

An Evaluation of Interest Based Bargaining

By

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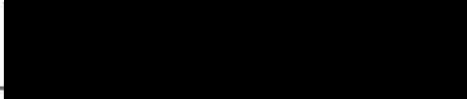
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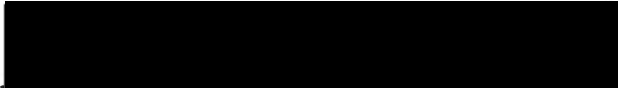
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ABSTRACT**TITLE: An Evaluation of Interest Based Bargaining****AUTHOR: Annette E. Kirby****APPROVED:** _____

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This project represents the first phase of an evaluation of the interest based bargaining (IBB) process which was employed by the Association of University Registered Nurses (AURN) and the Oregon Health Sciences University (OHSU). A constructivist, responsive approach to evaluation was selected because this framework parallels the collaborative conflict resolution style embodied in IBB. A constructivist, responsive evaluation is a two phase evaluation process composed of information collection and analysis followed by a meeting of stakeholders to discuss the evaluation findings and negotiate changes in the program being evaluated.

The first phase of the evaluation involved audio taped interviews with eleven of the IBB participants. Interviews were conducted using an interview guide. Interviewee comments were analyzed using a categorization process.

Evaluation findings related to the specific AURN/OHSU IBB process as well as to interest based negotiations in general. Reported findings were: a

description of the AURN/OHSU IBB process, 2) key IBB elements, and 3) characteristics of IBB illustrated by interviewee comments. Additional products of the first phase of the evaluation were an agenda of suggested discussion items to be used at the meeting of IBB participants and this evaluator's suggestions for change in the IBB process as implemented by AURN and OHSU.

The second phase of the evaluation will occur prior to the commencement of the next contract negotiation between AURN and OHSU.

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INTRODUCTION

Negotiations between a union and an employer represent an opportunity to constructively resolve conflict (Colosi & Berkeley, 1986). Unfortunately, contract negotiations are often adversarial in nature and fraught with hostility and posturing. Difficult issues may not be productively discussed due to lack of trust and the resulting ineffective communication patterns. Such traditional, position based negotiations can result in ill will between the parties and a less than ideal contract (Post, 1990; Wynn, 1983).

A bargaining process that allows for effective conflict resolution may lead to improved negotiations, a better contract, and conflict resolution skills that can be applied in other settings (Fisher & Ury, 1981). Further, conflict resolution is an important part of the operations of any organization, independent of whether employees are represented by a union, because utilization of effective conflict resolution techniques can also contribute to organizational development, efficient operations, and improved working relationships (Gordon, Hardin, & Morse, 1982).

A collaborative bargaining approach, interest based

bargaining, was employed by an Oregon Nurses' Association (ONA) bargaining unit, the Association of University Registered Nurses (AURN), and the Oregon Health Sciences University (OHSU) during their last negotiations.

Interest based bargaining (IBB) advocates identification of basic interests and joint development of solutions by the bargaining parties. This is in contrast to a traditional, position based approach where each party comes to the bargaining table with its own agenda and contract language already prepared (Fisher & Ury, 1981).

Because the resolution of conflict has such far reaching effects, an evaluation of the IBB process is seen as valuable. A constructivist, responsive evaluation (Lincoln & Guba, 1989) was employed to assess how the AURN/OHSU IBB process differed from the parties' usual approach to negotiations and to determine how bargaining might be improved in the future. A constructivist, responsive evaluation strives to understand perspectives and is guided by information as it is gathered. The purpose of this project is to evaluate the AURN/OHSU IBB process through interviews with IBB participants. All IBB participants will receive a summary of the information gathered in the interviews and be invited to participate in a group meeting to plan the next bargaining process.

This evaluation was comprised of five components: 1) A description of the IBB process as used by AURN and OHSU during their contract negotiations, 2) a discussion of key IBB elements, 3) a report of IBB characteristics supported by interviewee comments, 4) recommendations for discussion at a post-interview AURN/OHSU meeting, and 5) suggestions for change in the next AURN/OHSU bargaining process.

BACKGROUND

This section will describe the context in which interest based bargaining (IBB) took place. How a decision was made to try IBB, how IBB differs from position based bargaining, pertinent labor laws, and resources dedicated to the IBB process will be outlined.

Deciding to Try IBB

For purposes of collective bargaining, the ONA represents a unit of approximately 1,000 nurses at the OHSU. The Oregon Nurses' Association (ONA) has been the bargaining agent at OHSU since the early 1960s. The bargaining unit is known as the Association of University Registered Nurses (AURN). There has not been a strike in the history of the collective bargaining relationship with OHSU, however, AURN has issued notices of intent to strike during many negotiations and contract settlements

have not been reached until the last minute (personal communication with ONA members and staff).

Over the years, AURN and OHSU have engaged in traditional negotiations where the two parties met at the bargaining table and exchanged independently developed proposals for alterations in contract language and attempted to justify the positions (Post, 1990; Walton & McKersie, 1965). Little communication passed between the parties prior to sitting down at the table except for information of a logistical nature, such as where and when negotiations would be held (personal communication with the AURN and OHSU bargaining team spokespeople).

A new Associate Hospital Director (AHD), who would be responsible for negotiations with AURN, was hired by OHSU in July of 1990. The position based approach which AURN and OHSU employed in their negotiations did not fit the AHD's management style. As a result of this concern, a new bargaining format, interest based bargaining, was proposed for the negotiations that would result in a replacement of the contract that expired June 30, 1991. The Associate Director's proposal was accepted by the AURN leadership, the ONA, the hospital director, and the state Executive Department (personal communication, AHD, ONA Labor Representative, and OHSU hospital director).

Wishing to improve their collective bargaining relationship, the Association of University Registered Nurses and the Oregon Health Sciences University engaged in interest based bargaining.

Position versus Interest Based Negotiations

The basic difference between the interest based approach to negotiations and the traditional, position based approach is that the interest based method calls for identification and discussion of interests or needs before any solution to meet the interest is proposed. Traditional approaches to negotiations start with the teams bringing contract language proposals, which address an interest or need the teams have independently identified, to the bargaining table. Frequently, this positional approach does not involve a discussion of the underlying needs of the bargaining parties. At times, the parties may not even be aware of the underlying interests their proposals are designed to address.

Positional negotiations then typically proceed with the parties to the negotiations meeting across a table and exchanging written proposals. Discussion centers around why each party should have what they want, not around the interest or need that the proposal is designed to satisfy. Negotiating sessions are characterized by

meeting at the table with the spokesperson for each side doing most of the talking. Each team holds caucuses to discuss the events that took place at the table and plan for the next table discussion (Post, 1990; Walton & McKersie, 1965).

Interest based negotiations could observe the same format of table discussion led by team spokespeople followed by team caucus meetings. Wynn (1983) described interest based negotiations between teachers and a school district where all people present at the table contributed to defining interests and solutions. The AURN/OHSU process utilized work groups in addition to team and whole group meetings. However an interest based negotiation is carried out, it must build in time for and insist that negotiators will discuss interests and options before crafting language to address the interests. The difference in the methods is not in who presents information or in what groupings, but in what kind of discussion is taking place.

Oregon Labor Law

Because the Oregon Health Sciences University (OHSU) is part of the Oregon state system of higher education, negotiations with OHSU union represented employees must proceed according to state labor law. Oregon's public

sector collective bargaining law (ORS 243) requires that when negotiating parties reach an impasse they must engage in mediation. If mediation fails to produce an agreement, fifteen days must pass and the parties then move to fact finding. The fact finder will submit recommendations within thirty days of the conclusion of the fact finding hearing if the parties have still not reached an agreement. Only by moving through this process could the OHSU nurses legally engage in a strike. In a legal sense, the IBB process was taking place in the context of a process designed for use with traditional, position based bargaining. A glossary of labor relations terms may be found on Appendix A.

Resources

The OHSU team was comprised of 10 managers, an Associate Hospital Director (AHD), and the Associate Director of Personnel and Labor Relations. The AURN team was comprised of 13 nurses plus an ONA Labor Representative. One state level negotiator regularly participated in the IBB process as a member of the OHSU team, while another was involved intermittently. In the past, each team consisted of five to seven members.

Training in the IBB method involved two full days. During bargaining the teams met 13 times, including

training, mediation, and fact finding, for eight to nearly twenty-four hours at a time. As per the existing contract, OHSU paid for four AURN bargaining team members to participate in the IBB process. In addition, during training and the last three days of negotiations before fact finding, all the AURN team members were compensated by OHSU.

Clearly, many resources in the form of personnel time, wages, and energy were put into the IBB process. The outlay of resources was greater than with the traditional, position based approach utilized by AURN and OHSU in the past. However, the IBB process served as training not only for the negotiation session at hand, but for other instances when collaborative problem solving will be needed.

LITERATURE REVIEW

The first part of the literature review will cover the topics of approaches to conflict, collective bargaining negotiations, obstacles to collaborative negotiations, and collaborative negotiations. The second part of the literature review will discuss evaluation stakeholders and advance organizers as well as the measurement, description, judgment, and responsive approaches to evaluation.

Approaches to Conflict

How interactions concerning a conflict proceed will depend on the method of conflict resolution used by the parties involved (Barton, 1991; Cushnie, 1988; Fisher & Brown, 1988; Saulo, 1987; Wynn, 1983). The outcome of the negotiation between the parties to a conflict will be determined largely by the method of conflict resolution and the effectiveness of their communication skills (Barton, 1991; Cushnie, 1988; Fisher & Ury, 1981). Conflict itself is not the problem, but responses to it may prove problematic (Saulo, 1987; Evans, 1991). By not handling conflict in constructive ways, relationships can be destroyed and less than ideal resolutions to problems devised (Saulo, 1987).

Approaches that may be used to deal with conflict include avoiding, competing, accommodating, compromising, and collaborating (Barton, 1991; Fisher & Brown, 1988). Any of these approaches may seem to be the conflict resolution method of choice under certain circumstances. For example, a subordinate may consider avoiding a conflict with a supervisor as prudent if risks of the confrontation seem to outweigh the benefits of resolving the conflict (Barton, 1991).

However, a collaborative approach is best in the

long run because it requires the parties to understand each others' viewpoint and to create solutions to fulfill their needs (Barton, 1991). The other approaches to conflict resolution may deal with a problem in the short term, but leave a problem unresolved and underlying interests unexposed (Barton, 1991; Fisher & Ury, 1981; Walton & McKersie, 1965). A collaborative approach to conflict resolution is especially useful and productive when the parties to the dispute must carry on a working relationship, as is the case with an employer and a union (Barton, 1991; Walton & McKersie, 1965).

Collective Bargaining Negotiations

Collective bargaining relationships contain two phases that require resolution of conflict throughout; contract negotiations and contract administration. During contract negotiations, the parties come together to make agreements with each other that will be formalized in a written contract. Contract administration involves assuring that the agreements made in negotiations are kept. Frameworks for resolving disputes during contract administration, such as grievance and arbitration procedures, are usually contained in the negotiated contract (Colosi & Berkeley, 1986).

It is recognized that the negotiations and contract

administration phases of a collective bargaining relationship influence each other. If bargaining is acrimonious, enforcement of the contract will likely be rocky. If grievances arise over blatantly ignored contract language, chances are negotiations will be hampered by lack of trust and respect between the parties (Colosi & Berkeley, 1986).

It is the contract negotiations phase of collective bargaining that is of most interest in this evaluation. Negotiations constitute an opportunity for the parties to exchange ideas and commitments in order to resolve conflicts and reach a joint agreement about how their relationship will proceed (Colosi & Berkeley, 1986; Fisher & Ury, 1981).

Obstacles to Collaborative Negotiations

Obstacles in the form of old perspectives and habits from the traditional, position based approach to negotiations present themselves to negotiators who would use an interest based approach. Negotiators are simply not accustomed to viewing bargaining as a time for open and honest communication about interests. Many parties to negotiations do not view negotiations as an opportunity to collaboratively resolve conflict (Walton & McKersie, 1965; Wynn, 1983).

In addition, many position based negotiators are accustomed to engaging in four bargaining processes simultaneously. First, horizontal bargaining occurs between the parties at the table. Second, internal bargaining, or bargaining within each of the parties takes place. Third, vertical bargaining takes place between each party and its constituencies. Fourth, shadow bargaining, or side bar and sometimes secretive discussion, may occur between a few members of each team. These interactions are characterized by revealing different information to different people and giving the impression that each groups' bottom line is being staunchly defended (Colosi & Berkeley, 1986; Walton & McKersie, 1965). Clearly, this approach does not fit with the open exchange of information needed for IBB.

Given these non-collaborative attitudes and multiple parties to placate, a pattern of negotiating often developed where the parties came together as adversaries ready to use any but the collaborative mode of conflict resolution (Post, 1990; Wynn, 1983). An adversarial approach can involve padding proposals, posturing, purposefully inconveniencing the other party, hiding true needs and interests, and deliberate deception (Post, 1990; Walton & McKersie, 1965).

These non-collaborative negotiations strategies often resulted in a less than ideal agreement being reached. In order to achieve the best possible bargaining outcomes, those that address each party's interests, it is necessary to deviate from the traditional, position based approach to labor negotiations (Fisher & Brown, 1988; Fisher & Ury, 1981). While some collaborative bargaining takes place within the traditional model, basic interests are usually not revealed until the last minute, if at all, when a tentative agreement must be made to avoid a strike deadline (Dunlop, 1984). The challenge now is to place the emphasis on the collaborative approach (Fisher & Ury, 1981).

Collaborative Negotiations

Alternatives to the traditional approach to negotiations have been described as cooperative, value-creating, interest based, integrative (Nadler & Gladstein, 1982; Walton & McKersie, 1965), collaborative (Post, 1990), gaining (Wynn, 1983), and principled negotiations (Fisher & Ury, 1981). All of these alternative processes are similar in that they stress that the parties must have a commitment to resolve their conflicts through negotiation, discuss the interests they

hold and about which they hope to bargain, and jointly generate options to satisfy identified interests. Open exchange of information must occur, people must be separated from the problems at hand, and everyone's input must be valued (Fisher & Ury, 1981; Post, 1990; Walton & McKersie, 1965).

Parties will have both mutual and conflicting interests or needs in any negotiations process (Fisher & Ury, 1981). To build collaboration between parties, points of conflict must be managed (Fisher & Brown, 1988; Nadler & Gladstein, 1982). It needs to be recognized that the positions negotiators bring to the table in the traditional approach are only one possible way of meeting an interest. A process must then be devised in which the parties can identify interests and discuss multiple options to meet each interest (Colosi & Berkeley, 1986; Fisher & Ury, 1981). It may be easier for the parties to trust a process than each other with whom they have a history of adversarial relations (Fisher & Ury, 1981; Nadler & Gladstein, 1982).

Case Studies

Research regarding interest based negotiations is sparse. However, two case studies of interest based negotiations from a school and a hospital setting provide

insight into the process. These cases report a success and a failure. No case studies of collaborative collective bargaining involving a nursing bargaining unit were found.

One case study of collaborative conflict resolution used in bargaining between teachers and a school board reported success in that interests were identified, solutions were developed jointly, and a new contract was arrived at two months before the current contract expired. Prior bargaining history between the parties had been adversarial in nature (Wynn, 1983).

An unsuccessful attempt at collaborative conflict resolution in a non-union hospital setting, involving nurses and other hospital personnel, used a committee format. Failure of the project was attributed to poor orientation to the process, a committee without stable members, and incompetent facilitators (Nadler & Gladstein, 1982).

Evaluation

While Wynn (1983) and Nadler and Gladstein (1982) reported that the interest based negotiations in which they had participated were a success and a failure respectively, evaluations of the processes did not take place. Evaluation is defined by Webster (1974) as finding

the value, worth or amount of something. The something that evaluations strive to find the value, worth, or amount of is the evaluand, or topic of interest (Lincoln & Guba, 1989; Stecher & Davis, 1987). Evaluations seek to improve and/or assess the evaluand, and proceed with these tasks by gathering information (Stecher & Davis, 1987). Formative evaluations are conducted with the purpose of improving the evaluand, while summative evaluations are conducted to assess the evaluand with regard to some standard (Lincoln & Guba, 1989; Patton, 1980).

In the following sections, two major concepts central to understanding evaluation, stakeholders and advance organizers, will be introduced. Four types of advance organizers and the different approaches to evaluation they foster, measurement, description, judgment, and responsive, will also be discussed.

Stakeholders

Stakeholders are people who have things at stake, such as funding for a program, reputations, or power, in the outcome of an evaluation. Stakeholders use and are affected by evaluation information (Lincoln & Guba, 1989; Stecher & Davis, 1987). Three types of stakeholders, agents, beneficiaries, and victims, have been identified

(Lincoln & Guba, 1989).

Agent stakeholders are those people who will produce, use, or implement an evaluand. Agent stakeholders include the client who requests that an evaluation be carried out, or developers, funders, or providers of services linked to an evaluand (Lincoln & Guba, 1989). Beneficiary stakeholders are those people who would benefit from the entity being evaluated. Direct recipients of services, people whose relationships with the recipient are improved, and those who benefit monetarily as a result of an evaluand fall in this category (Lincoln & Guba, 1989). Victim stakeholders are people on whom the evaluand has a negative impact. They may be people who are not eligible for the service provided, who would want resources directed to another end, or who forfeit money or power as a result of a service being provided (Lincoln & Guba, 1989).

Advance Organizers

The type of information that will be sought and the questions that will be asked of stakeholders in an evaluation are determined by the advance organizer used by the evaluator. The advance organizer is the overall approach that will guide the evaluation and help focus the inquiry (Lincoln & Guba, 1989; Stecher & Davis,

1987). Advance organizers may be variables, goals or objectives, judgments to be made, or stakeholder perceptions. Four general approaches to evaluation can be identified using the advance organizer as the distinguishing factor. These four orientations toward evaluation are the measurement, description, judgment, and responsive approaches (Lincoln & Guba, 1989). The effective evaluator chooses an evaluation method needed to fit the situation at hand (Patton, 1980; Stecher & Davis, 1987).

Measurement

The advance organizer for measurement types of evaluation is one or more variables. The variable(s) of interest will determine what questions to ask (Lincoln & Guba, 1989; Stecher & Davis, 1987). If the variable of interest is water conservation, an intervention may be introduced and before and after measurements of water use taken to determine whether there has been an impact on water usage.

The earliest measurement-focused approaches to evaluation were called experimental because they utilized the scientific method and emphasized objectivity and generalizability of conclusions. Information provided by these evaluations was often too general to be useful. The

evaluator's role was as a technical, scientific expert external to the evaluand (Lincoln & Guba, 1989; Stecher & Davis, 1987).

Description

The advance organizer for the description approaches to evaluation is a goal or objective that has been set for the evaluand. Evaluations in the description group attempt to describe patterns of strengths and weaknesses as determined by comparison to preset goals and objectives. Description evaluation approaches, often known as goal oriented evaluations, strive to be more evaluand specific than measurement evaluations, using procedural and outcome goals of the evaluand as the yardstick for success (Lincoln & Guba, 1989).

For example, the water bureau may have set its goals for the year as decreasing water use by ten percent, involving 500 customers in water conservation classes, and repairing two reservoirs. The evaluator then collects information to assess the extent to which these goals have been met. Evaluators using this method function as describers of an evaluand and often assist in clarification of goals and objectives prior to beginning an evaluation (Lincoln & Guba, 1989; Stecher & Davis, 1987).

Judgment

The advance organizer for judgment evaluation is the judgment to be made. The judgment may be a decision about whether to continue a program, the value of a painting, or assigning a grade (Lincoln & Guba, 1989; Stecher & Davis, 1987). Judgment type evaluations are not based on a pre-determined measure, however a standard may emerge during the evaluation on which the judgment at hand will be based (Lincoln & Guba, 1989).

Decision-focused evaluation is a type of judgment evaluation which assists decision makers at specific points in a program cycle. The evaluator collaborates with key decision makers to provide useful and timely information (Clark, Goodwin, Mariani, Marshall, & Moore, 1983; Stecher & Davis, 1987). For example, the water bureau may wonder whether it should repair or rebuild a reservoir. The evaluator would then work with water bureau employees to determine what information was needed to make the decision and go about gathering that information.

To varying degrees, the evaluator and client or stakeholders make a judgment call based on the information gathered. Sometimes an evaluator is selected for her expertise in an area and has wide latitude to

judge, other times the client and possibly other stakeholders are involved in making the judgment (Lincoln & Guba, 1989; Stecher & Davis, 1987).

Responsive

Responsive evaluations use the perceptions of stakeholders as their advance organizers. It is not known what information is important to gather until the stakeholders are consulted or observed to see what issues are brought forward. The design of responsive evaluations is emergent in that it grows out of and responds to information being collected (Lincoln & Guba, 1989, Stecher & Davis, 1987).

The responsive evaluator attempts to bring out as many points of view as possible about the evaluand (Lincoln & Guba, 1989, Stecher & Davis, 1987). The evaluator asks stakeholders for their perceptions as well as which perceptions may be viewed differently by other stakeholders. In this way, the stakeholders may point the evaluator toward new perceptions regarding the evaluand. After gathering perceptions, the evaluators' task becomes insuring stakeholders understand each others' perceptions and assisting stakeholders to negotiate changes in the evaluand based on a clear understanding of these perceptions (Lincoln & Guba, 1989).

A meeting of stakeholders is arranged by the evaluator, and perceptions are explained. Stakeholders then jointly explore alternative solutions to areas of conflict and select those which best fit the groups' needs (Lincoln & Guba, 1989). The evaluator facilitates this process by pointing out areas where perceptions agree and disagree, and helps the stakeholders prioritize their deliberations by providing a discussion agenda (Lincoln & Guba 1989, Stecher & Davis, 1987). Frequently, consensus will not be reached on all issues considered in an evaluation, but a negotiation can occur among stakeholders so that improvements can be made in the evaluand nevertheless (Lincoln & Guba, 1989).

For example, if the water bureau wishes to evaluate its water conservation program, the responsive evaluator might observe the workings of the water plant and water usage habits of customers, then interview water bureau employees and customers, all the while being guided to new information based on information that was previously collected. Finally, a discussion among stakeholders, or representatives of stakeholder groups (e.g. customers, conservation groups, water bureau employees), would be held to negotiate changes, if needed, in the water conservation program.

INQUIRY PARADIGMS

All inquiry, including evaluation, is carried out under assumptions and guiding principles. These underlying assumptions constitute paradigms, or ways of looking at the world (Lincoln & Guba, 1989; Morgan, 1983). Two paradigms, the positivist and constructivist, and the ways in which evaluation processes may be influenced by them, will be discussed below.

Measurement, description, judgment, and responsive evaluations may be carried out under either the positivist or the constructivist paradigm of inquiry. However, the measurement and description approaches to evaluation "fit" the positivist paradigm given their emphasis on measurement. Judgment evaluations begin to lean toward constructivist views, while responsive evaluations lend themselves readily to the constructivist paradigm using perceptions as their foundation.

Positivist Evaluation

The three major positivist assumptions are: 1) subject/object dualism is possible, the observer can separate from the observed; 2) scientific inquiry is value free, there is one measurable reality, conclusions are generalizable facts; and 3) the goal of inquiry is to

explain and predict (Lincoln & Guba, 1989; Smith, 1983; Patton, 1980).

Guided by the positivist paradigm, the evaluator and the client, the person requesting the evaluation, often conduct an inquiry in which they determine what should be explored and how (Lincoln & Guba, 1989). The client is often able to withhold the evaluation information from other stakeholders and to implement evaluation recommendations without consulting the people involved. Findings of the evaluation are considered facts obtained through quantitative, scientific methods resulting in an authority claim that is difficult to refute and stifles other ways of thinking about the evaluand. The result can be an evaluation which, often unintentionally, disempowers or disenfranchises many stakeholders (Lincoln & Guba, 1989; Smith cited in House, 1983; Stecher & Davis, 1987).

Constructivist Evaluation

An alternative paradigm on which to base evaluation is the constructivist paradigm. Assumptions of the constructivist paradigm are: 1) subject/object dualism is not possible, the observer and the observed are interrelated; 2) inquiry is value laden, reality is created in each person's mind, conclusions are one

interpretation of data and not widely generalizable; and 3) the goal of inquiry is to understand perspectives (Lincoln & Guba, 1989; Patton, 1980; Smith, 1983).

If evaluations are to meet the assumptions of the constructivist paradigm, it is necessary that the parties desire to work out their differences, will share power and information, will commit necessary time and energy, will respect the points of view of all stakeholders, and will reconsider their perceptions in light of new information (Lincoln & Guba, 1989).

The constructivist paradigm views evaluation as a social, political and value containing endeavor. Given this context, constructivist evaluation expects to facilitate the resolution of conflict among stakeholders since much can be lost or gained based on the findings of an evaluation (Lincoln & Guba, 1989).

Qualitative methods are usually used to determine perceptions stakeholders hold about the evaluand in the constructivist paradigm, but quantitative methods are also employed. The paradigm difference is not between qualitative and quantitative methods, but in the underlying assumptions that guide the evaluation (Lincoln & Guba, 1989).

Goodness Criteria

The trustworthiness or goodness of an inquiry and its results is determined by checking whether relevant criteria have been met (Lincoln & Guba, 1989; Marshall and Rossman, 1989). Because different paradigms make different claims about knowledge, goodness criteria must be developed from the assumptions of the paradigm from which a research strategy emerged (Morgan, 1983).

Positivist Goodness Criteria

The two major goodness criteria by which positivist inquiries are judged are reliability and validity. Much has been written about how to judge inquiry based on the positivist paradigm; therefore, these techniques will not be elaborated upon here.

Constructivist Goodness Criteria

No widely accepted method of judging inquiry carried out under the constructivist paradigm exists (Morgan, 1983). However, constructivist researchers agree that the goodness criteria used to evaluate positivist inquiry, reliability and validity, are not appropriate to use in judging constructivist inquiry, even though this occurs frequently (Lincoln & Guba, 1989; Morgan, 1983).

The most recently proposed criteria by which to evaluate constructivist inquiry are fairness, ontological authenticity, educative authenticity, catalytic

authenticity, and tactical authenticity (Lincoln and Guba, 1989). A brief summary of these goodness criteria follows to afford the reader some familiarity with how constructivist inquiry may be judged.

Fairness

Fairness is concerned with whether stakeholders' perceptions and values have been solicited and respected. Allowing for open negotiations between equal partners to decide what should happen based on evaluation findings also indicates fairness (Lincoln & Guba, 1989).

Ontological Authenticity

The extent to which stakeholder perceptions of an evaluand have become better informed is the concern of ontological authenticity. What is important is that changes in perception are due to changes in stakeholder thinking and not due to external factors (Lincoln & Guba, 1989).

Educative Authenticity

Educative authenticity has been satisfied when stakeholders have gained greater understanding and appreciation of each others' perceptions regarding an evaluand (Lincoln & Guba, 1989).

Catalytic and Tactical Authenticity

Catalytic and tactical authenticity deal with the

extent to which something happens and people are empowered to act because of an evaluation process (Lincoln & Guba, 1989).

While these criteria are the most recent to be advanced, they are being challenged and no techniques for determining adherence to them have been fully accepted. Proposed methods of verification involve direct questioning of evaluation stakeholders and "audit trails" (Lincoln & Guba, 1985, p. 371) to document changing perspectives. In verification attempts, attention must be paid to protecting confidentiality since non-aggregate data will often be needed to demonstrate adherence to the authenticity criteria (Lincoln & Guba, 1985, 1989).

CONCEPTUAL FRAMEWORK

A constructivist, responsive evaluation approach was chosen to evaluate interest based bargaining (IBB), because this evaluation method parallels the collaborative conflict resolution negotiations process embodied in IBB. Both processes require that the parties wish to resolve conflict collaboratively by sharing information and power, committing time and resources, and jointly negotiating solutions.

The responsive evaluation process may be viewed as

a collaborative conflict resolution process. Perceptions that were solicited during evaluation interviews are similar to interests or needs that were identified at the beginning of IBB. The changes that the stakeholders will agree to implement for the next bargaining process are jointly crafted solutions, like specific contract language developed during IBB, that satisfy the interests expressed in the perceptions.

Questions of concern in the evaluation, using interest based bargaining (IBB) as the evaluand, were: 1) What are the perceptions that IBB stakeholders have about the process? What do other stakeholders see differently? 2) What factors do IBB stakeholders believe impacted the IBB process either positively or negatively? 3) How do IBB stakeholders think the bargaining process may be improved in the future?

DESIGN

The research design for this study was a constructivist, responsive evaluation. Information that was gathered by interviewing IBB participants served a summative function in that it was used to assess the IBB process after it had been completed. The information will also serve a formative function when it is used at a meeting of IBB participants to assist planning of the

next negotiations session.

Sample

Setting

The setting for this evaluation was the Oregon Health Sciences University (OHSU), a teaching hospital with schools of medicine, nursing, and pharmacy. The approximately 1,000 nurses employed in in-patient and out-patient settings at OHSU have been represented by the Oregon Nurses Association for purposes of collective bargaining for almost thirty years.

Stakeholders

The stakeholders of greatest interest in this evaluation were agent stakeholders, or those who had been active participants in the IBB process. These key informants, people who are knowledgeable about the evaluand, (McKillip, 1987) were able to provide insight into the IBB process.

Other groups not involved in the IBB process directly, such as Oregon Nurses' Association (ONA) staff, Oregon Health Sciences University (OHSU) managers, Portland area nurses from other bargaining units, and other state employees may rightly consider themselves stakeholders in the IBB evaluation process, since they may see themselves as beneficiary or victim stakeholders

of the IBB evaluation (Lincoln & Guba, 1989; Stecher & Davis, 1987). However, these stakeholder groups were not included in this evaluation process because they lacked first hand knowledge of the IBB process used by AURN and OHSU. Another consideration is that the IBB group had worked together and developed a level of trust that would likely have been disrupted by the addition of other people to the evaluation process. Exclusion of these groups does not indicate that their input and concerns are considered unimportant. Rather, they may be more appropriately involved in another evaluation which does not focus directly on the IBB process.

Selection of Interviewees

It is important in a constructivist, responsive evaluation to solicit multiple perspectives about various aspects of the evaluand (Lincoln & Guba, 1989). Knowledge of these perspectives facilitates an interest based approach to negotiation between stakeholders about evaluation findings. To this end, the first interviewees were selected for their ability to elucidate many aspects of the evaluand as well as for their varying perspectives. Later interviewees were selected to provide pertinent information from multiple perspectives.

Selection Criteria

1. How much experience has the stakeholder had with labor/management negotiations?

The first three interviewees selected had the broadest experiences with negotiations so that groundwork for future information collection could be laid. After these initial interviews, selection of interviewees was based on the following criteria:

2. What are the current evaluation information needs?

Selection from among stakeholders occurred based on which IBB participants were able to provide the information which appeared to be salient to the evaluation. An interviewee was solicited if they possessed expertise or a perspective that could fill the information gap. For example, when interviewees stated that the newcomers to negotiations interacted well with the group, a newcomer was interviewed to get their perspective on this perception. If interviewees were able to identify an IBB participant with strong feelings, opposite perceptions, or specific knowledge about an issue, that person was asked to grant an interview (Lincoln & Guba, 1989).

3. What role did the person play during IBB?

To solicit the desired variability in responses, mediators, team spokespeople, state level participants,

the AHD, the OHSU director, members of both bargaining teams with previous negotiating experience, and members of both teams without previous negotiating experience were interviewed. If several people were able to fill an information need, the person who filled a role during IBB from which an interviewee had not yet been selected was asked to participate.

4. Which work group was the person a member of during negotiations?

For example, if several of the AURN team members with previous negotiations experience were able to provide needed information, a person who participated in a work group from which no other interviewees had come was selected.

Solicitation of Interviewees

A letter was sent to all IBB participants explaining that an evaluation of IBB was going to take place and that all IBB participants would receive a summary of the evaluation interview results. The letter explained further that a meeting would be held of all IBB participants for the purpose of discussing the interview results, providing additional input regarding IBB, and planning the next negotiations process. This letter can be found in Appendix B.

Based on the selection criteria above, potential interviewees were identified and then contacted by the evaluator. When an IBB participant consented to be interviewed, an appointment was made. No IBB participant solicited for an interview declined.

Protection of Human Subjects

This evaluation proposal was submitted to the Oregon Health Sciences University Committee on Human Research for review and was found to be exempt under category 2 of the federal regulations (45 CFR 46.101 (b)). Issues such as the right to withdraw from the evaluation, confidentiality, presentation of interview results, follow up questions, and audio taping of interviews were discussed in the initial letter sent to all IBB participants informing them that the evaluation was going to take place (Appendix B). The issues discussed in the letter were reviewed verbally with each prospective interviewee when they were contacted and asked to participate. Granting of an interview was then assumed to indicate consent.

Information Gathering

Interviews

Eleven IBB participants granted interviews and

comprised the sample population for this evaluation. Information was collected during individual, audio taped interviews. Each interviewee was informed that one hour of time was needed, but that the interview could run longer if they desired. Interviews were held in the offices or homes of the interviewees. The audio tape recorded interviews ranged from 45 to 75 minutes in length.

To protect interviewee confidentiality, no identifying data were attached to the interview notes, no identification of the interviewee was made on the tape, and notes and tapes were stored in a locked file cabinet at the evaluator's home. When data were reported as findings, names were changed to protect interviewees and other IBB participants. Information that could clearly identify an interviewee was not reported in the findings section.

Interview Questions

An interview guide of open ended questions was developed to serve as a starting point in information gathering. Interviews became more focused as salient topics were brought forth by the interviewees and relevant questions were added to the interview guide (Lincoln & Guba, 1989). Earlier interviewees were not re-

contacted to get their reactions to new issues since this feedback will be gathered at the post-interview meeting. The interview guide in its final form may be found in Appendix C.

Throughout the interviews the evaluator summarized and rephrased the interviewees' comments to ascertain correct understanding (Woods & Catanzaro; Patton, 1980). Notes were taken during each interview to provide an overview of the information gained.

Concluding the Interviews

Interviews were conducted until saturation of IBB topics occurred. Repetition of information and the introduction of no new information by interviewees indicated saturation of the topic. Saturation was also assured in that attempts were made to secure maximum variation in information sources, sufficient information had been gathered to support the formation of categories, and attempts at discovering contradictory information were made (Woods & Catanzaro, 1988).

All IBB participants will have the opportunity to add to and discuss the data at a group meeting after the evaluation interviews are complete. In this way, all IBB participants will be able to contribute to the evaluation by responding to the interview information, adding their

own input, and participating in a negotiation over how to conduct bargaining next time. This is in keeping with the dual nature of the responsive evaluation method which calls for collection of stakeholder perceptions followed by negotiations to determine what action to take based on the evaluation findings (Lincoln & Guba, 1989).

ANALYSIS

The analytical procedures of information reduction and display were used to derive meaning from the interview information. These analysis strategies did not proceed in linear fashion, but were iterative and overlapped (Marshall & Rossman, 1989; Miles & Huberman, 1984).

Information Reduction and Display

Anticipatory Reduction

Anticipatory information reduction began with the identification of an area of interest and the selection of a responsive evaluation format for information gathering (Miles & Huberman, 1984). The focus of this evaluation was the interest based bargaining process used by AURN and OHSU, and the information to be gathered was IBB participant perceptions of the process.

Interview Summary Sheets

Post-interview reduction and display of information occurred through identification of ideas or themes expressed by each interviewee. Upon completion of each interview, the evaluator reviewed notes and the tape of the interview and created an interview summary sheet. The final product was a non-verbatim summary of the interviewees' comments composed of blocks of narrative text capturing ideas that had been related. Appendix D contains an example of an interview summary sheet.

Each interviewee received a copy of their interview summary sheet, accompanied by a cover letter (Appendix E), and was given the opportunity to correct any misunderstood comments or add information. The purpose of requesting the interviewees to review the interview summary sheet was to assure, to the greatest degree possible, that the evaluator was working with accurately interpreted perceptions held by IBB participants about the IBB process. Two interviewees provided corrections of their interview summary sheets; none added information. Two interviewees were recontacted in order to ask them follow up questions to clarify or expand on a theme from their interview.

An interview summary sheet was prepared for each interview prior to the next interview taking place. If

indicated, additional questions were added to the interview guide to reflect new issues brought up in the last interview.

Categorization

Sorting of interview summary sheet content into categories was the next information reduction and display technique that was utilized to analyze the interviews. Comments from all the interview summary sheets were first grouped into one of eleven categories. As analysis proceeded, a second set of nine categories evolved from the first set.

The categorization process contained four steps: 1) the original sorting into categories, 2) classification of interviewee comments as positive, negative, neutral or suggestions for change, 3) identification of sub-categories, and 4) formation of the second, and final, set of categories.

Step 1: Sorting into Categories

The first set of categories was developed through review of interview summary sheets and identification of issues brought forward by the interviewees. Sorting of comments into categories was then guided by themes that emerged in many or all of the interviews. Counts of the number of interviewees mentioning an issue helped point

out areas that were important to IBB participants. However, if an issue was mentioned by only a few interviewees that did not necessarily make it unimportant. For example, two interviewees commented that there was inadequate space for work group break out sessions. They stated that this had a negative impact on the IBB process and the observation was included in the interview summary sheets of these interviewees as well as in one of the final categories, Process.

Clustering by theme resulted in the original eleven categories which were: Training, Relationships Within Teams, Relationships Between Teams, Relationships With Constituencies, Relationships Within Work Groups, Work Group Information Relay, Resolution of Issues, Roles, Time Usage, Fallout, and Interest Based Bargaining (IBB) in General. The Roles and IBB in General categories emerged from items left over after sorting of comments into other categories was complete.

Step 2: Classification of Interviewee Comments

Within each category, comments that described positive aspects of IBB, negative aspects of IBB, and those that suggested changes in the process if it were to be used again by AURN and OHSU were identified. A comment was occasionally classified as neutral. Comments were

classified as positive, negative, or neutral based on the context in which they were made. For example, the comment "Alternates were involved in IBB as much as the bargaining team members." could be construed as positive, negative, or neutral if not considered in the context of the interview from which it came. All of the interview tapes were reviewed at this time to assure correct interpretation of comments.

Step 3: Identification of Sub-categories

Within some of the categories, sub-categories began to surface. Comments were grouped, while maintaining a designation as positive, negative, neutral, or suggestion for change, into these sub-categories. Table 1 provides examples of comments concerning the relay of information to and from work groups and illustrates sub-categories.

Step 4: Formation of Final Categories

As a result of conceptually moving information within and among the categories, reviewing the interview tapes and notes, reflecting on the interest based bargaining (IBB) process, and collapsing and renaming categories based on new conceptualizations, a second and final set of nine categories emerged.

Table 1

Sub-categories of the Work Group Information Relay Category

SUB-CATEGORY	POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
Work group to team verbal communication	"my work group had plenty of time to report back to the team"	"we should schedule specific times for work groups to report to their teams"	"feedback from the work groups to our team was sometimes weak or confusing"
work group written communication	"my [work] group took good notes to show our work"	"small group notes should be part of the total record of IBB"	"the note taking in my [work] group was sketchy"
team to work group communication		"allow more time to give [work] groups feedback"	"there wasn't enough opportunity to give the [work] groups feedback"

These categories were: 1) Overall Impressions of IBB, 2) Groundwork, 3) Relationships Among Negotiators, 4) Communication Among Negotiators, 5) Relationships With Constituencies, 6) Process, 7) Roles, 8) Resolution of Issues, and 9) IBB Outcomes. As the categories took

shape, internal convergence and external divergence were sought by sorting until the items in any category fit together and were more alike than items in other categories (Guba cited in Marshall & Rossman, 1989).

The category Training became Groundwork as it became apparent that category comments related to general preparation for and creating commitment to the IBB process and not just the training itself. The three categories concerned with relationships among and within bargaining teams and within work groups, were collapsed into the category Relationships Among Negotiators. Information in the Relay of Work Group Information category, plus selected comments from other categories became the Communication Among Negotiators category. Process emerged as a new category, building on the old Time Usage information as well as comments from other categories that were found to deal with the mechanics of how IBB was implemented.

Fallout was renamed Outcomes to reflect the positive nature of the comments. Several statements from the IBB in General category were placed in other categories leaving behind comments that reflected general perceptions of the process. IBB in General was then renamed Overall Impressions of IBB. The Roles,

Relationships with Constituencies, and Resolution of Issues categories underwent minor changes as comments were deleted or added as indicated, but the underlying concept embodied in these categories did not change.

These final categories represent characteristics of the AURN/OHSU IBB process which will also be a part of any interest based negotiations. Extensive excerpts of the interviewee comments which led to the identification of the categories may be found in the IBB Characteristics section of this report, beginning on page 63.

JUDGING THE EVALUATION

As discussed in the literature review, there is no consensus on goodness criteria by which to judge constructivist inquiry. Working from the assumptions on which constructivist inquiry is grounded, goodness criteria, intended to operationalize the significance of the assumptions, and methods for evaluating adherence to the criteria were developed by the evaluator for the purpose of judging this evaluation. The criteria were designed to demonstrate the relevance and legitimacy of the information collected and analyzed for this evaluation.

Goodness Criteria

Criterion #1

Were varied perceptions sought out, respected, and verified?

This criterion is based on the constructivist assumption that there is not one measurable reality, rather the perceptions of each person are valid.

Criterion Verification

Adherence to the first goodness criterion's requirement that perceptions from varying stakeholder points of view be solicited was facilitated by the selection criteria. The selection criteria were designed to assure that information from stakeholders with varying negotiations experience, disparate perceptions, different roles, and from different work groups would be obtained. Selection information is not included as an appendix since an interviewee could be identified if this were done. For example, if an interviewee is a new OHSU team member working with the seniority group, there is only one person who fits these characteristics.

The interview audio tapes provided evidence that differing perceptions were respected. Respect was shown to each interviewee by assuring confidentiality of responses and by not demeaning any of their contributions. In addition, interviewees were asked to identify their own positive and negative perceptions

regarding IBB, as well as other IBB participants who the interviewees thought held perceptions different from their own.

Respect for perspectives was also shown by considering differing perspectives in the Findings and Discussion sections of this paper. Excerpts of interview summary sheets and discussion of interviewee responses in the text illustrate that differing perspectives were gathered through the interviews and were incorporated in the evaluation findings.

In order to verify accurate understanding of interviewee perceptions of IBB, the evaluator asked questions, summarized, and paraphrased the interviewees' comments during the interviews. The evaluator also listened to the interview tapes frequently during the analysis process to be sure comments were being remembered in the proper context.

Further assurance that the perceptions gathered in the interviews were accurate was gained through a review of interview summary sheets by the interviewees. Each interviewee was given a copy of their interview summary sheet and had the opportunity to correct misunderstood comments or add information. In this way, accurate understandings of interviewee perceptions were assured

for use in information analysis.

Criterion #2

Were the perceptions of the evaluator and the potential that those perceptions might influence information collection recognized?

This goodness criterion is based on the constructivist assumption that the observer and the observed are interrelated.

Criterion Verification

To acknowledge positive evaluator bias, this evaluator believes that the IBB process is an improvement over the bargaining process used by the parties in the past. This perception may have had an influence on reporting interviewee comments as more positive than they truly were. To correct for this potential bias, interviewee comments were checked throughout the interview process by paraphrasing responses and requesting interviewees to review their interview summary sheets to correct or clarify the information as summarized.

If interviewees were aware of the positive perceptions the evaluator held about IBB, they may have offered socially desirable responses, or those they thought the evaluator wanted to hear (Patton, 1980; Woods

& Catanzaro, 1988). To prevent this, interviewees were asked to voice both positive and negative perceptions regarding IBB. In addition, interview questions were presented in a neutral fashion, such as "What did you think of IBB?" or by asking both sides to a question such as "What was positive/negative about IBB?" (refer to the interview guide in Appendix C). The evaluator verified that this had been done by reviewing the interview tapes.

A goodness criterion based on the third assumption of the constructivist paradigm, that the goal of inquiry is to understand perspectives, will not be applied to this evaluation. While the evaluator will have a better understanding of stakeholder perceptions of IBB as a result of the interview process, this will not necessarily be true for other IBB participants.

Quality of the Information

The quality of the information analyzed in this evaluation was high. Interviewees talked openly about the IBB process and expressed positive and negative opinions as well as suggestions for change. However, some selective relating of information was evident in the interviews. For example, an interviewee neglected to mention certain feelings about an issue, which another interviewee described as "subversive to the IBB process",

which had been expressed in a heated discussion within one of the teams.

While people are not likely purposefully telling a lie, they may present information with a positive or negative slant based on their perceptions and interests. It is naive to believe that all information gathered through interviews can be totally forthright and objectively neutral. This goes back to the idea of evaluations being social, political, and value containing endeavors in which people will remember information as reflecting well upon them or their concerns (Lincoln & Guba, 1989).

FINDINGS

The findings that ensued from this evaluation were of two types. The first type of finding is specific to the interest based bargaining (IBB) process used by AURN and OHSU. The second type of finding relates to any interest based negotiation. There are three components to the specific AURN/OHSU IBB process findings: 1) how the parties actually implemented IBB, 2) what interviewees thought was positive, negative, or should be changed about IBB if the process was used again, and 3) the evaluator's suggestions for change in the IBB process. There are two components to the general findings: 1) key

IBB elements, and 2) characteristics of IBB.

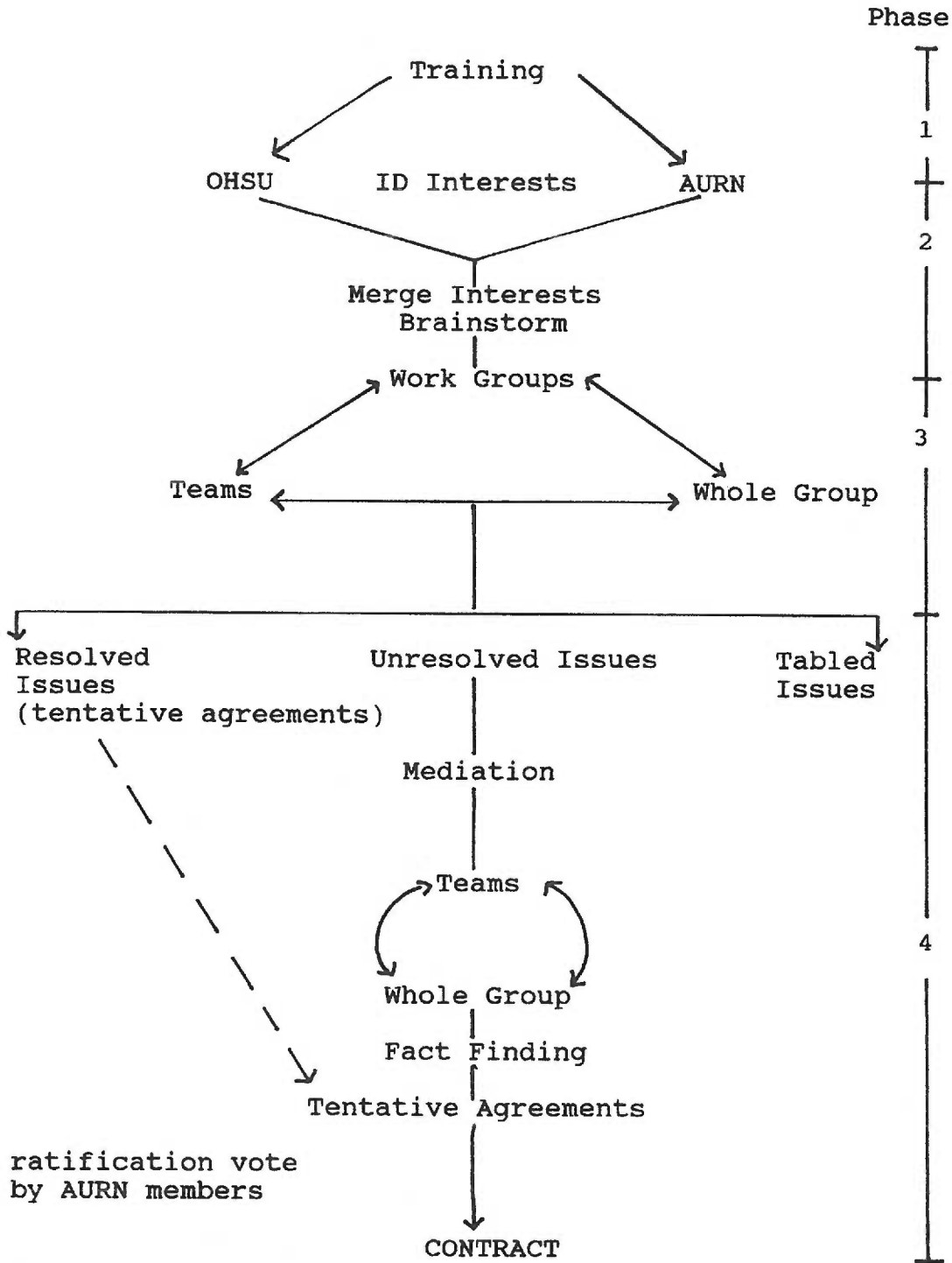
These findings will be presented in the following order: 1) A description of the AURN/OHSU IBB process, 2) key IBB elements, 3) characteristics of IBB illustrated by interviewee comments, and 4) suggestions for change.

Description of the AURN/OHSU IBB Process

The AURN/OHSU IBB process took place over a five month time period. Negotiators knew little or nothing about interest based bargaining (IBB) at the start, but were able to resolve a multitude of issues, move through mediation and fact finding, and ultimately reach an agreement. Figure 1 provides a diagram of how the IBB process unfolded.

Within the IBB process there were four major phases of activity which included: 1) training, 2) identification of interests and brainstorming, 3) work group resolution of issues, and 4) whole group resolution of issues.

Figure 1. Flow Chart of the IBB Process



Phase 1: Training

The AURN/OHSU IBB process started with a two day training session led by two state mediators. The training included exercises for the fourteen AURN, twelve OHSU, and two state negotiators to get to know one another, information about interest based bargaining, establishing ground rules, and problem solving exercises. Appendix F lists the ground rules agreed to by AURN and OHSU during training.

Phase 2: Interest Identification and Brainstorming

Toward the end of the two days allotted for training, each party separately developed a list of interests with the help of a mediator. Table 2 displays the interests identified by the AURN and OHSU teams. Discussion of problems with current contract language or the need for new language took place as the teams identified interests. The AURN negotiating team identified the interest of senior nurses having access to open positions and promotional opportunities based on problems with the contract language involving filling of positions. The OHSU team identified the interest of promoting a drug free work environment, which would require new language.

Table 2

Interests Identified by AURN and OHSU Negotiating Teams

TOPIC	AURN	OHSU
seniority	-senior RNs have choice of holidays worked -senior RNs have access to open positions and promotions	- define seniority for consistency
flexible scheduling	-retain premium pay program -cost-effective shift options - adequate and flexible staffing levels	-flexible scheduling based on unit and individual needs
wages and benefits	-wages and differentials reflect metropolitan standard -employer paid insurance	
drug free work place		-promote drug free work place
payroll system	-fair, accurate, timely paycheck	-fair, accurate, timely paycheck
staff development and education	-recognize certification -flexible continuing education money	-improve/expand continuing ed program -clarify distribution of continuing ed money
parking	-safe, convenient, and reasonably priced parking	
odds and ends	-job classifications reflect work -in case of merger RNs under ONA contract	-job classification review

AURN and OHSU then explained their interests to each other in a mediator facilitated discussion. OHSU had taken a global approach to interest identification illustrated by the interest "flexible staffing based on individual and unit needs". In contrast, ONA approached the task in more detail illustrated by the interest "retain premium pay program" which is an idea to consider in a discussion of flexible staffing.

By discussing their interests, the teams assisted each other to refine and clarify their ideas. Through discussion, the expression of some ONA interests was changed from fairly positional to interest based. For example the position, "... it is desirable for senior nurses to have their choice of holidays worked". became the interest "reward senior nurses".

The AURN and OHSU negotiating teams then merged their interests into one list. Table 2 illustrates the great extent to which the AURN and OHSU teams were concerned with the same issues. All interests in the table became part of the merged interest list.

Next, possible methods to satisfy interests and topics for discussion were generated in a joint brainstorming session. For example, one method to satisfy the interest of defining seniority was to base all

seniority on date of hire at OHSU. A topic for discussion related to seniority was how seniority rights to vacation slots would be affected by any definition agreed upon. Brainstorming resulted in many additional topics to be considered in conjunction with the expressed interests that were of mutual concern.

After a list of ideas was generated through brainstorming, related interests, possible solutions, and topics for discussion were clustered into the following eight general areas of concern: 1) seniority, 2) flexible scheduling, 3) wages and benefits, 4) drug free work place, 5) payroll system, 6) staff development and education, 7) parking, and 8) odds and ends. The odds and ends area took in the interests dealing with job classification and merger language. Each of these eight general areas of concern involved numerous interests, controversial possible solutions, and many items for discussion. Appendix G illustrates the complexity of just one area, staff development and education.

Phase 3: Work Group Resolution of Issues

As agreed in the ground rules, the negotiators utilized a work group format to deal with specific issues. Five work groups were formed consisting of five to seven volunteers drawn from the AURN and OHSU teams.

The group assignments were: 1) Seniority, 2) flexible scheduling, 3) wages/benefits and odds and ends, 4) drug free work place and payroll system, and 5) staff development/education and parking.

Within the work groups, specific contract language was written after further discussion of the underlying interests was held and options were explored. Members of each work group then brought the language back to their own teams or the whole group for discussion, feedback, and refinements, if necessary. Many cycles of discussion were involved in the creation of any contract language. Frequently, general areas of concern overlapped the same contract article or influenced decisions made in another work group and prioritization of interests needed to occur.

Resolving an Issue

Following the interest based approach, AURN and OHSU determined through discussion and brainstorming that staff nurses felt that longevity was not valued, particularly when it came to getting time off. In addition, managers felt that they did not have a consistent method for granting requests for time off and that they had little flexibility in scheduling.

Underlying interests and issues of rewards for

seniority, desire for extra weekends off, flexibility in scheduling, and fairness in allowing time off emerged from the discussion. Together, the parties arrived at the following language: "All RNs with twelve (12) years or more seniority may request and be granted, in order of seniority, extra weekend shifts off. Requests for extra weekend shifts off will be made according to the vacation request time line."

Unresolved Issues

The interest based bargaining (IBB) participants decided that it would be best not to attempt to resolve all issues during their negotiations. Some issues were set aside to be worked on by task forces in which case the work groups did research and preparation for the task force. For other issues, the contract language outlined parameters within which the Unit Based Practice Committees will be able to decide what will work best for a specific nursing unit. Issues the parties were not able to resolve or transfer to another forum were then subject to consideration in mediation and/or fact finding.

Phase 4: Whole Group Resolution of Issues

It was agreed upon from the beginning of IBB that mediation and fact finding would occur along a time line

that would allow the Association of University registered Nurses (AURN) to strike, if necessary, when the current contract expired. When mediation was scheduled to occur, the parties were still productively negotiating. One of the mediators who had introduced IBB to the parties served as mediator so that the letter of the law would be satisfied. Discussion of the issues occurred predominantly as team caucuses and in whole group meetings. Very little work was carried out by the work groups at this point in the negotiations. Four contract articles remained unresolved at the end of mediation and were presented to the fact finder. This compares to twenty-one articles at the end of the last negotiations' mediation session.

Membership of the AURN bargaining unit rejected the fact finders' recommendations, but ratified the first renegotiated contract offered them after fact finding. Ratification by the bargaining unit membership completed the IBB process and the parties moved into the contract administration phase of their collective bargaining relationship.

Key IBB Elements

During information analysis, three important

elements emerged that foster a successful interest based bargaining endeavor. These elements are creating commitment to the IBB process, keeping everyone informed, and utilizing new forums for issue resolution. While these key elements were deduced from the AURN/OHSU negotiations experience, they are relevant to any IBB process.

Creating Commitment

All of the AURN and OHSU team members agreed to actively engage in the interest based bargaining (IBB) process. According to interviewees several factors facilitated creating commitment to the IBB process for the AURN/OHSU group including trust in the Associate Hospital Director (AHD) and ONA Labor Representative to support the process, frustration with the character of the collective bargaining relationship, establishing all negotiators as equals in problem resolution, showing a dedication of resources in the form of the training sessions, and practicing interest based skills so that negotiators could sense the potential of the method.

In addition, the establishment of ground rules that would preserve the integrity of IBB, define processes, and create a backup to IBB by following the legal time lines that would make a strike possible, made IBB

palatable for many.

Keep Everyone Informed

Interviewees cautioned that IBB can be seductive in that negotiators get caught up in the relationships at the table. Negotiators revel in the "new found camaraderie" and forget that other people who will be affected by or who can influence the process have little idea of the major change that has occurred in the bargaining process.

Interviewees related the importance of nurturing relationships with constituencies in order to get the most out of IBB. The AURN membership has the power to vote down any tentative agreement presented to them, OHSU managers not involved in IBB will be enforcing the final contract, and the state could potentially veto an agreement.

Even among interest based negotiators, care must be taken to keep all people informed of discussions in which they did not participate. The AURN/OHSU process was marred by lack of acceptance of work group ideas because those who had not been privy to the work group conversations were hesitant to approve of something of which they had not been a part. Resistance to work group ideas stemmed from lack of information and/or

misconceptions of how the proposed change in contract language would be implemented. Work group members need to serve as common links and communicators between teams and the work groups.

New Forums for Issue Resolution

Many IBB participants were surprised and pleased at the number and scope of the issues over which they were able to reach agreement. Issues that one side or the other had refused to discuss in the past could no longer be brushed aside in the IBB process. Not only were small work groups able to use the IBB approach, when working together the whole group was able to maintain interest based discussion. In fact, the team caucus was the fragile point in the process when old behaviors surfaced without the presence of the other team to suppress them.

The bigger surprise, in this evaluator's opinion, was the ability and willingness of the parties to table issues and pass them along to other problem solving forums. Open discussion allowed the negotiators to realize when they were dealing with a problem that could not be resolved within the time constraints of the IBB process. In the case of crafting a drug free work place policy, a task force composed of both IBB and non-IBB participants was created to complete the task started

during IBB. The task force had great success in their work.

Another twist on tabling issues came when the negotiators realized that they were trying to write contract language to cover a multitude of situations. Every detail could not be anticipated. In the case of how each nursing unit should distribute its education funds, the contract set general parameters and delegated decision making to Unit Based Practice Committees.

For problems that were assumed to be resolved with the contract language as written, but which ran into glitches during implementation, AURN/OHSU meetings are held to discuss resolution of the glitches and to clarify the intent of germane contract language.

IBB Characteristics

Creating commitment, keeping everyone informed, and utilizing new forums for issue resolution are three elements that keep an interest based negotiation on track. Within the negotiation process, many characteristics come in to play that also influence the process. Through relating their perceptions of IBB, the interviewees described such characteristics. Each characteristic is represented by one of the following nine analysis categories which emerged through the

process of sorting interviewee comments: 1) Overall Impressions of IBB, 2) Groundwork, 3) Relationships Among Negotiators, 4) Communication Among Negotiators, 5) Relationships With Constituencies, 6) Process, 7) Roles, 8) Resolution of Issues, or 9) IBB Outcomes.

Every IBB process will encompass the characteristics of the AURN/OHSU process in a different fashion. Important aspects of each category will be discussed with examples of interview summary sheet information provided for each category to support the narrative text. Quotations marks within the text and accompanying tables indicate verbatim phrases of interviewees.

Category 1: Overall Impressions of IBB

In any bargaining process, participants will form overall impressions about the success of the process, whether it should be used again, and what made the process work. This is important information for those wishing to instigate change in a negotiations pattern.

According to the interviewees, "IBB was a vast improvement" over the positional method of negotiations previously used by AURN and OHSU. Despite lack of trust and an acrimonious bargaining history, the parties were able to "successfully apply the methodology and identify interests" before moving on to discuss a variety of

solutions. This resulted in "jointly crafted solutions which spoke to many of the interests which had been identified".

The ONA Labor Representative and the AHD were both committed to the IBB process and trusted each other to stand by their agreements, according to the interviewees. IBB was successful because of the commitment of all involved to make it work, especially the AHD and ONA Labor Representative. Overall, the IBB process was more enjoyable because of "greater opportunity for participation" and less negative interaction between teams.

"If possible, an interest based approach to negotiations should be used" by AURN and OHSU when they bargain their next contract. The "environment should be assessed" to see if key elements are in place, such as "commitment from key players" and to "determine the impact Measure 5 will have" on the negotiations. If money is going to be so tight that it "overrides all other concerns", it may be difficult to succeed with IBB. Table 3 provides examples of interviewee comments from the Overall Impressions of IBB category.

Table 3

Category 1 Overall Impressions of IBB: Interviewee Comments

POSITIVE COMMENTS	NEUTRAL COMMENTS
"I am very positive about the IBB process, it was much better than the positional approach"	"IBB is one set of tools to help reach an agreement"
"both sides won"	"I'm amazed at what a big deal people are making of IBB"
"there was much less negative conflict"	"If it makes people happy to use IBB, then let's use it"
"IBB is far superior to the traditional approach"	"I'd like to use IBB again, if the environment supports it"

Category 2: Groundwork

Interviewees related that issues in setting groundwork for an interest based approach to negotiations involved "selling the idea", "achieving buy in", and training in the method. Specific characteristics of a process will "help or hinder the launching" of the IBB method.

Interviewees recognized that for IBB to succeed, commitment of and "trust in key players who have power" to influence and even veto tentative agreements must exist. IBB participants were able to see commitment of

resources during training that reassured them the IBB process would be respected. "Buy in to the interest based approach was necessary" if the process was to move forward.

The training set the stage for IBB by providing a forum in which negotiators could meet each other and "establish themselves as equals". "Leveling the playing field" was an important outcome of the training sessions. The introduction exercise in which AURN and OHSU participants were paired up and then introduced each other was "a good way to begin to break the ice". Casual dress and atmosphere, as well as social time together at meals promoted getting to know all negotiators as people and not as opposition team members.

Problems interviewees saw with laying the groundwork for IBB to take place stemmed from lack of communication and consultation with the AURN negotiating team members about the decision to use IBB. While AURN team members held some frustration about past negotiations and "would have supported a change", they were skeptical about IBB and felt they "should have been better prepared by ONA coming into the training".

There was some "confusion about whether the decision [to use IBB] was final". Training proceeded as if IBB

would occur, although some people had been advised that the decision was not irrevocable.

Specific problems with the training identified by the interviewees were that it repeated information many participants already knew, the "video tape broke up the interaction too much", was "too theoretical", the examples of conflict resolution used were "too far removed from the reality of the group", and the "mediators led the group too much at times". The amount of training was sufficient to present the IBB concept and lay ground rules. The new skills were not mastered, but the "group was ready to move on" and practice in the actual negotiations process.

Despite "circumstances that were not ideal", at the end of the two days of training the group had come to feel that IBB was possible and should be attempted. Agreement had been reached that a work group format would be used, the authority to make tentative agreements on contract language rested with each team as a whole, tentative agreements reached prior to fact finding would be honored, the mediation and fact finding schedule would be followed to allow for contract completion by June 30, 1991, and that external "communication would not make anyone go tilt". (Appendix F lists all the ground rules

that were established during the training sessions.) Table 4 provides examples of interviewee comments from the Groundwork category.

Table 4

Category 2 Groundwork: Interviewee Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"I knew [the AHD] was serious, so I bought in"	"involve the ONA team in decisions about using IBB"	"the ONA team was not involved in decisions to use IBB"
"casual, dressed down atmosphere was good"	"focus more on practical skills like note taking and communication issues"	"we were in too deep too quick"
"introduction exercise made us people in each others' eyes"	"don't use the video in training"	"too much theory in training"
"by the end of the training we had convinced ourselves IBB could work"	"distribute copies of <u>Getting to Yes</u> and <u>Getting Together</u> "	"the parties weren't well prepared going into the training"
"enthusiasm for IBB prevailed even though we didn't know exactly what we were going to do"	"don't spend as much time on theory"	

Category 3: Relationships Among Negotiators

The relationship issues that arose during IBB could

have occurred during any negotiations. However, the nature of IBB, where "open discussion about interests and trust among participants is necessary", implies that poor relationships will impede the process. Relationships of concern are those between and among members of teams, work groups, and the whole group.

Between Teams/Whole Group

Interviewees reported that the relationship between the teams during bargaining was "very congenial". "Good rapport was established and maintained" throughout bargaining. Relationships were not damaged and in many cases were "improved on individual levels". The teams were able to build trust over the course of bargaining by "consistently dealing with each other openly and fairly". IBB participants celebrated how much they had accomplished before engaging in fact finding. The recommendation of the AURN bargaining team to reject the fact finders report and the rejection of the report by the AURN membership "was not seen as a breach of the IBB process by management". Therefore the decision to reject the report did not harm the relationship between the teams as feared by some participants.

The strength of the relationship and trust between the teams was demonstrated for the interviewees when new

state players became actively involved in the negotiations. AURN did not question that it was OHSU balking at the proposed contract language, but believed "it was the state that had objections".

Within Teams

There was some "difficulty bonding at the team level". New and old team members did not mesh well on the AURN team. The AURN team members had "not even had a chance to meet" each other before training. The ONA Labor Representative had suggested that AURN team members who had negotiated before serve as mentors for new people to help them understand negotiations and to integrate them socially with the team. However, interviewees reported that this idea was not followed through. Lack of knowledge among AURN team members as to each others' strengths and weaknesses resulted in "lack of confidence when sending teammates to their [work] groups". There were also some "hard feelings" that only four of the AURN team members were compensated for their time, while the rest served largely as volunteers.

The OHSU team had some "difficulty bonding due to a new AHD" and little knowledge of each other despite working together for many years. The OHSU team had met before negotiations began and, in part, it was the

contract issues raised at this meeting which motivated the AHD to seek out a new bargaining format. One OHSU interviewee accepted "IBB participation as part of [their] job" and did not expect much social interaction from team members, in contrast to AURN interviewees.

Work Groups

Initially, "relationships within some work groups were rough" until members got to know each other. There was hesitancy to speak out on the part of AURN members who "feared recrimination". Once the groups had worked together and began to establish trust, interviewees reported the work groups bonded and became tightly knit. It became "safe to stay in the work groups" where members were understood. Table 5 provides examples of interviewee comments from the Relationships Among Negotiators category.

Category 4: Communication Among Negotiators

Communication among negotiators is important to promote relationships and facilitate resolution of issues. Issues that involve verbal and written communication were discussed by the interviewees.

Table 5

Category 3 Relationships Among Negotiators: Interviewee Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"the strength of the relationship between the teams was seen when ONA did not think OHSU was in with the state at the end"	"have teams meet ahead of time to get to know each other"	"I felt some of my team members were weak links and I didn't involve them much"
"a caring rapport developed among negotiators"	"use a mentor or buddy system"	"all the [work] groups felt attacked when they brought information back"
"only time in my memory the parties celebrated defeat" (going to fact finding)		"the individual teams did not bond well"
"we emerged from fact finding OK"		"having a new [AHD] made team formation hard for OHSU"
"there was a bonding among the [work] group members"		"little outreach from old timers"
"relationships were greatly improved during IBB"		"it became too comfortable to stay in the [work] groups"

The major concern among the interviewees was that there had "not [been] enough time allotted in the IBB process for work groups to report to their team members" or the whole group. This led to "rejection of work group suggestions" by those who had not received enough information. Interviewees who were members of work groups felt their group had enough time to report back, but that they would have liked to "hear more from other [work] groups". This need decreased with time for one interviewee because informal communication lines were utilized to fulfill information needs. The work groups also "needed more time to get feedback" from the teams and whole group.

Despite the much more open discussion that occurred during the IBB process, negotiators still "reacted differently" and revealed different perceptions within their teams as compared to with the whole group. A positive side of the work group to whole group interface was that it "ruled out the possibility of subterfuge". If reactions to ideas were witnessed directly, interviewees felt the reactions were candid.

Information exchange within the OHSU team was "supported by formal lines of communication" already in place. AURN had weak lines of communication among team

members. A symptom of this was that "no communication occurred between the [fact finding] hearing and the [fact finding] report". The AURN team then had "major disagreements" about how the fact finding report should have been handled. In addition, AURN interviewees described confusion about negotiation related events such as who would participate in an educational day to inform OHSU managers who were not at the table about IBB. Other AURN team members "never even knew the event took place".

Exchange at the table and within work groups was very "open and honest". "Little [of the] posturing and bluffing" that characterizes positional negotiations occurred. Much time was saved because the "teams did not have to try and guess what the other really wanted".

Interviewees felt that record keeping in the work groups ranged from adequate to poor. These records were never merged with the record kept for the whole table discussions or routinely distributed beyond the small group from which they originated. Table 6 provides examples of interviewee comments from the Communication Among Negotiators category.

Table 6

Category 4 Communication Among Negotiators: Interviewee
Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"there was no posturing or bluffing"	"give [work] groups more time to report back to teams and whole group"	"[work] group members did not have enough time to report back to their teams"
"OHSU team communication was supported by mechanisms already in place"	"combine work group notes with whole table notes"	"sometimes feedback from work groups was weak or confusing"
"there was enough time for my work group to report back"		"recording of work group activity was not detailed enough"
"I learned to get information through unofficial channels"		"communication within the ONA team was poor and often confusing"
"did not have to try and guess what the other team really wanted"		"it was hard for some managers to deal with open expression of interests by ONA members"

Category 5: Relationships with Constituencies

Constituencies were defined as the state Executive Department, OHSU managers not involved in the IBB process, and AURN bargaining unit members not involved in

the IBB process. Interviewee comments in this category reflected the impact IBB had on relationships with these groups, communication with these groups, how interactions with these groups proceeded during IBB, and how to change relationships with these constituencies in the future.

AURN

AURN interviewees felt that "internal AURN communication was poor". The bargaining unit did not have a routine process for generating newsletters and an "editor had not been assigned". In keeping with this situation, the "AURN members were not well informed about the new negotiations process" and were not well kept up to date on how bargaining was progressing.

On the positive side, because many issues were resolved early on during IBB and not held back to package with other articles or trade for something else, it was "easier to present contract issues" at AURN meetings when meetings were convened during the negotiations process.

OHSU Managers

Interviewees felt that managers not participating in IBB held a mixed view of the process; "some felt left out, others were glad they did not have to bargain". "Formal communication lines" already existed at OHSU through which IBB information was communicated. "In

addition to normal communication, a special educational session was held" to inform managers not participating in interest based bargaining (IBB) of the IBB problem solving approach and the interests being pursued. This education was important because of the need for all managers who work with nurses to be able to "administer the contract in the spirit of IBB".

State Executive Department

Because OHSU is a state institution "the state was a player at the table". Having a state Executive Department (ED) representative present throughout negotiations was a change from the past and helped the process in that the representative "served as a communication link between the negotiators and the state". Representatives of the ED seemed to "appreciate the strength of the IBB process" and may be able to increase its acceptance within the ED.

According to interviewees, the AURN and OHSU teams were able to interact with ED negotiators in a positive fashion, applying the IBB skills with which they had become familiar. The ability of the AURN and OHSU teams to listen meant that the interests of the ED were heard to the degree that they were expressed.

Unfortunately, the initial impression sent by ED

representatives at the time they were consulted to obtain permission to use the IBB process was that they "did not trust OHSU and would send an observer". Interviewees related another negative impact on the IBB process was that ED envoys "did not clearly express interests". The ED representatives did say they were interested in work place policies to deal with drugs and sick leave. However, there was little input from the Executive Department (ED) as to "what interests these policy changes were supposed to address". In fact, a Paid Time Off proposal was put forth to address sick leave concerns. This presentation of a proposal in the old, positional method "did not work in the IBB context" and a task force was created to discuss the sick leave concern in depth.

Interviewees reported that late in IBB, when "only money issues were left" to be settled, an ED representative who had been present at the training sessions was reintroduced to the process. Having missed most of the IBB process, this person was "not trusted and was not well integrated" in the process. This person began laying out specific positional parameters which had a spoiler effect on the talks. Several "state players were seen as offensive" and positional in their

approaches to bargaining.

Table 7

Category 5 Relationships with Constituencies: Interviewee Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"having used IBB made ONA and OHSU able to hear the state's interests"	"we need more communication with AURN members"	"the state did not trust us and sent a monitor"
"easier to hold AURN meetings because we had resolved issues and had something to say"	"privatize OHSU so state is not involved"	"the state has too much influence for the money they give us"
"ONA interacted well with the state"	"involve more people in training"	"interaction with the state was bad"
"state players grew to support IBB"		"the state did not make their interests clear"
"OHSU gets more leeway in bargaining from the state than other places"		"some managers felt they had missed out on something"
		"AURN has a bad newsletter situation"

Some interviewees believed that the ED should be concerned with money only, while others felt since the

state contributed essentially no money toward implementation of the ONA/OHSU contract the ED should be concerned only with non-economic language that could impact other state labor agreements. Table 7 provides examples of interviewee comments from the Relationships with Constituencies category.

Category 6: Process

Process decisions created circumstances within which IBB played out. Ramifications of process decisions should be assessed after each use of an interest based process to determine where process issues have impeded or assisted the negotiations. Interviewee comments dealt with how IBB actually took place, use of time lines, scheduling, physical plant, who was paid, and decisions made about how to proceed (such as using work groups).

Interviewees felt that using work groups to discuss issues worked well in some regards and not in others. Because there was so much work to be done, the work "group format allowed for in depth discussion of issues and gathering of information". However, this format did not allow people to participate in all discussions that took place. "Problems arose in terms of communication" about work carried out in the groups and getting feedback and direction from other negotiators. Early on in IBB

negotiators were "concerned that the [AURN and OHSU] teams were not meeting to get work group feedback" prior to meeting as an entire group.

In order to remedy the communication and resolving issues problems, a "process issue of scheduling must be addressed". There will be "tension between needing to schedule negotiating sessions so the work groups, teams, and the whole group can meet" while allowing flexibility to accommodate a unique negotiations process.

Five interviewees commented that it was "not wise to schedule for a three day blitz" session involving mediation before fact finding. They felt the "expectation should not be that extremely long hours need to be worked" in order for an agreement to be reached. Following the legal time line for mediation and fact finding "did not disrupt the IBB process". Rather, having specific deadlines were a "good way of keeping the process moving". There was some "difficulty in rearranging work schedules" to accommodate negotiations for many of the AURN team members.

Four AURN team members were paid by OHSU for their participation as provided for in the contract. The rest of the AURN team members were technically alternates, several of whom made "significant financial and time

sacrifices" in order to participate. Some of the meeting places did not have enough rooms for work group break out sessions.

There was "no official debriefing meeting". Some interviewees related that "debriefing happened along the way". A party was held at the home of the ONA Labor Representative for the entire group, however, several people were unable to attend. The OHSU group held a concluding function at a team member's home. One interviewee stated "the ONA group did not have a team wrap up session and they should have". Table 8 provides examples of interviewee comments from the Process category.

Category 7: Roles

Changes in roles were brought about by using the IBB method for those who had previously participated in negotiations. Newcomers were "surprised by the role" they played based on what they had heard about past AURN/OHSU bargaining.

The most dramatic change in roles for IBB participants who had bargained in the traditional mode involved "loss of control". The mediator and negotiators who had been team spokespeople in the past "gave up the most control". Team members lost control in that they

were "not able to monitor the entire negotiations" process which used to take place at the table for all to hear.

Table 8

Category 6 Process: Interviewee Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"use the groups again, but keep the same size to ensure participation and attention"	"schedule time at each session for small group members to meet with their teams"	"the [work] group format did not allow me to see all of the process"
"if we hadn't had the time line, the decisions wouldn't have come as quickly"	"schedule social time among teams, but not at the end of a long bargaining session"	"work space for group break out was inadequate"
"since we were sticking to the time line, we knew we could just use the old way if IBB didn't work"	"don't purposefully schedule for a blitz or weekends"	"there wasn't the coordination between independent teams as in the past"
	"pay all ONA members"	

Interviewees recounted that all team members were much more actively involved in problem solving than in the traditional approach. Their roles were "very active within the [work] groups" and at the larger table. The

situation of the spokesperson doing the talking and "everyone else sitting at the table stone faced" stopped. Even though people were happy with increased involvement in problem solving, they still "wanted to hear more of what was going on" in other work groups.

IBB created "change in superior to subordinate roles" usually enacted in positional negotiations. IBB negotiators became "equal partners in problem solving". There was also an alignment of the AURN and OHSU teams in an "effort to use IBB techniques to resolve the money issues" when the state brought in positional demands. In past negotiations, the state and the OHSU team had argued against proposals of the AURN team.

Interviewees revealed that self-monitoring occurred in the work groups with members reminding each other "not to take things personally and not to use positional statements". If needed, "policing of behavior" was also carried out by the AHD and ONA Labor Representative. Negotiators would report to these people if someone was not following the IBB method and they would "talk to the bargainers involved". The AHD and ONA Labor Representative also "floated among work groups" to monitor progress and serve as consultants and facilitators as needed.

Members of each team "volunteered to work in groups" on issues in which they were interested. Work group members also "volunteered to serve as group scribe or facilitator". Interviewees felt it was "difficult to be a scribe or facilitator and still participate actively" in the work group.

Because of increased participation by many new negotiators, one interviewee who had participated in traditional bargaining felt their "turf was being invaded". New negotiators prevented the group from slipping into old habits, but some AURN newcomers did not understand their role as a "representative for the whole bargaining unit". Table 9 provides examples of interviewee comments from the Roles category.

Category 8: Resolution of Issues

Resolving issues and arriving at a written contract that reflected the agreements made was the immediate goal of IBB. Therefore, it is important to discover how the IBB process as used by AURN and OHSU helped or hindered the resolution of issues. Interviewees described how the group made decisions and wrote contract language, how issues were addressed, the impact of fact finding on resolving issues, and arenas for solving problems beyond the negotiations table.

Table 9

Category 7 Roles: Interviewee Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"participants in IBB are active, they weren't active at all in traditional bargaining"	"the [work] group facilitator should play a stronger role and receive extra training"	"alternates were shocked at the amount of time they were going to put in"
"having new bargainers was good, they played a role of keeping us from slipping into old habits"		"lack of experience hurt in that some people only paid attention to their own concerns and did not see a broader representation role"
"the group's efforts are far more important than preserving my role"		"new team members took over roles I had always filled, I didn't like that"
"I thoroughly enjoyed the change in my role"		"we gained participation, but we lost control"

The parties "were able to reach an agreement" in the form of a new contract. Interviewees reported that issues were resolved through a process of discussion in the work groups, reports back to the team and/or the entire group, getting feedback, writing language in the work group

first and then reviewing and rewriting language with the whole group, and signing off on an article as a tentative agreement as a whole group. Toward the end of the process, "most problem solving and language writing happened in the big group".

It was established in training that "all tentative agreements reached through the IBB process [prior to fact finding] were to be honored". Having the guidelines established up front promoted decision making since "people knew their agreements would not be lost".

Because IBB is based on interests, "it is extremely important that sufficient time and energy be devoted to the generation of interests", whether this is done jointly or as separate teams. Interviewees had mixed opinions as to whether interests should be identified as a whole group or as teams. One interviewee believed that identifying interests as separate teams worked well because "when the lists were combined they were very similar" (See Table 2). This "reinforced the idea that the groups were concerned about the same things". The group "would have been able to successfully generate interests as a whole, they just did not know it at the time".

The interviewees thought it had been acceptable to

postpone decision¹ making on some issues and "delegate the decision making" to task forces which would meet after bargaining was complete. This approach was "successfully used by the drug free work place task force" and is now being used to explore sick leave policy at OHSU. The parties also found it acceptable to allow the Unit Based Practice Committees to make "specific, unit oriented, decisions within the parameters of the contract".

Since the teams did not have official positions coming into bargaining there was not swapping of articles in the "I win one, you win one" fashion often seen in positional bargaining. Each issue "received a fair hearing" on its own merits and was not used as a package deal with other articles. This did not apply to money issues, which were "batched up" to prevent over spending. Negotiations about money were perceived as positional by five interviewees.

Discussions and "information gathering in the groups [were] an important step in conflict resolution". Because the work groups often met simultaneously, it was necessary for them to communicate the direction of their decision making to "prevent duplication of work" or working in different directions. There was "difficulty communicating this information to other negotiators"

which resulted in rejection of ideas presented by the work groups, as well as parallel and contradictory efforts.

The work groups had difficulty making progress at first and "plodded along". Too much work to do "bogged some groups down". In some work groups the "managers felt the AURN members were too pushy" in defense of their interests, while in other groups "AURN members were afraid to speak out". Work group members needed to learn to work with each other and realize they could freely and openly express interests.

Because so many people were involved in IBB, "lots of brain power" was available to apply to problem resolution. The AHD and ONA Labor Representative learned to interact with the groups effectively when they "changed from attempts to participate in the [work] groups" to serving as a resource or facilitator. Outside experts were also brought in as needed.

Having to engage in fact finding was viewed as a failure by nine of the interviewees. They felt the group should have been able to complete bargaining without resorting to fact finding at all. Fact finding was viewed by two interviewees as a "tool to help reach a decision", while others did not see it as a realistic way of coming

to agreement.

One interviewee commented that "IBB made the parties agree too quickly because they wanted the process to work". In contrast, other interviewees commented that discussion was thorough and they exercised "a large amount of skepticism" before agreeing to new contract language. Table 10 provides examples of interviewee comments from the Resolution of Issues category.

IBB Outcomes

Interviewees revealed information about the tangible and intangible results and influences of IBB. Areas addressed include the contract, understanding intent of contract language, impact of IBB on OHSU as a whole, and relationships after negotiations.

One "outcome of IBB was a contract" between ONA and OHSU. The "intent of the contract language is better understood" because discussion during IBB was extensive and open. However, this "doesn't mean that there are no disagreements" or grievances between the parties. At monthly meetings the parties are "beginning to document intent" and distribute notes of clarification regarding contract administration as necessary. The clarifications agreed to during these meetings will "need to be incorporated into the next contract". Unfortunately, some

OHSU and AURN IBB interviewees "feel left out of the meetings" and believe some of what they bargained for has been "given away".

Table 10

Category 8 Resolution of Issues: Interviewee Comments

POSITIVE COMMENTS	IDEAS FOR CHANGE	NEGATIVE COMMENTS
"I resisted early agreement; I was skeptical"	"we should identify interests together"	"IBB made the parties agree too quickly, because they wanted the process to work"
"we were able to put off some decisions without derailing the process"	"do not do fact finding next time"	"lack of feedback from the groups resulted in votes against the solutions proposed"
"more brain power was available than with the old way"	"costing out together would prevent misunderstanding"	"we did not use fact finding as a problem solving tool"
"we did not package articles or trade one for another"		"work groups felt overwhelmed by the amount of work they had to do"
"the OHSU team decided to do money the IBB way by revealing how much they had"		

A second outcome of IBB cited by the interviewees was the creation of "lasting working relationships". Because a "dynamic relationship between AURN and OHSU has been spawned" from IBB, there is "tension between the static contract document and the ongoing discussions" between the parties. Despite some disagreements, the relationship between OHSU and the Association of University Registered Nurses (AURN) is "far superior" to post-negotiations relationships of the past.

A third outcome of IBB identified by the interviewees is that "contract administration is vastly improved" because the parties know that a reasonable discussion will take place using the IBB approach to problem solving. Since completing the IBB process and implementing the new contract, "monthly [AURN/OHSU management] meetings have been held to discuss issues" that have arisen. The AURN/OHSU management meetings were initiated by the AHD in the Fall of 1990. Prior to this, the parties had met during the steps of the formal grievance process provided for in the contract and "disputes were rarely resolved".

At the AURN/OHSU meetings currently being held, "step two grievances are often discussed". Because the AHD is the management representative who rules on many

grievances at step two, the group has been able to discuss and "fix several grievances". Other issues are resolved before grievances are filed. There has been "no involvement of state level people in grievances since IBB was completed".

Interviewees recognized a fourth outcome of IBB as the impact its use by AURN and OHSU will have on other collective bargaining relationships. The state endeavored to exert control over the IBB process to "prevent a precedent from being set that it might find unacceptable". The actual "precedent being set was the employment of interest based conflict resolution". An American Federation of State, County, and Municipal Employees (AFSCME) bargaining unit recently completed negotiations with OHSU using IBB. AFSCME "did not debate whether to use IBB, but how". The "potential for spread of interest based negotiations is great" since there are many AFSCME locals which bargain with the state. Others have observed the IBB process and "are learning from our [the AURN/OHSU] experience".

A fifth outcome of IBB, according to the interviewees, is the transfer of problem solving skills and understanding of conflict resolution dynamics to other areas. Interviewees reported that they now utilize

the interest based approach to negotiations in settings not as formal as contract negotiations.

Table 11

Category 9 IBB Outcomes: Interviewee Comments

POSITIVE COMMENTS	NEGATIVE COMMENTS
"if the IBB method is widely used, roles and expectations at OHSU will change"	"AURN members do not understand the relationship we have with managers and accuse us of sleeping with management"
"IBB fits with the strategic plan to respect workers and recognize their input as valuable"	
"we have a good contract"	
"we have been able to use the IBB process outside formal negotiations"	
"the parties now talk more openly and freely"	
"the intent of the contract language is better understood"	
"contract administration is much improved"	
"AFSCME got to use IBB"	

Finally, IBB seems to be compatible with and supportive of a larger culture change at OHSU which involves "decentralization of tools and decision making ability". The role changes seen in IBB involving decision making power for employees and "flattening of the

hierarchy" may spread system wide. Table 11 provides examples of interviewee comments from the IBB Outcomes category.

Suggestions for Change in the IBB Process

The comments presented below represent the evaluator's analysis and resulting recommendations for change in the IBB process as utilized by AURN and OHSU. These suggestions for change represent only some of the possible solutions to address the interests that interviewees brought forward during their interviews. Suggestions are based upon the interviewee responses, the evaluator's personal experience as an AURN team member during both positional and interest based negotiations, and review of notes and documents generated during the IBB process.

The suggestions are presented according to seven of the nine categories previously discussed. No suggestions for change were made based on Category 1: Overall Impressions of IBB or Category 9: IBB Outcomes since they did not pertain specifically to the mechanics of the IBB process. Suggestions for change based on categories two through eight are outlined below.

Category 2: Groundwork

- provide information about IBB before training begins

- provide a bibliography for those who would like to read more about interest based negotiations prior to training
- meet as separate teams or as an entire group to relay basic information about IBB prior to training
- teams should meet before training simply so they know who the other team members are
- involve the AURN and OHSU team members in decisions about the negotiations process in which they will participate
- emphasize practical skills in training, less theory (use health care related scenarios, discuss how communication between and within groups might occur, and plan how proposals will be written)
- make a decision to use IBB before engaging in training
- describe role changes that may occur during IBB
- outline role expectations (no chief spokesperson, AURN team members to represent entire bargaining unit)

Category 3: Relationships Among Negotiators

- during negotiations, make available more time for meeting as teams
- involve new negotiators socially, not just as workers
- utilize a buddy or mentor system being careful not to pass along biases stemming from positional bargaining
- have team members identify their strengths and

weaknesses and special interests to each other so they may support one another

Category 4: Communication Among Negotiators

- work group notes should be combined with main table notes
- work group notes should be distributed to all negotiators for review
- establish a phone tree for each team
- communication should be maintained within teams, if not among the entire group, at least weekly during gaps, such as resulted between mediation and fact finding, in the negotiations process
- provide pertinent documents, such as the ground rule agreement, to all negotiators
- inform all negotiators of IBB related activities (education day for managers)

Category 5: Relationships with Constituencies

ONA to AURN

- more frequent and detailed communication with the AURN members about negotiations
 - explain the interest based method of solving problems to AURN members
- educate AURN unit representatives about IBB and the negotiations process to facilitate communication with as

many AURN members as possible

- provide training in interest based problem solving for the Unit Based Practice Committees to increase familiarity with the process
- actively solicit AURN members to observe the negotiations sessions
- distribute contracts as soon as possible after negotiations are complete
- provide fact finding information to AURN members before the meeting to vote on the recommendations is held

OHSU to Managers

- foster use of IBB techniques within management groups
- provide instruction in grievance handling using IBB skills for managers
- actively solicit managers to observe the IBB process
- involve managers in the monthly AURN/OHSU meetings to keep them current in contract administration and to prevent feelings of forfeiting gains they had made at the bargaining table

ONA/OHSU to State

- involve additional state representatives in training or in negotiations if they agree to proceed with an interest based approach
- avoid bringing a state representative back in to the

process after they have been absent

- have the state representative explain why the Executive Department is concerned about language in the AURN contract and how the contract may impact other state bargaining units

- have the state discuss their interests at the time the joint list of interests is created

Category 6: Process

- consider changing the work group format

- if work groups are retained, provide a tighter schedule in the early stages of negotiations to assure that work group members have time to meet with their respective teams before work group ideas are discussed with the whole group

- do not set up the negotiations schedule expecting to engage in a "blitz" of several days in a row or to negotiate all night

- establish the negotiations schedule before the work schedules of AURN participants are set

- arrange for a more equitable method of reimbursement for AURN alternates

- secure facilities that have adequate break out rooms to accommodate the work groups

- do not hold negotiations at a site that requires a long

commute

Category 7: Roles

- involve seasoned mediators and ONA Labor representatives who will be able to share control of the process with other participants
- define the work group scribe and team secretary roles to facilitate better record keeping and distribution
- hire a non-negotiating recorder to keep notes of whole group discussions
- share the same record of negotiations if it is kept by a neutral third party (jointly approve notes taken by a third party after each negotiations session)

Category 8: Resolution of Issues

- promote communication from the work groups to the teams and whole group (schedule time for this communication so groups may relate progress and discussions, get feedback, and prevent duplicate and contradictory efforts)
- discuss expected behavior in groups, stressing that staunch defense of an interest is acceptable and conflict will occur
- in order to encourage open discussion, do not place a manager and nurse who work together on a daily basis in the same work group
- identify interests jointly or as separate teams

depending on group comfort, in either case, the result must be one list of interests about which joint brainstorming of ideas concerning each interest occurs

- do costing out of proposals together to increase understanding and prevent mistakes
- if IBB is used again and fact finding is necessary, alter the approach to fact finding to reflect the interest based negotiations process (for example, inform the fact finder of the interests the group is attempting to satisfy)

DISCUSSION

The discussion section contains information regarding potential utilization of evaluation findings, a suggested discussion agenda for the post-evaluation AURN/OHSU meeting, discussion of what makes a negotiation interest based, a conceptualization of IBB experience as a change process, and topics for further inquiry.

Potential Utilization of Findings

Describing the IBB process has provided others with an example of how traditional, chiefly adversarial methods of bargaining can give way to successful collaboration. Analysis of the interview information has identified issues that may arise so that others may avoid pitfalls while planning their own processes.

Responsibility for transferring the model and conclusions to another context lies with the parties who wish to use a collaborative negotiations approach.

In addition to providing information for other negotiators in other settings, the evaluation findings will benefit the AURN/OHSU collective bargaining relationship. All IBB participants will receive a summary of the interview findings and the suggested agenda of discussion items that may be used at a group meeting. Arrangements for a meeting of all IBB participants will be made by the evaluator. The desired outcome of this meeting is a plan, arrived at through collaborative negotiation among IBB participants, for improving future negotiations between AURN and OHSU. The suggested discussion agenda follows.

Suggested AURN/OHSU Discussion Agenda

The discussion agenda items were written to reflect interviewee comments, and were included based on where there was disagreement between interviewees or areas of strong feeling. All interviewees were asked to identify other IBB participants who held opinions contrary to their own. Not one interviewee was able to correctly do so. Two interviewees suggested someone who they felt had different opinions about IBB, but the guesses proved

wrong. This indicates that this evaluation process was warranted to reveal what IBB participants' interests and needs are regarding the next negotiations session.

The agenda items have been presented as interests in keeping with the IBB method of conducting discussions that was utilized by the group during negotiations. The meeting attendees may elect to discuss some or all of these interests, as well as contribute additional interests to the list. The group will need to negotiate among themselves to determine how negotiations to replace the ONA/OHSU contract which expires June 30, 1993, should be approached.

Interest 1: utilize an approach to negotiations that has a good chance of being successful

Interest 2: utilize an approach to negotiations that does not damage relationships between the negotiators

Interest 3: use issue resolution discussion groupings that are effective and efficient

Interest 4: keep well apprised about what other work groups of which I am not a member are discussing (assumes work group format)

Interest 5: participate in training which prepares one for what they need to do during negotiations

Interest 6: improve communication between all negotiators

Interest 7: improve communication between work groups and the AURN and ONA team (assumes work group format)

Interest 8: use negotiating sessions efficiently

Interest 9: improve communication about IBB with the state, AURN membership, and OHSU managers who are not at the table

Interest 10: improve relationships within bargaining teams

Interest 11: schedule negotiations at reasonable times

Interest 12: negotiate for reasonable amounts of time

Interest 13: produce a record of negotiation discussion that is complete and accurate

Interest 14: avoid fact finding

Interest 15: provide some type of compensation for all AURN negotiators

Interest 16: not having to juggle a work schedule to accommodate bargaining

Interest 17: negotiating at facilities that are adequate for our needs

Interest 18: spend as little time as possible commuting to negotiating sessions

What makes a Negotiation Interest Based?

Several interviewees commented that negotiations

about money were always positional. In contrast, several interviewees felt that OHSU had dealt with money in an interest based manner by revealing, to the best of their knowledge, how much money was available to apply to the ONA contract. There was not an incremental disclosure of monetary resources accompanied by a compromise approach to conflict resolution that had OHSU starting low and AURN starting high and meeting somewhere in the middle.

The reality is that there is a finite amount of money. But, the reality is that all the other articles had a finiteness involved in them, too. For instance, everyone knew that the parking article was not going to read: "All AURN nurses shall receive free parking anywhere on campus at any time of the day."

The idea of "bottom lines" and what the core of IBB truly is emerged in one interview. The interviewee wondered if the AURN and OHSU teams sent people to work groups with specific goals to accomplish, had the IBB process been abandoned? Next, the interviewee countered with the thought that work groups must have parameters within which to work, but need a free hand to negotiate original solutions.

This evaluator does not think that having a bottom line feel for what is reasonable, based on objective

standards, about topics of negotiation negates the IBB approach. For example, the interest that AURN nurses be paid a wage that is locally competitive is different than demanding a twenty percent pay increase. Lending credence to the perception that AURN and OHSU approached money issues in an interest based manner is the fact that this negotiation was the first time that there was agreement between the parties regarding to which hospitals OHSU should be compared to determine competitiveness of wages and differentials.

If bottom lines prevent open discussion and sincere consideration of creative solutions that will meet the interests of both parties, the negotiation has probably become positional. It is the style of the interaction that is determinative.

IBB as a Change Process

Moving from a position based to an interest based negotiations approach was a major change for AURN and OHSU. Application of change theory concepts could be beneficial when attempting to implement an interest based negotiations and preserve the approach after formal negotiations have ended. Figure 2 illustrates the similarities between the change concepts of Kurt Lewin and the IBB process.

Figure 2. Similarities between Lewin's Change Theory and the AURN/OHSU IBB Process

<u>IBB</u>	<u>Lewin</u>
Creating Commitment	Unfreezing
IBB Process	Moving to a new Level
Contract Administration	Refreezing

Lewin (1964) described a process of change which contained three phases: unfreezing, moving to a new level, and refreezing. Lewin also conceptualized changes in human behavior as being the result of forces acting on a person at a particular point in time. For a person to unfreeze in order that they might change, forces pushing toward unfreezing must be greater than those supporting the status quo (Lewin, 1964).

The idea of unfreezing captures the essence of one of the key elements of IBB, creating commitment. Forces pushing the negotiators toward the new IBB method included dissatisfaction with the old approach, evidence of commitment of resources, and commitment of the AHD and ONA Labor Representative to IBB. Forces working against creating commitment for IBB included lack of information, lack of trust between the parties due to a past bad

bargaining relationship, and little involvement of many negotiators in the decision to use IBB. Unfreezing had occurred when commitment was attained and the AURN and OHSU teams agreed to pursue IBB.

Lewin's next phase of change, moving to a new level, was evidenced by the actual carrying out of IBB with significant alterations in negotiation interactions. Interviewees confirmed that the bargaining was different than in the past citing no posturing, joint development of solutions, and explaining of interests as some examples of change in the negotiations process.

This evaluator does not believe that refreezing in the IBB mode has occurred. With formal negotiations over, the AURN and OHSU groups have moved into contract administration. This involves many people who did not participate in IBB, who may not understand the approach and have not had a chance to practice IBB techniques. Some grievance handling and AURN/OHSU meetings proceed in an interest based format, but some interactions revert to old, position based habits. Some IBB negotiators appear to have refrozen in the IBB mode, while others have not.

Assuming that AURN and OHSU desire to use an interest based approach to resolve their conflicts during contract administration, their concern now should be to

refreeze attitudes in the IBB mode. Forces must be created to support the change and prevent discontinuance of IBB behavior.

Additional Inquiry

Further inquiry into the specific case of IBB as used by AURN and OHSU involving stakeholders who were not active participants in the IBB process such as AURN members, ONA staff, members of other state employee unions, and additional state Executive Department representatives could serve to further improve labor relations between the parties and relationships with constituencies. Research into how best to apply change concepts to promote a shift from positional to interest based negotiations could also be beneficial.

Questions to explore include:

- 1) Is contract administration proceeding in an interest based atmosphere? If not, how could this be promoted?
- 2) Are the Unit Based Practice Committee discussions and task force deliberations being conducted in an interest based mode?
- 3) How can use of the IBB concepts be promoted at OHSU?
- 4) How can the AURN negotiations benefit from the AFSCME/OHSU experience?
- 5) What are the perceptions of the AURN membership/OHSU

managers about IBB?

6) How can other ONA bargaining units be helped to utilize IBB concepts in their negotiations?

7) How can refreezing of attitudes and behaviors in the IBB mode be accomplished?

8) What was the cost of IBB compared to positional bargaining?

CONCLUSION

This paper had described an evaluation of the interest based bargaining (IBB) process utilized by the Association of University Registered Nurses (AURN) and the Oregon Health Sciences University (OHSU). The evaluation was undertaken with the hope that the findings could help to improve the collective bargaining relationship between AURN and OHSU, as well as provide information for others wishing to implement IBB.

A constructivist, responsive approach to evaluation was used to gather information. This framework was chosen because it parallels the collaborative conflict resolution style embodied in IBB. This evaluation involved interviews with IBB participants. Further evaluation of the AURN/OHSU IBB process will follow the interviews at a meeting of IBB participants. All IBB participants will be invited to discuss the evaluation

findings and to plan their next negotiation process.

Interviews were conducted with eleven IBB participants, chosen as key informants, during which they related their perceptions of the IBB process. Interviewee comments were then analyzed using a categorization process. Findings which ensued from the interview analysis related to the specific AURN/OHSU IBB process and to interest based negotiations in general. Reported findings were: 1) a description of the AURN/OHSU IBB process, 2) key IBB elements, 3) characteristics of IBB illustrated by interviewee comments, and 4) the evaluator's suggestions for change in the IBB process as implemented by AURN and OHSU. An additional product of the evaluation was an agenda of suggested discussion items to be used at the meeting of IBB participants.

The meeting of IBB participants will be held before the next contract negotiations between AURN and OHSU. A meeting to discuss how to conduct these negotiations will be particularly important since the Oregon Nurses' Association (ONA) Labor Representative who participated in the first AURN/OHSU IBB process will not be involved in the next negotiations. Hopefully, the meeting will afford the Association of University Registered Nurses and the Oregon Health Sciences University bargaining

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teams an opportunity to acquaint the ONA Labor Representative with IBB and to create commitment among all negotiators toward another interest based bargaining process.

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Appendix A

Glossary

arbitration - procedure wherein parties unable to resolve a problem themselves agree to be bound by the decision of a neutral third party

collective bargaining - process whereby representatives of employees and management determine the wages, hours, and working conditions of employment; composed of two phases contract negotiations contract administration

contract administration - day to day enforcement of the collective bargaining agreement involving the grievance procedure and often labor/management meetings

contract negotiations (negotiations) - conflict resolution process wherein employee and employer representatives engage in joint discussion for the purpose of establishing the wages, hours, and working conditions of employees; final product is a written document, or contract

fact finding - a dispute resolution procedure resulting

in a non-binding, third party recommendation for settlement of all unresolved subjects of negotiations; recommendations are offered after each party presents their arguments at a fact finding hearing; in Oregon the parties must accept or reject the fact finder's recommendations in toto

Grievance procedure - a process designed to assist labor and management to resolve disputes over contract administration; the grievance procedure is spelled out in the contract and usually involves several steps each with its own filing and response deadlines and a different management representative hearing the arguments; unresolved grievances may proceed to arbitration at which time a neutral third party makes a binding decision regarding the grievance in question

interest based bargaining - an approach to contract negotiations that emphasizes discussion of interests and needs between the parties and joint identification of solutions; promotes collaborative conflict resolution

mediation - non-binding, third party effort to voluntarily secure an agreement between the parties on

unresolved subjects of negotiation; the third party serving as mediator relies upon persuasion, shuttle diplomacy, and face saving techniques to facilitate discussion

position based bargaining - an approach to contract negotiations in which parties come to the bargaining table with proposed contract language; promotes non-collaborative approaches to conflict resolution such as avoiding, accommodating, competing, and compromising

tentative agreement - agreement on a subject of negotiation; usually occurring item by item, tentative agreements are usually conditional on total agreement on all subjects of negotiations

Appendix B

Letter Explaining Evaluation Process

Date: March 18, 1992

To: All Interest Based Bargaining Participants

From: Ann Kirby

Subject: Evaluation of Interest Based Bargaining

In order to fulfill requirements for the Master of Science degree at the Oregon Health Sciences University (OHSU) School of Nursing, I will be evaluating the interest based bargaining method that was used by the Oregon Nurses' Association (ONA) and the OHSU during their last contract negotiations.

Marilee Donovan, OHSU Associate Hospital Director, Associate Dean for Clinical Practice, Professor, OHSU School of Nursing-Community Health Care Systems, and Tanya Collier, ONA Labor Representative, have endorsed the project. My Master's Research Proposal Committee, composed of Marilee Donovan, Donna Jensen, Associate Professor, OHSU School of Nursing-Community Health Care Systems, and Leslie Ray, Assistant Professor, OHSU School

of Nursing-Community Health Care Systems, have approved my proposal and given me the green light to begin the evaluation.

I will begin the IBB evaluation process by interviewing a sample of IBB participants who represent a variety of roles and have varying experience levels with bargaining. If my sampling procedure results in the selection of your name, I will contact you to see if you are willing and able to participate in an interview. You may decline to be interviewed without suffering any consequences.

Interviews and possible follow up questions will take approximately one hour of your time. I will be audio tape recording the interviews to facilitate analysis of the information provided. These tapes may be heard by my committee members Donna Jensen and Leslie Ray, but will not be heard by Marilee Donovan in order to protect the confidentiality of interviewee responses. Your identity will not be stated on the tape and all data published as a result of these interviews will be anonymous. The information gathered in these interviews will be compiled in aggregate form and distributed to all IBB participants to review.

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In order to allow each person's interests to be heard, in keeping with the style of our IBB process, a gathering will be planned to bring all IBB participants together. The interview results will serve as a catalyst for further discussion. Together we can plan a better negotiations process for next time.

Please feel free to call me (494-8176 or 775-9671) or my committee chairwoman, Donna Jensen (494-7709), with any questions or concerns you have regarding this evaluation.

Sincerely,

Ann Kirby, RN

Appendix C

Interview Guide

- What is your opinion of IBB?
- How do you feel about IBB?
- What do you think of IBB?
- What was IBB like for you?
- What happened during IBB?
- What was your role in IBB?
- How effective/ineffective do you think IBB was?
- What was positive/negative about IBB?
- What did you like/not like about IBB?
- Should the IBB format be used again?
- What should be changed/kept the same in the IBB process?
- How would you like to see bargaining proceed next time?
- Why did IBB work/not work?
- What things that you liked or thought were positive about IBB might others see differently?
- What things about IBB that you disliked or thought were negative about IBB might others see differently?
- Were relationships different during negotiations this time?
- Did you notice any differences between these

negotiations and others you have participated in?

- Would you like to participate in other negotiations using the IBB approach? Why? Why not?

INTERVIEW #1 ADDITIONS:

- How do you think interactions with the state went? How could this be changed in the future?
- Were there problems in the small groups in terms of people dominating or not expressing their interests? If so, how could this be changed?
- How did the small group members bring information back to the full team (OHSU or ONA)? Were there problems/positives with this?
- How was the training? Are there ways the training could be made more beneficial?
- How did the process of identifying interests proceed with your bargaining team? Should this be done differently?
- Was time scheduled efficiently? In what ways might different scheduling patterns benefit bargaining?
- Did anyone get out of hand and need to be reminded of the process? Do we need to discuss handling of these situations in training?

INTERVIEW #2 ADDITIONS:

- How did you feel about following the time line for

mediation, fact finding, and strike notice? Did this help or hurt the IBB process?

- Should we have done some preparation before the training session? What would people really do?

- Did you think the feeling of IBB was carried out for the whole process? Was there good rapport between teams?

- Did having a broad range of negotiations experience help/hinder the IBB process?

- Do you feel you understand the intent of the language we negotiated better than with the traditional method?

- NEW PEOPLE: Did you feel devalued by management?

- Are you happy with or disappointed with what we were able to get in the contract?

- Did keeping the economic issues separate from the others help resolve both types of issues? Did it decrease packaging articles together and allow focus on each article for its merits?

- Should we do our costing out together?

- Was IBB risky?

- How did your role change? Was this OK?

- What was the impact of the Unit Based Practice Committees/Labor Management group on negotiations?

- Was obstructionist behavior rewarded? Was collaborative problem solving rewarded?

INTERVIEW #3 ADDITIONS:

- How was IBB decided upon?
- How did you assign people to work groups? Did the assignments to work groups work out?
- How did the record keeping in your work group work?
- Did you have confidence in yourself and other team members to function well within their work groups?
- How did floating of the AHD/ONA Labor Representative between groups work?
- What about the mentor program (ONA)? Did OHSU have a mentor program?
- Debriefing after negotiations? Together, as teams?
- Do we need to explain the IBB process to other managers and ONA members?

INTERVIEW #4 ADDITIONS:

- Was there more problem solving in the big group later in the IBB process?

INTERVIEW #5 ADDITIONS:

- How did old and new people merge?
- How did work groups select scribe and facilitator?
- What was the impact of rejection of fact finding report on IBB?
- Were there gaps in the scheduling due to mediation, fact finding time line?

INTERVIEW #6 ADDITIONS:

- NONE

INTERVIEW # 7 ADDITIONS:

- What were the team forming issues for OHSU?
- Did the state make their interests known up front?
- What are the broader implications of IBB for OHSU?

INTERVIEW #8 ADDITIONS:

- Did we agree too quickly in order to make IBB work?

INTERVIEW #9 ADDITIONS:

- NONE

INTERVIEW #10 ADDITIONS:

- NONE

INTERVIEW #11 ADDITIONS:

- NONE

Appendix D

Interview Summary Sheet #4

- I was very wary of IBB, but I was in on conference call with 5 other people to set up training, I felt bought in more because I got to plan, Jane Doe was the reason we did IBB, she did not want to do positional bargaining
- training was good to get us formed as a group, the nurses might have been ahead of the managers because of their use of the nursing process method of thinking
- the IBB process decreased conflict, it took a year to mend and then we were right back on the opposite sides of the table, relationships were undamaged throughout IBB, not necessarily improved relationships - I've known some of these people too long to change my opinions about them
- it would have been best to meet our team ahead of time, we did not know their strengths or weaknesses, reading books about IBB might have been nice, but lots of books also dispute the method, some background info. might have been OK
- introductions at training were good, managers and nurses were one big group
- during the training I felt at times we were led like

sheep, they did not give us a lot of credit for what we knew, we needed to be able to identify our own interests, but it depends on the person

- it was a shock for the alternates because they were involved full force

- we were separated too soon, we should have identified our interests jointly, we just got the feel of being a group and then we were split up to do the important work

- we did not get pitted managers against nurses, the small groups of nurses and managers really bonded together, camaraderie developed in the small groups, the big group often voted against the small groups

- small groups with single issues did OK, I felt other groups had too much to do, my group had no trouble bringing information back to the big group, but it was not often well received

- record keeping in the small group was OK, it would be nice to have a recorder who was not part of the group, it is difficult to participate and record

- attempts to structure the time more might not have worked, sometimes groups needed outside people to come talk to them

- there was not enough time to hear and have input into the small groups of which I was not a part, I think this

is why the small group ideas were often nixed in the large group, toward the end we started to work out details in the large group

- I was not comfortable sending my team members off on their own to the small groups, we did not know each other well enough

- we did not know each other so we could not have planned the groups much better, I would like to hand pick bargaining team members next time, we need to meet ahead of time next time, pick people who have skills and knowledge we need during bargaining

- My group had all strong members except one, other groups probably had quiet and dominant members, it might be best to split managers from the nurses who work for them to encourage expression of ideas

- ONA had a "mentor program" where the old timers were supposed to bring in the new members of the team, it did not last long, we greeted them well the first day or two and then it went away, we should do it next time, but more importantly we should pick the right people up front

- some people were very frightened and overwhelmed, felt there could be repercussions for stating opinions

- if people got out of hand and fell away from the process they were dealt with by the group at the time,

example of Jim Smith picking out one ONA member to talk with, this stymied the group process, Jane Blow was notified and talked it out with Jane Doe, the staff nurse never knew about our concerns

- Jane Doe might have been too new to the process, we all need to be decision makers as a team, it bothered me that some people wanted to work out all the money issues alone, the nurses did not let this happen

- diversity of backgrounds/experience hurt in that some people felt their unit was the center of everything, did not work for all hospital nurses

- new people suffered little of devaluing rhetoric, some posturing probably occurred in small groups, but not to the extent it would have if we used positional bargaining, there was some confrontation in small groups

- the biggest problem with this whole process was that I could not participate in more small groups, we could have solved some more things in the large group

- using the mediation, fact finding, strike notice deadlines was good, we knew what we had to do, we had to get a contract using IBB or the old way, we knew there was a plan B

- when we did come back to the table as a whole group we did not revert to the positional style of bargaining

- I don't think I understand the intent of the language any better know, it almost seems that we need more clarification now than before, maybe it's because we meet monthly and the relaxed format for discussion makes us talk about more issues
- ONA and OHSU ended up being a coalition against the state in the end on money and insurance, the state actually spent more \$ than they needed to to settle on benefits
- There were state reps at the training, that was good, however, they thought IBB was doomed, it is frustrating when the person who can say Yes to the agreement is not at the table
- historically \$ issues were kept until last, it allowed the group to get experience with the IBB process so that they could deal with the \$ as a group and not break from the process
- costing out should be done together, we might disagree about OPE (Other Payroll Expenses), but we could save mistakes and effort
- I'm pleased with what we got in the contract, some things like payroll and parking are out of my control, but we are making progress
- this process put relationships at risk, we had to trust

each other and I was not ready to do that, I wanted to have a broader input and view of the process

- Unit Based Practice Committees were good to delegate some decisions to, but some UBPCs are not operating well, the ONA/OHSU monthly meetings were not going on long enough to impact negotiations, now we see how valuable the meetings can be, the old Labor/Management committee was pretty worthless

- some of the new people took over aspects I had always had control over, I didn't like it at first, eventually some team members started to exert more control and that worked fine, some members are stronger

- at the end of bargaining we just walked away, we should have done a debriefing, something like you are doing now

- relationships that ONA members have with managers are sometimes confusing, the grievant sometimes feels like we're sleeping with management

- we probably need to communicate more to the members about the process, our newsletter is mediocre

Appendix E

Cover Letter accompanying Interview Summary Sheet

DATE

Dear XXXX,

Thanks again for allowing me to interview you regarding the Interest Based Bargaining process used by the Oregon Nurses' Association and the Oregon Health Sciences University.

Enclosed you will find a summary of your interview. Please look over this summary and let me know if I have accurately portrayed the information with which you provided me. I want to be sure that the information I analyze represents your statements correctly. If you find that modifications are in order, please call me with the necessary changes. In addition, if you think of anything you would like to add to your interview comments, feel free to call me with that information, too.

Sincerely,

Ann Kirby, RN (H) 775-9671, (W) 494-8176

Appendix F

Items Comprising the General Area of ConcernStaff Development and Education

General Area: Staff Development & Education

Interests:

- recognize certification
- expand staff development program
- clarify logistics of staff development support
- increase internal promotions and developmental opportunities
- flexibility in using continuing education money

Ideas generated by brainstorming:

- automatic certification payment (RNs must currently request)
- certification be part of the current career ladder
- paid time off for taking certification tests
- separate education fund for mandatory classes
- mandatory class costs covered by OHSU
- define "mandatory" education requirements
- education day provided for completion of mandatory modules
- increase dollars provided for staff education
- more paid education days

- easier securing of education days off
- unit based practice committee should be involved in decisions about awarding of education money
- practice relevant education funding
- inservices provided for all shifts
- hospital wide inservices
- cross training between hospital and clinics
- funds set aside for education do not revert back to OHSU at end of year
- funds set aside for education do revert back to OHSU at end of year
- education funds disbursed quarterly by ONA
- review certification acceptance requirements
- payment of fees related to course work for maintenance of licenses
- funds for journals and books
- nursing grand rounds and case study discussions
- reimburse BSN/MSN tuition
- advocate to assist return to school for BSN/MSN
- prepayment of tuition
- put rules for obtaining certification bonus in contract
- minimize certification bonus paper work

Appendix G

Ground Rules Established during Training

- bargaining teams will be composed of four members and an expanded list of alternates
- a sub-committee approach will be used to deal with specific issues
- the bargaining teams will determine their respective sub-committee members
- the authority to make tentative agreements rests with the bargaining team as a whole
- to maintain the integrity of the process, tentative agreements reached prior to April 6 should be honored
- possible activities of sub-committees include brainstorming, data gathering, necessary consultation, and developing and recommending solutions
- the sub-committees will develop contract language
- sub-committee members will keep their own constituency informed of progress on specific issues
- the parties agree to meet 2/20, 2/26, 3/12, 3/19, 3/26, for bargaining and sub-committee work
- a final three day blitz combined with mediation is scheduled for 4/3 - 4/5
- the goal is to have a ratified contract by 6/30/91

- by 4/31 the parties must initiate fact finding
- external communication shall be non-inflammatory and focussed on the problem
- the media will not be involved prior to 4/6
- observers will be informed of the new approach to bargaining
- alternates will be released from work and may use vacation, comp time, or approved leave without pay