J. COLLECTIVE NEGOTIATIONS, Vol. 31(3) 199-214, 2007

ARBITRATION OF DISCIPLINE IN THE PUBLIC SECTOR: CASE CHARACTERISTICS AND PARTY BEHAVIORS PREDICTING CASE OUTCOMES

HELEN LAVAN
DePaul University, Chicago, Illinois

ABSTRACT

The literature suggests that public sector arbitration cases fall into four categories: grievant characteristics, other case characteristics, management behaviors, and/or arbitrator behaviors. Certain grievant and/or case characteristics (type of employee, including police and firefighters; type of union; level of government; off- vs. on-duty behavior; whether the grievance has a legal as well was contractual basis, and/or whether there is a third party) lead to different case outcomes. Similarly, certain management practices (not following predefined practices, proposing a certain level of discipline) and certain arbitrator behaviors (determination of just cause, ignoring of contract stipulations, and consideration of the past record of the grievant) lead to different case outcomes. A random sample from 485 published, arbitrated cases was drawn to develop a model to predict outcomes of arbitrated public sector discipline cases. Implications for the practice of effective labor relations in the public sector from union and management perspectives were drawn from the analyses.

One important pillar of effective labor relations in the public sector is how employee grievances are handled, especially disciplinary grievances. However, this is more complex and distinctive in the public sector for a variety of reasons: more stringent due process, political protection of the merit system, higher standards of behavior for public employees, special emphasis on police and

doi: 10.2190/CN.31.3.b
http://baywood.com

firefighters, differences in unions, grievances that have a basis in state law or municipal ordinances that do not apply to private sector employees, and third-party involvement. Additionally, recent scrutiny is being given to the behavior of the arbitrator, including ruling of just cause, considering past behavior of the grievant and ignoring contract stipulations.

Moreover, the consequences of ineffective relations in the public sector have more far-reaching consequences: children don't go to school, hospitals don't adequately care for patients, garbage doesn't get collected, police and fire departments have increased blue-flu days. These affect house values and local taxes as well. It thus becomes imperative to have effective labor relations and to settle disputes in the grievance process, so that management can do its job while employees and the public can be satisfied that their treatment is fair.

LITERATURE REVIEW

Public-Private Sector Differences

Mesch studied differences in win, lose, or compromise outcomes between public and private sector, especially differences in discipline cases [1]. A total of 1,127 public and 2,822 private arbitration cases were analyzed. Results indicate a higher winning percentage, fewer discharges, fewer long suspensions, and fewer discharge cases in the public than in the private sector [1].

LaVan found these types of distinctions: special issues, such as the provision for binding arbitration in the federal sector; employers' control of off-the-job behavior; essentiality of services; differences among specific groups of public sector employees such as police, teachers, and public hospital employees; and various state statutes on the arbitration process for public employees [2].

There are higher expectations of public employees in terms of standards of behavior. For example, in a comparison of how the arbitration process works in the resolution of sexual harassment disputes in the public versus private sectors, both differences and similarities were found. Affected individuals are less likely to be involved in the arbitration stage in the public sector. Third-party involvement, which is less manageable, is more prevalent in the public sector. Discharge is less likely to occur in the public sector. No differences were found with respect to co-worker harassment or whether employees had been disciplined for harassment on previous occasions [3].

The public sector has much more of a stringent due process procedure and faces more political pressures than those found in the private sector. Thus it may be much more difficult to fire an employee for "just cause" in the public sector, especially when dealing with issues of performance. The assumption in the public sector is that the role of government is to train employees, rather than fire them, and to promote equality of treatment across employees [4]. This norm of equality has the potential to conflict with management's right to terminate for

just cause. Stewart and Davy believe that political pressures in the public sector lead to an emphasis on protecting the merit system [5]. The effect of this pressure may lead to differences regarding usage of the grievance system, selection of the types of cases brought to arbitration, and outcome of the grievance case. For example, under a merit system, managers might send cases to arbitration more frequently to avoid taking personal ownership for any precedent-setting decisions that may not be popular with the public.

Differences in Police and Firefighters Cases

Bohlander studied the issues in various work infractions committed by police officers [6]. Results show that "conduct-unbecoming" incidents comprise a very large number of police force discipline cases. Because the term "conduct unbecoming" is somewhat ambiguous, infractions lumped under this heading encompass a wide variety of unprofessional behaviors. A significant finding is that arbitrators apply conventional arbitral criteria when adjudicating either conduct unbecoming or the more traditional work behavior infractions [6].

The nature of police and firefighter arbitration cases was the subject of a study by LaVan, Katz, and Carley [7]. The authors were interested in how these cases are distinctive. While this study was not particularly a discipline study, the following were found: 44 percent of the cases were interest arbitration cases, and 56 percent were rights arbitration cases. Work assignment cases were more frequent than expected. The existence of multiple grievants or issues of off-the-job behavior had impacts on other case characteristics or case outcomes [7].

Union Differences

It has been suggested that there are union differences in how disciplinary type cases such as discharge, suspension, and reprimands are handled [8]. Unions are under a great deal of pressure to take almost any discharge case to arbitration if they want to avoid charges of breaching their duty of fair representation [9, 10]. The union may be obligated to pursue any discharge or serious discipline case through the arbitration process to avoid such charges. From management's point of view, arbitration may seem to be a more promising alternative than yielding or compromising, especially if these behaviors may be viewed as setting precedents [10, 11]. Because of the frequency and consequences of disciplinary arbitration cases in both the public and private sectors, broader arrays of specific disciplinary cases should be examined to see whether there are generalizable results.

It was found that the win rates of specific unions in grievance arbitration cases are significantly different. One study examined the win rates of specific unions in grievance arbitration cases. The empirical results suggested that most unions are close substitutes; however, some unions have win rates greater than the average, and some win significantly lower proportions of their cases. From the

evidence, it appears unions may not be close substitutes (exchangeable for one another as was previously thought) [11]. Unions that were not predominantly public sector unions represented police and fire fighters differently on the issue of performance appraisal than did predominantly public sector unions [7].

Off-Duty Behavior

Since public employees, including teachers, are held to a higher standard of behavior, cases in which public school administrators have attempted to discipline employees for inappropriate off-the-job behavior and that led to arbitration were analyzed [12]. In many cases, it is difficult to determine whether the inappropriate behavior occuring off-the-job deserves on-the-job discipline. Five situations in which behavior takes place off the job but is job-related are: off-the-job retaliation for an on-the-job incident; off-duty behavior affecting job performance; carryover on on-the-job activity; a school-sponsored or school-related function; and/or contact with a co-worker of the grievant. The determining factors in disciplining on-the-job is how the behavior affects job performance, co-workers, and the school system [12].

Law-Based Discipline

The legal environment in the public sector is considerably more complex than the private sector. Private sector labor relations are regulated at the national level, while laws enacted in various states and/or municipal ordinances govern public sector collective bargaining. These legal constraints can vary from state to state and from municipality to municipality. They can also vary from government agency to government agency. Laws on related matters, other than bargaining, such as laws governing finances, and political and union issues, influence labor relations as well [13].

Third Party

In a comprehensive study of 1,318 public sector grievance arbitration cases, researchers found that many case outcomes are related to various case characteristics, including having a nonemployee involved, having multiple grievants, being in the federal sector, being represented by a primarily public sector union, involving individual rights, and involving off-the-job behavior [14].

Just Cause—Arbitrator's Role in Determining Remedy

Gershenfeld and Gershenfeld raised three discipline-related areas that have recently added to the controversial side of grievance arbitration [15]. What is the arbitrator's role in determining remedy? This raises questions about the role of just cause in the process. Are there circumstances under which the contract stipulations for discharge may be altered? Is an employee's past record in a

discipline system, which "wipes out" previous discipline over time, appropriately considered [15].

Due Process

Florey examined the whole issue of due process in the imposition of discipline in the workplace based on the 1975 Supreme Court *Weingarten* decision [16]. This case addressed the question of due process in a disciplinary proceeding in the context of the National Labor Relations Act. Arbitrators, on the other hand, had been dealing with the issue as one aspect of the just-cause standard when a discipline is grieved under a collective bargaining agreement. As a result, union representatives frequently raise the issue of due process when management has failed to heed a disciplined worker's plea for union representation in an investigative meeting or a penalty imposition meeting.

Managerial Behaviors

Bohlander used a sample of 242 public sector arbitration cases to determine the reasons arbitrators gave for reversing managerial action in employee suspension and discharge cases [9]. He found that five factors are the primary causes for overturning employee discipline. The factors are management partly at fault, a lack of evidence, mitigating circumstances, overly harsh punishment for rule infraction, and procedural errors in case handling [9].

Employee-Proposed Discipline

King and Wilcox believe that employee-proposed discipline (EPD) encourages workers to take responsibility for their actions by allowing them to propose their own discipline [17]. Using quantitative and qualitative data, the researchers studied the use of EPD in the Albuquerque, N.M., Public Works, Department. Using data from 298 disciplinary action records, the researchers found that EPD was used in 40 percent of disciplinary actions. Their findings also showed that management supports this form of discipline with an acceptance rate of approximately 60 percent [17].

Monitoring Disciplinary Action

Guffey and Helms examined the importance of monitoring discipline practices to avoid diversity and ethical problems [18]. Citing a 1991 joint study by the Internal Revenue Service (IRS) and the National Treasury Employees Union that found that African-American employees of the IRS are disciplined at a rate three times that of white employees, they showed how unmonitored disciplinary action could foster tension among employees. Furthermore, the team reviewed the hybrid discipline model used at the IRS and examined the roles and responsibilities of management, the union, and employees in the discipline process [18].

Deficiencies in Existing Literature Where Present Study Can Contribute

What the existing literature seems to contain is a variety of narrowly focused studies: arbitration for a specific occupational group, such as police or firefighters; and analyses of a single issue, such as sexual harassment, discharge arbitration, or aggression against supervisors. The most comprehensive is a study by Mesch, which compared public versus private arbitration. What the exiting literature does not seem to contain is a comprehensive model of development to guide the actions of the parties toward more effective public sector employee relations.

METHODOLOGY

The data for this study are drawn from a random sample of 802 public sector discipline cases published in volumes 115 to 118, covering the years 1998 to 2003. Mesch noted that although the cases found in *Labor Arbitration Reports* are a nonrandom selection of cases brought to arbitration, they are representative of arbitration cases [1]. The publisher excludes cases that have as their critical factor the credibility of witnesses, and cases that are either unique or routine. It includes cases that have general interest and well-formulated arbitrator findings. Several researchers in the field of labor arbitration have relied on this source of archival data to test research hypotheses [12, 19-22].

HYPOTHESES

The hypotheses that are being proposed for public sector discipline arbitration cases:

> **H_1** There are no differences in case outcomes depending **type of employee** (including police, firefighter, teacher, or other).
>
> **H_2** There are no differences in case outcomes depending on the following **case characteristics**: issue, level of government, government union (representing primarily government employees), off-the-job[1] or on-the-job[2] behavior, third party.
>
> **H_3** There are no differences in case outcomes depending on the following **management behaviors**: excessive penalty, lack of evidence, failure to

[1] Off-job behaviors include drugs, driving, shoplifting, or assault.

[2] On-job behaviors include excessive force, race harassment, use of firearms, misuse of official position, lack of professional behavior, discourteous treatment, bribes, poor judgment, making unreasonable charges, insubordination, neglect of duties, violation of rules or policies, failure to meet job standard, attendance, sexual harassment.

follow procedure, lack of due process, inappropriate management process, vague rule, mitigating circumstances, severity of proposed discipline.

H_4 There are no differences in case outcomes depending on the following **arbitrator behaviors**: determination of just cause, consideration of past record of grievant, ignoring of contract stipulations.

FINDINGS

The findings portrayed in Table 1 are the case characteristics for all cases, for cases in which the employee prevailed, and for cases in which the employer or a split decision occurred. While many of the findings are similar in all three case outcomes, there are some worthy of noting. Two most common issue types are investigation of the employer's procedure (9 percent of all cases) and assaults, fights, harassment, obscene language, etc. (10 percent of all cases). The employee is almost twice as likely to prevail in the former type of case, but no differences were detected in the latter.

Some of the cases were categorized as discipline in general. Apparently these cases are vaguely defined, because the employee is almost three times as likely to prevail (10.7 percent vs. 4.3 percent). The employer was most likely to prevail in the following types of cases: insubordination; physical/mental disability or refusal to submit to physical exam; and reinstatement. The employee was more likely to prevail in no other cases other than the investigation of the employer's procedures.

There seemed to be some differences in the prevailing rates between the different levels of government, with state and federal government employers disproportionately prevailing in a number of cases. Moreover, the union was categorized as a public sector union in three-fourths of the cases, and there were no differences in prevailing rates based on these case characteristics either. A full 25 percent of the cases were police cases, although these could be police officers at various levels of government. Off-duty behavior was disciplined in 15 percent of all cases, but the employer was surprisingly more likely to prevail—with the prevailing rate being 16.4 percent for the employer or split decision to 11.9 percent for the employee. Employers prevailed slightly more in on-duty behavior cases—83.6 percent to 75 percent.

Violation of department rules, failure to meet job standard, lack of professional responsibility, lapse of good judgment, and attendance were the content the most frequently observed. The employer was most likely to prevail in these cases, although sometimes the differences are slight.

How the arbitrator behaved is of note. When the arbitrator considered the past record of the individual in 31 percent of the cases, the employer was more likely to prevail. Additionally, when the contract stipulations were ignored, in 6.5 percent of the cases, the employer was also more likely to prevail. The following management behaviors led to the employees' prevailing: the penalty was excessive, there was an absence of wrong-doing, there were procedural errors, there was a lack of

Table 1. Table of Case Characteristics* (N = 200)

	All cases (%)	Employee prevailed (%)	Employer prevailed or split decision (%)
Issue			
1. Warnings, reprimands	4.0	4.8	3.4
2. Progressive discipline	6.5	7.1	6.0
3. Notice of discipline or discharge	5.5	4.8	6.0
4. Investigation of employer procedure	9.0	11.9	6.9
5. Discipline in general	7.0	10.7	4.3
6. Absence, tardiness	4.0	4.8	3.4
7. Assaults, fights, harassment, obscene language, horseplay, discrimination	10.0	10.7	9.5
8. Incompetence, negligence	6.0	6.0	6.0
9. Insubordination	6.5	3.6	8.6
10. Intoxication	6.5	6.0	6.9
11. Physical/mental disability or refusal to submit to exam	3.5	1.2	5.2
12. Back pay	3.0	1.2	.9
13. Reinstatement	3.0	1.2	4.3
Level of government			
City	46.0	47.6	44.8
County	31.0	34.5	28.4
State	11.5	9.5	12.9
Federal	11.5	8.3	13.8
Public sector union	75.5	72.6	77.6
Type of employee			
Police	24.5	22.6	25.9
Firefighter	4.0	6.0	2.6
Clerical	1.0	0	1.7
Administrator	.5	1.2	0
School teacher	9.5	10.7	8.6
College teacher	.5	1.2	0
Other	59.0	58.3	59.5
Off-duty behavior	14.5	11.9	16.4
Drugs	11.0	8.3	12.9
Driving	.5	1.2	0
Shoplifting	1.0	0	1.7
Assault, abuse	2.0	2.4	1.7

Table 1. (cont'd.)

	All cases (%)	Employee prevailed (%)	Employer prevailed or split decision (%)
On-duty behavior	85.5	75.0	83.6
Excessive use of force	2.0	2.4	1.7
Racially motivated improper conduct	2.0	1.2	2.6
Unlawful use of firearms	1.0	0	1.7
Unauthorized use of official position	5.5	4.8	6.0
Lack of professional responsibility	14.5	11.9	16.4
Discourteous treatment	5.5	7.1	4.3
Bribes	0	0	0
Lapse of good judgment	13.5	11.9	14.7
Making reckless or unreasonable charges	3.5	1.2	5.2
Insubordination	7.5	4.8	9.5
Neglect of duty	12.0	14.3	10.3
Violation of dept. rules, policy	43.0	39.3	45.7
Failure to meet job standard	23.0	20.2	25.0
Attendance	10.5	9.5	11.2
Sexual harassment	5.5	3.6	6.9
Third party	46.0	46.4	45.7
Arbitrator behavior			
Just cause considered by arbitrator	69.0	65.5	71.6
Past record of individual considered	31.0	27.4	33.6
Ignore contract stipulations	6.5	4.8	7.8
Reason for reversing management disciplinary penalty			
Penalty excessive	25.0	28.6	22.4
Lack of evidence of wrongdoing	10.5	23.8	.9
Procedural error	23.0	36.9	12.9
Lack of due process	15.5	29.8	5.2
Management process at fault	11.0	14.3	8.6
Absence of rule or vague rule	11.0	21.4	3.4
Mitigating circumstances	11.5	16.7	7.8
Proposed discipline			
Reprimand	9.5	15.5	5.2
Suspension	28.0	29.8	26.7
Discharge	56.0	46.4	62.1
Other	6.5	8.3	5.2
Outcome			
Procedural	24.5	38.1	14.7
Finding			
Individual	42.0		
Split	20.5		
Employer	37.5		

*Percentages may not total to 100% due to multiple responses or items not portrayed in the table.

due process, management process was at fault in the discipline, there was a vague rule or no rule at all, and mitigating circumstances. Employees are more likely to prevail when the proposed discipline is a reprimand or discharge, but employers are more likely to prevail, if only slightly more, when the proposed discipline is a suspension.

A finding that there is a procedural outcome means that the procedures were not being adhered to. This is tantamount to the arbitrator changing policies, procedures, and/or the contract. In the present study, a procedural outcome occurred in 24.5 percent of the cases, and the employee was 2.5 times more likely to prevail. Overall, the individual prevailed in 42 percent of the cases, the employer prevailed in 37.5 percent of the cases, and there was a split decision in 20.5 percent of the cases.

Multivariate analyses were conducted with respect to case outcomes. These results are portrayed in Tables 2 and 3.

In Table 2, the case characteristics that are most significantly related to procedural outcomes are portrayed. A procedural outcome would include cases that the arbitrator ruled are arbitratable, but in which s/he didn't make a substantive finding. The three case characteristics most related to procedural finding, based on the chi-square analyses, include the management process partly at fault, third-party involvement, and whether the arbitrator considered just cause. In these situations, for example, management might have to change its discipline because a third party was involved. Table 3 portrays the multivariate relationships for case outcomes. Discourteous treatment, lack of due process, and management process being at fault are statistically and significantly related to case outcomes in favor of the employee.

Development of the Logit Model

To examine the effects of the independent variables while controlling for common variation, a multivariate logistic regression analysis (LOGIT) was performed. LOGIT was chosen because decision was coded dichotomously. LOGIT models predict the likelihood for a particular category of a dichotomous variable. Based on the univariate chi-squares, as displayed in Table 3, it was decided that a logit model could be developed. The model to predict the finding in favor of management contained the following variables: Lack of evidence of wrongdoing, procedural error, lack of due process, and absent or vague rule. These were the variables with the highest univariate relationship to the dependent variable. Findings for the employer and mixed findings were coded 2, relative to findings for the employee, which was coded 1. These can be noted in Tables 2 and 3.

The model which best fits the data is Design: Constant + RFIND1NG + RFIND1NG*EVIDENCE + RFINDING*PROCEDUR + RFINDING *DUEPROC + RFINDING*VAGUERUE

The goodness of fit statistics tells whether the model fits the data. The goodness of fit statistics for the finding for management model are as follows:

Goodness-of-Fit Statistics

Chi-Square	DF	Sig.
Likelihood Ratio	7.9199 11	.7205
Pearson	8.9233 11	.6290

Since the observed level of significance for the chi-square statistic is significant, there is an indication that the model appears to fit the data reasonably well. **Goodness of fit** is measured by the *likelihood ratio,* also known as likelihood ratio chi-square, deviance chi-square, or simply G^2. When the likelihood ratio is *not significant* then the model being tested is a good fit to the data because this means the parsimonious model is not significantly worse than the well-fitting saturated model (source: http://www2.chass.ncsu.edu/garson/pa765/logit.htm).

When a logit model is developed, the dispersion or spread in the dependent variable can be analyzed. Shannon's entropy measure and Gini's concentration measures can be used. What is done is the total dispersion of the dependent variable is divided into the dispersion explained by the model and the residual, which is the unexplained dispersion.

Analysis of Dispersion

Source of Dispersion	Entropy	Concentration	DF
Due to Model	41.9420	36.7426	4
Due to Residual	94.1164	60.6974	195
Total	136.0584	97.4400	199

Measures of Association

Entropy = .3083
Concentration = .3771

A visual inspection of the plot of the adjusted residuals is shown below:

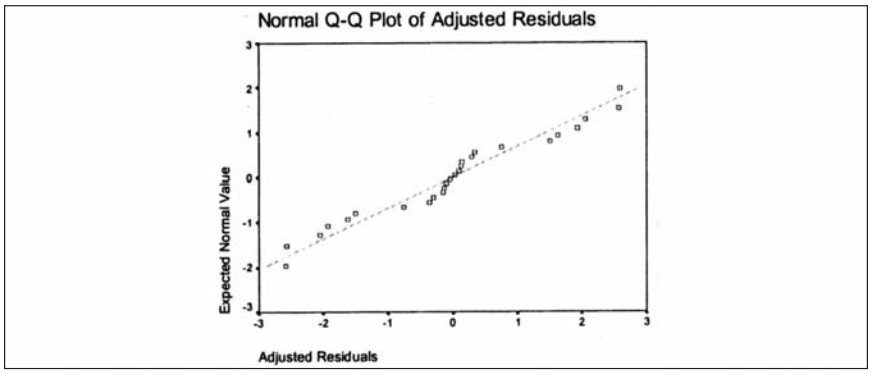

Table 2. Chi-Square Analyses for Procedural Outcome

	Number of cases with procedural outcome	Number of cases with no procedural outcome	Chi-square and probability
Type of Employee			
School teacher			
Yes	8	11	3.518; .061
No	41	140	
Case Characteristics			
Unauthorized use of position			
Yes	0	11	3.777; .052
No	49	140	
Lack of professional responsibility			
Yes	3	26	3.674; .055
No	46	125	
Discourteous treatment			
Yes	0	11	3.777; .052
No	49	140	
Lapse of good judgment			
Yes	2	25	4.930; .026
No	47	126	
Insubordination			
Yes	0	15	5.262; .022
No	49	136	
Attendance			
Yes	9	12	4.275; .039
No	40	139	
Management Behaviors			
Penalty excessive			
Yes	7	43	3.974; .046
No	42	108	
Lack of due process			
Yes	16	15	14.580; .000
No	33	136	

Table 2. (Cont'd.)

	Number of cases with procedural outcome	Number of cases with no procedural outcome	Chi-square and probability
Management process at fault			
Yes	12	10	12.064; .001
No	37	141	
Third-party involvement			
Yes	11	81	14.492; .000
No	38	70	
Arbitrator Behavior			
Arbitrator considered just cause			
Yes	24	114	12.161; .000
No	25	37	

CONCLUSIONS AND IMPLICATIONS

This study's results have actionable consequences for management, arbitrators, and public sector unions. One major implication is that public sector managers who want to sustain disciplinary grievances at the arbitration stage will have to be more systematic in their behaviors, including having more well-defined charges, having more explicit rules, making penalties that are not excessive, being sure that there are no procedural errors, and being sure that due process is followed. These recommendations also make good managerial sense from the perspective of nonunionized employees. This is true because, even though these employees are likely to be managerial employees, these employees are also subject to discipline.

Arbitrators will have to be more cautious about considering the past record of the individual and explicitly ignoring contract stipulations. It also appears that publics sector unions, which have a history of focusing on representing public sector employees, do not do a better job at representing public employees than unions that have not specifically focused on public employees.

Additionally, unions can more closely scrutinize management's behaviors. Including problematic behaviors in the structuring of these cases would lead to a higher rate of prevailing in arbitration. This is quite obvious from the findings reported in Table 3.

Table 3. Chi-Square Analyses for Case Outcome

	Individual prevails/split	Management prevails	Chi-square and probability
Management Behaviors			
Lack of evidence of wrongdoing			
Yes	20	1	27.300; .000
No	64	115	
Procedural error			
Yes	31	15	15.811; .000
No	53	101	
Lack of due process			
Yes	25	6	22.49; .000
No	59	110	
Absent or vague rule			
Yes	18	4	16.089; .000
No	66	112	
Mitigating circumstances			
Yes	14	9	3.799; .051
No	70	107	
Proposed discipline less than discharge			
Yes	45	43	5.385; .020
No	39	73	

DIRECTIONS FOR FUTURE RESEARCH

Attempts should be made to distinguish between pre- and post-9/11 cases for the police and firefighters. This would further the work of Bohlander, and would lead to a comparison between their discipline cases and those of other types of public employees. Given the nature of the differences in prevail patterns in the different levels of government and given that management employees could be in these bargaining units, attention to this seems to be warranted.

An unanticipated finding of this study was the sheer number of cases in which the arbitrator either didn't follow the contract stipulations or considered the background of the grievant. The expectation had been that there would be none of these cases, but in fact there were 31 percent and 6.5 percent, respectively. This warrants further investigation.

ACKNOWLEDGMENT

The author is grateful to the Wicklander Foundation for support of her research.

ENDNOTES

1. D. J. Mesch, Grievance Arbitration in the Public Sector: A Conceptual Framework and Empirical Analysis of Public and Private Sector Arbitration Cases, *Review of Public Personnel Administration, 15*:4, pp. 22-36, 1995.
2. H. LaVan, Arbitration in the Public Sector: A Current Perspective, *Journal of Collective Negotiations in the Public Sector, 19,* pp. 153-163, 1990.
3. H. LaVan, Arbitration of Sexual Harassment Disputes: Case Characteristics and Case Outcomes in Public versus Private Sector Cases, *Journal of Collective Negotiations in the Public Sector, 22,* pp. 45-53, 1993.
4. G. M. Pops, *Emergence of the Public Sector Arbitrator,* Lexington Books, Lexington, Massachusetts, 1976.
5. G. L. Stewart and J. A. Davy, An Empirical Examination of Grievance Resolution and Filing Rates in the Public and Private Sectors, *Journal of Collective Negotiations in the Public Sector, 21,* pp. 323-335, 1992.
6. G. W. Bohlander, Police Officer Discipline and Arbitration: The Issue of Conduct Unbecoming, *Journal of Collective Negotiations in the Public Sector, 27*:1, pp. 1-12, 1998.
7. H. LaVan, M. Katz, and C. Carley, The Arbitration of Grievances of Police Officers and Fire Fighters, *Public Personnel Management, 22*:3, pp. 433-444, 1993.
8. D. J. Mesch and D. R. Dalton, Arbitration in Practice: Win, Lose, or Draw? *The Human Resources Professional, 4,* pp. 37-41, 45, 1992.
9. G. W. Bohlander, Why Arbitrators Overturn Managers in Employee Suspension and Discharge Cases, *Journal of Collective Negotiations in the Public Sector, 23*:1, pp. 73-89, 1994.
10. C. J. Coleman, *Managing Labor Relations in the Public Sector,* Jossey-Bass Inc., San Francisco, California, 1990.
11. M. Rahnama-Moghadam, D. A. Dilts, and A. Karim, The Arbitration of Disciplinary Matters in the Public Sector: Does Objective Evidence Make a Difference? *Journal of Collective Negotiations in the Public Sector, 21,* pp. 151-157, 1992.
12. M. Marmo, Off-Duty Misbehavior by Educational Employees: Arbitrators Consider On-the-Job Discipline, *Journal of Collective Negotiations in the Public Sector, 15*:4, pp. 327-345, 1986.
13. H. H. Wellington and R. K. Winter, The Limits of Collective Bargaining in Public Employment, in *Public Sector Labor Relations: Analysis and Readings,* D. Lewin, P. Feuille, T. A. Kochan, J. T. Delaney (eds.), Lexington Books, Lexington, Massachusetts, 1988.
14. M. Katz and H. LaVan, Arbitrated Public Sector Employees Grievances: Analysis and Implications, *Journal of Collective Negotiations in the Public Sector, 20,* pp. 293-305, 1991.
15. W. J. Gershenfeld and G. Gershenfeld, Current Issues in Discharge Arbitration, *Dispute Resolution Journal, 55*:2, pp. 48-55, 2000.

16. P. Florey, Due Process in the Discipline Process, *Dispute Resolution Journal, 54*:1, pp. 63-65, 1999.
17. K. N. King and D. E. Wilcox, Employee-Proposed Discipline: How Well Is It Working? *Public Personnel Management, 32*:2, pp. 197-209, 2003.
18. C. J. Guffey and M. M. Helms, Effective Employee Discipline: A Case of the Internal Revenue Service, *Public Personnel Management, 30*:1, pp. 111-127, 2001.
19. B. Bemmels, Gender Effects in Discharge Arbitration, *Industrial and Labor Relations Review, 42,* pp. 63-76, 1988.
20. B. Bemmels, Arbitrator Characteristics and Arbitrator Decisions, *Journal of Labor Research, 11,* pp. 181-192, 1990.
21. D. A. Dilts, A. Rassuli, and A. R. Karim, Mediation and the Path Toward Settlement: An Analysis of Union Negotiation Behaviors, *Journal of Collective Negotiations in the Public Sector, 21*:2, pp. 171-182, 1992.
22. H. LaVan and C. Carley, Analysis of Arbitrated Employee Grievance Cases in Police Departments, *Journal of Collective Negotiations in the Public Sector, 14*:3, pp. 245-254, 1985.

Direct reprint requests to:

Helen LaVan
Professor of Management
DePaul University
1 E. Jackson Blvd.
Chicago, IL 60604
e-mail: hlavan@depaul.edu