think through the intended and unintended consequences of the options under consideration. When the groups are ready to decide, they should use the consensus decision-making strategy. A simple way to do this is to ask each person in the group if the option(s) on the table is/are one(s) that he or she can support. If not, as in a real situation, they should be encouraged and assisted, if necessary, to identify the needs and interests that the option under consideration does address. The discussion should be one in which the person who hesitates, as well as the rest of the group, seek to understand the concern that is causing the hesitation.

Step 6: Plan the Implementation

This step should also be included in the exercise, even though there will not be any implementation following this problem-solving application. The situation is probably familiar enough that union and management will have some good ideas about such things as who is responsible for what tasks, timelines, and other concerns.



Case # 3: Using the interest-based method on a department-wide reform

NOTE:

This case is a bit more complex because the scenario includes information on the key players, their own personal needs and agendas, and needs of various constituent groups who would be affected by any change. They are included in this guide because they reflect the reality that union-management groups may face in dealing with some problems. Union-management groups could practice applying the method to this situation in a number of ways: small groups, as before; in one large group with the entire group participating in the process together; in a large group simulation with union and management groups playing the roles as described in the case: in one large group with the union playing management's role and management playing the union's role.

The Facts:

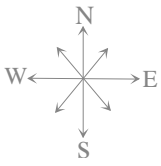
Central City, in Kansas, has a population of 300,000. The city's demographics have been changing from a middle class city to a mix of upper middle class whites (60 percent) and lower income minorities (30 percent Latino and 10 percent African American). The middle class has been abandoning the city for the suburbs for a number of years. The county overall is 80 percent white. The police department reflects the demographic make-up of the city in 1980: it is 80 percent white males, most with more than 15 years of seniority.

Community relations have been strained recently over some shootings of minorities by white officers. The chief is African American but there are few other minorities in supervisory positions and the city has had difficulty attracting minority applicants. Most new patrol officers are hired from the suburban communities and promotions are filled mostly with officers who have higher levels of seniority in the department.

The mayor, who is up for re-election this year and whose political star is rising, has been pressuring the city manager to make substantial changes in hiring and promotion practices so that the composition of the police department will more closely reflect the ethnic make-up of the city. This would apply to hiring as well as promotions. The city council is evenly split between whites and minorities and they support this change, as well. Community activists and minority groups are lobbying the mayor in support of these changes, as is the local newspaper whose editor has written an editorial calling for changes.

The police union recognizes the need to add more women and members of minority groups to the department, as well. The poor public image presented by the department reflects poorly on patrol officers. Many senior white male officers have been complaining about the lack of respect for their authority that they feel in the community, which makes performing their duties more difficult and sometimes results in events gone bad, like the recent shooting incident. Many union members have years of seniority that positions them well for being considered for promotions and getting the better assignments. But many also believe that their work lives would be better if the department had more female and minority officers.

Although this issue is one that typically has been addressed through collective bargaining, and the contract does not expire for another 2 years, the union has agreed to participate in a problem-solving effort to try to address the issue off the table in a way that benefits everyone. The union expects that in the next negotiations it will ask for a significant increase in wages for its members, who settled for a small increase during the last negotiations that were conducted when the city was reeling from huge budget reductions caused by the recession. The union wants to shape its public image so that its expected wage demands will receive greater support from the community.



The Key Players:

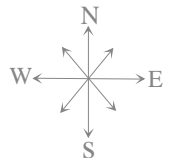
The city is represented by the city manager (53-year-old white male), the police chief (55-year-old African American male) and the mayor (40-year-old Latino male). The police union is represented by its president (52-year-old white male with 29 years of service), vice president (27-year-old Latina female with 5 years of service), and treasurer (38-year-old male sergeant with 15 years of service).

The mayor told the city manager that he will be asked to resign if he does not force the union to make a deal that gets the minority community off of his back. He has children in college and his wife has a high-paying job in the city. He has deep roots in the city and does not want to seek another city manager's job at this stage of his life. If he is forced out, he will lose the opportunity to maximize his retirement plan. He thinks the mayor is politically grandstanding and that he is more concerned with coming up with a plan that helps his chances for re-election than he is with getting minorities hired or promoted. Nonetheless, he believes the time for this change is long overdue. He recognizes that changing the way in which promotions are made is likely to cause disruption in the department, particularly within the command staff, which is almost all white males.

The police chief rose within the department to the rank of lieutenant before the mayor pressured the city manager to appoint him as chief of police. He does not like the union president whom he views as too willing to protect the status quo and hide behind outdated civil service laws that work to protect white males. He would like to move the department toward a more modern hiring and promotion process. He knows that the union's vice president is eager to bring in more women and minority officers and to increase promotional opportunities for that constituency.

The mayor is seeking a second term, with plans to run for Congress after that. He is popular with Latinos and whites but has been perceived by African Americans as protective of upper-class white businessmen and other Latinos, at their expense. He knows that the union is divided among its veteran officers and younger officers. Also, female and minority officers have approached him and asked him to force the changes they say the union is ignoring to protect the majority white males who run the union. The minority fraternal groups have told him they will endorse him and defy the union if he makes this happen. The union, however, endorsed him in the previous election (and campaigned hard against his opponent) and agreed to lower its wage demands during the last negotiation during the budget crisis, so he can't "stick it to them" on this issue without paying dearly for it later. He has asked the union to work with the city administration to address these issues. He knows the chief wants the ability to control promotions and appointments to his command staff, but needs the city manager to be the bad guy with the union.

The police union president is a powerful leader in the city and state. He enjoys the benefits of full-time release to do union business and wants to get re-elected to one more term before he retires. The majority of the members are white males and the veteran officers are the base of his support. The union vice president represents the emerging younger and minority officers. He is often at odds with her and suspects she will run against him if he does not agree to make some changes in minority hiring and promotions. He knows that older officers, closer to retirement, don't care very much about protecting the status quo because it is too late to do much for them anymore. The younger and minority officers do not want to wait 15 years before they get a chance at a promotion and want new opportunities available to them earlier in their careers. The white officers in the middle will be around for a while and feel threatened by talk of changing the system that gives them some advantage over the younger and better-educated officers. The union does not represent the command staff whose careers would be dead-ended if the chief considered outside appointments, but the union has traditionally opposed bringing outside officers into the department.



The union president knows that the mayor is a strong person who wants a change badly and would challenge the union in the media and with the public if a good solution were not reached. He knows that the department needs reforms and knows that the mayor could force something if he wanted to. He also knows that it would take a huge commitment of time and money to defeat the mayor in his bid for re-election. He knows that minority fraternal groups within the department are quietly pushing the mayor on this matter and will break ranks with the union leadership, if necessary. He wants to find a good solution and knows that if the various interests within the union are not addressed he might not be re-elected. Since the chief does not like him, he would be assigned to midnight shift until he retired.

The police union vice president is politically aligned with the mayor and sees herself as attaching herself to his rising star. She knows she would do well if the department had more open promotions process. Being a single mother with two children, she needs the money from promotions and she is ambitious. She also belongs to the Latino Police Officers Association and the Women's Police Officers Association and has been a secret party to their meetings with the mayor. The mayor has personally asked her to help on this issue with the union leadership.

The younger officers and minority officers are counting on her to get new promotional opportunities for them. They do not care if the chief brings in outsiders because they do not like the current command staff. They would not benefit directly from any retirement bonuses or assignment incentives which might be considered as a way to address needs of veterans and white males favored by the current command staff. She will challenge the union president to force him to address needs of the younger officers, if that is necessary.

The police union treasurer enjoys police work and has very little time for his duties as treasurer. He has a wife and four children and has to work a lot of overtime and extra jobs. He would quit as treasurer but the union sends him to the state and national conventions, which provide a union-paid trip twice a year that he uses as a vacation for his family.

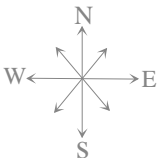
For him, extra incentive pay would be nice. He does not plan to take another promotional examination so those matters are not an issue with him, but for other officers in his situation (10 or more years left before they retire, children at home or in college) they do not want to change the civil service rules. They are afraid that many of the newer, younger officers, whom they grudgingly, though quietly, acknowledge are better educated and more ambitious, will be promoted before them. He does not like confrontation and wants to appease everyone.

Notes for the facilitator:

Step 1: Decide on the Issue

A problem statement states the issue without attributing blame, speculating about cause, or suggesting a solution. A problem-solving process might begin with a rather broad problem statement, such as the one below. As groups work through the interests-based process they may find a need to either re-state the problem or to divide it into smaller problems that must be solved before they can solve the broad issue. For this example we will use the following statement:

- How can the department increase the number of women and minority officers and command staff in the department?



Step 2: Identify Stakeholders and their Interests

Although the individual interests of the key players are included in the background of the case, the interests that are considered are ones that apply to a group of people. This example assumes that all wish to keep their jobs, whether elected or appointed. There would likely be more interests identified than are captured below.

For the mayor:

- Have a police department that more effectively reflects the demographic makeup of the city
- Address the above without playing one group against another.

For the city manager:

- Attract high-quality women and minority candidates from the city
- Same as above.

For the chief:

- Same as above
- Strengthen and increase cohesiveness and morale within the department.

For the union president:

- Institute hiring and promotion reforms in a way that all factions within union can support (represent the interests of all members)
- Improve public image of the union
- Maintain consistency with the collective bargaining agreement
- Make sure that senior officers are satisfied with outcome.

For the union vice president:

- Increase access to promotion and advancement opportunities for younger, less senior officers.

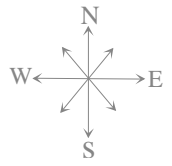
For the union treasurer:

- Continue access to promotions and advancement opportunities for middle-seniority officers
- Keep the peace within the union and department.

Step 3: Invent Options

Options are generated through a brainstorming process that postpones discussion and evaluation until after the brainstorming and clarifying is completed. Below are a number of possible options.

- Offer incentives to attract women and minority applicants from the city.
- If local applicants are not forthcoming, recruit from other areas.
- Conduct a study to assess why so few applications from women and minority candidates are from the city.
- Examine the selection process to see if that is an impediment to hiring local candidates.
- Conduct public relations program in the high schools to sow the seeds for future applications from women and minority candidates.
- Give preferential treatment to candidates from the city.
- Change the process and criteria by which candidates qualify for promotions to make it easier for less senior officers to qualify.



- Maintain seniority as the deciding factor when selecting from among qualified candidates for promotions.
- Provide training opportunities for middle-level seniority officers to help prepare for promotions.
- Recruit for vacant command positions from outside the department.
- Grant the chief the right to appoint several assistant chiefs at his discretion and recruit nationwide to find the best candidates.
- To open up new hiring and promotional opportunities, create incentives to promote early retirement.
- Create incentives to buy out midlevel seniority officers who would be interested in leaving the department voluntarily to pursue other opportunities.

NOTE:

Once the brainstorming process has been completed, the group should ask questions for clarification, if needed. Once that is completed, discussion and evaluation of options follows, with the group focusing on how options address the collective interests that they identified in an earlier part of the exercise. Suggestions are also likely at this point for adding options, combining others and, perhaps, deleting others, if that seems appropriate.

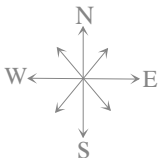
Step 4: Evaluate Options Against the Interests

This is the more formal evaluation of interests and options in which the union-management group keeps score. Use of an Interest-Option Evaluation Matrix is recommended, though, it should be noted that groups will need a large space, such as a blank wall, to mount the flip chart paper necessary to create a matrix that can handle a large number of options.

Interest-Option Evaluation Matrix

Interest/Options	1	2	3	4	5	6	7	8	9	10	11	12	13
Reflect demographics of city	Y	Y	N	N	Y	Y	Y	N	N	Y	Y	Y	Y
Fair to all groups	N	N	N	Y	Y	Y	?	Y	Y	Y	Y	Y	Y
Attract quality candidates	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Improve morale	?	?	?	N	Y	N	?	?	Y	N	?	Y	Y
Improve union's public image	Y	Y	Y	Y	Y	Y	Y	?	Y	Y	Y	?	?
Uphold CBA	Y	Y	Y	Y	Y	?	?	Y	Y	?	Y	Y	Y
Satisfy senior officers	N	N	N	N	N	N	N	Y	Y	N	N	Y	?
Satisfy mid-senior officers	N	N	N	N	N	N	?	Y	Y	?	?	Y	Y
Satisfy younger officers	N	N	N	N	N	N	Y	Y	Y	Y	?	Y	Y

In this example, a question mark in a box usually means "does not apply".



Once again, after the evaluation is completed, the union-management group would discuss the results. In this example, it is clear from the results that no single option addresses all interests, although the option for providing early retirement incentives comes close to doing so. That option by itself, though perhaps necessary to an ultimate solution, is not likely to be sufficient to address the problem to the extent necessary and appropriate. A combination of options is more likely needed to address the situation thoroughly.

Step 5: Select an Option

After evaluation and discussion, the groups will be ready to decide on an option. When performing this exercise, the groups should do their best to imagine that this discussion occurred in their department and to think through the intended and unintended consequences of the options under consideration. When the groups are ready to decide, they should use the consensus decision-making strategy. A simple way is to ask each person in the group if the option(s) on the table is/are one(s) that he or she can support. If not, as in a real situation, each person should be encouraged and assisted, if necessary, to identify the needs and interests that the option under consideration does not address. The discussion should be one in which the person who hesitates, as well as the rest of the group, seek to surface and understand the concern causing the hesitation.

Step 6: Plan the Implementation

This step should be included in the exercise, even though there will not be any implementation following the problem-solving application. The situation is probably familiar enough that union and management will have some good ideas about such things, such as who is responsible for what tasks, timelines, and other matters.

Concluding comments

Applying the interest-based, problem-solving method to the cases in this chapter will provide groups with a better understanding of how the method can be used to address a range of issues in various situations. As the groups probably could tell from their own experience in applying the method, problem solving is not always a neat and tidy process. Sometimes it can be messy, contentious, heated, frustrating, and tiresome. But if the parties engage in the process honestly and follow the method, the results can be beneficial for all.

In these examples, we have attempted to show how the method can be applied to a crisis situation, to an organizational reform, and to a change brought on by the award of a grant. The method can be applied in numerous other ways, including collective bargaining, grievance handling, conflict resolution, joint future planning, operational issues, and work system redesign. We encourage union and management groups to consider applying an interest-based approach when dealing with any of the many situations and issues that they will encounter in their work together.

For More Information:

U.S. Department of Justice
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To obtain details on COPS programs and resources, call the
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