EQUAL EMPLOYMENT OPPORTUNITY IN A CLIMATE OF MANAGING
DIVERSITY: AN INSTITUTIONAL STUDY OF PERSONNEL PROCESSES OF
THE PENNSYLVANIA STATE POLICE

by

Bradley Victor DeGeorge

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APPROVED:

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Thomas H. Roback, Chair

---
Larkin S. Dudley

---
Frank J. Landy

---
Larry M. Lane

---
James F. Wolf

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Committee Chair: Thomas H. Roback

Center for Public Administration and Policy

(ABSTRACT)

This dissertation studies how equal employment (EEO)

programs changed ongoing personnel processes of a police

organization. It uses an institutional approach of sense-

making, which treats personnel processes as interpretive

systems to examine the effects of EEO on personnel processes

and the idea of managing diversity.


The research employs the case study methodology to

examine personnel processes of the Pennsylvania State Police

(PSP). This organization has operated under a federally

monitored affirmative action decree since 1974.


Findings confirm that EEO and affirmative action

altered PSP personnel processes. Change was resisted, but

nonetheless did occur slowly because of powerful and

persistent constitutional/legal and political demands on the

organization. This environment-organization interplay

resulted in ideals of EEO and employment rights penetrating

PSP personnel processes.  In 1972 personnel processes reflected organizational characterizations to include unquestioned authority, seniority, and regimented structure, which clashed with EEO ideals.  By 1993, EEO ideals of equality, equity, and fairness prevailed.

The implementation of EEO policies provided for a more representative workforce in police organization.  As more minorities and women enter the organization, the need to manage diversity arises.

The data shows that managing diversity lacks the institutional imperative to bring about change to management and administrative behaviors as EEO did.  If managing diversity becomes a desirable practice in the PSP, its institutions must incorporate its value of differences in light of EEO.  This value would factor into setting goals, monitoring progress, and evaluating results of each employee.  Theoretically, this practice would give the PSP the means to recognize differences when rewarding or remediating performance yet still honor constitutionally and politically mandated ideals of EEO.

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Many people participated in the completion of this dissertation. I would like to express my appreciation to those who made this research effort a success.

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Commissioner for Operations, provided logistical assistance with the research methodology. Lieutenant Colonel Robert R. Einsel coordinated the overall research effort with the department and resolved a few matters that potentially could have hindered data collection. Many others generously shared of their time and recollections by participating in the interview process. They all were invaluable as resources without which this dissertation would have been incomplete.

Since this study focused on Pennsylvania State Police personnel processes, the contributions made by Wayne Dowling, Director, Bureau of Personnel, and Linda M. Bonney, Director, Personnel Management Division were fundamental. I should add that their contributions actually precede this dissertation. They began with my personal development while I worked in the personnel bureau before doctoral studies at Virginia Tech. I often think of their high professional standards and honesty. In addition, I am thankful to Linda M. Bonney, and her husband Dale, who opened their home to me and reduced my expenses while I collected data in Pennsylvania.

# DEDICATION

I dedicate this dissertation to my parents,

to mom,

Virginia Louise DeGeorge

and to the memory of dad,

Victor Donald DeGeorge,

"for their lifelong love and encouragement."

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CHAPTER 1

INTRODUCTION

Background of the Problem

Over the last several decades, police administrators have faced an important human resource demand that challenged their personnel practices: police staffing should reflect the demographic composition of American society. This demand for representation of minorities and women began in the 1970's with equal employment opportunity policies. It continues as a climate of "managing diversity." This requires them again to visit their personnel processes.

The political and judicial environment of police organizations mandated affirmative action programs, and it affects the very assumptions, beliefs, and values underlying personnel processes of police agencies. Now in 1995, presidential election politics and a recent U.S. Supreme Court opinion question the legality of, and the continued need for, affirmative action programs. If the history of equal employment opportunity and affirmative action is any guide, it will certainly influence how workforce diversity may change police management and administrative behaviors.

## Equal Employment Opportunity and Affirmative Action

Equal employment opportunity (EEO) in the public sector became a national policy through political actions that supported the ideal of social equity. This policy aimed to make public organizations more representative and it led to the establishment of employment rights under law.

The first significant action taken in the legislative and executive policy arena was the passage of the 1964 Civil Rights Act. Title VII of the Act protected individuals regardless of race, national origin, sex, or religion against discrimination by the private sector and labor unions with more than 25 employees. Then, in 1965 President Lyndon Johnson's Executive Order 11246 included the federal government in EEO. However, the remainder of the public sector was excluded. The Equal Opportunity Act of 1972 corrected this omission by extending EEO to unions of 15 or more employees, state and local governments, and educational institutions. After nearly 10 years, EEO finally reached the public sector on all levels of government.

Because it focused upon employment practices, EEO directly affected personnel processes. Specific

implementation and procedural guidance for public personnel administration often were mandated by, and flowed from, federal court actions. The involvement of the courts gave EEO policies the strength of constitutional law. The constitutional value of equality established EEO and employment rights in the workplace. This value supported the rule of equal treatment regardless of race, national origin, sex, religion, and age. Remedial efforts were the only exception allowed by the courts to this rule to redress earlier violations of equal treatment (Van Dyke 1990). Court rulings on affirmative action usually affected recruitment, examination, selection, and promotion.

Police personnel practices have adjusted slowly to the need to increase representation of minorities and women in the workforce. Moran (1988) suggested that much of this resistance stemmed from law enforcement administrators' beliefs that the conventional merit-system personnel practices were fair and produced a professional police force. According to Moran, law enforcement administrators believed that 1) civil rights suits disrupted police services by invalidating police personnel practices and procedures, and 2) did not result in an alternative to the

conventional merit system (274). The effect of these
practices excluded minorities and women from employment.

Voluntary or court-ordered affirmative action often
brought change to police personnel practices. In one
report, the International City Management Association (1986)
looked at 223 cities with populations of 50,000 or more and
found 116 cities had either a court-ordered or voluntary
affirmative action plan. By most accounts, affirmative
action increased representation of minorities and women in
police organizations (Roberg and Kuykendall 1993, 386-396).

In an analysis of the results of affirmative action
plans that only focused on women but illustrated the effects
of EEO mechanisms to achieve better representation of
minorities as well, the Police Foundation (1990) reported
that in police departments under court-orders to increase
minorities and women, women represented 10.1 percent of
uniformed personnel. In departments with voluntary
affirmative action plans, women represented 8.3 percent.
Finally, in those departments with no affirmative action
plans, women represented only 6.1 percent of uniformed
personnel. In a study of black officers in 46 city police

organizations over a 10-year period (1975-1985), Lewis
(1988) found that affirmative action programs provided
varied levels of improved black representation.  Lewis
concluded that federal court involvement in the
administration of consent decrees containing numerical goals
and time tables did likewise.  Both studies found that the
involvement of the courts generally brought more minorities
and women into the workplace.

The mandates of EEO reshaped personnel processes and
organizations to provide better representation of minorities
and women in the police profession.  This leads to new
challenges for police management and administration.

## A Climate of Managing Diversity

Managing diversity means to recognize and value the
differences of employees in an organization.  This approach
appears to make good business sense by 1) attending to the
changing demographics of the workforce, which will
increasingly comprise minorities and women, and 2) assuring
their effective utilization.

Managing diversity is difficult to put into practice in

the workplace because of the view that recognizing and valuing differences discriminates in the legal sense. Management practices must provide equal treatment as prescribed by legally driven legislative and judicial actions. They prevail over economically driven attempts to value differences and "to make the most of each employee" (Chen 1992, 32). The legal framework of EEO policies inadequately meets the challenges of workforce diversity. Even the 1991 Civil Rights Act section 107(a) generally precludes employers from considering race, color, religion, sex, or national origin in the employment decision-making process (Coil and Rice 1993).

Managing diversity has not been a priority for government officials, and yet they have considered the effects of social demographic changes in the future labor force. Since Workforce 2000[1] a stream of literature emerged that examines the civil service's capacity to meet the demands of the next century and finds aspects of it to be deficient. Workforce 2000 suggests connecting personnel

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[1]The Hudson Institute's Workforce 2000 (1987) looked at the changes in the social composition of the national labor force. It showed that non-minority males who made up 47 percent of the new entrants to the labor force in 1985 are expected to drop to only 15 percent by 2000.

processes with future organizational needs, particularly, recruiting, testing, selecting, training, and managing a diverse workforce.

An Office of Personnel Management sponsored study, Civil Service 2000 (1988), found that personnel managers faced several serious strategic human-resource-related problems. One problem uncovered was an increasingly more diverse workforce.

The Volcker Commission Report (1989), a federal study which focused on rebuilding the public service, found that the centralized federal personnel system may be "more of an obstacle to effective personnel management" than an aid (39). Commission recommendations drew attention to the connection between anticipated workforce demographics as suggested by Workforce 2000 and Civil Service 2000 and personnel processes. The report addressed serious strategic human-resource-related problems that face the public service, among them anticipating trends in the government workforce (40).

More recently, federal reports have focused on

questions about demographic projections and their

implications as reported in _Workforce 2000_ and _Civil Service_

_2000_. The U.S. General Accounting Office (GAO) concluded in

_The Changing Federal Workforce_ that the demographic

projections made in _Workforce 2000_ were misleading.

Nevertheless, the projections put federal workforce planners

on firmer ground to anticipate and respond to demographic

changes (1992, 67).


For example, the U.S. Office of Personnel Management

(OPM) reported that although _Workforce 2000_ and _Civil_

_Service 2000_ overstated the projections, these reports did

draw attention to significant federal human-resource-

management problems. OPM suggested that the federal

government develop strategies "to ensure adaptability and

responsiveness to the customer, particularly in the areas of

flexible personnel systems, cooperative labor management

relations and the continual development of employee skills"

(OPM 1993, 29).


In another report, the Merit Systems Protection Board

(MSPB) considered the projected demographic changes and

their implications as outlined by _Workforce 2000_, _Civil_

2000, and The Changing Federal Workforce in order to
evaluate federal agency response (1993). The MSPB found
that federal agencies had expended very few resources to
address the workforce concerns. It concluded that although
the demographic projections have been less than accurate,
any demographic changes could affect human resource capacity
of the federal workforce (37-38). The report recommended
that federal agencies 1) regularly update their assumptions
about demographic changes in the workforce and alter
personnel programs accordingly, 2) avoid becoming complacent
with current recruitment success, 3) increase attention to
issues related to an aging workforce, 4) expand efforts for
career development of minorities and women throughout the
organizational hierarchy, and 5) balance long-term
demographic projections with short-term work force needs to
include training, retraining, and development of employees
(38-40).

Workforce diversity is not an issue confined to the
federal public service. State and local government agencies
experience the same challenges. These challenges were
initially the result of EEO and changes in personnel
processes, such as those dealing with recruitment,

examination, selection, and promotion. However, in a paper on revitalizing state and local public service, Kelly (1993) suggests that they may achieve a diverse workforce and managing diversity through other actions to increase the representation of minorities and women. For example, minority and women elected to offices in state and local governments tend to appoint more minorities and women to government agencies than their white male counterparts. Therefore, at the state and local levels, greater representation of minorities and women could be found at executive and managerial levels of agencies.

The issues associated with managing diversity complicate its practice in the workplace. Riccucci (1991) suggests that workforce diversity will require new institutional approaches to personnel systems and human resource management. These provide long-term organizational commitment.

Hays and Kearney (1992) also acknowledge the need for institutional change. They suggest that changes to public personnel systems begin with an understanding of personnel directors and how they perceive managing diversity. In a

study of state personnel administration, they found that state personnel directors do reflect the gender and minority ethnicity of society.  Most striking to Hays and Kearney was that the values of social equity were still very pervasive in state government personnel systems.  These public administrators responded to their environment by embracing ideals of merit, social equity, and diversity.

Carrell and Mann (1995) studied how public personnel administrators perceived workforce diversity.  They found that diversity lacked clear and consistent meaning in public organizations.  Public personnel professionals responded evenly that diversity meant anything broader than existing EEO or affirmative action policies (103).  Only 41 percent of the respondents reported that their organizations had a diversity policy or program (102).  In these organizations, Carrell and Mann found that diversity policies lacked a consistent source or pattern for implementation.  Most often, personnel offices issued these policies followed by the chief executive and EEO or affirmative action offices (102).

In summary, changes in the available labor force

forecast greater numbers of minorities and women in the workplace. The magnitude of this demographic shift is in dispute. Yet this emphasis on workforce diversity redirects attention to personnel systems and their organizational impact. The practice of managing diversity lacks the political and legal mandates that sustain EEO and affirmative action policies. However, diversity does have a management imperative that challenges public organizations to utilize people effectively.

## Purpose of the Study

This study advances an understanding of how EEO policy shaped ongoing personnel processes in a police organization. The study moves from the beginnings of EEO to the present focus on workforce diversity in order to assess how managing diversity may apply to police management and administration. This dissertation uses an institutional approach to examine the effects of EEO on police personnel processes and to explore the idea of managing diversity in police organizations.

## Subject for Case Study

The Pennsylvania State Police (PSP), which shares

characteristics with many other police organizations, is the subject of this study.  Briefly, its history develops from the constitutional and political contexts that were part of the PSP's environment-organization interplay.  These shaped the organizational changes that occurred during the implementation of EEO.

The predominate issues that affected personnel processes were in an affirmative action consent decree.  Its provisions concerned disparate hiring, promotion, and discipline practices by the PSP.  The consent decree went into effect in 1974 and controls many aspects of personnel practices and processes that the department still operates under at the time of this study.

The Governor appoints the PSP commissioner and deputy commissioners.  The state senate confirms the commissioner's appointment.  The commissioner administers and commands the PSP, which is a cabinet-level department of the Governor.  Regarding personnel matters the State Police Commissioner will, according to the state's Administrative Code of 1929 section 711,

> ...make rules and regulations, subject to the approval of the Governor, prescribing the qualifications

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> prerequisite to, or retention of, membership in the force; for the enlistment, training, discipline and conduct of the members of the force; for the selection and promotion of such members on the basis of merit....

The PSP shares several characteristics typical of police organizations. The department operates as a para- or quasi-military model law enforcement agency. State police enlisted personnel wear uniforms with rank insignia for most job assignments. Enlisted are addressed usually by rank and surname.

The PSP is a unionized department. All uniformed personnel, except the commissioner and deputy commissioners, belong to the Pennsylvania State Troopers' Association (PSTA) for collective bargaining.

Lastly, the PSP functions as a full service police department. It provides traffic patrol, crime technical support (computer communications and forensic sciences), and administrative functions (criminal record's repository and uniform crime report compilation). The PSP serves the citizens and all other law enforcement agencies in Pennsylvania.

## Contribution of the Study

This study advances a framework of how EEO worked its way into the PSP. With this analysis, we can better assess how managing diversity fits into the management and administrative behaviors of the organization.

## Overview of the Dissertation

This dissertation is organized into two parts, which reflect the stages of research. Part I includes four chapters that provide the framework for the dissertation. Chapter 1 introduces the problem of this study, the purposes and goals of the research, and finally, the Pennsylvania State Police with its rich EEO history. Chapter 2 reviews the literature and provides an approach for viewing EEO in light of its constitutional/legal development and political perspectives, and presents literature on the practice of managing diversity. The literature also discusses the effects of EEO on personnel administration and introduces the organizational context for this study, which are police organizations, particularly their personnel processes. Chapter 3 presents the principal literature that contributes to the theoretical perspective called "institutional sense-making" that in turn leads to the framework of personnel

processes as interpretive systems. Chapter 4 presents the
research design and discusses the appropriateness of the
case study approach for this dissertation. This chapter
also documents the research activities to include data
collection and management issues.

Part II consists of Chapters 5 and 6. Chapter 5
presents the data collected in this inquiry. It describes
formal organizational changes related to EEO in the
Pennsylvania State Police. It also presents interview data
collected to interpret personnel processes.

Chapter 6 presents the findings and conclusions of the
study. It answers the research questions posed in this
study, discusses EEO institutionalization and managing
diversity in the PSP, and concludes the study.

# CHAPTER 2

## EEO TO DIVERSITY:   IMPLEMENTATION ASPECTS AND POLICE PERSONNEL ADMINISTRATION

## Introduction

The implementation of EEO has been a controversial national policy over the last several decades.  The institutional context of EEO policy implementation formed an environment-organization interplay, and this interaction changed police personnel processes.  The institutional context is characterized in this chapter as constitutional/legal development, political perspectives, and organizational context.  The constitutional/legal development section focuses on the legal institutionalization of EEO and its effects on personnel administration.  It provides a review of the important court decisions regarding EEO and affirmative action, and the changes to personnel administration that have occurred during EEO implementation.  The section on political perspectives reviews predominate and contemporary ideological positions behind affirmative action and managing diversity.  Finally, the organizational context section describes the mission, structure and characteristics, and personnel processes of police organizations.

## Constitutional/Legal Development

EEO is a national policy that began in the legislative and executive arenas. As implementation was resisted, the judicial branch of government became an active participant in establishing this policy. With the involvement of the courts came substantive changes to merit principles and personnel administration in general.

## EEO Implementation in the Courts

Belz (1991) credits the Equal Employment Opportunity Commission (EEOC) with transforming equality of opportunity to equality of result based upon numeric formula. When the federal courts adopted this approach, it polarized EEO policy, resulting in a great deal of affirmative action-related litigation.

U.S. Supreme Court cases reflect how EEO was implemented in private and public employment settings. The Court became involved with personnel practices, such as selection and promotion, that were found discriminatory and contrary to EEO.

The first significant U.S. Supreme Court case on EEO

was *Griggs v. Duke Power Co* (1971).  A unanimous Court ruled
that discrimination occurs when the proportion of minorities
in a work setting is less than proportional to minorities in
the labor force.  This test was the basis to establish
disparate impact of minority groups covered by Title VII of
the 1964 Civil Rights Act.  Once disparate impact is
determined, the employer must show that business necessity
justifies the disparity.  The *Griggs* case provided a strong
impetus for EEO.  This ruling set standards that evolved to
include the public sector.

Although divided on EEO, the Court issued several early
opinions to clarify EEO based upon the *Griggs* decision.[1]  In
*Albermarle Paper Co. v. Moody* (1975) the Court elaborated on
the standards for test validity in *Griggs*, and applied
disparate impact to class actions involving back pay awards
as a remedial relief.  One year later, the Court used *Griggs*
to interpret the constitutionality of recruitment practices
and written tests for local government (*Washington, Mayor
of, D.C., et al. v. Davis*, 1976).  In this case, the Court

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[1]Herman Belz summarizes the major U.S. Supreme Court
cases on the subjects of EEO and affirmative action in
*Equality Transformed:  A Quarter Century of Affirmative
Action*.  Court decisions reviewed here reflect Belz's
perspective on those cases.

found that a written test that had disparate impact was valid even though it was not validated using Equal Employment Opportunity Commission (EEOC) Guidelines. Here the U.S. Supreme Court set aside the EEOC guidelines in favor of the employer who validated the job-relatedness with different guidelines.

In principle, EEO is a race neutral concept. Affirmative action demands agencies take positive steps to assist minority groups identified under Title VII.

The following U.S. Supreme Court cases represent major Court rulings involving affirmative action plans:

- In <u>Regents of the University of California v. Bakke</u> (1978), the Court declared that a voluntary affirmative action plan imposing quotas for medical school admission violated Title VII. The Court, however, approved race as a legitimate factor in college and professional admission policies.

- In <u>United Steelworkers of America v. Weber, et al.</u> (1979), the Court upheld a voluntary affirmative

action plan calling for preferential treatment of blacks. Like <u>Bakke</u>, the <u>Weber</u> decision had no clear effect on remedial numerical hiring ratios in public employment.

- In <u>Firefighters Local Union No. 1794 v. Stotts</u>, (1984), however, the Court declared that a district court affirmative action plan exceeded judicial remedy authority under Title VII. The Court concluded that seniority rights of white employees were protected against minority preference under the court-ordered affirmative action plan.

- Lastly, in <u>Johnson v. Transportation Agency Santa Clara County</u> (1987), the Court upheld a public employer's voluntary affirmative action plan against a reverse discrimination claim. The Court declared racial and gender preference were justified to overcome under-representation rather than a remedy for past discrimination. Expansion of the judicial role in affirmative action policy culminated with <u>Johnson</u>, with the Court supporting

positive actions by public personnel
administration.

In the late 1980's, the Court's philosophy toward
affirmative action changed, as evidenced by seven rulings
that were all overturned by the 1991 Civil Rights Act.[2]
Four of these cases, all from 1989, directly affect
personnel administration.  Most important, in Wards Cove
Packing Co. v. Atonio, the Court overturned the Griggs
decision, which had been the foundation of EEO/affirmative
action.  The burden of proof shifted so the employer no
longer needed to prove "business necessity".

In Patterson v. McLean Credit Union, the Court limited
the scope of protection against racial bias to exclude job
harassment, discriminatory terminations or other post-hiring
employer conduct.  In Martin v. Wilks, the Court held that
white firefighters could challenge a consent decree entered
into by the plaintiffs and employer, and approved by the
lower courts years earlier.  Lastly, in Price Waterhouse v.
Hopkins, the Court allowed employers to prove that actions

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[2]United States.  "Supreme Court Rulings," from a
report titled, Federal Civil Rights Decisions of the U.S.
Supreme Court During the 1988-98 Term. (1990).

with apparent discriminatory effects may be justified if employers demonstrate they were taken for other purposes.

Congress passed the 1991 Civil Rights Act in order to overturn specific Court rulings. For example in response to the Wards Cove decision, the Act returned the burden of proof to the employer for job-relatedness of a challenged practice, but still required the complainant to specify particular adverse impact practices. In response to Patterson, the Act extended protection to all forms of racial bias. In response to Martin, the Act prohibited challenges to consent decrees by persons who had reasonable opportunity to object. Lastly, in response to Price Waterhouse, the Act provided that any intentional discrimination, even when the action could be explained by some other reason, remains an action based on a discriminatory motive, and is therefore, unlawful. Given the contentious history of EEO and affirmative action, it is unlikely that all legal disputes have been settled by the 1991 Civil Rights Act.

Yet since this act, the most significant affirmative action-related opinion issued by U.S. Supreme Court was

Adarand Constructors, Inc. v. Federico Pena, Secretary of Transportation, et.al. (1995). This case involved a non-minority subcontractor's challenge to a federal program designed to give highway contracts to disadvantaged businesses. The Court held that: 1) the subcontractor had standing to seek remedy; 2) all racial classifications, imposed by whatever federal, state, or local government, must be analyzed by the reviewing court under strict scrutiny; and that 3) remand was required to determine whether the challenged program satisfied strict scrutiny, particularly the presumption that minority-owned subcontractors were disadvantaged. The use of the strict scrutiny test here means that racial classifications imposed by government are constitutional only if they are narrowly tailored measures that further compelling government interests. In this opinion, the Court significantly limited the use of preferences to award highway contracts to disadvantaged businesses based on race. This ruling may signal the direction of the Court on deciding future affirmative action cases involving racially based preferences in the workplace.

## Personnel Administration:  Ideals from Merit to Equity

Legal challenges and judicial decisions issued with the implementation of EEO policy and affirmative action programs directly affected the concept of merit.  Historically, merit meant that public managers selected and promoted the "best qualified" candidate for a position.  This narrow definition flowed from the Pendleton Act of 1883, which reflected merit principles in phrases such as "...open, competitive examinations for testing the fitness of applicants for public service...fairly test the relative capacity and fitness [and] selections according to grade from among those graded highest...."  Merit systems were "a fair and orderly process for hiring, paying, developing, promoting, retaining, disciplining, and retiring people on the basis of ability and performance" (Rosen 1975, 7).

The 1970 Intergovernmental Personnel Act, which provided federal funds on behalf of the national interest to strengthen merit systems in personnel administration at all levels of government, expanded merit principles to be the following:

1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

2) providing equitable and adequate compensation;
3) training employees as needed, to assure high-
quality performance;
4) retaining employees on the basis of the adequacy
of their performance, correcting inadequate
performance, and separating employees whose
inadequate performance cannot be corrected;
5) assuring fair treatment of applicants and
employees in all aspects of personnel
administration without regard to political
affiliation, race, color, national origin, sex or
religious creed and with proper regard for their
privacy and constitutional rights as citizens; and
6) assuring that employees are protected against
coercion for partisan political purposes and are
prohibited from using their official authority for
the purpose of interfering with or affecting the
result of an election or a nomination for office
(Rosen, 7-8).

These principles of merit initially worked well with the

spirit of EEO laws. However, in practice and over time

merit systems often began to have a discriminatory effect

against minorities and women. This created a problem that

illustrated a broader concern for equity in terms of

representative bureaucracy and social equity concepts.

In Great Britain, the concept of representative

bureaucracy developed as an equity argument, "for a less

elite, class-biased civil service" (Krislov 1974, 19).[3] The

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[3]According to Krislov in Representative Bureaucracy
(1974), this concept as applied to class differences
attracted little interest in the United States. However, he
felt it should have because of social divisions along the
lines of race, ethnicity, and sex.

representative bureaucracy argument was summed up by
McGregor as, "...bureaucracies perform more satisfactorily
by having on the payroll adequate representation of the
major social and functional interests of a society" (1974,
18).

Representative bureaucracy was an important concept to
EEO and affirmative action.  Shafritz, Riccucci, Rosenbloom,
and Hyde show that the ideals of this concept has several
overlapping effects and intertwined meanings for public
bureaucracies:

1) all groups ought to have a right to influence and
political participation;
2) the representation of social groups in a public
bureaucracy binds members of those groups in
general to the regime and the policies it seeks to
implement;
3) a representative bureaucracy will therefore be in
tune with the general ethos of the larger
political community and consequently its
effectiveness and efficiency will be enhanced;
4) the social representatives of various groups will
seek to establish policies that are beneficial to
the groups from which they come; and
5) as a result, a representative bureaucracy can
compensate for the unrepresentative
characteristics of legislatures, courts, and other
aspects of government (1992, 229-230).

However, opponents to bureaucratic representativeness argued
that bureaucratic theory does not provide for such a
process.  Bureaucracy is impersonal, and its behavior bound

by rigid rules and procedures. Only recently has any empirical evidence been generated to show that ideals of representative bureaucracy affect the performance of public bureaucracies (Dresang 1991; Shafritz, Riccucci, Rosenbloom, and Hyde 1992). Therefore, even with an orientation to the value of equity, representative bureaucracy does not provide a strong impetus for change to merit system principles.

During the same time that representative bureaucracy was being advanced, social equity was receiving attention as an array of value, organization, and management style preferences. Social equity emphasized: equality of government services; responsibility for decisions and program implementation for public management; responsiveness to the needs of citizens rather than the need of public organizations; and an approach to the study of and education for public administration that is interdisciplinary, applied, problem solving in character, and sound theoretically (Frederickson 1980, 6).

The influence of social equity is evident in some of the merit principles that were embodied in the 1978 Civil Service Reform Act. These principles were as follows:

1) Recruitment from all segments of society, and selection and advancement on the basis of ability, knowledge, and skills, under fair and open competition;
2) Fair and equitable treatment in all personnel management matters, without regard to politics, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for individual privacy and constitutional rights;
3) Equal pay for work of equal value, considering both national and local rates paid by private employers, with incentives and recognition for excellent performance;
4) High standards of integrity, conduct, and concern for the public interest;
5) Efficient and effective use of the federal work force;
6) Retention of employees who perform well, correcting the performance of those whose work is inadequate, and separation of those who cannot or will not meet required standards;
7) Improved performance through effective education and training;
8) Protection of employees from arbitrary action, personal favoritism, or political coercion; and
9) Protection of employees against reprisal for lawful disclosures of information (Shafritz, et.al. 1992, 6).

The use of the social equity argument by the courts in the implementation of affirmative action cases shows that social equity, "had a significant effect on equalizing employment opportunities" (Frederickson 1990, 232). As such it became the impetus for substantive change to merit system practices in the years to come. Belz contends that discrimination theories developed in the EEOC under the influence of interested minority lobbying groups. These

organizations opposed traditional examination development
because they fostered social injustice (1990, 111-112).
They held that merit-based selection and promotion exams
that had a disparate impact violated EEO.  Tests that did
not result in disparate impact could provide public
employers with qualified candidates for positions.
Unfortunately for the federal government, its own testing
instrument, commonly known as the PACE, was challenged.  The
Luevano v. Campbell lawsuit raised the issue that PACE was
not validated correctly and its use resulted in adverse
impact against blacks and Hispanics.  The consent decree
that resulted from this lawsuit effectively ended the use of
the PACE instrument.

Several other court cases ensued which further
formalized a different understanding of merit for public
employers.   These court cases also involved issues related
to inequity.

An illustrative discussion of one dimension of equity
is provided by Riccucci (1991a) who examines the Johnson v.
Transportation Agency Santa Clara County (1987) case with
regard to test validity, merit, and equity issues.  She

finds that the Court adopted a very narrow construction of disparate treatment and test validity based on a numerical formula to determine equity. She concluded that continued test validity biases do not equate merit with equity, yet the discrimination debate transformed merit to include equity for test validity.

## Institutional Models of Public Personnel Administration

Graham (1990), in his examination of the implications of EEO, finds that the legislative actions and court rulings provide "guidance to managers by clarifying and interpreting the practical meaning of statutory requirements"(177). More than guidance has been provided by the national drama of the last 30 years to implement EEO policy through legislative acts and U.S. Supreme Court decisions. This legalistic approach changed the nature of the public personnel profession. Personnel administrators now know that decisions to change personnel systems are affected by more than managerial or technical needs. As Rosenbloom (1984) wrote,

> "the quest for equal employment opportunity/affirmative action has brought the involvement of several participants into the realm of public personnel management, including courts and judges, civil rights and equal employment opportunity agencies, and a variety of interest groups....[E]qual employment

> opportunity/affirmative action has the potential to
> cause a widespread revision of standard personnel
> practices (29)."

These multifarious actors play a role in a policy subsystem

or institutional level of EEO implementation.


However, the recognition of an institutional level for

personnel processes is not new. Nalbanian and Klingner

(1981) proposed a model conceptualized from Talcott Parson's

view that organizational responsibility occurs at three

distinct levels: technical, managerial, and institutional;

and, from James D. Thompson's exploration of how

organizations cope with uncertainty. Thompson's model

connects technical processes of personnel administration to

managerial and institutional levels of organizational

responsibility. The Nalbanian and Klingner model suggests

causal relationships with valences in organizing loops or

circuits that connect to form three levels (see Figure 2-1).

This model clarifies the influences of the political arena

on personnel administration--specifically the relationship

between politics and traditional merit systems. In this

model political activity exists at the technical level

to the extent that conflict and uncertainty cannot be

absorbed at managerial and institutional levels. Therefore,

7 Demand for account-ability and equity in public personnel administration

8 Agreement on criteria to be used in selecting personnel

9 Agreement on fiscal capacity and program priorities

**Institutional Level of Control and Responsibility**

6 Pressure to reduce environmental conflict which affects organization's personnel functions

1 Environmental conflict which impinges on organization's procurement, allocation, development and sanctioning of personnel

**Managerial Level**

5 Pressure to establish formal and routine organizational decision premises

2 Formalization of organizational decision premises

**Technical Level**

4 Effectiveness in dealing with clientele exceptions

3 Routinization of personnel technology

Primary Loop A (Variables 1, 2, 3, 4, 5, 6)
Internal Organizational Loop B (Variables 2, 3, 4, 5)
Deviation Amplifying Cycle (vicious circle) Loop C (Variables 1, 2, 3, 6)
Environmental Variables (7, 8, 9)

Fig. 2-1. Organizing Cycles in Public Personnel Administration

(Source: Nalbanian, J., and D. Klingner, "The Politics of Public Personnel Administration: Towards Theoretical Understanding" Public Administration Review. (October/September 1981), p. 543.)

personnel processes are more vulnerable to the effects of politics as the ideals of merit would imply.

The works of Parsons and Thompson also form the basis of Dresang's organization theory of personnel administration. Dresang (1991) defines personnel administration in contexts of technical, managerial, and

institutional domains of organizational functions (see Figure 2-2). The functions of the technical domain are those activities or tasks that produce goods or services of the organization. For personnel administration, the core activities include recruitment, selection, classification, compensation, performance evaluation, employee development, and collective bargaining.
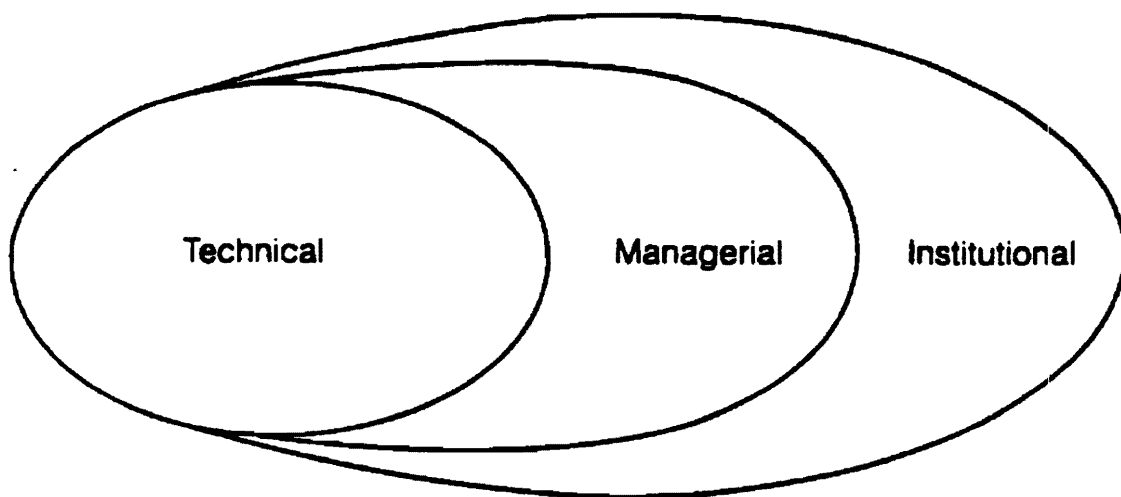


Fig. 2-2. Organizational Dimensions

(Source: Dresang, D., *Public Personnel Management and Public Policy*. New York: Longman, 1991, p. 314.)

Dresang describes the functions of the managerial domain as securing resources in order to perform, control, and coordinate technical activities. For personnel administration, the activities of this domain include setting the priority for activities to be completed,

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obtaining the resources required, controlling their allocation, and establishing the time frames. This domain connects institutional relationships to technical activities through the organizational level of activities.

The functions of the institutional domain include maintaining group, individual, and interorganizational relationships in order to facilitate necessary organizational functions. For personnel administration, the core activities of this domain are to maintain public support and political accountability.

The model suggests an environment-organization interplay at institutional, managerial and technical levels to create a "setting" for organizational activities. To Dresang, the model also suggests that these organizational activities can be viewed "as independent variables, affecting parts or the whole of the setting in which the organization operates" (Dresang, 315).

In summary, the litigious nature of EEO/affirmative action policy, as it has been played out on a case-by-case basis in our political institutions, has complicated its

implementation.  Historic personnel concepts like merit were
re-conceptualized to include social equity.  Personnel
administration slowly changed.  It broadened from a
technical and managerial orientation to an institutional or
policy subsystem orientation.  For the first time public
personnel professionals "rubbed shoulders" with legislators,
judges, lawyers and interest groups in the course of doing
their job.

## Political Perspectives

Politics played a big part in the protracted
implementation of EEO.  Affirmative action programs caused
controversy.  This section presents the predominant
arguments for affirmative action and its contemporary
political perspectives.  Specific attention goes to the
basis for political debate on affirmative action, and the
concept of reverse discrimination.  The last section
discusses managing diversity.

### Affirmative Action

Affirmative action plans define aggressive methods to
correct injustices, and so political controversy surrounds
them.  Affirmative action plans are viewed as positive steps

"to promote some desired social end such as public
happiness, equal opportunity, or a more equitable society"
(Kelso 1983, 248).

Usually, affirmative action translates to achieving
representation goals, targets, or quotas.  Kelso (1983)
explores and critiques social, moral and political arguments
used to justify affirmative action.  He begins with a
societal and economic argument that preferential treatment
compensates minorities victimized by past discrimination.
The problem with this is it penalizes innocent white males
because they benefit when discrimination occurs (Kelso,
250).

Kelso turns to moral arguments for affirmative action.
Egalitarians focus on long-term societal goals.  They want a
randomly stratified society, one which departs from ideals
of merit.  They argue that affirmative action creates
equality of access (Kelso, 252).

A more widely accepted utilitarian moral position is
that quotas are a temporary measure to improve job prospects
of minorities and women.  Thus quotas give minorities and

women an edge to be successful and to develop into role models for other minorities and women. Preferential treatment provides for social goals rather than a remedy to past discrimination (Kelso, 253).

Finally, Kelso briefly looks at political justification for affirmative action and government involvement. This argument flows from the populist position that affirmative action is a means to a social end (equality of opportunity) that has approval of a majority of citizens. While this position coincides with the utilitarian position, populists go further to weigh the impact of preferential treatment against reverse discrimination. Therefore, they argue that affirmative action must be legislatively established by a majority of the citizens representatives making preferential treatment and reverse discrimination more societally palatable (Kelso, 257).

Lepper (1983) examines the philosophical issues of affirmative action as a tool of personnel management. To Lepper, affirmative action is a redistributive policy to improve the social and economic status of minorities and women. Affirmative action challenges constitutional values

of equality and individualism. It provides for preferential treatment and applies to groups and not individuals. In light of this, affirmative action remains politically controversial. Those who favor affirmative action argue that equality requires redistribution of society's goods and rewards. Inequality does not come from individual action, but from conscious choice of inequality by groups in society to the detriment of others groups (Lepper 1983, 223).

Opponents to affirmative action argue that it legalizes discrimination against white males. An illustrative example of this perspective is advanced by Lynch (1991) who argues that affirmative action has been an "administrative revolution imposed by judges and bureaucrats" (172). He sees it as a revolution in terms, so that "equality" has been used less while "equity" and "diversity" are used more. To Lynch, diversity is nothing less than an extension of affirmative action programs in the workplace (175). In his perspective, managing diversity benefits minorities and women by accommodating their needs at the expense of white males.

Belz (1991) reviews the institutional history and legal

development of EEO and affirmative action.  He concludes

that affirmative action polarized society in such a way as

to raise political, social and moral questions for the

future character of American equality (263).  During the

writing of this dissertation, the 1996 presidential election

politics focused on affirmative action programs.  The debate

revisits the legality and use of affirmative action, and

gives insight into its contentions on the current American

political landscape.

Democratic President Clinton established a commission

to review all federal government affirmative action

programs.  In mid-July 1995, to announce the findings of

this commission, President Clinton proclaimed that

> "If properly done affirmative action can help us come
> together, go forward, and grow together.  It is in our
> moral, legal, and practical interest to see that every
> person can make the most of his own life.  In the fight
> for the future, we need all hands on deck, and some of
> those hands still need a helping hand."

Clinton directed that any federal affirmative action program

that creates a quota, creates preferences for unqualified

individuals, fosters discrimination of any kind including

reverse discrimination, or lasts after its purposes have

been achieved must be eliminated or reformed.

Within days of President Clinton's announcement supporting federal affirmative action programs, U.S. Senator Dole, a Republican presidential candidate, introduced legislation to eliminate federal set asides for minorities and women. Dole's legislation would prohibit the federal government from using race and sex as a factor to hire, award contracts, or administer programs. It prohibits race and gender preferences by federal government contractors or subcontractors. He calls that this action a "starting point for a new colorblind era in civil rights activism." Dole also asserts that "making government policies by race is a diversion from reality, an easy excuse to ignore the problems that affect all Americans, whatever their race or heritage may be." Dole's legislation directly pits him against President Clinton.

Finally, California Governor Wilson, as a Republican presidential candidate, advocated the end of affirmative action. In late-July 1995, as a board member of the University of California's Board of Regents, Wilson successfully led a board decision to end the use of preferences and set asides in California's public universities and colleges. To Governor Wilson, merit only

should be the basis of employment decisions.  Instead of
affirmative action programs, civil rights laws associated
with EEO need strengthening and enforcement to end
discrimination.

## Managing Diversity

Managing diversity in the workplace is a management
approach for removing barriers in order to capitalize on the
cultural differences for the benefit of the organization.
The goal is to enhance the global economic competitiveness
of organizations.  Most writers on managing diversity focus
on the subject as a management issue.

The future workforce will no longer be dominated by a
large group of demographically similar people.  This change
means more influences in organizations from people of
different age, gender, culture, education, disabilities, and
values (Jamieson and O'Mara 1991, 6).  As such, they have
different needs that will challenge management and
administrative behaviors in organizations.  To Jamieson and
O'Mara the "challenge is great."  Managers will need to
change their conventional thinking about the way
organizations operate.  Their tasks will be to shift

organizational culture, revamp polices, create new
structures, and redesign human resource systems (7).

Thomas (1991) also frames managing diversity as a
management challenge. He suggests that efforts to change
traditional management practices in order to manage
diversity be grounded within organizational culture. Under
this paradigm managing diversity is understood as a
contextual issue, and therefore, affects management and
administrative behavior differently in each organization.

To Thomas, managing diversity starts after creating a
diverse workforce through policies of affirmative action and
valuing differences. It is a long-term management
commitment, requiring changes in organizational policies,
systems, and culture.

In a private sector symposium, In Diversity is
Strength: Capitalizing on the New Work Force (Alster, et.al.
1992), senior executives came together to share their
experiences with the implementation, results, and outlook
for managing diversity. They concluded that changing
demographics required new employment strategies,

organizational leaders needed to foster awareness of
diversity, and the benefits of diversity outweighed the
management challenges.

Broadnax (1994) suggests that managing diversity
translates into a challenge of education, training, and
development for public managers.  In a case analysis of New
York state government, Broadnax found that state officials
were cognizant of diversity issues.  They discussed the
competing demands of a diverse workforce and developed a
strategic plan.  However, various interest groups opposed
the plan because it lacked emphasis on continuing EEO and
affirmative action programs (276).  As a result, New York
turned to diversity training programs to develop a critical
mass of managers prepared to manage diversity.
Unfortunately, organizational and financial constraints
limited opportunities for diversity training (280).

Golembiewski (1995) sees managing diversity as a key
strategic issue that challenges public organizations.  He
considers managing diversity as five developmental stages so
that a past stage prologues the next:

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1) <u>stepping tentatively forward, then resolutely</u> <u>back--grudging and temporary duress</u>. This stage deals with early American political and historical development and the poor treatment of minorities and women;

2) <u>Leveling the playing field--legislating EEO</u> <u>policies</u>. This stage describes early political, particularly legislative and executive policy statements to end discrimination;

3) <u>Tilting the field--augmenting EEO via affirmative</u> <u>action programs</u>. This stage considers the effect of affirmative action on organization structure and infrastructure with the involvement of the courts;

4) <u>Moving toward diversity-friendly relationships--</u> <u>valuing differences in people and between persons</u>. This stage deals with the individual's recognition and acceptance of differences, and organizational efforts to develop diversity awareness; and,

5) <u>Moving toward diversity-friendly systems--managing</u> <u>diversity in organizations</u>. This stage suggests that organizational recognition and acceptance of differences occurs through structural and

infrastructural change.  These changes affect work

structure, policies, and procedures (31-50).


To Golembiewski, managing diversity is rooted in

American historical and political contexts of public

organizations, their structure and infrastructure or

organizational processes.  Such contexts influenced these

organizations through time to build and institutionalize

managing diversity.  Golembiewski treats valuing differences

in public organizations as the later stages of managing

diversity that should naturally follow EEO and affirmative

action programs found in earlier stages of managing

diversity.  The organization creates and maintains a

commitment to diversity with changes to its structure and

infrastructure or organizational processes so that they

value differences (189).


## Organizational Context:  Police Organizations

Approaches to managing diversity reflect political

perspectives that will influence organizational processes.

This study examines personnel processes of police

organizations.  This section describes their mission,

structure, and characteristics.  It defines police personnel

administration, and its personnel processes that are of
interest in this study.

## Police Organizations in Society:  Mission Statements

The goals and objectives of police mission statements
are very broad, but somewhat thematic with very little
variation over the last 25 years.  To begin, Lohman and
Misner (1966) list the goals as:  prevention and repression
of crime, maintenance of the peace, protection of persons
and property, enforcement of laws, detection of crime,
recovery of lost and stolen property, apprehension of
offenders, regulation of non-criminal conduct, protection of
individual rights, control of traffic, and miscellaneous
public service.  Leonard and More (1974) offer a very
similar list as a description of the mission of police as
objective statements:

1) to identify criminal activity, criminal offenders,
   apprehend offenders and participate in the
   judicial process;
2) to reduce the desire and opportunity for the
   commission of crime through preventive patrol and
   other measures;
3) To aid individuals who are in danger of physical
   harm;
4) To protect constitutional guarantees;
5) To facilitate movement of people and vehicles;
6) To assist those who cannot take care of
   themselves;
7) To resolve conflict
8) To identify situations that are potentially

serious law enforcement problems;
9) To create and maintain a feeling of security in the community;
10) To promote and preserve civil order; and
11) To provide other emergency services (15-32).

Holden (1986) groups basically the same lists of goals and objectives into order maintenance, law enforcement, provision of emergency services, and crime prevention:

- Order Maintenance -
    protecting constitutional guarantees
    facilitating movement
    resolving conflict
    aiding those in need
    identifying problems
    promoting a sense of security

- Law Enforcement -
    criminal investigation
    recovery of property

- Provision of Emergency Services
- Crime Prevention (21-35).

These goals and objectives are generic, and therefore, they can be found to some degree or another in the typical mission statement of any police organization. The overall role of police organizations in society, nevertheless, is to fight crime and keep the peace. The mission of police organizations showed little variation over the last 25 years.

## Police Organization:  Structure and Characteristics

Given the stable mission of police organizations in American society, it is not surprising there is a similar structure and approach that characterize police organizations and their traditions.  Police organizations generally follow the principles of bureaucratic organizations to include rules and procedures, division of labor, and hierarchy of authority.  Table 2-1 provides an organization chart for a typical medium to large size police department, consisting of 500 or more members.  Most police organizations use a para- or quasi-military approach to organization.  Military titles denote rank and responsibility in these organizations.  This approach fosters unquestioned discipline and rapid response to incidents.  It tends to separate and insulate police operations and administration from political influences (Jermier and Berkes 1979, 2).

Goldstein argues that this predominant model of police organization is neutral and sterile.  It lacks clear commitment to any values other than those of operating efficiency, therefore, the values of policing that prevail are those of the police sub-culture (1977, 12).  Becker

Table 2-1.  Organizational Chart of a Municipal Police Department

(Source:  Roberg, R., and J. Kuykendall, _Police Organization and Management:  Behavior, Theory, and Processes_.  Pacific Grove, CA:  Brooks/Cole, 1990, p. 109.)

Chief of Police

Internal Affairs Division

Personnel Investigation Section — Operations Investigation Section

Bureau of Administrative Services — Bureau of Field Operations — Bureau of Criminal Investigation — Bureau of Technical Services

Bureau of Administrative Services:
- Personnel Division
- Budget and Finance Division
- Training Division
- Community Relations Division
- Planning and Research Division

Bureau of Field Operations:
- Patrol Division North
  - District One
  - District Three
  - District Five
  - District Seven
  - District Nine
- Special Operations Division
  - Tactical Section
  - Juvenile Section
  - Traffic Section
- Patrol Division South
  - District Two
  - District Four
  - District Six
  - District Eight

Bureau of Criminal Investigation:
- Crimes Against Person Division
- Crimes Against Property Division
- Vice and Narcotics Division
- Crime Laboratory Division

Bureau of Technical Services:
- Communications Division
- Records and Identification Division
- Property and Supply Division
- Jail Division

(1970) believes that the best characterization of police organizations is that of "closed systems" (27).  Most organizations are staffed by uniform personnel who enter a training program at the lowest rank.  Advancement to management and executive responsibilities occurs usually by promotion through the ranks.  This structure influences the way police officers behave.  In addition, they generally

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wear uniforms, operate marked patrol cars, and have warrant to carry weapons to designate their responsibilities to the public. Auten (1981) characterizes them as soldiers with a rigid mind-set that may be at odds with democracy and slow to adapt to environmental demands. Even so, police cling to the paramilitary form of bureaucratic organization (Roberg and Kuykendall 1993, 99-101).

## Personnel Administration

The personnel management function and its processes are essential to police organizations in their need for, and use of, human resources. This section begins with an overview of personnel management and its general organizational role in police agencies. It places personnel management into an organizational context for describing selected personnel management functions. They are recruitment, testing and selection, basic training, performance appraisal, discipline, and collective bargaining. A working definition of each process is derived from police administration literature.

In an organizational context, the police personnel function could be described as a management and technical

activity.  Heisel and Murphy define police personnel

management as the sum of human resources concerns.  Its

objective is, "to seek out quality human resources and to

obtain their maximum effectiveness through application of

all appropriate techniques within the available resources of

the agency" (1974, 2).


The personnel management function could be administered

within the organization by its personnel office, an external

central personnel office, or independent civil service

agency.  This raised an important question regarding the

effects of civil service law and merit principles upon

police personnel practices.  In a Law Enforcement Assistance

Administration (LEAA) sponsored study of 42 municipal police

organizations, civil service laws were found to affect merit

practices within police organizations.  The study considered

these effects as interplay of police administration and the

legislative process, local public officials, police

administrators, civil service commissions, and police unions

(Greisinger, et.al. 1979, 9-14).  The study's hypothesis is

shown as a conceptual model of the LEAA study in Figure 2-3.

The study defined civil service in terms of advisory,

administrative, regulatory, adjudicative and policy
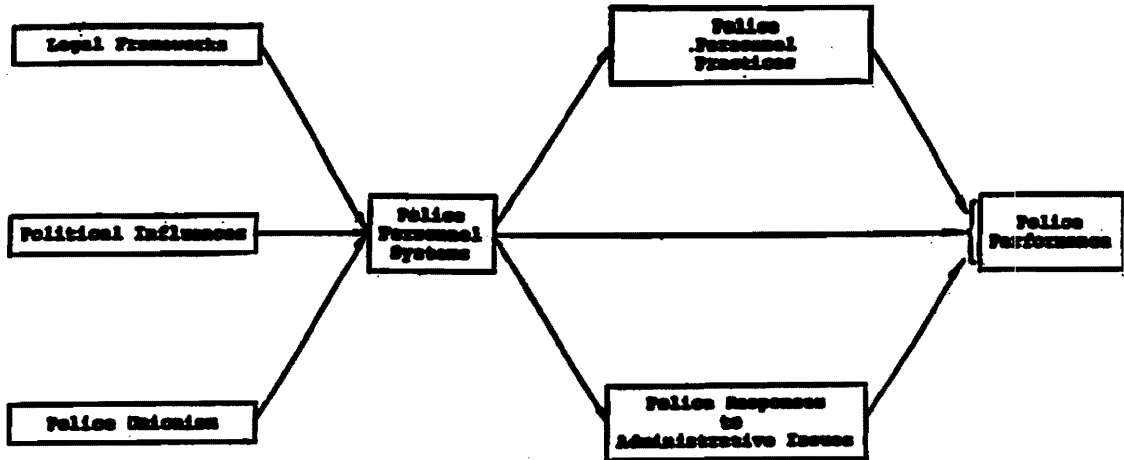
Fig. 2-3. Civil Service Project: General Conceptual Model

(Source: Greisinger, G.W., et.al., Civil Service Systems and Their Impact on Police Administration. Washington, D.C.: GPO, October, 1979, p. 13.)

formulation roles and examined their impact on selected police personnel practices.

The LEAA study found that legislative actions taken to address contemporary social and political issues, including EEO, affirmative action, and police unionism does not displace the original basis of civil service and merit principles. The study found a variety of administrative configurations to administer "civil service law" and concluded that the implementation of merit practices for civil service law depends on local circumstances. Lastly, the study found that the impacts of civil service roles on personnel processes is generally limited to adjudication.

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The study recommended that incentives be used to shift civil

service roles from adjudication to policy formulation, thus

making police merit systems more responsive to social and

political concerns.


After the LEAA study, a new definition emerged for

police personnel management.  This definition retained an

organizational and technical focus.  However, police

personnel management expanded to,

> ...the managing of an organization's human resources by
> developing relationships with individual employees and
> with employee groups (labor-management relations).
> ....it is inextricably bound up with civil service
> regulations and the merit principle.... [it] is
> especially valuable in the administration of police
> agencies precisely because these agencies' main
> function is the provision of services.... (Weston and
> Fraley 1980, 13)

This definition recognizes that civil service laws, merit

principles, and police unions are key elements of police

personnel management.  The functions of personnel management

are procurement, development, maintenance, and utilization

of human resources.  These functions translate into

recruitment, testing and selection, training, performance

appraisal, discipline, and employment conditions that are

covered under collective bargaining (9).

## Personnel Processes

This section briefly defines each of these personnel processes. For purposes of this study, each definition is limited to the general issues germane to police personnel processes, and where appropriate, to EEO.

Recruitment. The purpose of police recruitment activities is to identify persons who could satisfactorily perform police work (Baker and Danielson 1974, 59). Police employers have focused on attracting minorities and women to the police profession in order to achieve demographic representation (Baker and Danielson, 62; Weston and Fraley 1980, 52). To compete in a competitive labor market, police recruiters use innovative approaches to promote police work. They appear at community events, public schools, and universities. They also make personal contacts with prospective candidates who inquire about jobs or complete employment applications (Roberg and Kuykendall 1993, 281).

Testing and Selection. Police organizations rely on tests for entry and promotion. Although the selection process is usually more extensive for entry rather than promotion, an identifiable procedure with tests exists for both. The goal

of the criteria in the selection process has been to identify the outstanding candidates for selection (Baker and Danielson, 66). The process screens out more applicants than it allows to enter into employment (Weston and Fraley, 82).

In many cases, the tests and selection criteria have been challenged by EEO proponents as discriminatory. They claim written examinations tend to exclude minorities from entry and promotion, while physical examinations tend to disqualify women. Because of EEO mandates, tests and selection criteria are now subject to validation procedures to ensure equal treatment of candidates vying for entry and promotion.

Basic Training. This training is usually conducted at a police training academy, which uses state standards for minimum program content, although some departments may require more training (Roberg and Kuykendall 1993, 288). These academies operate under strict rules of conduct and discipline. Often recruits must live at the academy during basic training. The basic training curriculum includes classroom instruction on the criminal justice system,

traffic and criminal law, police procedures, interpersonal

relations, communications, physical conditioning and self-

defense, weapons, and traffic enforcement. These training

programs provide recruits with opportunities to learn more

about the role, image, and values of police in the delivery

of programs (292-293). The basic training experience

usually extends into the field with a mentor or field

training officer who provides background on department

procedures, informally discusses the department's

organization culture, and observes and evaluates the new

officer's performance during a period of probation (294-

298).

Performance Appraisal. Police agencies use performance

appraisals to evaluate work being performed by police

officers, and sometimes as a selection criteria for

promotion. Performance appraisal formats are usually some

form of rating scale. The type of scales include job-

factors, behavior-anchors, or forced-choice format. Landy

(1974) discusses several philosophies to describe the

completion of performance appraisals in police

organizations: (1) the fixed interval where the evaluation

is completed at only at the time when it is due; (2) the

rubber stamp where the ratings are completed without little
justification; (3) the human relations approach where the
evaluation is discussed and differences worked through, and
where most time is spent with poor performers; (4) the
selection philosophy where the responsibility for poor
performance rests with the selection criteria and process,
and therefore, the evaluator turns to the testing processes
to improve the performance of officers; and lastly, (5) the
individual differences philosophy where the evaluator works
with the incumbent to improve performance and satisfy incum-
bent and organization performance expectations (167-170).

Discipline. In police organizations, discipline usually has
a negative connotation because a disciplinary action often
results in punishment, admonishment, or dismissal (Weston
and Fraley, 147). However, discipline in most organizations
is an administrative process that attempts to control
employee conduct according to written standards or
procedures. In police organizations, written standards and
procedures provide rules of conduct and behavior and require
completion of departmental forms. Some departments regulate
off-duty when infractions could negatively affect the
department or an officer's image.

<u>Collective Bargaining</u>. Police departments that are
unionized usually have a formal labor-management relations
process called collective bargaining. In most cases, state
law regulates this process. Traditionally, issues for
negotiation include pay, medical benefits, and leave. More
recently, unions are involved with discipline matters,
conditions of employment, and standards for purchase and use
of department equipment (Bopp 1983, 635-637). In an
analysis of police unions, Bopp identifies four descriptive
typologies:

1)  The Camaraderie Society where the by-laws
    underscore social and benevolent concerns. It is
    usually passive on most matters of department
    administrative decisions. Leaders usually are
    veteran police officers;

2)  The Professional Association where the organi-
    zation functions to improve the lot of its members
    by acting as a bargaining agent while espousing
    values of anti-union and anti-strike. The union
    is committed strongly to ideals of the police
    profession and supports department goals, but may
    disagree on how to achieve them. Often it will
    use litigation as a tool to achieve economic ends;

3) The Pragmatically Militant Union is an organization that will occasionally engage in job actions such as strikes or work slow downs. These unions are usually publicly hostile to management, but more conciliatory privately. Politically astute and mature police officers often lead this type of union; and,

4) The Subversively Militant Union is an organization that presses for economic demands and does not miss opportunities to embarrass management. The tactics used by this type of union are similar to industrial unions because members do not see themselves as public safety employees or as different from private sector employees. Leaders of these unions are usually at the midpoint of their police career (637-640).

On the matter of EEO policy, these public employee unions have a mixed record toward affirmative action. Police and fire unions are dominated by white members (Kearney 1984, 178).

## Conclusion

Important contexts and perspectives underlay the
implementation of EEO.  Constitutional, political, and
organizational forces intertwine.  Constitutional/legal
development has shown how the involvement of the courts with
the implementation of EEO and affirmative action on a case-
by-case basis moved the activities of personnel adminis-
tration into an institutional arena and expanded the
historic meaning of merit to include ideals of bureaucratic
representativeness and social equity.  The political
perspectives presented for affirmative action and managing
diversity frame the social and economic concerns that face
organizational leadership.  Finally, the organization
context, which in this study is police agencies, provides
the necessary background for regarding these organizations,
their mission in society, structure, and managerial and
technical orientation to selected personnel processes.  The
environment-organization interplay described by the
literature points to the need for an institutional perspec-
tive to understand the effect of EEO implementation and to
"make sense" of the organizational changes that resulted.

# CHAPTER 3

## PERSONNEL PROCESSES AS INTERPRETIVE SYSTEMS

This study embraces the premise that institutionalization is a process of sense-making. This perspective comes from 1) institutional theory, particularly its treatment of environment-organization interplay, 2) the concept of organizational culture as it relates to individual behavior and organizational performance, and 3) the idea that leadership is the management of meaning. This chapter presents this perspective of institutional sense-making.

Through institutional sense-making, organizational processes function as interpretive systems for members to make sense of, and give meaning to, events and organizational change. The final section of this chapter presents a framework of interpretive systems. This dissertation uses this framework to study the institutionalization of EEO and its effect on management and administrative behavior from an examination of personnel administration and its organizational processes.

## Institutions: Environment-Organization Interplay

Selznick's 1948 study of the Tennessee Valley Authority gave birth to the early concept of institutions. In his study, as an organization embedded into its environment, it became an institution. To Selznick, an institution represents "...a more nearly natural product of social needs and pressures--a responsive organism" (1957, 5). The process of institutionalization is "the process of organic growth, wherein the organization adapts to the striving of internal groups and the values of external society" (Perrow 1986, 167).

Institution literature has evolved since Selznick's work. An institution represents a social order or pattern that has attained certain properties (Jepperson 1991, 145). Among these properties of institutions are, first, a "... rule-like, social fact quality in an organized pattern of action (exterior), and second, an embedding in formal structures, such as formal aspects of organizations that are not tied to particular actors or situations" (Zucker 1987, 444). The term institutionalization denotes the process of attainment. Meyer and Rowan describe institutions and institutionalization as,

> . . . rooted in conformity . . . rooted in the taken-
> for-granted aspects of everyday life. . . . Within an
> organization, institutionalization operates to produce
> common understandings about what is appropriate and,
> fundamentally, meaningful behavior. . . .
> Institutionalization, when external to an organization,
> leads to adoption of common practices:  purposes,
> positions, policies, and procedural rules that
> characterize formal organizations (1977, 346).

The theory of institutions and institutionalization has

developed into four diverse approaches.  Scott (1987)

defines and describes them as:

1)  institutionalization as a process of instilling

values.  This approach presents organization

structure as adaptive and shaped in reaction to a)

the characteristics and commitments by its

members, and b) the influences and constraints

found in the external environment (493-494);

2)  institutionalization as a process of creating

reality.  Following  Berger and Luckmann's concept

of social order developed in The Social

Construction of Reality (1966), social order

occurs through a human construction of social

reality, which "comes into being as individuals

take action, interpret that action, and share with

others their interpretations" (Scott 1987, 495).

3) <u>institutional systems as a class of elements</u>.
Cultural elements account for organizational
structure or form with a focus on symbolic aspects
of the environment (497-499); and,

4) <u>institutions as distinct societal spheres</u>.
Organization practices are linked to societal
systems with attention to those socially organized
practices and beliefs that define social
institutions. This approach uses a societal level
analysis to understand the environment (499-501).


Aldrich (1992) examined how each approach has been used
in research. When institutionalization is treated as a
process of instilling values, researchers look at new
cultural elements created by the organization and its
processes. When institutionalization is seen as a process
of creating reality, researchers focus on "how system- or
sector-wide social facts are emulated at an organizational
level" (21). Institutionalization occurs through an
interplay of external and internal pressures or energies on
the organization. When institutionalization is treated as a
class of elements, researchers focus on the role of cultural
elements to explain why organizations change. Finally, when

institutionalization is treated as a distinct societal sphere, researchers explore social institutions of family, religion, the economy, government or education. They strive to understand why institutional patterns take certain forms of development in organizations.

When one regards institutionalization as a process of creating reality, the relationship between the organization (with its internal pressures or energies) and the environment (with its external pressures or energies) becomes central. A key difference between early and later institutional theory is the conceptualization of the environment. To early institutional theory, the environment, which is local, becomes "co-opted" by the organization. Selznick defines coopation as "the process of absorbing new elements into the leadership or policy-determining structure of an organization as a means of averting threats to its stability or existence" (Selznick 1948, 33). To later institutional theory, the environment conceptually represents larger systems, fields or sectors of industries, professions, or national societies. The environment penetrates the organization to create "the lenses through which actors view the world and the very

categories of structure, actions, and thought (Powell and DiMaggio 1991, 13).

March and Olsen (1989) suggest that as an institution adapts to its environment, the environment reacts to the institution. They conclude that,

> institutions create their own environment by the way they interpret and react in a confusing world. It is not simply that the world is incompletely or inaccurately perceived, but also that actions taken as a result of beliefs about an environment can, in fact, construct the environment (47).

This view of institutions provides insight into their influence on organizational activities that in turn govern behavior. Organizational activities emerge as rules or, "...routines, procedures, conventions, roles, strategies, organizational forms, and technologies around which political activity is constructed" (March and Olsen, 22). To March and Olsen, rules reduce action to the demands of the situation, which is defined by political or social institutions. Institutions are "constructed around clusters of appropriate activities, around procedures for assuring their maintenance in the face of threats from turnover and from self-interest, and around procedures for modifying them" (24).

Clay (forthcoming) developed the concept of public-institutional processes. She sees organizational activities as management processes formed by the "qualities of political and institutional dynamics that shape, and are in turn shaped by, public-institutional processes."[1] This concept accommodates the dynamic and reality created by the interaction of the organization and environment.

The key elements of the concept are 1) the interaction within the political system, and 2) institutional sense-making. The interaction element places management processes of the organization into the larger political system. The political system becomes a source of structure and process for organizational activities.

The element of institutional sense-making, as used by

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[1]To Clay, organizational activities are processes put in place to produce the end product. Examples of end products include budget documents, personnel actions, regulations, and congressional testimony. Clay defines management processes as the means public administrators create to cope with everyday changes. Management processes coordinate, integrate, and control the conduct of organizational activities. Examples of management processes include budgeting, personnel administration, administrative regulations, and congressional hearings.

Clay, defines the nature of public-institutional processes. They are shaped by the interplay of the organization within its environment. Clay describes an interplay that, "reflects and shapes a socialized code which guides organizational and individual behavior." The formation of social codes is a basis for the organizing processes. These organizing processes create interpretive systems for environment-organization interactions. The element of institutional sense-making gives meaning to structure, processes, values, and norms intrinsic to public-institutional processes. From this perspective, personnel processes are shaped by environment-organization interplay and function as interpretive systems.

## Organizational Culture

The concept of organizational culture is very important for understanding the role of individuals within the organization and its environment. Organizational culture is a complex theoretical phenomenon. Its definitions include: a set of common understandings, expressed in language (Becker and Geer 1970); transmitted patterns of values, ideas and other symbolic systems that shape behavior

(Kroeber and Kluckhohn 1952); glue that holds together an organization through patterns of shared meaning (Martin Siehl 1983); set of symbols, ceremonies and myths that communicate underlying values and beliefs (Ouchi 1981); and, values, beliefs and expectations that members come to share (Van Maanen and Schein 1979). Common to these definitions is the notion of shared meanings and values explicit and implicit to the organization's members.

Rousseau (1990) provides a clear and comprehensive explanation of organizational culture. Rousseau argues that organizational culture makes sense of organizational performance. It is a useful means for understanding how, and more importantly, why, organizations respond to environmental change.

Rousseau offers a schema of five concentric circles as a means to understand the deepest elements of organizational culture. According to Rousseau, the organization's members need this range of levels to make sense of their performance and organizational outcomes (see Figure 3-1). To Rousseau, organizational culture comprises the 1) artifacts, 2) patterns of behavior, 3) behavioral norms, 4) values, and 5)

fundamental assumptions found in an organization. Working

from the outermost concentric circle to the center,

artifacts are visible physical manifestations and products

of cultural activity, such as uniforms, badges and logos.

Patterns of behavior are functions that solve organizational

problems like decision-making, coordination, and

communication mechanisms. Some examples are organizational

charts and operating procedures. Behavioral norms are
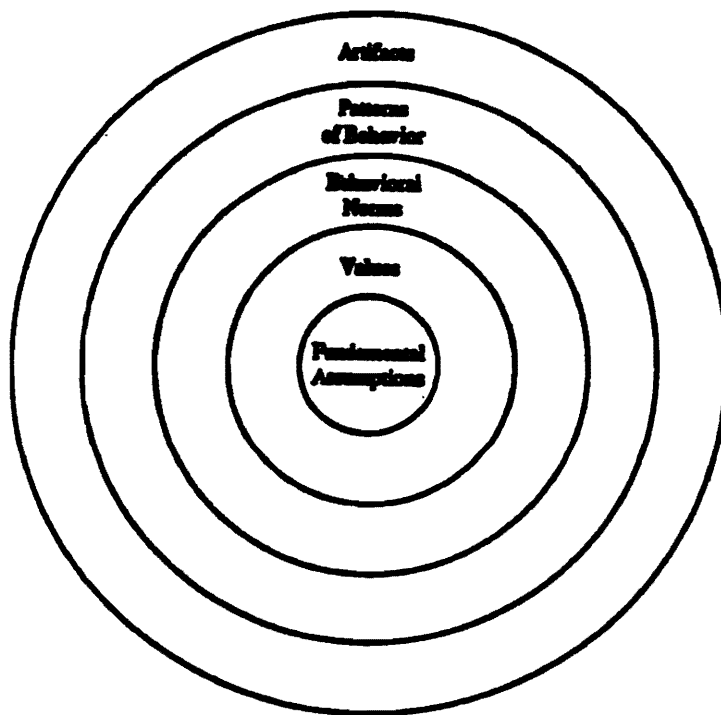


Fig. 3-1.Layers of culture

(Source: Rousseau, D.M., "Assessing Organizational Culture: The Case For Multiple Methods," in B. Schneider, ed., Organizational Climate and Culture. San Francisco, CA: Jossey-Bass Inc., 1990, p. 158.)

organizational members' beliefs regarding acceptable

behavior.  For example, the consequences of poor

performance, or peer conflict.  Values are the priorities

assigned to outcomes such as innovation vs. predictability

and risk seeking vs. risk avoidance.  Unconscious

assumptions are the deepest and most subjective elements of

Rousseau's model and may affect all other elements but may

or may not be directly known to the organization's members.

Three models of organizational culture are presented

here to show how an organization, with its underlying

assumptions, values, and beliefs, links to its environment

and organizational processes to form interpretive systems.

The first model is a conceptual framework based upon a

symbolic concept of culture (Allaire and Firsirotu 1984,

213).  This model, shown in Figure 3-2, has three

interrelated parts:  the cultural system, the

sociostructural system, and individual actors.  The

components interact from a context of society, history, and

contingency.  Allaire and Firsirotu suggest that when this

context provides to the cultural system "the same raw

materials, a considerable degree of sharing of meaning will

THE CULTURAL SYSTEM — THE SOCIOSTRUCTURAL SYSTEM

| SOCIETY | HISTORY | CONTINGENCY |
|---|---|---|

legitimizing? / supportive?

MYTHS — VALUES — IDEOLOGY

STRUCTURES — STRATEGIES — POLICIES — PROCESSES

NORMS, STATUS AND ROLES

THE INDIVIDUAL ACTOR: PERSONALITY AND COGNITIONS

ORGANIZATIONAL OUTPUT
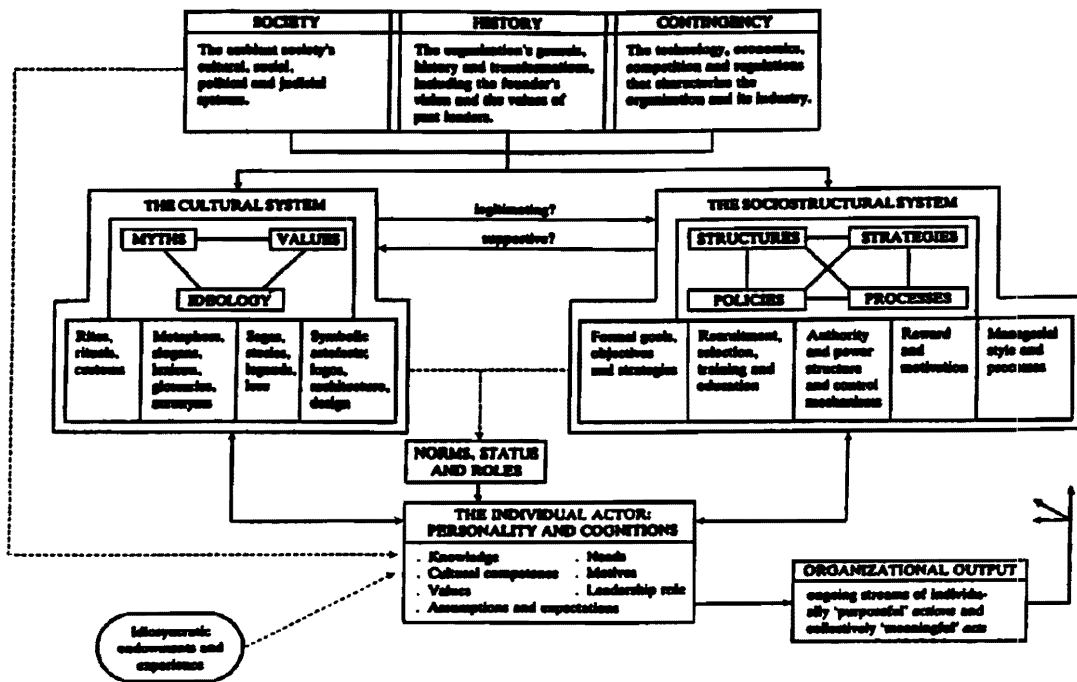
Fig. 3-2. A Conceptual Framework for Organizational Culture

(Source: Allaire, Y., and M.E. Firsirotu, "Theories of Organizational Culture," _Organization Studies_. (1984) 5/3: 214.

tend to evolve among actors interacting in the same social context for a prolonged period of time" (215). The sharing of meaning is an important identifier of organizational culture.

The model shows how the organizing activities of the sociostructural system and the concepts of organizational culture found in the cultural system component interact in supporting and legitimizing ways, although it is not clear from the model which component supports or legitimates the

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other. Also, the model only shows the influence of the
social context of society, history, and contingency on the
other components. It does not show that the organization
influences the environment. This is an important
shortcoming given the richness of this level of interaction
that is discussed in institutional theory literature.
Nevertheless, this model does show a connection of the
environment to organizational outcomes through cultural and
sociostructural components that function together as an
interpretive system.

The second model of organizational culture presented
here was developed by Wiener (1988). This model focuses on
value systems that affect an organization's members. This
value system is depicted as a process for organizational
socialization. It emerges from the values of individuals
entering the organization, recruitment and selection
processes, and leadership and organization traditions (see
Figure 3-3). Overtime, the system of values forms the
beliefs and social expectations of members.
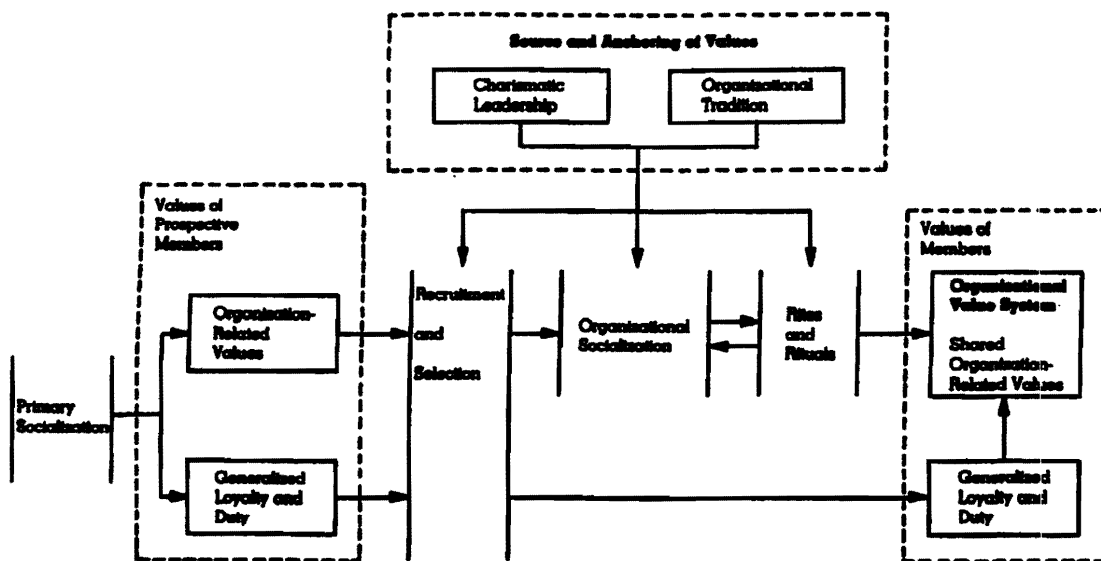
Fig. 3-3. A sequence of processes and events contributing to the transmission and maintenance of organizational value systems

(Source: Wiener, Y., "Forms of Value Systems: A Focus on Organizational Effectiveness and Cultural Change and Maintenance," Academy of Management Review. (1988) 13/4: 542.)

The third model, presented by Wiener and Vardi, defines culture as, "a system of shared values that produces normative pressures on members of the organization" (1990, 295). This system is also grounded by environmental influences in a one-way direction. It shows the influence of societal culture, environment, and organizational socialization on the formation of an interpretive system of values. These factors in turn influence motivation, which leads to individual behavioral and attitudinal outcomes. Through rewards, these outcomes then bring about situational influences on the cultural system (See Figure 3-4).
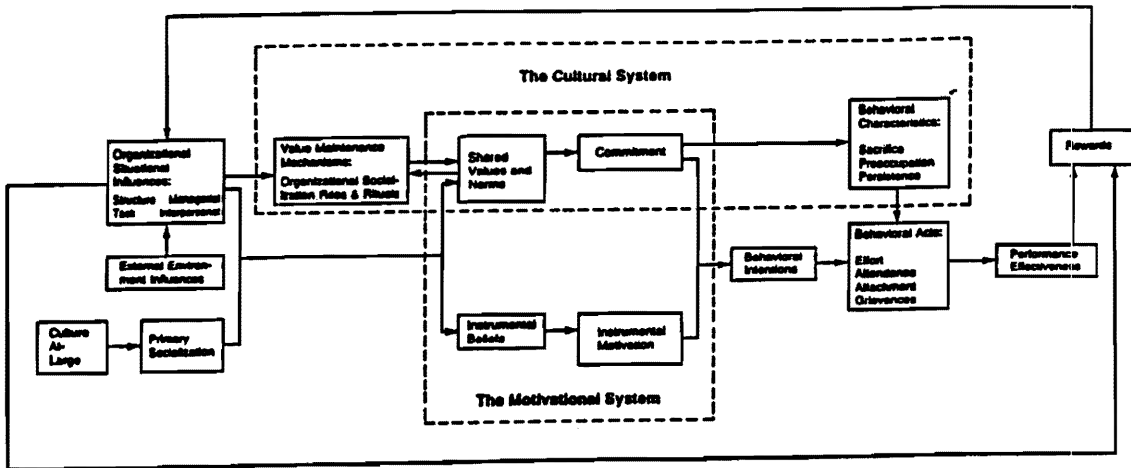
Fig. 3-4.  The interface between the cultural and motivational systems

(Source:  Wiener, Y., and Y. Vardi, "Relationships between organizational culture and individual motivation--A conceptual integration," _Psychological Reports_. (1990) 67: 299.)

Van Maanen and Barley (1985) offer an institutional approach that shows how culture in the workplace emerges. They acknowledge that historical forces and social demographics shape the organization. The uncertainty an organization faces is viewed as a collective understanding that "provide an interpretative system that actors can use to make sense of  events and activities" (37). Organizational processes are structured in this context, and they may be incomprehensible to people outside the organization. The cultural context of workplace, therefore, is an important aspect of institutions.

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## Leadership

Leadership is often regarded as the single most
critical factor in the success or failure of institutions.
A key function of leadership connects it to the concepts of
institutions and organizational culture. Leadership is a
process of sense-making. Unlike the definition of
organizational culture, which consists of similar concepts
of values and meanings, the definition for leadership
consists of many well-developed and independent concepts.
Bass (1990) identifies the leadership concepts as: 1) a
focus of group processes, 2) personality and its effects, 3)
the art of inducing compliance, 4) the exercise of
influence, 5) an act of behavior, 6) a form of persuasion,
7) a power relation, 8) an instrument of goal achievement,
9) an emerging effect of interaction, 10) a differentiated
role, and 11) the initiation of structure (11-18).

From these concepts, Bass offers a comprehensive and
useful definition of leadership:

> Leadership is an interaction between two or more
> members of a group that often involves a structuring or
> restructuring of the situation and the perceptions and
> expectations of the members. . . . Leaders are agents
> of change...persons whose acts affect other people more
> than other people's acts affect them. Leadership
> occurs when one group member modifies the motivation or
> competencies of others in the group (1990, 19-20).

This definition shows the importance of leadership upon organizational performance and, like the Rousseau model, is broad enough for studying the phenomena.

Selznick (1957) offers an enduring description of institutional leadership functions.  To Selznick, these functions relate to organizational character, and must be performed for institutional leadership to be successful. The functions are:

1) <u>to define institutional mission and goals</u>, which means to discover the true external and internal commitments of the organization.  The failure to set goals in light of these commitments is an irresponsible act of leadership;

2) <u>to create structure to achieve the purpose</u>, which means to build policy into the social structure of the organization.  This includes the inculcation of values which shape the organization's way of thinking and responding to policy imperatives;

3) <u>to defend institutional integrity</u>, which means to maintain values that give the organization its inner strength and distinctive identity;

4) <u>to reevaluate internal conflict</u>, which means to

maintain voluntary cooperation of internal

interests groups and to appropriately hold

leadership power needed to fulfill key

organizational commitments (62-64).


Pfeffer (1977) identifies the importance of

institutional leadership as a way for members of an

organization to control their environment.  They attribute

outcomes of their group's and organization's performance to

leaders rather than to the complex internal and external

environments that are actually more influential.  According

to Jongbloed and Frost (1985), what leaders really manage in

organizations are the employee interpretations or

understandings of what goes on in the organization.


As managers of meaning, leaders exert a strong impact

on organizational culture and organizational outcomes.  In

his longitudinal analysis of the effects of leadership on

organizational culture in a British boarding school,

Pettigrew (1979) concluded that leadership of social crises

and events give meaning to underlying assumptions, beliefs,

and values important to understanding organizational

culture.  Smircich and Morgan (1982) also see leaders as

managers of meaning. They show how leadership is a figure-
ground relationship which creates other figure-ground
relationships, where the figure is the leader and the ground
is the situation being managed (See Figure 3-5). The model
shows the centrality of the leader's role in organizational
activity. The model rests heavily on the assumptions of

*Framing Experience* ⟶ *Interpretation* ⟶ *Meaning and Action*

| Framing Experience | Interpretation | Meaning and Action |
|---|---|---|
| Leadership action creates a focus of attention within the ongoing stream of experience which characterizes the total situation. | The action assumes significance, i.e., is interpreted within its wider context. The leader has a specific figure-ground relation in mind in engaging in action; other members of the situation construct their own interpretation of this action. | Action is grounded in the interpretive process which links figure and ground. |
| Such action "brackets" and "frames" an element of experience for interpretation and meaningful action. | | |

Fig. 3-5. Leadership: A Figure-Ground Relationship which Creates Figure-Ground Relationships

(Source: Smircich, L., and G. Morgan, "Leadership: The Management of Meaning," <u>The Journal of Applied Behavioral Science</u>. (1982) 18/3: 262.)

organizational culture, which provide an interpretive system
for members of the organization.

This system provides a source of shared values and meanings,
which color the members' interpretations of leader actions.
This model details the process of sense-making from the
perspective of leadership, and it places the burden of

effective and meaningful organizational action on that role.

In summary, a key function of leadership comes from their role as managers of meaning. This function is sense-making to an organization's members. It yields a set of organizational values that forms the basis of an interpretive system. Individuals in an organization use this system to interpret meaning from leader actions, and then to bring about organizational action appropriate to that meaning.

## Institutional Sense-making and Interpretive Systems

The idea of sense-making found in theories of institutions, organizational culture, and leadership serves as a basis for a framework of interpretive systems. This framework enables study of EEO implementation and its effects on management and administrative behavior. In the literature of institutions, pressures or energies of an organization and its environment create an interactive process through which individuals make sense of actions. Through this process, an interpretive system is created that gives meaning to structure, processes, values, and norms of management and administrative behaviors.

Similarly, in organizational culture literature, the influence of the environment, organizational processes, and leadership are a source of beliefs, values, and norms that form an interpretive system that affect organizational and individual performance. Weick (1979) sees the utility of organizational culture for individuals as a means of "sense-making" of the organization and its outcomes.

Lastly, the literature shows that leadership is based upon a contextual construction of leadership and followership. Pfeffer (1977) sees leadership as a phenomena that facilitates "sense-making" in the understandings, interpretations and meanings of change for the organization's members.

Cognizance of organizational culture and leadership concepts promotes an understanding of the underlying assumptions, beliefs and values of the organization. The underlying assumptions, which may be known or unknown to organizational members, are the core beliefs and values of an organization and its processes (Schein 1985; Rousseau 1990). They are fundamental and an integral part of an organizational member's "world view" (Rousseau 1990, 162).

Kaufman's (1960) study of the administrative behavior
of district forest rangers supports this.  Organizational
processes helped rangers understand organizational response
to external and internal challenge.  Kaufman found that
organizational processes provided more than administrative
procedures to control a district forest ranger's conduct.
They were a sign of the U.S. Forest Service's underlying
assumptions, beliefs, and values important to its mission.
They spoke to an organizational system that emphasized
efficiency and economy.

Tipple and Wellman (1991) revisit Kaufman's study.
They argue that the context of organizational processes are
part of an open system that emphasizes representativeness
and public involvement.  Taking this one step further, Smith
and Peterson (1989) connect organizational processes to a
cognitive perspective that uses formal rules, established
norms and emerging norms as a way for leaders and
subordinates to interpret meaning from events.

### Summary

The literature presented in this chapter supports the
idea that organizational processes help make sense of events

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that confront organizations. Institutional sense-making facilitates interpretation of data on the intentions, priorities, goals, and influences of personnel processes on management and administrative behavior. Individuals in an organization make sense, then establish rules and processes, which in turn function as interpretive systems. Thus, the institutional sense-making approach accommodates the different contexts and perspectives that were involved with the implementation of EEO.

Organizational processes, such as personnel processes have the qualities of interpretive systems. These processes are part of the institutional arena that shapes management and administrative behaviors, and in turn, are reshaped with the implementation of EEO. Personnel processes acquired institutional meaning with the implementation of EEO. This dissertation examines selected personnel processes by treating them as interpretive systems, and a reflection of formal rules, established norms, and emerging norms.

CHAPTER 4

RESEARCH METHODOLOGY

This chapter presents the research design; documents the data collection, management and analysis; and, addresses the validity of the case-study methodology used in this dissertation.

## Rationale for Case Study

Yin (1989) proposes three factors for determining the best research strategy: a) the type of research questions posed, b) the extent of control an investigator has over the actual behavioral events, and c) the degree of focus on contemporary as opposed to historical events (16). The research questions posed in this study do not require control over behavioral events. They assume institutional history is a basis for understanding organizational response to contemporary issues. In such a context, Yin's conditions for the case study strategy are satisfied.

Yin identifies three types of case studies: explanatory, exploratory, and descriptive (13). This study focuses on research questions of "what" and "how" that Yin categorizes as exploratory (17). An exploratory strategy is

appropriate, "[in] those situations in which the intervention being evaluated has no clear, single set of outcomes" (25). According to Marshall and Rossman (1989), the research questions of a case-study include, "what are the salient themes, patterns, categories in participants' meaning structures? [and] how are these patterns linked with one another?" Research questions ought to match the strategy of the research design, they assert (78).

The case-study method has been criticized for its lack of rigor and lack of basis for generalization (Yin, 21). Even so, Adams and White (1995) suggest that case study research can have the necessary rigor if attention is paid to its logic and practice. They argue that the case study works well for research about professions in practice (73). It illuminates issues as they relate to decisions, organizations, processes, programs, institutions, and events (Yin, 23). In addition, the case-study approach 1) investigates a contemporary phenomenon within its real-life context, 2) clarifies the boundaries between the phenomenon and context when they are not clear, and 3) uses multiple sources of evidence (23). Yin suggests that a distinctive contribution of the case-study approach is that it can

connect contemporary issues with historical context.

Documents and in-depth interviews are clearly acceptable and appropriate data sources for case-study research. Marshall and Rossman see the combined strengths of documents and interviews as often enabling researchers:

1) to obtain large amounts of expansive and contextual data quickly;
2) to access immediate follow-up data collection for clarifications and omissions;
3) to uncover nuances in culture;
4) to formulate hypotheses with greater flexibility;
5) to establish background context for examination of activities, behaviors, and events;
6) to discover the subjective side, the "native perspective" of organizational processes;
7) to facilitate discovery of complex interconnections in social relationships; and,
8) to enable analysis, validity checks, and triangulation (102-103).

The evidence for this study was collected from documents and in-depth interviews. Documents are contemporary records, confidential and public reports, government documents, and media reports and opinions (Marshall and Rossman, 95). The in-depth interview is an exploratory qualitative research tool "to help uncover the participant's meaning perspective, but otherwise respects how the participant frames and structures the responses" (82). Interviews are the essential raw material of case-

study research, providing the researcher with insights and suggesting corroboratory evidence leading to other data sources (Yin, 89).

The PSP was selected as the subject for this dissertation. During employment as a personnel analyst, I developed an interest in the resources being used to execute an affirmative action consent decree. I contacted the state police deputy commissioner for operations by telephone regarding the topic of this research, and to have the topic presented to the state police commissioner for approval. The department reviewed and approved a draft copy of the research prospectus.

The PSP's more than 20 years of experience with EEO implementation offers an ample canvas for showing changes to personnel processes. Data from administrative policies and procedures, court records, counsel documents, media reports, collective bargaining-related agreements, and in-depth interviews paints an historical picture of personnel administration that reveals changes in the underlying assumptions, beliefs, and values of police management and administrative behavior.

## Research Design

A research design is generally a plan of inquiry. Yin names five essential components of a research design. Briefly listed below are those components and how they are used in this study:

1. Study Questions - exploratory "how" and "what" questions form the basis of this case study. Using an institutional approach that concentrates on selected personnel processes, this inquiry investigates effects of change related to EEO on management and administrative behavior. While the degree of change will not be measured, the effects of change are determined by means of document analysis and in-depth interviews. Both data collection techniques served to document change, and its meaning, that occurred since 1972 and continued for nearly 20 years of EEO policy implementation in the PSP.

2. Study Propositions - propositions or research questions direct attention to something to be studied, provide the basis for theoretical issues, and supply a starting point to look for relevant evidence (Yin, 30). The concepts which have influenced the structure of this research are the theoretical issues covered in previous

chapters and stated below in the research questions.

3.  Unit-of-Analysis - selected personnel processes of the
    PSP act as the unit-of-analysis in this study.  To
    provide a time limitation and boundary to the data
    collection, these personnel processes are reconstructed
    beginning in 1972, and thereafter at seven-year
    intervals, that is, the years 1972, 1979, 1986, and
    1993.

4.  Linking data to propositions - Yin argues that
    "pattern-matching" as described by Donald Campbell has
    been successful in case study research (33).  Pattern-
    matching is a process of relating several pieces of
    data from the case to some theoretical proposition or
    hypothesis.  In this study, data analysis occurs in two
    stages.  First, the data is arranged chronologically,
    making it possible for the personnel processes and
    concomitant events to be reconstructed, then
    interpreted in sequence by the respondents.  Second,
    the data is organized into a data base that facilitates
    pattern-matching.

5.  Criteria for interpreting findings - qualitative
    research does not lend itself to statistical tests
    prevalent in quantitative research.  The use of

pattern-matching as described in item 4 above has

proven successful for interpreting findings (Yin, 35).

## Parameters of the Study

The objective of this study is to explore, describe, and

analyze changes to selected personnel processes using the

framework of institutional sense-making.  Parameters are as

follows:

1.   The dissertation is limited to those personnel

     processes of the PSP from the years of 1972, 1979, 1986

     and 1993 that are permanent in nature and that provide

     policy, procedure, and process to administrative

     practices and management behaviors.  Those processes

     are recruitment; testing and selection; basic training;

     performance appraisal; discipline; and collective

     bargaining pertaining to personnel processes, such as

     work assignments and grievances.

2.   The specific subject for study is selected personnel

     processes of the PSP as detailed in item 1.  Only those

     personnel processes that affect uniformed officers are

     examined.

3.   The consent decree under which the PSP operates

     presents a further limitation of this study (See

Appendix A). Legal counsel for the PSP considers its consent decree as pending litigation. Because this consent decree addresses the agency's recruitment and promotion processes state police personnel are precluded from any discussion of it. But the events leading to the consent decree, its existence, and changes to recruitment, testing and selection activities necessitated by it are pertinent to the context of change under study.

4.  The investigation limits itself to a review, evaluation, and interpretation of court, agency records, statements of agency policies, other public records of the case, and in-depth interviews.

5.  Only individuals who have implemented and managed personnel processes will be studied. This group includes staff and line personnel within the agency.


## Research Questions

1.  An institutional context shapes the underlying assumptions, beliefs and values of police management and administrative behaviors.

2.  Organizational culture and leadership commitment affect the institutional response to change.

3.  Administrative and managerial perceptions affect
    certain institutional responses to EEO implementation.
4.  Personnel processes shape management and administrative
    behavior and guide staff and line employees.
5.  Effective institutional leadership responds to public
    policy imperatives at constitutional, political, and
    organizational levels.  Leadership failure at any of
    these levels negatively sensitizes the environment of
    the agency.

## Data Collection

Two phases comprised the data collection plan of this
research.  The first phase included identification and
collection of documents that could be used to reconstruct
the selected personnel processes of the PSP for the years
1972, 1979, 1986, and 1993.  The second phase consisted of
the interviews in which the reconstructed personnel
processes were interpreted by respondents.  The purposes and
use of documents and in-depth interviews as data sources,
and the data collection procedure in this research follow.

## Documents

Historical and contemporary documents were collected.

They included administrative policies and regulations
related to personnel processes, court records, and
collective bargaining agreements and awards related to
selected personnel processes.  The time and place of
documents was noted in order to reconstruct the selected
personnel processes, to identify changes in them over time,
and to structure interview questions.

To collect documents, the researcher traveled to
Harrisburg, Pennsylvania, the capital of Pennsylvania.  At
the headquarters of the PSP, historic and contemporary
records pertaining to the subject of this study from 1905 to
the present were collected.  These records included
administrative regulations, field regulation, management
directives, administrative memorandums, department manuals,
court orders and counsel documents, collective bargaining
contracts, interest arbitration awards, and side-letters of
agreement with the Pennsylvania State Trooper's Association.
The state library furnished legislative records and
newspaper accounts.

## Interviews

Phase 2 of the data collection employed semi-

structured, in-depth interviews. This format provided

insight into the respondents' opinions about "what a

program's objectives were, how the program operates to

achieve its objectives, how the objectives have changed..."

(O'Sullivan and Rassel 1989, 191). The interviews employed

a protocol. Standardized open-ended questions designed to

solicit respondent's opinions guided a discussion about the

meaning and importance of the personnel processes under

study.

Protocol Development. The interview protocol provided

enough structure and descriptive information about each of

the personnel processes so that 1) the respondents would

focus upon each personnel process; 2) the respondents could

recall their experiences with each personnel process; 3) the

respondents could answer a brief set of general questions

about each personnel process. The data collection

instrument gave respondents the ability to interpret and

give meaning to the personnel processes operating in each

time frame. In this study, their interpretation "makes

sense" of these processes as well as associated management

and administrative behaviors. To achieve these ends, the

interview protocol was developed through a process of pilot

tests and pre-tests.

Social scientists use pilot tests to formulate and refine the content and questions in a survey questionnaire. This study included several pilot tests key respondents of the study through lengthy unstructured interviews (Oppenheim 1992, 51). The first pilot study identified the documents for describing personnel processes. Three respondents were selected from the population of potential key participants in the study to interview. Each respondent reviewed the relevant documents and identified those parts that they believed to be important to describing and understanding the personnel process. The interview protocol developed from their responses.

A second pilot study helped refine the content of the interview protocol. Three key administrative officials of the state police considered the wording of personnel process descriptions for clarity and focus, and to comment on the associated protocol questions.

This pilot test also included the PSP's chief legal counsel because of restrictions placed upon this research

regarding the consent decree. The protocol initially
included the personnel processes of recruitment, testing and
selection, basic training, performance appraisal,
discipline, and collective bargaining. The chief counsel
objected to the sections on recruitment, and testing and
selection as these are subjects explicitly under litigation.
As a result, these sections were removed from the interview
phase of this research reducing the number of questions from
122 to 82 items. Given the scope and objectives of this
study, this reduction raised little concern. The 82 items,
which covered five subjects in four time frames, still
appeared to provide sufficient data for completion of this
research.

The next phase of the interview protocol development
was pretesting to examine the wording of the interview
questionnaire, to evaluate the performance of questions, and
to rehearse the interview process (O'Sullivan and Rassel,
162-163; Yin, 80). A representative sample of the
respondents of the study (O'Sullivan and Rassel, 163) took
part. Three individuals (two non-minorities and one woman)
who were potential respondents and who had familiarity with
the subject, were interviewed. Following each interview,

the interviewer asked participants to comment on the
readability and understandability of the interview protocol
with particular attention to the statement of the project,
the personnel process descriptions, and the semi-structured
interview questions.  See Appendix B for the final version
of the interview protocol.

Sample Construction.  The sample consisted of key
respondents of the PSP.  Research that examines culture and
relies on key informants to describe a culture is called
ethnography (Bernard 1994, 16).  For ethnography to work,
key informants must be selected for their competence
(Bernard, 165).  These informants must share a common
culture so that any variations in responses is the result of
individual differences in respondent knowledge (Romney,
et.al. 1986, 333).

In this study, respondents were chosen because of their
knowledge and experience in management and administrative
positions of the PSP.  The respondents largely shared many
of the same organizational experiences that occurred with
the implementation of EEO.  Although, it was expected that
responses would vary based on individual and cultural

differences, these kinds of variations supply a comprehensive and complete understanding of organizational culture.

The next step was to draw a sample of 25 from the population of respondents who were top-ranking officials of the PSP to include troop line officers, administrative staff personnel, Pennsylvania State Troopers' Association officials, and other persons that, because of their position since 1972, have direct knowledge of personnel administration in the PSP. An attempt was made to target certain key positions for all years of the study: the chief of staff or deputy commissioner for administration, personnel director, disciplinary officer, training director, and union leaders.

The PSP consent decree separates white women from the other minority groups. Table 4-1 provides the demographics of the PSP for the years of the study. The issue of the representation of minorities and women was an important concern in the construction of the sample since this study involved EEO. The primary reason for this concern involved the need to to determine any differences in

Table 4-1. Enlisted Minority and Women in the PSP by Study Year

| Year | Total Enlisted | Minorities (%) | Women (%) |
|------|----------------|----------------|-----------|
| 1972 | 4,173 | 56 ( 1.3) | 15 ( .4) |
| 1979 | 3,957 | 180 ( 4.5) | 31 ( .8) |
| 1986 | 3,958 | 401 (10.1) | 109 (2.8) |
| 1993 | 4,013 | 475 (11.8) | 139 (3.5) |

responses between and within demographic groups.  Therefore,

the sample needed to provide proportional over-

representation of minorities and women.


    To begin to form the sample, 30 potential respondents

were identified initially.  Table 4-2 provides the

demographic characteristics of the respondents invited to

participate and who subsequently accepted.

Table 4-2.          Demographic Distribution of Study Participants

Invited to Participate:

| | | |
|------|----|-------|
| White Males | 18 | 60.0% |
| Minorities | 9 | 30.0% |
| Women | 3 | 10.0% |
| Total | 30 | 100.0% |

Of these, 26 actually participated:

| | | |
|------|----|-------|
| White Males | 17 | 65.4% |
| Minorities | 6 | 23.1% |
| Women | 3 | 11.5% |
| Total | 26 | 100.0% |

Table 4-3 illustrates the demographic representation by year
of these respondents.


Table 4-3.            Demographics of Participants by Study Year

| Year | N | Non-minorities (%) | Minorities (%) | Women (%) |
|------|---|--------------------|----------------|-----------|
| 1972 | 19 | 15 (78.9) | 3 (15.8) | 1 ( 5.3) |
| 1979 | 23 | 15 (65.2) | 6 (26.1) | 2 ( 8.7) |
| 1986 | 24 | 15 (62.5) | 6 (25.0) | 3 (12.5) |
| 1993 | 20 | 11 (55.0) | 6 (30.0) | 3 (15.0) |


The sample was categorized into staff and line
respondents.  Each respondent was placed into either the
staff or line category consistent with each individual's
duties.  This was done for each year of the study.  Staff
respondents were identified as those whose responsibilities
included personnel-related administration, held positions of
bureau-level director (state police major rank), held
positions as chief of staff or deputy commissioner (state
police lieutenant colonel rank), or held positions with
functions that were judged to be staff work.  The remainder
of the respondents were considered line respondents.  Table
4-4 shows the distribution of staff and line respondents for
each year of the study.

Table 4-4.        Staff and Line Respondents by Study Year

| Year | Staff respondents | Line respondents |
|------|-------------------|------------------|
| 1972 | 8 | 11 |
| 1979 | 10 | 13 |
| 1986 | 11 | 13 |
| 1993 | 10 | 10 |

See Appendix C for complete demographics of the respondents for each year under study.  This sample satisfies the researcher's concerns for adequate representation of minorities and women in each time period to determine any differences within and between the demographic groups.  Moreover, the sample represents key respondents of the PSP important to this research.

Procedure and Techniques.  In-person and telephone techniques were used to collect interview data.  When conducting semi-structured in-depth interviews, "investigators want different answers to reflect differences among subjects, not differences among interviewers " (O'Sullivan and Rassel, 189).  They offer this procedure to minimize the effects of the interviewer:

    1)   Explain the purpose of the study;
    2)   Ask questions;
    3)   Handle incomplete or inappropriate answers;
    4)   Record answers; and
    5)   Deal with interpersonal interactions (189-190).

Incorporating this advice, each interview followed these steps:

1) Explain the purposes of the study.

2) Ask respondents if they had reviewed the contents of interview protocol.

3) Ask respondents if the interview could be tape recorded.

4) Describe each personnel process and ask related questions in turn. Resolve respondent questions, regarding descriptions with the use of department references before the interview proceeds.

5) Pose follow-up questions when necessary to clarify responses.

6) Thank respondents for their participation.

The researcher contacted 30 individuals through correspondence and invited them to participate in this study. Initial correspondence included an explanation of the study and the interview protocol. Persons retired from the PSP responded to the invitation by returning a self-addressed and stamped mailing indicating whether 1) they would like to schedule an interview, 2) they needed further information, or 3) they did not wish to participate.

Persons still employed by the department were notified that they would be contacted by the researcher by telephone to assess their interest in participation. Of the 30 individuals, 26 agreed to participate in the study. Of the 26 respondents, 16 were interviewed in-person and 10 were interviewed by telephone.

Although the primary technique for data collection was the in-person interview, telephone interviews were used when respondents lived and worked in remote regions of Pennsylvania. In addition, when in-person interviews needed to be rescheduled, the telephone interview provided an acceptable alternative as long as the procedure remained the same (Light, 235; O'Sullivan and Rassel, 188).

All interviews were conducted between December 5, 1994 and January 3, 1995. In-person interviews took place between December 5 and December 21, 1994. These interviews occurred at locations that were convenient to the respondent, but afforded a private and quiet environment to conduct an interview. No more than three interviews were completed in one day, spacing them evenly throughout the day to prevent interviewer fatigue. Telephone interviews were

conducted in the same manner.

Because the study employed two interview techniques, its design examined respondent data to identify any differences in the structure and quality of interviews.[1] First, word processor document files were created from the transcription of each interview. Then length of interviews was compared using the word count feature in the Word Perfect 5.1 software. The comparison was based on the average number of words divided by the number years for which respondents answered questions. Table 4-5 provides a summary of the structural analysis of the interviews. The difference of 28 words was calculated between the two techniques. Given the number of respondents and the number of items, a significant structural difference did not appear

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[1]Paul C. Light, The President's Agenda (Baltimore, MD: Johns Hopkins University Press, 1982) 235. Here, Light used in-person and telephone techniques to study the White House political staff from the Kennedy to Carter. Light conducted 57 in-person and 69 telephone semi-structured interviews using the same questionnaire on a stratified non-probability sample of respondents. In a comparative analysis of the responses, he looked at the length-of-time needed to conduct the interviews. He found no structural differences in the length of the interviews, and more importantly, no differences the quality of the interviews. However, Light did not elaborate upon any analysis technique other than length-of-time for assessing differences in the quality of in-person versus telephone interview responses.

Table 4-5.          Summary Analysis of Interview Techniques

|  | | Words/Years |
|---|---|---|
| Total Respondents | 26 | 1,394.6 |
| In-person interviews | 16 | 1,405.4 |
| Telephone interviews | 10 | 1,377.4 |

to exist between the in-person and the telephone interview techniques. See Appendix D for complete details of this analysis.

Next, a qualitative analysis was completed through a process of randomly selecting a year and question number. Then all responses were placed in random order with the respondent number redacted. Finally, the responses were sorted for content. This process was completed five times and considered 23, 19, 20, 20, and 19 responses, respectively. The researcher was unable to judge consistently and correctly based upon the content of a response whether it had been obtained through either an in-person or telephone responses. Given this result, I concluded that there was no significant qualitative difference among the responses collected using the in-person or telephone interview techniques.

## Data Management

Data collection was accomplished in two phases.  In the first phase, documents were assembled.  Documents related to personnel processes were organized into categories of year and personnel processes.  This provided a chronology of materials for each of the selected personnel processes making reconstruction of those processes more precise.  Other documents related to the case were categorized by subject.  The documents were integrated and summarized into a word-processing document file for analysis.

Interview data was collected in the second phase.  The respondents statements were taped and transcribed into a descriptive case document file of each interview using Word Perfect 5.1 word-processing software.  Each file was organized to present respondent data in a standard format that combined question numbers from the interview protocol with respondent numbers (see Appendix B).  For example, if respondent 1 answered question 72-1, then the format would be a heading of "72-1-1" followed with the complete text of that respondent's answer.  A second set of files was created by merging the individual files and arranging them by year, question, and respondent.  Finally, all files were merged by

year into a data base that facilitated a qualitative examination of respondent data to identify patterns.

<div align="center">Data Analysis</div>

The data analysis process progresses from a description of the data to its analysis and findings. This process concludes with a synthesis of information learned from the case. Such an analysis process has been called a "ladder of abstraction" (Miles and Huberman 1994, 91). A ladder of abstraction, as presented by T.F. Carney, shows several progressive levels of systematic analysis for qualitative data (see Figure 4-1). The following discussion of Carney's "The Ladder of Analytical Abstraction" relates to this study.

Level 1 - Summarizing and packaging the data.

     1a. Creating a text to work on:
Document data was maintained for each year of the study under the subjects of organization, recruitment, testing and selection, basic training, performance evaluation, discipline, and collective bargaining. Descriptive summary statements were developed for each subject.

The interview data collected in this study
was recorded on audio tapes. Each tape was
transcribed into a case document file, which
included of the identification of the
respondent only by duties for each year of
the study. Each file was coded to identify
the year, question, and respondent for
purposes of linking data.

1b. Testing coding categories to find a set that
fits:
This step involved determining the means to
manage and link the document and interview
data. After assessment of qualitative
analysis software was completed, WordCruncher
version 4.1 was selected for its ability to
index, search, retrieve, link and manage
data, and to locate terms in the context of a
few sentences.

The interview files were merged into a single
data file and saved to the WordCruncher file
format. The same coding scheme described in
Step 1a to manage the data was maintained.

To conduct the content analysis, a content
dictionary was created (Bernard 1994, 340).
The dictionary was created in three steps.
First, code words were developed from the
concepts found in the research questions.
Second, an index was created from the data
file. Third, words found in the data file
index were linked to the code words. See
Appendix E for the content dictionary.

Level 2 - <u>Identifying themes and trends in the data overall</u>.
Miles and Huberman advocate a variety of
visual display formats to document and
analyze within-case data (1994, 90-91). A
display, called a matrix, could have a
combination of categories, to include time,
order, role, event, and concept, depending
upon research purposes (93-143). A set
matrices were prepared for each year and
personnel processes of the study. Each
matrix was organized by role and protocol
question item. A thematic conceptual matrix
was created with the use of the content

LEVELS

3 Developing and testing propositions
   to construct an explanatory framework

**3b** Delineating
the deep
structure

Synthesis: integrating
the data into one
explanatory framework

**3a** Testing hypotheses
and reducing the bulk
of the data for analysis
of trends in it

Cross-checking
tentative findings
Matrix analysis of
major themes in data

2 Repackaging and
  aggregating the data

Identifying themes
and trends in the
data overall

Searching for relationships
in the data: writing analytical
memos
Finding out where the
emphases and gaps in
the data are

1 Summarizing
  and packaging
  the data       **1b**

Trying out coding
categories to find
a set that fits

Coding of data
Writing of analytical notes on
linkages to various frameworks
of interpretation

**1a** Creating a text
to work on

Reconstruction of interview tapes
as written notes
Synopses of individual interviews

Figure 4-1.  The Ladder of Analytical Abstraction.

Source:  J.F. Carney, <u>Collaborative inquiry methodology</u>.  Windsor, Ontario, Canada:  University of
Windsor, Division for Instructional Development, 1990.)

dictionary to locate and link the concepts

contained in the data file.   As a result,

data could be grouped by research question

and concept for purposes of identifying

trends.

Level 3 - <u>Developing and testing propositions to construct</u>

<u>an explanatory framework</u>.

3a.  <u>Testing hypotheses and reducing the bulk of</u>

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the data for analysis of trends on it:

To complete this level, each entry on the
matrix was located and compared to other
entries. This process enabled a form of
pattern-matching as discussed in the research
design.

3b. Delineating the deep structure:

This step of this analysis was conducted in
three parts. The first part presents the
document data that describes the
organizational context of change. The second
part presents and evaluates the interview
data that interprets the personnel processes.
The final step was to analyze and
differentiate the data in order to present
the findings for each research question.

## Evaluation of the Research Design

A research design is a theoretical framework for
conducting research. There are several tests available to
evaluate the quality of a research design. Kidder (1981)
summarizes four tests: construct validity, internal
validity, reliability, and external validity. Each of

these tests is described briefly here in the context of this study:

1.   Construct validity - defined as establishing the correct operational measures for the concepts under examination.  Yin (1989) suggests to meet construct validity, research must:

     1)   select specific types of changes that are to be studied; and,

     2)   demonstrate that the selected measures of these changes do indeed reflect the specific types of changes that have been selected (42).

This study reconstructed selected personnel processes to focus each respondent to organizational activities associated with the implementation of EEO that shaped management and administrative behavior.  It reconstructs these personnel processes in 1972 prior to the implementation of EEO, and thereafter at seven-year intervals.  Respondents relied on their memories of experiences in the PSP, which could be expected to be imprecise.  However, the collection of these experiences provided descriptive information about the PSP during the implementation of EEO.  The numeric and

proportional representation of uniformed minorities and women in the PSP served as the only objective measure used in this study to determine the effect of the personnel processes between time frames.

2.  Internal validity - defined as establishing causal relationships, this test is appropriate to use with explanatory or causal studies.  As exploratory research, this study did not establish causal relationships.  Nevertheless, it does focus on the interpretation and meanings of selected personnel processes to members of the PSP.  Because some inferences are made about the meaning of these personnel processes, it is necessary to incorporate tactics of internal validity into the research design of this study.  These include multiple data sources to triangulate information collected from documents and in-depth interviews, and pattern-matching to link the information collected to research questions (Yin, 43).

3.  Reliability - defined as showing that the study's procedures can be repeated with the same results.  In order to have reliability, a case study needs to be well-documented and organized.  This study is a historical analysis of changes to selected personnel

processes of the PSP, which have been well documented.
The interview data is collected using a single
instrument. The data is organized and maintained by
time frame and personnel process, under the
subcategories of documents and in-depth interview.
This organization facilitates a systematic analysis to
link data, identify themes, cross-check findings, and
integrate data; and could be replicated.

4. External validity - defined as establishing the domain
to which the study's findings can be generalized. This
dissertation focuses on data developed from document
and interview research into selected personnel
processes of the PSP. Therefore, the results can only
be generalized to police organizations with similar
structure, mission, and administrative characteristics.

### Summary

This chapter presents and documents the research
methodology used in this dissertation. The case study was
considered an appropriate method because this research
involves questions of what and how, which give focus to the
subject of change and its meaning. Document and interview
data was collected and coded to provide consistent data

management throughout data analysis.

The limitations of the study focus on selected personnel processes that apply to uniformed personnel, and those respondents who because of their position since 1972 have direct knowledge of those processes. Therefore, the central limitations of this study concern the identification of necessary data through the collection of appropriate documents and development of a satisfactory interview protocol.

This chapter documents the research plan of this study to include the various issues that relate to protocol development, data management and data analysis. Finally, it shows that the research effort generally satisfies requirements of reliability and construct, internal, and external validity.

PART  II

DATA AND ANALYSIS

CHAPTER 5     EEO To Diversity in the PSP:  Organizational
              and Institutional Change

CHAPTER 6     Findings and Conclusions

CHAPTER 5

EEO TO DIVERSITY IN THE PSP:  ORGANIZATIONAL AND
INSTITUTIONAL CHANGE

Introduction

In the United States the implementation of EEO changed

the face of public personnel administration.  With EEO,

personnel administration began to be affected strongly by

broader issues of constitutionally, politically, and

organizationally instituted processes rather than only

organization-level activity.  This chapter methodically

presents and evaluates organization-structure and personnel-

process data for 1972, 1979, 1986, and 1993 to see how this

change affected the PSP, its institutions, organizational

culture and leadership.  This chapter includes, as context

for the data, the salient constitutional and political

events associated with institutional change and the

implementation of EEO.


While the configuration of the organization chart

remained fairly constant throughout the time of the study,

organizational activities related to personnel

administration changed from simple organization-level task

statements to complex statements of policy/process.  As

such, these statements reflect change in the constitutional

and political environment of the agency. This chapter also shows that over the years of this study, EEO became a catalyst for change in the PSP by: 1) requiring additional responsibilities of its sub-units; 2) expanding personnel administration-related task structure; and, 3) creating new administrative offices.

Personnel processes often reflected issues of the environment-organization interplay. More importantly, they changed from a focus on organizationally bounded concepts to a focus on institutionally defined processes. Slowly but perceptibly, EEO implementation altered institutions, organizational culture and leadership of the PSP. Personnel systems changed from discrete individually based events to ongoing processes oriented to results with organizational and individual implications. These implications are evident in the range or pattern of respondents' interpretations of personnel processes in terms of their meanings, objectives, successes/failures, priority, and importance. Selected excerpts from interviews provide insight into the values, perceptions, and commitment to organizational activities shaped by constitutional and political mandates.

The institutionalization of EEO occurred in stages. These stages, characterized here as origins, resistance, assimilation, and nascence of diversity, precede the final data section of this chapter, which concentrates on identifying the institutional meaning and understanding of managing diversity.

### 1905-72:  Origins of EEO and Collective Bargaining

This section presents data about the context activity, organization structure, and personnel processes of the PSP for 1972.  This data shows the sources and issues of EEO and collective bargaining that confronted the PSP.  This section also presents organization structure data and personnel processes descriptions with the respondents' interpretations.  The fact that personnel processes had not yet been affected by EEO provides a basis to understand later changes.

By 1972, two notable issues of constitutional and political mandate affected Pennsylvania state government. The first was the public policy imperative of EEO, which entered the national legislative arena with the 1964 Civil Rights and the 1972 Equal Employment Opportunity Act, and

moved into the federal judicial arena with most notably the U.S. Supreme Court case of <u>Griggs v. Duke Power Co.</u> (1971).

At the state level, (and politically for the PSP prior to 1972,) first-term Democratic Governor Milton Shapp issued a series of executive orders to provide leadership and commitment in state government on the issue of equal rights. On June 2, 1971, Executive Directive 13 provided a policy statement:

> "a major effort will be exerted to end discrimination against all minority groups and women and to develop affirmative action programs to involve them at every level of employment and decision making in this Administration."

Executive Directive No. 21, titled "Implementation of the Commitment Toward Equal Rights," created the Governor's Equal Rights Task Force as a cabinet-level office. The directive ordered that all departments develop affirmative action plans with specific numeric goals and time tables and submit them to the task force for review. Executive Directive No. 50 dated October 11, 1972 by the Governor's Affirmative Action Council, effectively integrated activities of the task force into the Office of Administration, Bureau of Personnel. The Council oversaw all state affirmative action programs on behalf of the Governor.

In its review of state agencies, The Governor's Equal

Rights Task Force identified the PSP as a discriminatory

agency. Statistical data from state police records show

that the agency had under-represented uniformed minorities

and women. During the department's first 50 years, it

employed no blacks. Between 1954 and 1959 the department

hired only two blacks. In 1961, the total workforce was

about 2,400; between 1961 and 1967, yet only two more blacks

had jobs. From 1967 to 1972 the number of minorities grew

to 56, while the workforce increased to 4,100. Therefore,

in 1972 minorities represented only 1.4 percent of the total

4,100 positions. In 1972, the first cadet class of 15 white

women entered the training academy.


The second issue was the establishment of collective

bargaining rights for public employees in Pennsylvania.[1]

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[1]Commonwealth of Pennsylvania. Governor's Study
Commission on Public Employe Relations. Administration of
Labor Relations in Pennsylvania State Government. (July
1979). This report traces the development, organization and
impact of collective bargaining in the state. The report
suggests that a favorable political climate existed for
establishing collective bargaining. Specifically, Governor
Raymond P. Shafer established in 1968 a Governor's
Commission to review the whole area of public employee
relations, which included making recommendations to
establish procedures for governing public employee
relations. The Commission made comprehensive statutory
recommendations for bargaining rights for all public

Governor Raymond P. Shafer appointed a committee to establish organizational relationships for collective bargaining (Executive Directive 81, May 13, 1969). A Division of Labor Relations was created in the Governor's Office of Administration, Bureau of Personnel to coordinate collective bargaining issues among administration components of state government. It included central personnel, budget and management agencies of affirmative action, financial management, retirement, civil service, budget, state agencies, and unions. For the PSP, the first contract negotiations began in 1970. By 1972, through collective bargaining, two contracts, each as one-year agreements, were settled through binding arbitration between the Commonwealth of Pennsylvania and the Fraternal Order of Police.

## PSP Mission and Organization Structure

The mission of the PSP in 1972 was to enforce the law and preserve the peace through the detection of crime,

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employees, which the legislature debated. However, the debate excluded police and fire personnel. A separate statute passed quickly on their behalf to amend the state constitution, which the electorate ratified in 1967. This statute, titled Act 111, acknowledged the right of public safety officers in state and local government to collective bargaining and provided for mandatory arbitration at impasse. Act 195, The Public Employee Relations Act passed in 1970, covered the remainder of public employees.

apprehension of criminals, patrol of the highways, enforcement of the Vehicle Code, and the abatement of fire hazards (AR 1-1, 6/9/72, 12). On November 18, 1971, the Executive Board of the Commonwealth of Pennsylvania approved a reorganization plan with an organization chart submitted by the state police commissioner. This chart (see Table 5-1) took effect for the entire year of 1972. The commissioner controlled administrative functions and command supervision of the department. Responsibilities included formulating polices and procedures, maintaining discipline and administering justice, prescribing training standards, and maintaining high proficiency in administrative, training and operational activities. The commissioner delegated all administrative responsibilities to three subordinate command positions and three staff positions. The PSP maintained and controlled organizational activities.

## Personnel Administration

The Chief of Administrative Services had administrative responsibility for the personnel division. This officer held the rank of a lieutenant colonel. The division had no designated sub-units. A captain commanded it. Regulations listed eleven function statements for the personnel

Table 5-1. 1972 Organization Chart of the PSP

(Source: Pennsylvania Bulletin, Vol. 1, No. 75, November 20, 1971, p. 2157.)
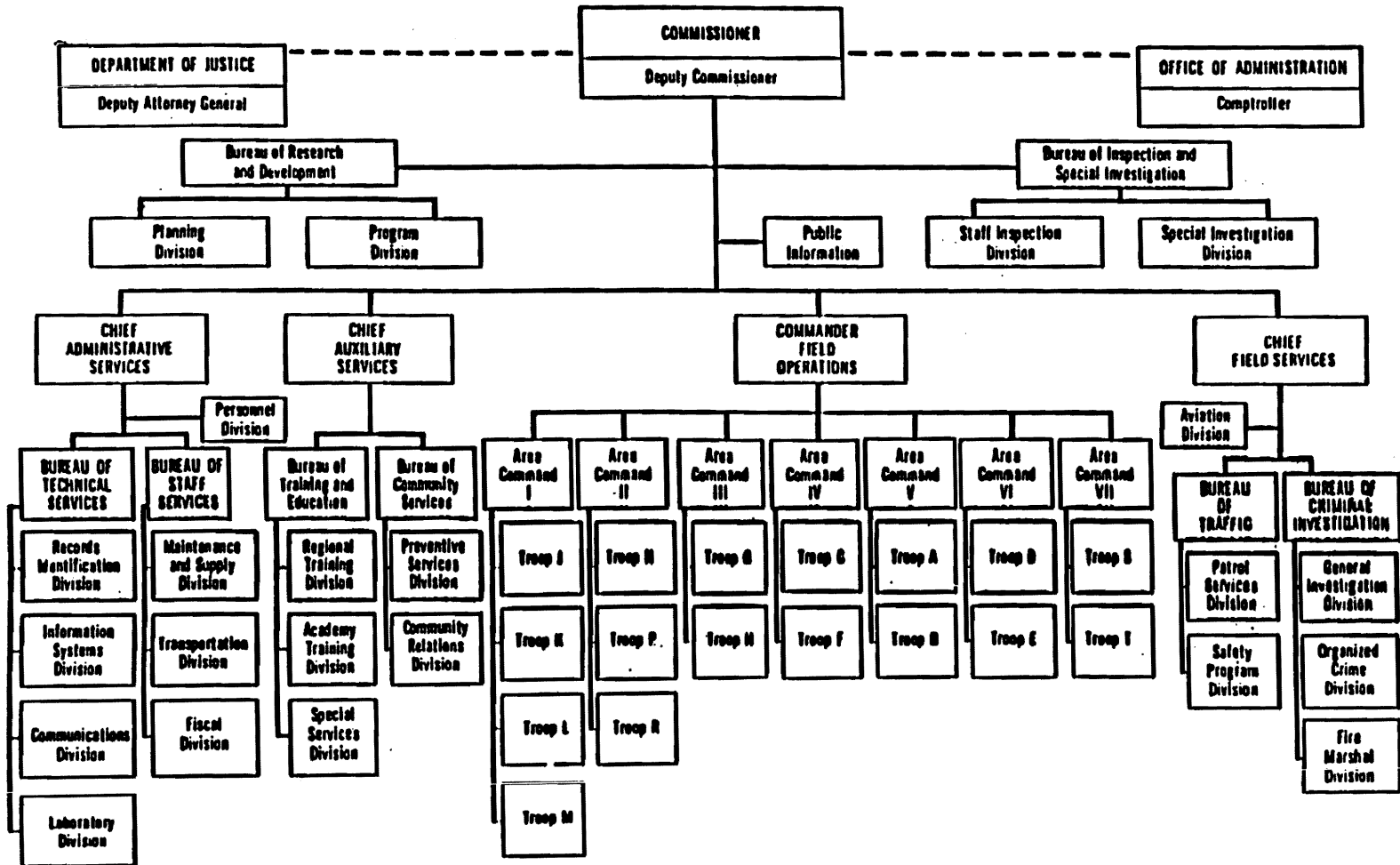
division:

1) develops standards and procedures for departmental personnel administration,
2) maintains personnel records for all employees,
3) recruits and screens all applicants,
4) processes personnel transactions,
5) maintains position and complement control records,
6) develops programs to meet projected personnel needs,
7) maintains liaison with the Governor's office, Civil Service Commission, and other state agencies on personnel matters,
8) provides the mechanics for the promotion examination procedure for enlisted personnel,
9) analyzes position descriptions to determine classification level,
10) Implements and coordinates labor relations polices and procedures, according to contract, for enlisted and civilian personnel, and
11) assists personnel in obtaining employee benefits (AR 1-1, 6/9/72, 17-18).

While regulations comprised most typical personnel management functions, they lacked the organizational arrangements of some personnel processes in place in 1972. For example, a departmental recruitment committee and troop commanders shared recruitment responsibilities. The regulations also lacked a delineation of administrative responsibilities for, and use of, personnel performance systems. However, in this instance, department policies and procedures in place for promotions included the completion and use of performance ("efficiency") evaluations.

Basic training rested with the Bureau of Training and
Education, located at the State Police Training Academy in
Hershey, Pennsylvania. This division determined department
training needs, developed training and curriculum programs,
and conducted department training courses.

## Personnel Processes

The following subsections highlight and interpret the
personnel processes in place for 1972. Appendix B provides
more detail for each process, except recruitment and testing
and selection. Details of recruitment and testing and
selection processes follow.

**Recruitment.** There were no administrative regulations,
special orders or other departmental directives for
recruitment. However, the department's practice was to
announce through the media that it was accepting
applications until a specified date.

No interview data was collected to interpret this
recruitment program.

**Testing and Selection.** For purposes of this study, testing

and selection refers to cadet selection and enlisted
promotions. The cadet selection process consisted of a
lengthy procedure of basic entrance requirements to include
citizenship and residence; minimum and maximum age; high
school graduation or equivalent; height, weight, vision, and
physical condition; a written, oral, and physical
examination; and a background investigation (AR 4-10, dated
5/29/72). An applicant would receive a preliminary
interview at the time of application at a state police
facility to review the entry requirements and the
application process. The State Civil Service Commission
administered a formal written examination characterized as a
general intelligence test. Applicants who scored high
enough on this test continued the application process.

This process included a physical examination (a medical
examination at the expense of the applicant); a check of
height, weight, vision, and hearing; a review of the medical
examination by the state police medical doctor, a strength
and agility test, and an oral board interview at the state
police academy. The factors considered by the oral-
examination board were appearance, job interest,
judgement/maturity, and social qualities.

If the candidate successfully completed these examinations, the department conducted a background investigation to identify any weaknesses in character or criminal history. The Background Screening Board reviewed this material. Suitable candidates were notified to report to the academy to begin training.

A written examination, evaluations, and seniority determined promotion to corporal, sergeant, and lieutenant (AR 4-9, dated 12/29/71). Troop commanders or division directors identified enlisted personnel as eligible for promotion examination based upon time in rank and position, and the absence of disciplinary action for one year. They prepared lists every 12 months. A Board of Senior Officers designated by the commissioner developed 300 test questions. They submitted these questions to a contractor who used an appropriate number of them to construct the written examination. The written examination counted as 60 percent of the overall promotability.

The PSP conducted efficiency evaluations every six months. These evaluations used a factor-point evaluation system that provided an average score for each candidate,

with a maximum score of 25 points.  The factors included

quality and quantity of work, work habits, interpersonal

relationships, initiative, dependability, analytical

ability, supervisory ability, adequacy of experience, and

special factors.


The department calculated seniority at .05 points for

every month of service since appointment to the academy.  A

maximum of 15 points could be accumulated.  Therefore, 25

years of service merited the maximum seniority points.


In the next step, personnel listed candidates in rank

order of total points.  The commissioner could interview

sergeants prior to their notification of lieutenant

vacancies, and issue subsequent orders announcing

promotions.


The Board of Senior Officers could review an appeal of

promotion examination questions.  The department considered

the Board's decision as final.


No system for promotion to captain, major, or

lieutenant colonel existed in the regulations, however, the

commissioner held authority for any and all promotion systems and procedures deemed necessary for the proper administration of the department.

No interview data was collected to interpret testing and selection procedures.

Basic Training. For purposes of this study, basic training covers the time from appointment to the State Police Academy until the conclusion of the probationary period 18 months later. The formal basic training at the academy lasted the first 24 weeks. Officially, the PSP identified the purpose of the academy program as "teaching and training cadets to function as law enforcement officers within the constitutional limitations of the law and the precepts of the Pennsylvania State Police" (Acad. 103, dated 7/1/71). Cadets experienced a highly disciplined and regimented environment at the academy (Acad. 75, dated 7/20/72).

Upon graduation from the academy, cadets entered the field with probationary status as troopers. For the first four weeks, each trainee worked with an experienced trooper who functioned as a coach. The coach evaluated the trainee

at the end of the training period to assess their

application of formal training skills to the field (AR 5-2,

dated 12/20/71).


The basic training program had a relatively limited

range of interpretation by the respondents, regardless of

their staff or line position, or their demographic group.

The data reveals the significance of formal basic training

to police organization, practices, values, culture, and

leadership.


**Question 72-1:** What did this basic training program mean to

you? Respondents regarded the basic training program as the

essence of police work.

| staff responses | line responses |
| --- | --- |
| indoctrination into the police world | learning to be a trooper to enforce the law |
| rigid paramilitary structure to turn out a consistent product | acclimation to military management and blind obedience |
| | everything for being a police officer |

**Question 72-2:** In your opinion, what were the objectives

and purposes of this basic training program? The

respondents clearly understood the aims of basic training.

| staff responses | line responses |
| --- | --- |
| to make efficient and productive trained professionals | to give an overview of the job |

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| | |
|---|---|
| to ensure cadets would have the fundamental concepts | to provide academic and physical training in a highly disciplined environment |
| to introduce the law enforcement structure to cadets to effectively enforce the law | to make a civilian into a functioning police officer |
| | to show the cadet the system to be a trooper |

**Question 72-3:** What did you see as its successes and failures? Those interviewed praised the program for its accomplishments, but criticized its structure.

| staff responses | line responses |
|---|---|
| exposure to discipline the police officer had to have--self control | on-the-job training more important to prepare people for the functions of a trooper |
| system to teach cadets the way to do the job | better troopers on the road |
| | too compressed |
| | lots of redundancies. It did make me into a police officer |

**Question 72-4:** What priority did state police commanders with whom you associated give to basic training? To the respondents, the priority held by commanders' toward basic training varied.

| staff responses | line responses |
|---|---|
| high priority, they were always concerned about the program in command discussions | not allowed to talk to commanders |
| commanders showed some interest | did not associate with commanders |
| They did not give a priority to training....not a topic in discussions | they showed some interest |
| | they seemed supportive |

**Question 72-5:** How was this basic training program important to you? On an individual basis, respondents

placed a high value on their basic training experience.

| staff responses | line responses |
|---|---|
| Nothing is more important.  Like being good parents by rearing cadets for performance in their career | important to me because the training would result in a decent life |
| program good to get troopers to keep the department second to none | gave me a mind-set and survival skills for the job |
| obligation of the department to prepare cadets | important to learn the job.  To break you down and then build you up |
| interest in developing and molding the product at the academy | general importance to go from civilian life to semi-military organization |
| gave foundation to build on as troopers | |

Performance Appraisal.  Performance evaluations were the

same as efficiency evaluations that were conducted for

promotion (AR 4-9, section 9.05, dated 2/7/72).  This

evaluation was a factor-point system with a scale of zero to

25 points.  Supervisors conducted these evaluations semi-

annually.  The evaluation system only applied to troopers,

corporals and sergeants.

Respondents did not have a clear idea of the policy and

purpose of performance appraisals.  Several areas of

differences arose between and among staff and line

personnel.  Generally, however, they said that this system

had little to do with performance or efficiency.

Question 72-6:  What did this performance appraisal system

mean to you?  The system held little meaning to the respondents and their experience with it was usually distasteful.

| staff responses | line responses |
|---|---|
| necessary to take inventory of what was happening | a lot of personality factors, unfairly based in rater attitudes |
| a process that reflected the Commonwealth's performance evaluation process | longer on the job, the higher the rating |
| It meant a lot because it told you how your commander personally felt. | Seniority was used to hold down new members. |
| direct correlation to time-on-the-job | dissatisfaction |

**Question 72-7:**  In your opinion, what were the objectives and purposes of performance evaluation?  To the respondents, this performance evaluation system had no value.

| staff responses | line responses |
|---|---|
| to call supervisors to task | no idea of its objectives and purposes |
| to identify strengths and weaknesses, and to introduce promotion to performance | to get feedback, but you did not |
| state requirement | an organization and Commonwealth requirement |
| minimum obligatory feedback | |
| biased to personality - favoritism to award points to effect promotion | |

**Question 72-8:**  What did you see as its successes and failures?  Respondents regarded this performance appraisal system as a failure for a variety of reasons.

| staff responses | line responses |
|---|---|
| pro forma - traits evaluation of sorts - no meaning for descriptions | a seniority reward system, not an efficiency rating system |
| personalities | manipulated to benefit some people...no supervisory accountability |

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| too many job activities so that criteria for evaluations were vague | it did not matter to individuals to improve on the job |
|---|---|
| parts did not link to performance | senior members did not rate on performance |

**Question 72-9:** What events affected the performance evaluation process? The respondents specified few factors that affected the performance evaluation process. Relatively speaking, they regarded supervisors' ratings of subordinates as subjective.

| staff responses | line responses |
|---|---|
| getting along with your supervisor | time-on-the-job |
| personalities | supervisor's perceptions |
| anything that occurred near the evaluation because little other documentation was kept | |

**Question 72-10:** What priority did state police commanders with whom you associated give to performance evaluation? The two groups of respondents had similar kinds of interpretations for commander priority.

| staff responses | line responses |
|---|---|
| personalities, power in their hands to influence promotions | done because they had to be and then filed away |
| control over personnel | they had to |
| high priority | not much, low priority |
| only important to commanders when they had to defend ratings | important to influence promotion list |
| very little priority | |

**Question 72-11:** How was this performance evaluation process important to you? The reasons for the importance

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respondents placed upon performance evaluations coincides
with their interpretation of the document.

| staff responses | line responses |
| --- | --- |
| to get promoted, but otherwise meaningless | whether I was doing a good job |
| important to take periodic inventory | not much, discouraging |
| needed good evaluation to get promoted | |

Discipline. The department held that "a well-trained force
that voluntarily and enthusiastically conforms to department
rules and regulations is well-disciplined and that the best
disciplined force is the least punished. Positive
discipline is not punitive discipline" (FR 3-3, dated
11/1/68; Special Order 72-127, dated 10/6/72). A highly
decentralized discipline system prevailed, with most power
resting with commanders in the field.

**Question 72-12:** What did this discipline system mean to
you? Staff respondents professed an understanding of the
discipline system that varied from that of line respondents.

| staff responses | line responses |
| --- | --- |
| means to make sure people paid attention to higher ups | disparity...afraid of the system...you did not want to be disciplined |
| practical means to deal with disciplinary matters in a fair manner | frightening...discipline was not separate from everyday life...stepping out of line meant getting whacked....unfair |
| reflected military autocratic style where the troop commander was boss. Not abused, but it was harsh. It was fair | erratic - no real system...no order...decentralized to the stations and troops |
| good system...fair that anyone could give a discipline action report | a bad system...unfair....dictatorial...no recourse....personalities played a large part |

| | |
|---|---|
| | fear...you did not want to be disciplined |
| | did not get involved so it meant nothing |

**Question 72-13:** In your opinion, what were the objectives and purposes of the discipline system? Even though the two groups of respondents differed on the meaning of discipline, they did generally agree on its objectives.

| staff responses | line responses |
|---|---|
| to punish and make behavior conform | to make behavior conform, punish locally |
| to correct improper behavior fairly and equitably | to maintain an efficient department |
| | to get things done without question |

**Question 72-14:** What did you see as its successes and failures? Staff respondents generally supported the system while their counterparts criticized it for its shortcomings.

| staff responses | line responses |
|---|---|
| it punished and rewarded personnel to get things done | some things were overlooked - no checks or balances |
| appropriate system because of police function | not fair - very military and dictatorial...be a carbon copy of your commander or else |
| brought some consistency for similar violations...greater respect for handling discipline | because it was so arbitrary, people tended to almost rigidly follow...regulations |
| not uniformly applied | too many views of discipline...every supervisor and commander had one |
| | people not treated fairly |

**Question 72-15:** What events affected the discipline system? Their perspective of factors that affected the discipline

system show the respondents interpreted the discipline
system on a very personal level.

| staff responses | line responses |
|---|---|
| attitudes of fellow officers were important to deal with individual cases | personalities |
| judgement...supervisors' perception of violations of rules or regulations... supervisors' values | decentralized so troop commanders could take care of friends and hurt enemies |
| | who was giving the discipline |

**Question 72-16:** What priority did state police commanders
with whom you associated give to discipline?  State police
personnel uniformly perceived discipline as a high priority.

| staff responses | line responses |
|---|---|
| high priority | commanders ultimate control |
| | high priority throughout the chain-of-command |
| | did not associate with commanders - command and discipline intertwined |
| | not a priority |

**Question 72-17:** How was this discipline system important to
you?  Respondents saw discipline as an important means to
control and regulate behavior.

| staff responses | line responses |
|---|---|
| make the job easier when everyone could be put on the carpet for anything done wrong | no controversy, no problem, then not important....it was used as a weapon |
| important because it was the formal way the department handled discipline | hanging over your head if you messed up |
| effective law enforcement depended on respect of people for officer | I did not want to be labeled a trouble maker |

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Collective Bargaining.   This study examines the collective

bargaining provision that department disciplinary procedures

be modified to provide a right to appeal any disciplinary

action.   However, respondents sometimes considered other

aspects of collective bargaining in 1972.


**Question 72-18:**   What did these contract provisions mean to

you?   Collective bargaining meant change to management and

administrative behavior.

| staff responses | line responses |
|---|---|
| goodies to the troopers | change how discipline was administered to give members peace of mind |
| interfere with management issues | movement toward fairness in employment |
| challenge management actions | nothing |
| nothing | |


**Question 72-19:**   How were these contract provisions

important to you individually?   Staff respondents regarded

the effects of collective bargaining as more important than

line respondents regarded it.

| staff responses | line responses |
|---|---|
| beginning to usurp management, which was needed | important to get grievances redressed |
| had to accommodate the union | nothing - FOP representation meant nothing |
| not important | very little importance |

The department established and maintained key personnel activities such as recruitment, testing and selection, basic training, performance evaluation, and discipline within of the organization. These activities operated as tasks from headquarters divisions, namely, personnel and training. The organization and interview data show the PSP was a closed system. Members valued its regimented structure, authority, and procedure; they liked its practice of rewarding seniority. All were indicators of PSP organizational culture and leadership. Collective bargaining and testing and selection practices showed signs of becoming the focus of an intensive interplay between the environment and the organization.

The legal and political contexts of the organization in the late 1960's and early 1970's, had yet to affect PSP personnel administration. Whether they recognized it, the legal and political context of administration of key personnel processes within the PSP would dramatically change with the mandates of EEO and collective bargaining.

## 1973-79:  Resistance to EEO and the Bolden Consent Decree

This section presents the context activity,
organization structure, and personnel processes of the PSP
for 1979.  Despite resistance to EEO reflected in the
environment-organization interplay, organization structure-
related data shows a tendency towards creation of a
structured response to related confrontations.  New
organizational units were instituted and personnel
administrative responsibilities were added and expanded.

These organizational changes were not widely
incorporated into personnel processes, which remained
generally the same.  However, the respondent's begin to
criticize some of these processes for lacking the values of
equality, equity, and fairness that were often included with
EEO and its concomitant employment rights.  Moreover, the
closed system of the PSP came under assault by the federal
courts and the union.  Nevertheless, the values of
regimented structure, authority, procedure, and seniority
that prevailed in 1972 remained in place.  These deeply held
values of PSP organizational culture and leadership clashed
with the mandated values of EEO, which stressed the value of
representativeness in the form of a consent decree.

By 1979, changes caused by EEO policy were very apparent in the organization structure and personnel administration functions of the PSP. The challenges of EEO began in 1973 with events that were played out in judicial and political arenas. These events formed the basis of an affirmative consent decree that governed many aspects of personnel administration since 1974. The PSP understood the mandate of EEO in terms of this consent decree.

## The Case of William Bolden, III, et.al. v. Pennsylvania State Police, et.al.

In July, 1973 the state police commissioner dismissed William Bolden, a black trooper, for violations of department administrative procedures. This action resulted in a class action suit before the U.S. District Court for Eastern Pennsylvania located in Philadelphia alleging employment discrimination in hiring, promotion and discipline against minorities by the PSP.

Details of the case are as follows: the department subjects all graduates from the training academy to an 18-month probationary status. While on probation, a trooper could be subjected to summary dismissal by the state police

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commissioner for any violations of department policies. The
department conducts a performance review of each
probationary trooper near the end of the probationary
period. During the process of this review, the department
learned that Trooper Bolden was in non-payment of personal
debts. This violated department regulations, and therefore,
his dismissal was ordered by the state police commissioner.
Bolden's dismissal notification, however, was not given by
the department until two days after the completion of his
probation.

Bolden filed a class action suit in the Federal
District Court alleging violations of rights under the 13th
and 14th Amendments and Title 42 U.S.C.A. Sections 1981,
1883, 1985 and 1988. These sections provide for equal
rights under law; rights to action for deprivation of rights
or privileges; and procedures for vindication of civil
rights. The federal courts have original jurisdiction under
Title 28 U.S.C.A. Sections 1331 and 1343 in matters of civil
and constitutional rights.

In March 1974, the District Court ruled in favor of
Bolden. The court held that the plaintiff, as a permanent

or probationary member of the department, had a clear
constitutionally recognizable property interest in his
employment. The District Court ordered reinstatement.

Following the March ruling, the deputy attorney general
petitioned the District Court to have the class action
dismissed. It was the state's position that the Plaintiff
received the relief he demanded, and therefore, he could no
longer serve as a representative of the class.
Nevertheless, the Court continued its action under the
provisions of Title 28 USCA 1343. The Court concluded that
the class suffered and received no remedy.

Data presented to the Court demonstrated the PSP's
selection process disparately affected minorities. To
begin, in 1974 the agency received 4,208 white and 918
minority applications, of which 1,950 whites and 266
minorities were eligible to take the written test. Only 477
whites and 16 minorities passed. During 1974, the
department appointed 141 whites and 9 minorities to the
academy.

The following facts went unchallenged before the Court

during the course of the case:

1. The Governor's Equal Rights Task Force had identified the state police as a discriminatory agency. (The Task Force was created by Governor Milton Shapp to determine where state government had been denying and preventing equal opportunity.)

2. The Equal Rights Task Force and its successor, the Affirmative Action Council, had rejected state police affirmative action plans three times.

3. State police cadet selection procedures were not validated as job-related. These included eligibility requirements, the written exam, background investigation screening and oral interviews.

4. Governor's Office and Civil Service Commission studies found that all parts of the selection process discriminated against minorities.

5. State police promotion procedures were not validated as job-related. These included seniority, performance evaluation and written examination.

Governor Shapp's administration pressured the state police commissioner to resolve the discriminatory practices and to negotiate a settlement. A state deputy attorney general appointed by Governor Shapp negotiated a settlement. It was in the form of a consent decree, which provided that over an eight-year time span, discriminatory personnel practices in the agency would be remedied (See Appendix F). Representatives for the Governor, the state police department, and the Fraternal Order of Police signed the

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consent decree.  The major conditions of the consent decree

follow:

1.  Minorities were defined as black and Spanish
    surnamed individuals.

2.  A hiring and promotion quota would be implemented
    to achieve a minority ratio in all ranks within
    the department equal to the overall minority ratio
    in Pennsylvania.

    a.  One minority was to be hired for every two
        non-minorities hired.

    b.  One minority was to be promoted in the ranks
        of corporal, sergeant, and lieutenant for
        every three non-minorities promoted,
        respectively.

3.  The selection and promotion procedures would be
    modified and used on an interim basis pending
    implementation of valid procedures.  Both were
    subject to plaintiff approval prior to
    implementation of change.

4.  Either party could apply to the court to change
    the conditions of the consent decree with
    appropriate notice to the other party's counsel.

It is interesting to note that the consent decree altered

the composition of protected groups as delineated by EEO law

and to determine adverse impact as set forth by the U.S.

Supreme Court.[2]  The consent decree's definition of

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[2]Title VII, Civil Rights Act of 1964 protected
individuals regardless of race, national origin, sex or
religion from discrimination.  In Griggs, the U.S. Supreme
Court ruled that the standard to find adverse impact on
protected groups is to look for a balance of proportional
representation of women and minorities in the workplace as
determined by labor force statistics.  The only exception to

minorities did not include all national origins or religion. Further, white women did not fall into a protected status under the conditions of the decree. The numeric goal of the consent decree initially used the proportion of minorities in the population of Pennsylvania (9 percent) rather than the proportion of minorities in the Pennsylvania labor force (7 percent) as reported by the 1970 U.S. Census.

## The Pennsylvania State Police under the Bolden Consent Decree

The state police commissioner resisted implementation of the consent decree's provisions by not hiring any new personnel (only one class entered the academy from 1974 until July 6, 1978.) Attempting to overturn the decree they had only recently signed, the Fraternal Order of Police brought a lawsuit charging reverse discrimination. When the Federal District Court dismissed the case, the Fraternal Order of Police appealed to the U.S. Supreme Court, which eventually denied certiorari on April 18, 1977 (45 U.S.L.W. 3688). The plaintiff then returned to the District Court protesting the resistance by the PSP to implement hiring and selection provisions. In response, the Court charged the

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the standard noted by the Court in Griggs was if the employer proved business necessity.

department with bad faith. On November 29, 1976, the Court modified the consent decree to require a one-to-one minority/non-minority hiring ratio and a one-to-two minority/non-minority promotion ratio. In addition, the Court changed the level of minority representation to 10.2 percent.

At the end of the decade, the most significant change to affect the PSP occurred through electoral change. In 1979, the new Republican gubernatorial administration of Richard Thornburgh took office. At that time, the PSP employed 3,957 uniformed personnel. Only 180, or 4.5 percent were minorities. White women held 31 uniformed positions. This data infers that very little change occurred to the recruitment, testing, and selection processes. However, changes occurred to the organization structure of the PSP.

Department Mission and Organization Structure

As it had been in 1972, the mission of the PSP in 1979 was to enforce the law and preserve the peace through the detection of crime, apprehension of criminals and patrol of the highways (AR 1-1, 10/24/78, 3). As with the

administrative regulation on organization for 1972, the role
of the commissioner did not change.  However, change did
occur to subordinate levels (see Table 5.2).  The
commissioner delegated all administrative responsibilities
found in the organization chart to the deputy commissioner
and the chief of staff.  The commissioner also had three
personal staff offices:  the chief counsel, the legislative
liaison, and the public information officer.  Each position
assisted the commissioner in the fulfillment of
administrative and command duties.

The most striking structural change in the 1979
organization structure was the creation of a chief of staff
to assist the commissioner in the administration of the
department, and, importantly, the development and
promulgation of training and personnel policies.  The
administrative units for these functions were bureau level
units for personnel and training.  In addition, the
department created a staff office for affirmative action.

Personnel Administration

A state police major directed the Bureau of Personnel.
In 1979, the bureau expanded to three divisions with 28

Table 5-2.   1979 Organization Chart of the PSP

(Source:   Pennsylvania Bulletin, Vol. 8, No. 31, August 5, 1978, p. 2151.)
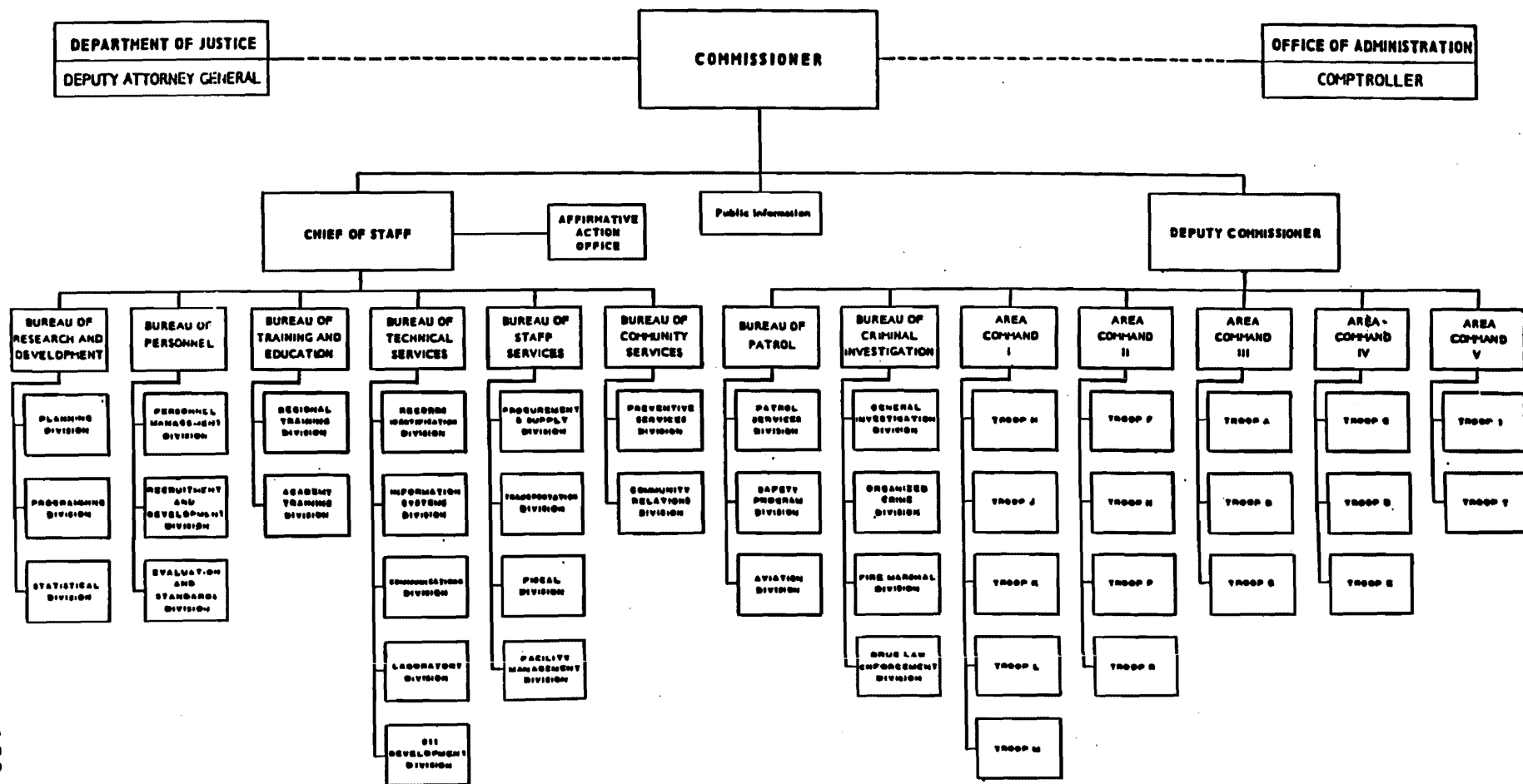
functional responsibilities.  Responsibilities of interest
to this study can be found by division in Appendix G.  This
responsibilities, in the form of "duty" statements show how
personnel administration changed and expanded.  The
statements identify and detail interorganizational
relationships, functional/task responsibilities, and process
activities of the personnel bureau and the affirmative
action office.

Functional responsibility for basic training rested
with the Bureau of Training and Education.  The Academy
Training Division determined department training needs,
developed training and curriculum programs, and conducted
department training courses.

Significant changes occurred within the organization of
the PSP from the years of 1973 to 1979.  Personnel
administration, in general, gained bureau level status.  The
environment-organization interplay showed resistance to
legal and organizational contexts.  Specific to EEO was the
administration of a court-ordered affirmative action consent
decree to remedy past discriminatory practices in the areas
of hiring, promotion, and discipline.  The consent decree

stressed representativeness and clashed with the organizational value of seniority. While the mission of the organization remained substantively constant, the formal assignment of key personnel to EEO-related controversies demonstrates a substantial change, one that would have far-reaching ramifications.

## Personnel Processes

Personnel processes in place in 1979 show a greater orientation to procedure. With the exceptions of recruitment and testing and selection, more detail for each process is available in Appendix B. Recruitment and testing and selection are detailed in the following sections.

Recruitment. The PSP had formed a recruitment panel, which consisted of the chief of staff, the affirmative action officer, and the recruitment and development division director of the Bureau of Personnel. This panel endeavored to strengthen management's commitment to recruitment of qualified minorities and to refine the department's recruiting program (Special Orders: 74-47, dated 2/22/74; 78-124, dated 11/9/78; 79-62, dated 4/11/79).

The department established three recruitment regions
with coordinators reporting to the director of the
Recruitment and Development Division.  Each coordinator
supervised a team of recruiters.  The recruiters implemented
programs to attract qualified minority candidates, and to
maintain a liaison with community groups, state and local
organizations, and troop community relations and safety
education units to ensure support for the department's
recruitment program.

No interview data was collected to interpret this
recruitment program.

Testing and Selection.  In 1979, the cadet selection process
remained as in 1972, but the testing and selection process
for promotion to corporal, sergeant, and lieutenant changed.
This process now consisted of a written examination and a
new efficiency evaluations system (AR 4-9, Dated 2/1/74;
Special Order 77-138, dated 9/13/77).  Enlisted personnel
were identified by troop commanders or division directors as
eligible for promotion examination based upon time in rank
and position, the absence of disciplinary action for one
year, and a designated evaluation supervisor.  Eligible

members could appeal the assignment of their evaluation supervisor for cause.

The commissioner designated a Board of Senior Officers developed 300 test questions. These questions were submitted to a contractor who used an appropriate number of these questions to construct the written examination. The written examination counted for 80 percent of a candidate's grade.

The efficiency evaluation, called the Behavior Standard Scale (BSS), measured performance in a given position so as to predict performance at the next higher rank. It evaluated specific job-related behaviors that were determined to be relevant to the job at supervisory and managerial levels. The BSS accounted for the remaining 20 percent of a candidate's grade.

The Evaluation and Standards Division, Bureau of Personnel monitored and evaluated the promotion program. The results were listed statewide in rank order of total points. Random numbers assigned to all participants prior to the written examination broke tied scores. Vacancies

were filled in rank order by promotion list and choice of the promotee.

The Board of Senior Officers reviewed appeals of examination questions. Their decision was considered final.

No interview date was collected to interpret testing and selection procedures.

Basic Training. The length of the formal basic training at the academy remained as it had been in 1972 at 24 weeks. The purpose of the academy program was expanded to "teaching and training cadets to function as law enforcement officers within the constitutional limitations of the law; to properly understand and have an awareness of the social, economic, ethnic and cultural differences in people within society; and to exemplify the precepts of the Pennsylvania State Police" (Acad. 103, dated 6/1/78).

Upon graduation from the academy, cadets entered the field as probationary troopers. As before, for the first 30 days, each trainee was assigned to an experienced trooper who functioned as a coach. The coach evaluated the trainee

at the end of the training period to assess their

application of formal training skills to the field. In

addition, a general investigation report was initiated at

the end of the 13th month of probation by the troop

commander to inquire into the general performance and

conduct of the trainee. This investigation report needed to

be completed by the 15th month (AR 5-2, dated 11/16/78).


The respondents' interpretations show that meaning and

objectives of basic training remained rather narrow.

Further, respondents recognized the significance of training

during the probationary period apropos to instill

organizational values. Finally, staff responses show a

particular concern for changes to the department because of

EEO.


**Question 79-1:** What did this basic training program mean to

you? Basic training remained the essence of the police

profession.

| staff responses | line responses |
|---|---|
| indoctrination into the police world | to prepare cadets for the job |
| coach period important because assimilation of people more difficult because less experienced people were available to supervise | tended to reinforce my beliefs in my abilities....gave me confidence that I was up to the task |
| process to train and evaluate cadets for the job...more attention to documentation because of problems with minorities | ability to assimilate people into the PSP--survival training |

| | |
|---|---|
| beyond the very tight mold under challenge by the consent decree...the training had to have a cause and effect relationship to prove how training worked to have a positive effect on the person who was getting to the field | well rounded training produced a good foundation for new troopers |
| foundation [which] abilities of a trooper would be determined | more concern on post academy training evaluation |
| prepare for the job | |

**Question 79-2:** In your opinion, what were the objectives and purposes of this basic training program? The substance of the respondents' views had not changed from the previous year of the study.

| staff responses | line responses |
|---|---|
| to produce the best possible troopers for commanders in the field | to take a civilian off the street, break them down and mold them into troopers |
| to prepare troopers to function in the field | to give academic and physical training in a highly disciplined and regimented environment |
| to take a civilian and mold them into what they wanted as a trooper | to give background training to cadets to become troopers |
| to provide the best available product out there consistent with the changing norms and mores in the field | to prepare cadets in accordance with the curriculum to be prepared to respond to things on their own |
| to evaluate field work and to process separations when new troopers could not function on their own | to train discipline similar to my military service |

**Question 79-3:** What did you see as its successes and failures? The basic training program was understood in terms of changes instituted to protect the department from litigation related to actions taken against individuals during their probationary period.

| staff responses | line responses |
|---|---|
| The program was pretty good, but the problem was attracting more highly motivated individuals and maintaining their motivation | gave me confidence to function in military environment |

| program did indoctrinate people to law enforcement and institutional values | produced individual capable of being troopers |
|---|---|
| general investigation was good to force the field to formally evaluate and detail a probationary trooper's performance | coach period seemed to have a significant impact on troopers |
| better documentation for legal actions that had embroiled the department | training was blamed for the whirlwind of court decisions that changed training with different challenges |
| | to get a guy through no matter what...not to wash someone out or give bad evaluations even if they should be washed out |

**Question 79-4:** What priority did state police commanders with whom you associated give to basic training? Even with more formalized field participation in basic training, the respondents responded similarly to 1972, indicating a variety of perceptions toward commander priority for basic training.

| staff responses | line responses |
|---|---|
| high priority...the better the training, the better the trooper | very high priority because of their concerns for the number of people failing |
| my captain was familiar and supported training. He was empathetic to new cadets | expected more than they received from new troopers |
| not a high priority...only involved when there were problems with evaluations | |
| they gave priority | |
| with the investigation, the additional paperwork helped to give it a higher priority | |

**Question 79-5:** How was this basic training program important to you? Although staff and line respondents did not interpret basic training to have a consistently high priority among commanders, both groups placed a great deal of importance on basic training.

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| staff responses | line responses |
|---|---|
| assimilate people into the department more difficult than in the past | provided me with knowledge and skills to be a trooper |
| across the state, efficiency and effectiveness dependent on training | to supervisors, coaching was to complete the ride-along paperwork to comply with regulations |
| depended on academy to turn out some good products and weed out individuals that did not have the stuff to be troopers | important because it gave me my start...I was able to assimilate into the system |

Performance Appraisal. The department instituted a separate evaluation system for performance. Its purpose was "...to provide management, and the individual being evaluated, with an assessment of the individual's performance in his/her present assignment" (Special Order 78-65). It was a factor-point evaluation system, with factors rated on a scale of unsatisfactory to excellent. Evaluations were conducted during June of each year. Troopers, corporals, sergeants and lieutenants received evaluations.

This performance appraisal system was interpreted literally by respondents. However, there were enough similar responses among the two groups to show that this process had little acceptance.

Question 79-6: What did this performance appraisal system mean to you? Respondents did not yet regard the performance

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evaluation system as an accepted management tool.

| staff responses | line responses |
|---|---|
| taking steps to have a meaningful performance evaluation...going to make better use of the instrument to enhance individual performance | exercise where you minimize your hassles by keeping a person beyond the scale of performance |
| little meaning...we had to comply with the Governor's system...done because it had to be | relatively little |
| meant more than previous system...strictly was about performance | it was a joke...it meant nothing...the thing got so skewed so that everyone expected to be rated excellent |
| required to be done...just mark the blocks....It was not specific to the PSP jobs | perception was you wanted to do well based on what everyone else was getting |

**Question 79-7:** In your opinion, what were the objectives and purposes of performance evaluation? The different groups shared the range of responses given for the objectives of performance evaluation.

| staff responses | line responses |
|---|---|
| to satisfy the requirements of the state | to have some tool |
| to provide some type of feedback to the subordinate | to evaluate people to provide information for performance though the chain-of-command |
| to compel supervisors to know the performance of their subordinates and provide feedback | to comply with the regulation |
| to identify strengths and weaknesses in individuals in terms of job functions...to provide an opportunity to improve | to advise you of strengths and weaknesses |

**Question 79-8:** What did you see as its successes and failures? Respondents gauged the process and results of this performance appraisal system as unsatisfactory.

| staff responses | line responses |
|---|---|
| started to introduce more responsible management perspective...people could discuss ratings | was not used as a tool to help someone's performance...no information to support ratings |

| | |
|---|---|
| not used as what it was for...it haunted the department sometimes in discipline matters | no justification, just fill in the blanks |
| it did not mean anything...keep the ship on even keel...not connected to anything like pay | only identified and documented weaknesses, which is not enough |
| too high ratings...challenges usually resulted in changes to the ratings because of poor documentation | |
| assembly line environment--checking the blocks | |

**Question 79-9:** What events affected the performance evaluation process?  Respondents' interpretations of performance appraisal remained subjective.

| staff responses | line responses |
|---|---|
| the working relationship between the rater and the ratee...the emphasis of command personnel at the troop or station | get along with supervisor...popularity rather than performance |
| centralized discipline required more performance information and criteria on performance because of concern about the minority situation and equal treatment | length of service or seniority was used by majority members to rationalize the fairness of this system |
| nothing | sick leave, good attitude, and seniority |
| | personalities...high ratings for friends |
| | if you did not get into trouble or stir the pot, then you got a good evaluation |

**Question 79-10:** What priority did state police commanders with whom you associated give to performance evaluation? The responses show that performance appraisal was beginning to become an established procedure in the PSP.

| staff responses | line responses |
|---|---|
| not a great deal of emphasis | I thought it was important and I did it carefully |
| not a high priority, once a year and then it was out of the way | I did not think very much about it |

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| good intentions...did what was needed....not an important feedback mechanism | necessary evil |
|---|---|
| an accepted mandate | applied it as a punishment |

**Question 79-11:** How was this performance evaluation process important to you? The importance of performance evaluation appeared related to the perceptions of its use.

| staff responses | line responses |
|---|---|
| it was important to let people know how they were doing | it was never important because it had no good aspects...it was a process to keep you down |
| it was important to see it as a management tool | it was much more important if it was done fair |
| it was a job that had to be done | it was a good supervisory tool |
| not important | important for feedback |
| | not important |

<u>Discipline</u>. The discipline policy of the department stated that "a well-trained force that voluntarily and enthusiastically conforms to department rules and regulations is well-disciplined" (FR 3-3, dated 6/16/76). In this time period under study, the discipline system was becoming centralized. A department disciplinary officer reviewed and coordinated disciplinary actions among the command staff and a progressive discipline system was instituted.

The two groups perceived the meaning of discipline very differently. Staff respondents indicated that changes to

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discipline had occurred to make a equal, fair, and equitable

system. However, line respondents portrayed discipline as

unequal, unfair and unequitable. Differences of opinion are

apparent in the following responses.

**Question 79-12:** What did this discipline system mean to

you? Discipline was understood in terms of its

administrative system.

| staff responses | line responses |
|---|---|
| more centralized meant better and more even handed discipline | unfair system...better with department discipline officer, but unfair |
| It was reasonable for troop commanders to be disciplinarians of their troops, however, variation offended the courts. | discipline was only relative to the lower ranks |
| removed troop commanders from a role in discipline and just punishment | legalized unequal treatment against minorities |
| | unfair and skewed...troop commander had to be fair |

**Question 79-13:** In your opinion, what were the objectives

and purposes of the discipline system? Changes to the

discipline system altered perception of its objectives.

| staff responses | line responses |
|---|---|
| to achieve fairness and equity across the state | to maintain discipline |
| to ensure fair treatment to allow relief it was unfair | to provide essentially a system to deal with discipline matters more effectively and fairly |
| | to centralize the discipline system to get equity |

**Question 79-14:** What did you see as its successes and

failures? Staff respondents perceived the changes to the

discipline system to be successful.  However, line

respondents viewed these changes with some variation.

| staff responses | line responses |
|---|---|
| better information department-wide | centralization tried to get consistency |
| met legal mandates for equal treatment | made sanctions a little more fair |
| it reduced the authority of commanders | violations were not consistently brought into the system |
| | it was not uniformly applied and only dealt with certain ranks |

**Question 79-15**:  What events affected the discipline system?

Respondents knew that the discipline system was under

challenge to change from several sources.

| staff responses | line responses |
|---|---|
| collective bargaining | the consent decree |
| the court's involvement and the awareness of demonstrating equal treatment | the FOP |
| personalities | personalities |

**Question 79-16**:  What priority did state police commanders

with whom you associated give to discipline?  Respondents

perceived that commanders continued to give discipline some

level of priority.

| staff responses | line responses |
|---|---|
| a fairly high priority, but not just trying to chop someone's head off | last resort...they would prefer to handle problems informally and personally |
| high priority | they did not want to bother |
| they did not have the control they used to... they were losing some of their control | top priority by commanders to hold a weapon over your head |
| discipline the sacred ground of the commanders | |

**Question 79-17:** How was this discipline system important to you? The discipline system was an important organizational activity.

| staff responses | line responses |
|---|---|
| It was important because it was the only way to get rid of bad apples. | It was not important because I was not involved. |
| It was important that we identify behavioral problems that needed to be addressed. | important to see discipline was being administered more equally |
| It did in fact bring a better more unified and standardized system throughout the department... a more equitable and a fairer way of doing business. | It was important from the standpoint that it changed how fellow members were treated and to address disparity in the punishment. |

Collective Bargaining. Contractual provisions of interest to this study in place during 1979 were that (1) discipline could be grieved through a contractual grievance procedure, (2) seniority applied to reductions-in-force, and (3) specialized vacancies were to be posted statewide.

The respondents interpreted these provisions differently. Staff respondents perceived a challenge from collective bargaining with the value of seniority being preserved. Line respondents perceived these provisions as an appropriate check on management actions.

**Question 79-18:** What did these contract provisions mean to you? Collective bargaining was becoming more established in

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the department.

| staff responses | line responses |
|---|---|
| never felt it was right for the employee group to dispute the right of some management decisions | I thought these were good things that were needed because people had given up on the process |
| further encroachment on management prerogatives...outsiders dictating how we were going to do things | the attempt was to correct problems in selection to specialized positions on irrelevant factors, such as friendship |
| to the FOP, when all things were equal, seniority was higher so commanders would pick or select less qualified with more seniority to avoid a grievance | all things being equal, seniority seemed to be the most reasonable tie breaker |
| it was an effort to impose some fairness or some legitimacy into specialized position selection | this was an important step to improve the selection process...there was a fair amount of good ol' boy type selection |
| - | it changed the conditions of employment and started to regulate the department's ability to administer them in the unfair way they had done before |

To this question, the responses show that minority and women
all replied consistently that these provisions had no
meaning. They did not consider themselves represented by
the union.

| minority and women responses |
|---|
| really had little meaning...the FOP was non-inclusive and even though I was a member I was not comfortable in attending the meetings or being part of it |
| provisions only represented the majority...minorities were not adequately represented in grievance matters...provisions on seniority were detrimental to minorities |
| I agreed with these provisions...needed to give us rights to our jobs...eliminate some of the good ol' boy networks |

**Question 79-19:** How were these contract provisions
important to you individually? Collective bargaining added
procedures, a fact that varied in importance among the
respondents in both groups.

| staff responses | line responses |
|---|---|
| just required documentation of criteria...just formalized more processes...disconcerting to see the FOP become more involved in the management of the department | they were fine...but seniority was not the reason to be picked...they just went through the process |
| the provisions were needed | required a process to look at specialized positions and training...important to minorities because we were not getting these opportunities |
| it was not important | gave me an opportunity to participate in different aspects of the job...it gave me a sense of security in my job |
|  | not important |

In summary, personnel administration attracted attention during the years 1973-1979. The department resisted the mandates of EEO for change that stressed the value of representativeness in the form of a consent decree. Even so, the administration of personnel processes increased in organizational profile from a division-level organizational function to a bureau-level organizational function. Two specialized divisions of the personnel bureau were dedicated to issues of the consent decree, namely, hiring and promotions.

Of greater interest were changes to the task statements in terms of number and content. These statements were defined in greater detail than in 1972. They show that personnel administration grew in complexity in order to

attend to EEO issues.

Key personnel processes remained generally under the
purview of the department.  Personnel processes were not
significantly altered.  Yet the effects of the mandates of
equal employment are apparent from respondent
interpretations of personnel processes.  For example, staff
respondents believed that the discipline system changed to
achieve a commitment to equality, fairness, and equity.
Line respondents perceived the discipline system as unequal,
unfair, and unequitable in its administration.  The
processes took on a procedural orientation.  The value of
seniority remained important in the organization with
efforts by the union to formalize it as a criteria for
appointment to specialized positions and insulation from
reduction-in-force actions.

## 1980-86:  Assimilation of EEO to Personnel Administration

As more minorities and women joined the ranks, the
theme of assimilation dominated the legal, political, and
organizational interplay of the PSP.  The organization was
becoming results oriented in its concerns related to EEO.
At the same time, organization activities required more

paperwork to support employment-related decisions. Some examples include, the department required bimonthly field reports to evaluate progress in probationary trooper performance, unsatisfactory performance evaluations needed supportive documentation, and disciplinary actions required a department-level evaluation and endorsement. These changes show a command staff-level commitment to values of EEO, which respondents recognized as missing earlier in personnel processes. Positions created by the department dedicated to EEO issues demonstrate their concern for assimilating EEO values (equality, equity, and fairness).

As the department assimilated values of equality, equity, fairness and representativeness, a less turbulent environment existed. By August 1986, and after 12 years under the consent decree, the department reached and maintained no less than a 10 percent representation of minorities in its uniformed complement. In 1986, of 3958 uniformed personnel, 401 or 10.1 percent were minorities and white women held 109 uniformed positions. The department, therefore, reached the consent decree's representation goals, but the state police had not yet accomplished validation of its entry and promotion examinations.

The only real issue to surface during those years related to disparate treatment in discipline. In 1986, the issue of disparate discipline resurfaced, first raised as a constitutional concern in the <u>Bolden</u> case. A special committee of the state legislature was formed to focus on the disparity in discipline experienced by minorities in the department. After several hearings and an examination of department discipline and grievance records, disparate treatment was statistically proven. As a result, the department was sensitized to the effects of its management and administrative behaviors with regard to discipline.

<u>Department Mission and Organization Structure</u>

The mission of the PSP in 1986 remained as it had been: to enforce the law and preserve the peace through the detection of crime, apprehension of criminals, and patrol of the highways (AR 1-1, 12/6/83, 3). Table 5-3 presents the organization chart in place for 1986. As in the past, the commissioner controlled administrative and command supervision of the department. Responsibilities included formulating polices and procedures, maintaining discipline and when necessary administering justice, prescribing training standards to ensure a high proficiency in

Table 5-3. 1986 Organization Chart of the PSP

(Source: Pennsylvania Bulletin, Vol. 16, No. 52, December 27, 1986, p. 4969.)



Org chart:
- OFFICE OF GENERAL COUNSEL / CHIEF COUNSEL
- COMMISSIONER
- OFFICE OF BUDGET & ADMINISTRATION / COMPTROLLER
- Public Information
- CHIEF OF STAFF
- DEPUTY COMMISSIONER

Under CHIEF OF STAFF:
- BUREAU OF RESEARCH AND DEVELOPMENT
- BUREAU OF PERSONNEL
- BUREAU OF TRAINING AND EDUCATION
- BUREAU OF TECHNICAL SERVICES
- BUREAU OF STAFF SERVICES
- BUREAU OF COMMUNITY SERVICES

Under DEPUTY COMMISSIONER:
- BUREAU OF PATROL
- BUREAU OF CRIMINAL INVESTIGATION
- AREA COMMAND I
- AREA COMMAND II
- AREA COMMAND III
- AREA COMMAND IV
- AREA COMMAND V

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administrative, training and operational activities, and ensuring normal working hours consistent with department and collective bargaining regulations. The commissioner delegated all administrative responsibilities found in the administration regulation on organization to the deputy commissioner and the chief of staff. The commissioner also had three personal staff officers: the chief counsel, the legislative liaison, and the public information officer. Each position assisted the commissioner in the fulfillment of administrative and command duties. The chief of staff still assisted the commissioner in the development and promulgation of training and personnel policies.

## Personnel Administration

By 1986, a non-enlisted non-civil service position with the classification of state police personnel manager directed the Bureau of Personnel. Late in 1986, the position was reclassified to the civil service title of personnel manager. In 1986, the bureau consisted of three divisions and the Affirmative Action Office with 39 functional responsibilities. Those of interest to this study can be found in Appendix H. These responsibilities remained generally as they had been in 1979. However,

administrative responsibilities for, and use of, personnel performance appraisal systems were missing. Yet department policies and procedures existed for the completion and use of performance evaluations.

Functional responsibility for basic training remained with the Bureau of Training and Education. As before, the Bureau's Academy Training Division determined department training needs, developed training and curriculum programs, and conducted and evaluated department training courses.

## Personnel Processes

The following section highlights the personnel processes in place in 1986. With the exceptions of recruitment and testing and selection, more detail for each process is available in Appendix B. Recruitment and testing and selection are detailed here, and they are not interpreted by the respondents.

Recruitment. The three recruitment regions were changed to four area recruitment teams. These teams reported to the recruitment section of the Division of Evaluation and Standards, Bureau of Personnel. (Special Order 81-112).

The recruitment section was staffed by a coordinator who
disseminated information and oversaw activities of the area
recruitment teams.

Each area recruitment team had a supervisor who
performed administrative duties to support the recruitment
efforts. Troops provided facilities to recruiters whom were
on detached duty in order to participate in a team.

Testing and Selection. In 1986, the cadet selection process
remained generally as in 1972 and 1979. Changes occurred to
the structure of the written examination and the interview
procedure. The written examination was characterized as a
general intelligence test of verbal ability, mathematical
ability, and logical reasoning. Applicants who scored high
enough on this test received further instructions for
continuing the application process.

At the interview, the factors considered by oral-board
examination changed to communicative ability, judgement and
problem solving, and demeanor. Each board member valued
each factor at 0 to 4 points. The maximum point total for
the oral interview was 36 points. The minimum passing score

was 6 points. The written examination counted for 70 percent and the oral examination 30 percent of the final earned rating. Eligible veterans now received ten extra points.

In 1986, the department established examination processes for promotion to corporal, sergeant, lieutenant, captain and major. The examination procedure for promotion to corporal, sergeant, and lieutenant remained generally as it had been in 1979. The efficiency evaluation called the Behavior Standard Scale (BSS) remained in place. However, a contractor now developed test questions based upon department rules and regulations. These were identified as promotion-examination study materials. In addition, the commissioner appointed a board of commissioned officers rather than the Board of Senior Officers to review appeals of promotion examination questions.

The department implemented a testing and selection process for promotion to the ranks of captain and major in 1986. This process consisted of a written examination; written exercises, which were an in-basket exercise and a contingency-planning exercise; and an oral exercise, which

consisted of a defense of department policies or procedures, and a subordinate meeting exercise (Special Orders: 86-32, dated 2/25/86; 86-49, dated 2/26/86).

A contractor developed the written examination questions from study materials identified in a special order. Written exercises in the examination related to a captain's and major's duties. The in-basket exercise required candidates to handle written correspondences posing problems typical of a captain's or major's job. A contingency exercise required candidates to outline and evaluate a plan associated with an impending emergency.

The results of the selection process were grouped into three categories. The commissioner could promote any person from a category, beginning with the highest, until the pool of candidates of that category was completely exhausted. Then, candidates in the next category could be promoted. The department did not publish any rank-ordered list of the examination results.

Basic Training. The length of the formal basic training at the academy decreased from 24 to 20 weeks, with an unchanged

purpose. Upon graduation from the academy, cadets entered

the field with probationary status as troopers and, as in

the past, assigned two 30-day training periods with an

experienced trooper who functioned as a coach. The coach's

evaluation chores became more formalized in these years. At

the end of each training period, the coach assessed the

trainee's application of formal training skills to the field

(AR 5-2, dated 11/16/78; Special Order 82-32, dated

2/17/82). Reports were submitted to the Bureau of Training

and Education. Thereafter, supervisors evaluated trainees

every two months until the completion of the probationary

period (Special Orders: 81-65, dated 5/13/81; 85-45, dated

3/28/85). The Bureau of Personnel administered this

probationary trooper evaluation program. As was in 1979, a

general investigation report was initiated at the end of the

13th month of probation.

To the respondents, changes in the basic training

program meant more attention was being paid to the entire

training period, including probation as the following

response phrases demonstrate.

**Question 86-1:** What did this basic training program mean to

you?  To the respondents, basic training was clearly

extended to the probationary period.

| staff responses | line responses |
|---|---|
| to ensure that probationers were being evaluated in a fair fashion | the department was accepting some responsibility for those persons that they either washed out or accepted |
| we were beginning to document with greater specificity not only what type of product was going through basic training...but what type of product that we were turning out into the field | it meant a lot more to me as a station commander...more structure...bimonthly assessment gave more ability to track and monitor the new trooper's development |
| indoctrination into the police world....coach period important because of the assimilation of people | the type of reports that were submitted gave us the opportunity to see how troopers were doing with different coaches |
| we were placing more emphasis on the training process after the academy | the length of the training did impact on field operations because it seemed to take more time to get new troopers into the fold |

**Question 86-2:**  In your opinion, what were the objectives

and purposes of this basic training program?

Interpretations of the objectives and purposes of basic

training did not change.

| staff responses | line responses |
|---|---|
| to produce effectively trained recruits for entering into the police profession | to prepare young men and women to be state troopers |
| to give people a basic knowledge and understanding of law and police procedures so that they could go out into the field and become full functioning police officers | to make a civilian into a functioning police officer |
| to introduce the law enforcement structure to cadets | to give you the good foundation to go out on the road |

**Question 86-3:**  What did you see as its successes and

failures?  Basic training's added attention to the

probationary period met with approval, as did their overall

impression of the changes.

| staff responses | line responses |
|---|---|
| overall it was successful...I was getting productive and effective recruits. | It was useful to have coaches evaluate job performance...knowledge that was instilled and applied during this period would reveal if a person was going to be capable. |
| The program did indoctrinate people into the law enforcement and institutional values. | the documentation being generated facilitated looking at things on a case-by-case basis |
| finding troopers that were unacceptable during their probationary period...more attention to informing new troopers of their performance and remediating it in an effort to address concerns of the courts | Coaches and supervisors were afraid to do them objectively because they thought something bad would happen to them; therefore, we would end up with a good trooper ratings for someone that did not belong on the job. |
| Academic requirements were weak because there was not a strong connection from the training content to the job requirements. | Many important skills that we had seen in previous classes were lacking in these youngsters...the formalized probationary period was good because it started requiring more paperwork and more work by supervisors and commanders to document skill deficiencies. |

**Question 86-4:** What priority did state police commanders with whom you associated give to basic training? The paperwork required to support this basic training program increased the staff respondent's perception of priority commanders gave to basic training.

| staff responses | line responses |
|---|---|
| high priority because they had a formal role in the development and training of cadets after the academy | Most commanders did take an interest in how well this training was coming along and kept an eye on the troopers themselves. |
| high level of priority to the coach training and probationary evaluations because the paperwork caused more awareness of the commanders involvement | They gave a lot of weight to it...other commanders varied, but I thought it was a very important aspect of this job. |
| | low priority |

**Question 86-5:** How was this basic training program important to you? Respondents thought basic training was important only when they were personally involved.

| staff responses | line responses |
|---|---|
| The coach-training and probationary trooper programs had importance because they evaluated behaviors more than they used to. | important to me because I was seeing the results of the training program |
| The most important aspect was whether we were fairly evaluating people during their probationary period...one of the basic considerations that we were having in the evaluations was to make sure that a high percentage of minorities were not failing and if they were what the reasons were for failing. | important to me because it's fair to say that from now on I would be supervising or commanding those persons who came from this program |
| not important to me | not important to me |

Performance Appraisal.  The performance evaluation system

remained as it had been in 1979.   The department policy for

performance appraisal was that "Performance evaluation is a

vital management tool.   It assists management in determining

the effectiveness of individuals, as well as Stations,

Troops, Bureaus and the entire Department" (Special Order

85-116, dated 7/15/85).   As before, this performance

evaluation system was a factor-point system and used a scale

of unsatisfactory to excellent.   The ranks evaluated were

troopers, corporals, sergeants and lieutenants.   One change

was to connect evaluations to the anniversary date of the

last promotion (Special Order 82-26, dated 2/16/82).

Even though this was the same performance appraisal

system that was used in 1979, its meaning changed.   Staff

respondents began to recognize the value of performance

appraisal while line respondents saw little or no value.

**Question 86-6:**  What did this performance appraisal system mean to you?  A clear difference of the value of performance evaluation existed between staff and line respondents.

| staff responses | line responses |
|---|---|
| this system was regarded as relatively perfunctory...it was simply a means of recording performance in the organization | this system had no significance to me |
| it was becoming increasingly important that we develop some system as objectively as possible to evaluate the efficiency of individuals as well as deficiencies...an important part of the management process | it did not mean a whole lot.... It just reduced the number that had to be done at one time....It only meant something in terms of personal achievement |
| it was useful to see how people were doing throughout the unit that I commanded | it was a form that had to be filled out |
| performance evaluation was a basic way to document how people were doing their job | it gave me some idea of how I was doing or areas that I was lacking in |
| it did not mean anything to me because it did not have any impact on anything | |

**Question 86-7:**  In your opinion, what were the objectives and purposes of performance evaluation?  The respondents were more uniform in their perceptions of the objectives of performance evaluation.

| staff responses | line responses |
|---|---|
| to identify for individuals their strengths and weaknesses in terms of the jobs they were to perform | to give feedback and praise for what is being done |
| to provide a means of providing and reporting back levels of performance of each individual in the organization both from the standpoint of rewarding or identifying the performance and the contrary....to identify where performance was not up to standards | to keep a person aware of what their superiors were thinking about their job performance |
| to provide management and individuals with information about performance | to have a system in place to evaluate people...to provide information on performance through the chain-of-command |

| | |
|---|---|
| to satisfy the state personnel rules | to point out to members where individuals had strong traits or problem areas and gave us the opportunity to counsel |

**Question 86-8:** What did you see as its successes and failures? While respondents viewed this performance evaluation system somewhat positively, they also perceived that the results of performance evaluations did not connect to any conditions of employment.

| staff responses | line responses |
|---|---|
| We were getting closer to a system that would produce positive results from the exercise. | People were not victimized by this evaluation process. |
| It started to get away from the halo effect. It became a good tool to say how people were doing | The only positive thing that came up was we were not hit all at once with everybody. |
| provided routine information about performance. The same problem existed about the definitive criteria given the diversity of the job | I thought that it probably still had some implications of favoritism and don't think it gave a great deal of feedback. |
| Everyone had high evaluations and everyone had to give good evaluations just to keep the ship on an even keel. No one gets a pay raise out of it or promoted out of it so why go through the aggravation? | I saw success in where a person could really look at his performance and see himself getting better and better, and immediately when he got a low rating he could ask the question why |
| | did not matter. People really did not want to discuss them. They did not tie into anything. |

**Question 86-9:** What events affected the performance evaluation process? More than personal relationships now effected performance appraisal. Other factors were at play.

| staff responses | line responses |
|---|---|
| Everyone started to realize how to use them because of the disciplinary actions that were occurring. | We endeavored to track public contacts with the station to make sure that everything was documented. |

| | |
|---|---|
| The program for the department was affected by the assimilation of large numbers of minorities in a short period of time. The processes were more formal to make sure the department could answer questions about discrimination. | ...length of service.  Seniority had a high value when it was advantageous for seniority to be used to rationalize fairness. |
| the working relationship to some extent between the rater and the ratee.  The time the supervisor had to observe, and the attitudes of the command personnel... | staying out of trouble |
| nothing really | |

**Question 86-10:**  What priority did state police commanders with whom you associated give to performance evaluation? The priority commanders gave to performance evaluation colored respondent's perceptions of its successes and failures.  Responses varied.

| staff responses | line responses |
|---|---|
| It was a process they had to do.  They would use the path of least resistance, so few people were given unsatisfactory evaluations. | not much priority.  Had to be done.  They rarely looked at their subordinate's evaluations or their subordinates. |
| now rather than a chore, which was a difficult chore, there weren't that many of them to do and they looked at it as an opportunity to give people an idea how they felt about them | They just dealt with the final results rather than getting involved with the process. |
| A high priority because it was part of the department regulations and important at high levels.  It was an integral part of our administrative program. | ...very important to me.  It was necessary that accurate evaluations were conducted to give subordinates proper feedback and to tell me what was happening. |
| It was mixed, although, my recollection is that at this time we had gotten a significant number of commanders to use it correctly and in the right manner in their troops. | |
| Given low priority....It was additional paperwork that they had to do and since it had no impact on promotions or bonuses, it was looked on as just one more personnel thing that they had to do | |

**Question 86-11:**  How was this performance evaluation process important to you?  The range of responses show that the

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importance of, and commitment to, performance evaluations
varied.

| staff responses | line responses |
| --- | --- |
| It was not important. | It became more important because not only was I being rated, but I was doing ratings. |
| It was important because of my personal belief that this had become more of a useful tool to management. | I never really gave that a great deal of importance. I always do my job and felt that the performance evaluation would be reflective of it and it always was. |
| | It was important to me. It let me know how my people were doing and helped let them know how to improve themselves. |
| | It was important to make sure that the people I have to go out and work with can carry their weight to be an asset to me in the performance of their duties. |

<u>Discipline</u>.    The discipline policy of the department
changed to, "Discipline is a function of command and
positive discipline shall be the policy of this Department.
A well-trained force that voluntarily and enthusiastically
conforms to department rules and regulations is well-
disciplined.    The objective of this regulation is to provide
a system that encourages fair and impartial resolution of
charges..." (FR 3-3, dated 1/21/80, modified 2/28/85).    The
discipline system was more centralized than in 1979.
Supervisors could still initiate a formal disciplinary
action.    However, only the department disciplinary officer
could approve and implement disciplinary actions up to a
level of a 30-day suspension.

**Question 86-12:** What did this discipline system mean to you? Particularly to line respondents, a centralized discipline system structure administered by department headquarters symbolized a move toward equality and fairness.

| staff responses | line responses |
|---|---|
| To me it meant having a formal structure and system for making decisions about discipline in the department. | This system endeavored to be more fair and equitable than the previous system. |
| It meant to me that we were moving further away from giving supervisory and command personnel the authority to deal with disciplinary matters. | The responsibility for discipline was starting to shift away from the supervisors and that diluted their daily authority to do something about minor problems. |
| This system hurt troopers because of the authority given to the department disciplinary officer. | This discipline system certainly gave me a good feeling in that there was more central control involved in that the department disciplinary officer was going to maintain an actual record of violations and suggested remedies for those violations. |
| | It meant that the system was now improving to a point to where it was becoming more efficient and fairer in its application to the membership. |

**Question 86-13:** In your opinion, what were the objectives and purposes of the discipline system? The discipline system's objectives were widely understood by the respondents.

| staff responses | line responses |
|---|---|
| To enforce consistency of behavior throughout the organization and to provide a system of adversity or pain. | To have uniform application of discipline as opposed to the king and his fiefdom. |
| to maintain order in the department, identifying those persons whose behavior was not consistent with department policy and taking actions to correct this behavior | To institute and standardize the disciplinary action and punishments throughout the state. |
| a more intense effort to standardize discipline and to demonstrate to the courts the department's attempt to be fair | To maintain a well disciplined organization by centralizing sanctions to have consistency in discipline across the state. |
| To ensure fair treatment of people in the organization. To allow them to have some relief if they thought they were treated unfairly by the system. | |

**Question 86-14:** What did you see as its successes and failures? The staff respondents believed that this discipline system was an improvement over previous discipline systems, however, the discipline system remained an issue for line respondents.

| staff responses | line responses |
|---|---|
| It was successful in terms of consistency of actions that were taken. It did provide information for reviewing department procedures and practices. | The department could defend itself in a court of appeal on what we did as the result of a disciplinary action. |
| a more clearly articulatable system to the employees. The disadvantage of the system was in failing to achieve the level of administrative sophistication to satisfy the court's demands for equal treatment...it left first line supervisors and commanders [with] the impression that discipline was someone else's responsibility. | It extended the time from the day of the infraction to when the disciplinary officer ultimately decided. The paper trail was becoming long and increasingly cumbersome. |
| | Rules did not apply equally to majority and minority members. |
| | The disparity started to lessen as far as the application of discipline went. |
| | The guts of the discipline system have been taken away from troop command personnel. |

**Question 86-15:** What events affect the discipline system? Responses show the discipline system was the object of attention and influence from both inside and outside the department.

| staff responses | line responses |
|---|---|
| greater influence of union representation and their involvement. With arbitration and court rulings, discipline was no longer bounded by the organization. | We did in fact have disparate treatment that negatively impacted one particular group, and we could not justify that, we could not show that particular group was the only group that had those infractions. |

| | |
|---|---|
| the need to demonstrate equal treatment for minorities and for the FOP which had almost achieved minority status.  Discipline was more structured and layered. | contract negotiations and changes made through collective bargaining |
| personalities | violations of rules, regulations, or the law |
| the state House committee which investigated some disciplinary cases which were coming to the floor and even previous ones that smacked of not being equitable | the public was getting more involved.  They were seeing things that were happening and questioning why discipline was not happening |

**Question 86-16:** What priority did state police commanders with whom you associated give to discipline?  Discipline was clearly a priority to state police commanders.

| staff responses | line responses |
|---|---|
| Discipline was sort of at the top of the list. It was something that people respected and paid a lot of attention to in terms of its eventual outcome. | a high priority so that everyone treated it the same.  The discipline system gives you control over people. |
| I think they realized it was important and that they were subject to scrutiny for how they handled discipline. | they were using discipline and they were starting to show concern for making the system work |
| Commanders abused it. | top priority by commanders.  It was used as a weapon... that could strike at any time. |

**Question 86-17:** How was this discipline system important to you?  It was important to the respondents that the discipline system functioned properly.

| staff responses | line responses |
|---|---|
| In many ways, in a sense that these were the negative actions that were applied to the behavior of a police force, the whole quality of the system was important. | It was important in the fact that it I thought it was necessary and I sometimes was a bit frustrated by the amount of time it seemed to be taking to get the disciplinary process terminated. |
| It was important to minorities to see how discipline was being handed out. | It was a system to help correct problems and go about weeding people out. |
| It was a weakening of the overall managerial capability of the department. | It was important to commanders and the department to consider aggravating and extenuating circumstances.  It gave me a tool to make sure the job was going to get done. |
| | It was significant to me because it was the only system available at the time. |

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<u>Collective Bargaining</u>.  The contractual provision of

interest to this study was that temporary assignments to a

higher rank would conditionally require appropriate

remuneration.

**Question 86-18:**  What did these contract provisions mean to

you?  Responses reflected the sometimes conflicting

interests of staff and line respondents in the department to

this provision and others in place in 1986.

| staff responses | line responses |
|---|---|
| The only thing they had in common were an overall measure of the extent to which certain discretion by the employer was being eroded by the collective bargaining process.  These things individually and overall were something that would not allow the employer to do something that it did before these provisions were in place. | I never though it amounted to a whole lot, unless someone was away for a long period, say three months.  Otherwise, for short periods of time, members made decisions to maintain the status quo. |
| it infringed on management prerogatives....We were involving the union in areas that should have been exclusively management. | It meant that in several cases when I was working out of rank I would get paid for what I was doing. |
| I think what we were trying to compensate individuals who were required to work out of class and make the types of decisions that conceivably would not come back to haunt them. | Out-of-class pay was a good thing.  I did not see it being used.  They were careful that people did not get it.  Very many restrictions in place |
| | eliminated commanders taking advantage of people |

These sentiments were also reflected in the respondents'

views on the importance of this provision, and others that

were in place.

**Question 86-19:**  How were these contract provisions

important to you individually?  Clearly, staff respondents

indicated a different orientation to the provisions than
line respondents.  However, all responses affirm EEO values
of fairness and equity.

| staff responses | line responses |
|---|---|
| The discipline was important because we would continue to have grievances on discipline that was subject to outside review. | Essentially, it was important that as a station commander that if you were going to be gone for some period of time, you could have someone held accountable to perform your duties. |
| Temporary assignment pay was more of a nuisance than of any importance. | it was important to get assignments and proper pay for the work I was doing |
| I liked getting input, but I did not like having it formalized in arbitration | It was not important.  If it would have applied to me, then it meant extra money. |
| These provisions seemed fair and reasonable. | |
| I think the provisions were very important. | |

In summary, during the years of 1980-1986, little
substantive change occurred in the basic organizational
structure of the PSP.  It was during this period that legal,
political/legislative, and organizational contexts attended
to management and administrative behaviors that resulted in
greater organizational awareness for these values.  The
interview data shows that the effort to assimilate EEO
resulted in changes to personnel systems.  These changes
included efforts to incorporate values, such as equality,
equity, and fairness.

The respondent data shows that there was also an
expectation that personnel processes be equal, equitable and

fair. However, the department designated several new
specific policy/process-related task statements to
organizational units. The responsibilities for personnel
administration moved out of bureau level-offices to the
command levels of the department. The department
established a review process for probationary troopers and
described a centralized disciplinary function. Most
notably, it delineated the functions of the Affirmative
Action Officer. At last the consent decree's representation
goals had been achieved.

## 1987-93: Nascence of Diversity

Attention to personnel systems began to shift to an
orientation on results supported with documentation. The
organization structure and its activities now reflect the
values of EEO.

The data shows that the organization shifted away from
the previous 20 years' intense focus on representation
goals, to equality, equity, and fairness. In its place were
issues of organizational management and individual
supervision. The organization reached the beginnings of
diversity awareness.

During these years, the administrative structure of the department expanded to coordinate and manage operational and administrative program challenges from the previous years. The language of personnel administration-related task statements did not change substantively during this period. The processes became results oriented to the end product, with attention to the individual's and organization's performance. Yet history shows that the changes affected each personnel process in different ways. These differences reflect the respondents' interpretations of each personnel process.

Constitutional and political contexts were limited in scope to issues of organization management, labor-management relations, and resolution of the outstanding issues of the consent decree. Notable was the political appointment a black career state police officer to the office of state police commissioner for 1987-91.

In March, 1993, the parties modified the consent decree. The thrust of this modification adjusted the proportional goals from 10.2 percent to 12.3 for uniformed minorities in the organization and from 9.2 to 12.3 for the

ranks of corporal, sergeant, and lieutenant. For new cadet

classes, one minority for each non-minority was enrolled

until the goal of 12.3 percent was achieved. Promotions to

corporal, sergeant, and lieutenant, minorities were to

represent 33.3 percent until the goal of 12.3 percent was

reached. Other modifications focused on test validation.

The complete modification order and attachments are found in

Appendix I.

The organization's complement does show movement toward

the new organizational goal. The May, 1994 enlisted

complement of the agency was 4,013 positions. Minorities

held 475 or 11.8 percent, and white women held 139

positions.

The 1986 political concerns regarding the discipline

system resulted in regulations governing the department

disciplinary officer. In 1993, this office had specific

functions for the statewide centralized administration of

discipline. While function statements for this office

appeared in the administrative regulation on organization as

a division-level office of the personnel bureau, in

practice, the department disciplinary officer reported

directly to the deputy commissioner for administration.

During the years since 1986, the issue of managing diversity began to appear in federal government sponsored studies. Changes that occurred in the structure of the PSP show that affirmative action and managing diversity were issues important to the executive leadership of the department. The organizational units under the direction of the deputy commissioner of administration that had functional responsibilities related to personnel administration included the affirmative action office, the Bureau of Personnel, the Bureau of Training and Education, and the newly created Office of Heritage Affairs. The heritage affairs office coordinated ethnic events as a commitment to valuing differences.

When Robert P. Casey, a Democrat, became governor in 1987, department leaders found themselves embroiled increasingly in issues of organizational management. Some initiatives included: pursuing accreditation as a law enforcement agency, implementing a supervisory development program, and, establishing a division to develop a total-quality-management program. During the Casey

administration, labor union influence expanded into areas
traditionally considered as management prerogative. For
example, labor-management committees formed to discuss
discipline and promotion procedures. These were additional
signs of erosion to organizationally bounded activities.

## Department Mission and Organization Structure

The mission of the PSP in 1993 was as always to enforce
the law and preserve the peace through the detection of
crime, apprehension of criminals, and patrol of the highways
(AR 1-1, 4/19/93, 3). Table 5-4 is the organization chart
in place for 1993. As before, the commissioner controlled
administrative and command supervision of the department.
His responsibilities expanded from previous years to
include, a) formulating polices and procedures; maintaining
discipline and when necessary administering justice; b)
prescribing training standards to ensure a high proficiency
in administrative, training and operational activities; c)
formulating rules and regulations consistent with the
department's consent decree and subject to the approval of
the governor; d) prescribing qualifications prerequisite to
membership in the force and selecting members on the basis
of merit; and, e) ensuring normal working hours for all

Table 5-4.   1993 Organization Chart of the PSP

(Source:   Pennsylvania Bulletin, Vol. 22, No. 28, July 11, 1992, p. 3643.)

Office of General Counsel
Chief Counsel

**COMMISSIONER**

Office of the Budget
Comptroller

Legislative Liaison

Public Information

Municipal
Police Officers'
Education &
Training Commission

**Deputy
Commissioner
of Operations**

**Deputy
Commissioner
of Administration**

**Deputy
Commissioner
of Staff**

Bureau of Patrol — Patrol Services Division — Safety Program Division

Bureau of Criminal Investigation — General Investigation Division — Organized Crime Division — Fire Marshal Division

Bur. of Drug Law Enforcement — Administration Division — Operations Division

Bur. of Liquor Control Enforcement — Administration Division — Operations Division

Area Command I — Troop H — Troop L — Troop N

Area Command II — Troop F — Troop P — Troop R

Area Command III — Troop A — Troop B — Troop G

Area Command IV — Troop C — Troop D — Troop E

Area Command V — Troop B — Troop T

Area Command VI — Troop J — Troop K — Troop M

Heritage Affairs Office — Affirmative Action Office — Member Assistance Office

Bureau of Personnel — Personnel Mgmt. Division — Per. Services Division — Evaluation & Standards Division

Bur. of Training and Education — Training Division — Staff Services Division

Bureau of Community Services — Preventive Service Division — Community Relations Division

Bur. of Professional Responsibility — Internal Affairs Division — Staff Inspection Division

Bureau of Research & Development — Planning Division — Programming Division

Bur. of Records & Information Services — Records & Identification Division — Information System Division

Bur. of Lab. & Communications Services — Communications Division — Laboratory Division

Bureau of Staff Services — Procurement & Supply Division — Transportation Division — Fiscal Division — Facility Mgmt. Division

Bur. of Emergency & Special Operations — Tactical Operations Division — Aviation & Spec. Services Division

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personnel consistent with department and collective

bargaining regulations (AR 1-1, 4/19/93, 4). The

commissioner delegated all administrative responsibilities

found in the table of organization to three deputy

commissioners.  The commissioner also had four personal

staff offices:  the executive officer to the commissioner,

the chief counsel, the legislative liaison, and the public

information officer.  Each position assisted the

commissioner in the fulfillment of administrative and

command duties.


## Personnel Administration

By 1993, a civilian personnel manager still directed

the Bureau of Personnel.  At that time, the bureau consisted

of three divisions and a department disciplinary office with

50 functional responsibilities.  Personnel-related

responsibilities by organizational units of interest to this

study can be found in Appendix J.  By 1993, all personnel

processes were defined in department regulations.


Functional responsibility for basic training rested

with the Bureau of Training and Education.  The Bureau's

Academy Training Division determined department training

needs, developed training and curriculum programs, and
conducted and evaluated department training courses.

The environment-organization interplay resulted in the
addition of the department disciplinary and heritage affairs
offices. These offices addressed specific issues of EEO
that had previously challenged the department.

## Personnel Processes

The following section highlights the personnel
processes in place in 1993. These processes were in place
also for 1994 at the time the data was collected for this
study. With the exceptions of recruitment and testing and
selection, more detail for each process is available in
Appendix B. Recruitment and testing and selection are
detailed in the following sections, but they are not
interpreted by the respondents.

Recruitment. In 1993, the department redefined the
recruitment policy as "to actively seek the best qualified
candidates with emphasis on securing minority and female
applicants" (AR 4-18, dated 5/17/89). The personnel
director coordinated the recruitment program with area and

troop commanders.  The bureau had four permanent recruitment
coordinators located throughout the state.  During open
application periods, 11 part-time recruiters worked one week
per month.

The recruitment coordinators' responsibilities included
compiling recruitment activity data, distributing
recruitment literature, visiting troop headquarters and
stations to evaluate applicants and assist recruiters, and
maintaining appropriate files.  Recruitment coordinators'
and recruiters' responsibilities included establishing
liaison relationships with college placement and minority
officials; attending employment and job fairs at colleges,
private industry sites, military bases, job corps centers,
youth organizations, and related community programs;
arranging media coverage for recruitment; and maintaining
files of interested minority/female applicants during non-
application periods.

Testing and Selection.  For purposes of this study, testing
and selection refers to cadet selection and enlisted
promotion.  In 1993, cadet selection remained generally as
in 1972, 1979, and 1986.  However, some substantive

procedural changes were made to validate the process in light of the issues of the consent decree.

For example, the three members of the oral board consisted of representatives from the Governor's Office of Administration, the State Civil Service Commission, and the PSP. The factors considered in response to questions asked at the oral examination were organization, interpersonal ability, decision-making/judgement and oral communication as opposed to appearance, job interest, and social qualities. Performance on the written and oral examinations was weighted to reach a final earned rating for each candidate. Eligible veterans received 10 additional points. Applicants were then ranked for eligibility.

Successful candidates underwent a background investigation to identify any weaknesses in character or criminal history. Investigators developed their reports on the dimensions of responsibility/dependability, honesty/truthfulness/integrity/morality, and self-restraint/self-discipline. Their findings were reviewed by a Background Screening Board. This Board also comprised representatives from the state police, the civil service

commission, and the governor's administrative offices. A
candidate could appeal the findings of this Board to a
similarly staffed Background Investigation Appeal Board.
This Board includes a deputy commissioner of the state
police, the deputy director of the civil service commission,
and a representative from the Governor's Office of
Administration. Their decision was final. At the
conclusion, suitable candidates would be notified when to
report for training.

Promotion processes continued for ranks from corporal
to major as established in 1986. The promotion to corporal,
sergeant, and lieutenant was based upon 100-question written
examinations (Special Order 93-217, dated 9/16/93; Field
Regulation 3-1, 11/3/93). A contractor, as before,
developed the test questions. Ties were resolved by use of
random numbers assigned to all participants prior to the
written examination. Vacancies were filled in rank order by
promotion list and choice of the promotee. A board of
commissioned officers appointed by the commissioner reviewed
appeals of promotion examination questions. Their decision
was final.

The testing and selection process for promotion to captain and major was generally the same as implemented in 1986. One change was that the results of the selection process were grouped into two categories, high and low, rather than three.

Basic Training. The length of the formal basic training at the academy increased back to 24 weeks. Its purpose, however, remained the same, as did the disciplined life style required of academy residents.

Upon graduation from the academy, graduated cadets entered the field with probationary status as troopers and assigned two 30-days training periods with an experienced trooper. The training officer evaluated the trainee at the end of each training period. Thereafter, trainees received evaluations every two months until the completion of the probationary period, with detailed documentation required to support the rating levels and remedial actions taken, if appropriate (Special Order 93-54, dated 3/31/93).

In the past, the intent of the basic training program was largely to train and acclimate cadets to the PSP. Now,

its functional purpose had shifted to one with a focus upon

process.


**Question 93-1:** What did this basic training program mean to

you? While both groups focused upon process, the meaning of

basic training focused upon its administrative requirements.

| staff responses | line responses |
|---|---|
| the matter of providing effective training to recruits for professional police positions | a lot more paperwork than it used to be...A great deal of time on reports is needed...It creates a paper chase. |
| It meant some attention to improving what we had and trying to correct difficulties. | This program means that people in the field have to spend more time training new troopers. |
| The basic training was kicked up a notch or the volume turned up a bit...at this point in time we were looking at basic training in a much more professional manner that what we did in past years. | The training program rushes people into the field without giving them the necessary police administrative and deportment skills. |
| it meant a lot....the academy has willingly made improvements as it goes along...the basic training program give me the people to utilize to fulfill our mission | The training program has a saturation of assessments. A lot of paperwork...much of the training does not mean a whole lot |


**Question 93-2:** In your opinion, what were the objectives

and purposes of this basic training program? Both staff and

line responses infer that the paperwork required attention

to monitoring, developing and evaluating each individual

trainee.

| staff responses | line responses |
|---|---|
| To take raw recruits and give them effective training so that they could operate effectively when they become troopers. | to keep better track of a person who may be a potential problem and to get a better read of whether or not a person is going to grasp the major functions of the job and a well disciplined person as to not be a discipline problem later down the road |

| to train quality troopers and monitor their progress | to try and get as many trainee cadets through the academy and into the field as possible |
| --- | --- |
| | to train people to function as police officers |

**Question 93-3:** What did you see as its successes and failures? While the respondents did not like the paperwork, they generally appreciated its value. The successes of basic training relates to its paperwork requirements. The failures relate to the disposition of the paperwork.

| staff responses | line responses |
| --- | --- |
| Our information was that recruits continued to be relatively well received in the field and considered to be well trained. Except for some individual failures, the program was an overall success. | It is giving the supervisor right up through the troop commander an opportunity to evaluate these new troopers on a much more regular basis...in the long run its is worth the extra effort. |
| I see it as more successful in the sense that commanders in the field are much more pleased with the product that is coming out. | We are not weeding people out at the earliest possible moment for not complying or conforming with regulations...we put more money into them by trying to salvage them during training and we end up letting them go later at a greater expense to the organization. |
| Some cadets are not being weeded out by the academy...border line cases are being sent to the field to be addressed. | The failure is in the process where a lot of information is being generated at the troop level for headquarters, but nothing seems to happen to it. |
| | Documentation requires supervisors to identify and address strengths and inadequacies. |

**Question 93-4:** What priority did state police commanders with whom you associated give to basic training? The mandates to complete the paperwork associated with the basic training program, as it has extended into the field, appears to have elevated the priority of basic training to commanders, as evidenced by respondents.

| staff responses | line responses |
|---|---|
| I think commanders gave it very high priority...the documentation has helped commanders to deal with employees. | I give [it] a lot of priority from the aspect of frustration that I endure if someone is not a level the I believe they should be. |
| They gave this a high priority. The attitudes in the department have changed because of the massive numbers coming into the field. | It moved to the higher end of priorities. More involvement between field commanders and staff offices than under previous programs. |
| I saw the highest amount of interest from field commanders...they would provide both pro and con information about the type of product they were seeing coming out of the academy. | Its getting a higher priority. I won't accept an evaluation on a trainee report without comments on what has been done or is being done to fix a deficiency. |

**Question 93-5:** How was this basic training program important to you? Basic training continued to be important to the respondents, however, they base its value to the organization and its attention to individual results, rather than to themselves and their careers.

| staff responses | line responses |
|---|---|
| The effects of the training program are important because of the impact it will have on the department in the years to come. | I felt more involved in the process and the fact that someone was at least taking seriously the comments from the field |
| It was important because it gave us a handle with what was going on. And it gave us a means to remediate deficiencies and to salvage these people. | I got a good view of what was going on with people individually. |
| It was simply a measure of how effective the organization was in bringing in people and training to become part of the permanent complement. | trying to have these people prepared to assimilate into the state police and perform the functions |

<u>Performance Appraisal</u>. The performance evaluation program greatly expanded from its 1986 definition.

> Performance evaluation is a vital management tool. It assists management in determining the effectiveness of individuals, as well as Stations, Troops, Bureaus and the entire Department. It also allows for the identification of strengths and weaknesses, and provides feedback to subordinates so they can gauge

their development and contribution to the department. Performance evaluation is not just a once-a-year project. It is an ongoing process of communicating expectations for job performance, documenting performance and providing feedback... (AR 4-22, dated 8/21/89; Special Order 93-88, dated 4/29/93).

For the ranks of trooper, corporal, sergeant and lieutenant, the system remained as it had been in 1979 and 1986. It was a factor-point evaluation system. The factors were rated on a scale of unsatisfactory to excellent. The system required supervisors to maintain supervisory files in an effort to maintain performance related documentation.

The department developed and implemented a behaviorally anchored rating scale system to evaluate the performance of captains and majors (Special Order 92-102, dated 5/26/92). Evaluations were completed annually.

**Question 93-6:** What did these performance appraisal systems mean to you? Performance evaluation had not yet been recognized as a beneficial supervisory or managerial tool.

| staff responses | line responses |
|---|---|
| It meant we had systems in place. The basic one for troopers through lieutenants continued to be carried over from the past. The ones for captains and majors at least gave us some sense that people at those ranks were being evaluated. Before that time they had not been for several years, so it was almost impossible to institutionalize their ratings. | They do not mean anything. When you give someone a bad evaluation, he must be really messed up. You can't fire them without an act of Congress, you can't give them a pay raise or promotion. The system is just a bureaucratic mess of paperwork. As long as they carry no weight, you're only pushing paper. |

| | |
|---|---|
| they don't mean much more than historically. That's the problem. I tell my supervisors that the performance evaluation is an important management tool to document things throughout the year. They only seem to become important when a problem surfaces. | I think this by far is the better system that we had. This one required that supervisory notations be kept. Things [are] brought to your attention instead of waiting until the end and putting everything on the evaluation, and you not knowing the situation. Now you get feedback and you take corrective action. |
| I think this was a way to indicate a more meaningful, specific and accurate evaluation would be done on each individual with a certain element of specificity involved in it which would therefore create a feedback mechanism to enable people to understand what their strengths and weaknesses are and identify ways that they can improve. | Unlike the other ones, if this one is applied properly it should mean that I'll have a more fair evaluation of my work product than what I've had in the past. I would no longer be looked at against [what] somebody else is doing but what I'm doing and how well I'm doing the particular job. |

However, respondents were generally uniform in their understanding of the objectives and purposes of the performance appraisal.

**Question 93-7:** In your opinion, what were the objectives and purposes of performance evaluation? Performance evaluation was viewed as a means of communication and feedback between supervisors and subordinates.

| staff responses | line responses |
|---|---|
| to be able to record in some kind of systematic way people's performance in relation to some standards or objectives and then feed back the performance rating | To learn how well your people are performing and to let them know how they are performing. To help them improve, to get better work from them |
| to provide a mechanism for feedback to the employee, to the subordinate and development of the subordinate from the standpoint of where their strengths and weaknesses are, where they need to focus and concentrate | to let the people that were doing the jobs know that their efforts were appreciated and those that weren't to put them on notice that they've got to get their act together |
| | to take a fair look at the performance being done by the individual member and go from there |

**Question 93-8:** What did you see as their successes and failures? The performance evaluation systems required that

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supervisors maintain documentation to support ratings.  The

respondents said this requirement made the process more

successful and meaningful.  However, they perceived these

programs as failures.

| staff responses | line responses |
|---|---|
| The one for captains and majors was regarded as more of a success because it brought their performance into an institutionalized system so we were able to get some idea as to performances of our upper level people. | I think that if you had a supervisor that takes a fair look at the whole process, it succeeds.  If you have a supervisor that just looks at it as another paperwork chore, it fails |
| I think the successes were that there was more documentation involved and people would therefore have a tendency to be able to maybe contradict what the supervisor's rating was saying. | I think we were becoming more successful because we were getting more supervisors trained.  They do understand the importance more than they ever did before and the troopers know too.  As long as everybody's into the program, then its not unfair. |
| The basic program continued to be a failure in my estimation because it was a carryover of many years of institutional perception that just didn't change. | A success was breaking some of us away from the old thought process that this was just another piece of paper. |
| they are not tied to anything.  As a result, they are done begrudgingly.  They are beginning to be tied to jobs. | Failures would be not maintaining appropriate files, not maintaining [an] open line of communications with your personnel. |
| I have not seen any successes.  I do not think it has been embraced by the captains, majors, lieutenant colonels, or the commissioner. | |

**Question 93-9:**  What events affected the performance

evaluation process?  In the past, respondents reported that

relationships between supervisors and subordinates as the

most frequent influence on the performance evaluation

process.  Now, the respondents perceived that things outside

of the workplace had an effect.

| staff responses | line responses |
|---|---|
| Everything that the people do, either positively or negatively, because the supervisory files becomes so important. | just your day to day operations and anything significant during the period was normally reflected by the person doing the rating.  In that respect, probably not much changes as far as the actual events from the previous one |

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| the law enforcement accreditation process | ...In this particular process the union had input into it to look at the construction of the performance evaluation and also the implementation of it. |
|---|---|
| nothing here | the consent decree has had a lot to do with it |
| | nothing really |

**Question 93-10:** What priority did state police commanders with whom you associated give to performance evaluation? Performance evaluations continued to be perceived as having varying priority among commanders.

| staff responses | line responses |
|---|---|
| always very important to commissioned and non-commissioned ranks. To troopers, not as important because it has no impact. | There was a lot of significance because for the first time we are evaluating captains and majors. It has been filtering down the chain addressing good things and bad things. |
| They don't get much priority. Not tied to anything and no consequences. | Most don't care if their subordinate supervisors are doing it properly. |
| Commanders were finally starting to see the light and recognize that honest performance evaluations were very beneficial to managing their commands. | The commanders that I have dealt with give it high priority. |

The ranges of priority seem to correspond to the ranges of importance given to performance appraisal.

**Question 93-11:** How were these performance evaluation processes important to you? The importance of performance evaluation continued to fluctuate among respondents.

| staff responses | line responses |
|---|---|
| They are only important in an individual sense in the course of hearings or other personnel transactions. | Even though the evaluation was different, I thought it was important because we were not ever really getting feedback. |

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| It was developing better supervisors, it was requiring supervisors to supervise and pay more attention to the work product that the subordinates were turning out and conversely it was giving subordinates the feedback that they needed to improve. | It was not important to me. It serves no purpose. You can't do anything with it. |
|---|---|
| The only way they would be important is if they were tied to promotion. | They can either make me or break me. |

Discipline. Chief tenets of the discipline policy were that 1) to enforce the law holds a member to a higher standard of behavior than is required of the general populace; 2) discipline was a responsibility of all personnel in the chain-of-command; 3) to hold members accountable for their behavior, discipline needed to be corrective in nature and fair; and, 4) extenuating and mitigating circumstances were an important element in the fair and just evaluation of behavior (FR 3-3, dated 1/21/93).

In 1993, the discipline system was even more centralized than in 1979 and 1986. Only a troop commander could initiate a formal disciplinary action, and only the department disciplinary officer could approve and implement disciplinary actions up to a level of a 30 day suspension. Members had a right of appeal prior to the implementation of a disciplinary sanction.

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**Question 93-12:** What did this discipline system mean to you? The continued centralization of the discipline system to department headquarters meant more uniformity, equity, and fairness. It also required more paperwork.

| staff responses | line responses |
|---|---|
| It is probably the best it has ever been. By having only the troop commanders and division directors, a smaller segment of the department issuing DAR's, the system is more uniform. | As a troop commander it really drags you down. Because there are so many contractual requirements, you have to meet in order to issue the DAR. All this means that most of my job is meeting the requirements of the disciplinary system. |
| it really was an improvement over the various forms of discipline that had existed in the past. I think that the fact that fewer people were able to take disciplinary actions improved the quality of it. In addition, a new investigatory system had been put into place. | It means that as a troop commander you've lost all autonomy other than actually initiating the DAR. In fact we are now told how to initiate a DAR, we are told what it should or should not contain. We're not told what may or may not happen to it, we make a recommendation as to how severe we think something is. Usually it is actually just the opposite. We may make a recommendation to lessen the penalty because of mitigating circumstances. |
| I think just to try to be fair as possible to people that have been charged with violating regulations and law. | Right now, the investigations are done and sent up through the chain, and it drops a whole load right on the troop commander. You have to read the investigative report and all the extenuating circumstances and then make the decision whether or not to initiate disciplinary action and if you do, it requires a lot more work. I think it's a good thing though because you're getting a couple of more people involved within the system. |
| | I thought this was a fairer system for all the troopers. It was a better system |

**Question 93-13:** In your opinion, what were the objectives and purposes of the discipline system? The discipline system had a greater perception of process in its orientation and objectives with the respondents focusing on its values and results.

| staff responses | line responses |
|---|---|
| to enforce a range of behavior and impose sanctions and penalties for failure to abide by the regulations | to be fair and equitable |
| Within the troops, everything would be uniform. The department was ensuring uniformity throughout the state making the discipline system as fair as it could be, making sure extenuating and aggravating circumstances throughout the state were considered, and making sure people were getting disciplined for the same infractions. | It is hard to separate this discipline system from BPR. I is a much fairer process to have a neutral member doing the investigation to give some protection to the member. There is an element of fairness there. As a troop commander, the harshness or leniency may still vary, but my role is to endorse the process continuing. |
| to get people's attention, to let them know that they need to get back on track, that they have broken the rules, that rules are important, and there are consequences to pay for breaking the rules | The objectives are that it's going to be applied uniformly statewide, I mean that's what it's supposed to be. The purpose is that it is supposed to be fair. |

**Question 93-14:** What did you see as its successes and failures? Respondents interpret the success of the discipline system is its centralization. However, there was disagreement over the effects of arbitration on the application of sanctions.

| staff responses | line responses |
|---|---|
| As far as an overall measure, we continue to have a lot of discipline go un-grieved. From the standpoint of the officers involved, there continued to be a large acceptance of the discipline that has been meted out. If it is measured by the extent that our discipline actions stand up in arbitration, we continue to have a fairly high proportion of failures in that arena. | The success I believe was the fact that you've really narrowed the number of people involved in determining the ultimate discipline and I believe it's being handled in a pretty fair and impartial manner by the disciplinary officer. |
| I think we're getting into a more uniform application. | It puts a check on them to act properly to initiate discipline. |
| I think that it equalized discipline statewide to a greater degree than any other prior changes. | There is little consistency on how arbitrators decide to fire someone in the gamble of a grievance. |
| | The grievance procedure ensures fairness and equality. |
| | It was good to take it off the first line supervisors. |

**Question 93-15:** What events affected the discipline system?

Respondents attributed the changes to the discipline system
to political and collective bargaining activity within the
organization.

| staff responses | line responses |
|---|---|
| the initiation of certain levels of the command procedure. A new investigatory system that involved a more rigorous structure of investigation. A very highly concentrated meting out of discipline by one person in the headquarters system. | the involvement of the union with the grievance procedure |
| Now because the troop commanders are the ones to initiate disciplinary action, it is a double-edged sword. They need to know what's going on, but that undercuts the supervisors up and down the chain-of-command. | |
| The most overriding thing that affected the system was the collective bargaining agreement and the subsequent negotiations that evolved between the union and the department on how the discipline system would work. | |
| just the violation of the rules and regulations | |
| to some extent, hearings before a state house special committee that went into issues of disparate treatment and discrimination in the discipline system | |

**Question 93-16:** What priority did state police commanders
with whom you associated give to discipline? The discipline
and the discipline system continued to receive high priority
from commanders.

| staff responses | line responses |
|---|---|
| It is more important, but a time intensive, paperwork intensive pain in the neck. The final say is out of their hands, which raises the concern about what are the important factors to the troop commanders to get considered by the department disciplinary officer. | The commanders are giving a high priority to discipline because of the commissioner. |
| Discipline was important to the command, however, they are somewhat remiss over having to relinquish the authority to issue penalties to the department disciplinary officer who is a faceless name at department headquarters to most people out in the field. | They give it a high priority. As time goes on, it appears that the union is taking control of the department, [and] commanders are becoming frustrated with the discipline system. |

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| | |
|---|---|
| I think they gave it a priority because I think by this time it was consuming a large amount of their time. | The priority is a lot higher than it used to be. They are upset that the grievances result in a loss of sanction level. |
| My perception is that it is a high priority to state police commanders. | |

**Question 93-17:** How was this discipline system important to you? Commitment to the discipline system connects its procedures to the individual and the organization.

| staff responses | line responses |
|---|---|
| It was important to us in a negative sense. It was the means that we had to separate people that had committed important or significant behaviors that were punished by the system so it was important to us to have a system by which you were able to regulate behavior in the organization. | very important because you have to have that in order to maintain some type of control of your troops....As long as they know that the discipline system is fair and impartial and speedy its a good tool for the troop commander to have. |
| The system as it works now is probably very thorough and it ensures that all of the stones are uncovered and all of the facts are there, both aggravating and mitigating, and gives the member an opportunity for some due process through the pre-disciplinary committee. | It's important but it does not accomplish its goals because management looses many of the arbitrations. |
| It is important because our people feel more comfortable with it and I think that they recognized that it isn't arbitrary and capricious. | It is important because it consumes time but it is more fair. |
| | It should be used to hold members accountable for their conduct. |

Collective Bargaining. The contractual provisions of interest in this study included establishing an interagency grievance committee to meet and discuss step 2 grievances, adding a seniority criteria for breaking ties for selecting specialized position candidates, and providing an interagency specialized position selection arbitration panel. These provisions opened management decisions and

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actions to challenge.

**Question 93-18:** What did these contract provisions mean to
you? These provisions meant the fairer resolution of
disputes.

| staff responses | line responses |
| --- | --- |
| These provisions meant that members were getting a better shake on questions on discipline and punishment and specialized positions because members trusted the union more than commanders. | The outside arbitrator gives you a fairer overview because the person is not brainwashed as far as the years of past practice in the application of discipline. |
| Involving outside people exposes the department and make them realize that they need to treat people fairly. Outsiders put their practices under the microscope. | I think that they mean that the department has lost a whole lot of autonomy on how it manages its resources. And that is not comfortable. |
| | This meant that the selection of favorites to specialties could be challenged. It helped to dismantle the good ol' boy system. |

**Question 93-19:** How was this contract provision important
to you individually? The respondents interpreted these
collective bargaining provisions be important because of
their effects upon management actions.

| staff responses | line responses |
| --- | --- |
| In the discipline area, the matter to grieve court martials to a neutral arbitrator was a significant departure from past policy. In anticipation, and in fact, disciplinary actions to terminate people were subject to more scrutiny and reversed more often. | It is important because it is a problem for commanders in trying to fill positions with the best qualified candidates for positions on criteria other than the weight placed on seniority. |
| I think these are important to make members feel they are getting a fair shake. However, they seem to bog down the department. | I think the importance is that they keep you aware of dotting your I's and crossing your t's and that is not all bad. |
| I have sat on these panels. I felt it was important to make sure things were done fairly and reviewed. It was important to have a step by step process. Do the same for all. Same opportunities to have a fair system. | They seem to be fair and equitable. |

By 1993, existing statements that defined and identified organizational responsibilities and policy/process tasks did not substantively change. Now statements corresponded to the structural additions and changes in the department.

The respondents gave a variety of interpretations to changes in the personnel processes that occurred since 1986. These interpretations show that the department focused on issues of organization management. Personnel administration became a department-wide responsibility. While performance evaluation was interpreted generally the same, the respondents recognized that this and other personnel processes meant more paperwork to support managerial actions. This requirement shifted the focus of the respondents' interpretations of these processes from assessment to the levels of their involvement. The respondents also interpreted this change to mean personnel processes were more results oriented with a focus on organizational and individual performance.

The organization and its leadership were emphasizing values of equal opportunity and employment rights.

Personnel processes institutionalized EEO values found in mandates of the consent decree and collective bargaining.

## Managing Diversity

The final section introduces data on the concept of managing diversity obtained in the course of collecting data about personnel processes. Data shows that while the mandates of EEO may had been resisted early in their implementation, their values did work their way into personnel processes, and more importantly, into respondents' views of managing diversity.

The respondents answered a series of questions on the concept of managing diversity. These questions were prefaced by the phrase "managing diversity means to create and maintain an environment in which each person is respected because of his or her differences, and where all can contribute and be rewarded based on their results." It directed the respondents to their supervisory/managerial responsibilities and personnel processes. The respondents were asked to give their views on defining and recognizing differences, rewarding good performance, and interpreting the role of personnel processes in light of differences.

The term "differences" has almost as many meanings to the respondents as there were respondents. The next three sets of responses narrows their definitions and begin to give institutional meaning to the concept of managing diversity.

**Question 00-20:** Did you see any differences in the personnel under your command? The responses to this question were predominately behaviorally based.

| staff responses | line responses |
|---|---|
| There are many different personalities, including racial and behavioral differences. | Each person has a different style and way of handling things. |
| The differences in sizes, shapes, attitudes, the willingness to take responsibility, in how thoroughly they would go about getting the job done. | People come from different environments and cultures |
| The differences were innate abilities to perform, some were attitudes toward the organization or to personnel in rank. | I can see the differences, physically. These differences stand out to me because in the past there were only white males |
| The differences for those that I was personally responsible for were mostly in abilities, mechanical, cognitive, and language. | differences in work performance...I have some people on disabilities that can't perform fully or aren't on full duty and I have some people whose performance isn't that great |
| I could go on and on with personal characteristics, skills, abilities and the knowledge that they possess. But, everyone was different. | Unfortunately, the state police has always been considered a quasi-military operation where you have to sort of train people to think alike...you can't have one group of people having some expectations of being understood a certain way and then another group having some other expectation |
| There is grudgingly the acceptance that women and minorities can be good police officers, that on an individual basis, people will be accepted when they prove themselves. | |
| Some people will take the initiative to think things out and to get things done. Other people well come and ask me or a supervisor just how to do things without giving it much thought. | |
| There was more empathy there and just generally a better attempt on their part to understand people who were different. | |

**Question 00-21:** Did you feel it was necessary to recognize differences of personnel under your command? Differences among personnel affected managerial and supervisory actions. For this item, the term took on a predominately culturally based meaning.

| staff responses | line responses |
|---|---|
| It is important to recognize differences, but people still reel over the consent decree. The effects were resistance to minorities and women. Then it was ok for blacks, not women. Then it was short guys, then Asians. The mold did not fit anymore. | People of color have different backgrounds. I think it is important to recognize people for what they are. It leads to a respect for their feelings when you talk to them. It means you take care not to alienate someone. |
| I had to recognize it because I was going to assign people to perform certain tasks that were critical to the organization. I would assign the one that I felt would do that best. | Because people come from different cultures and environments, you have to take that into consideration when you communicate |
| I think in order to be a good supervisor or a good leader, you have to recognize differences, not only ethnic or racial, but gender and abilities. | I think you should recognized your excellent performers in addition to paying attention to the poor performers. |
| I think once you got to know an individual you had a good feel for what type of leadership or whatever would best work. | People respond to different things. Some people coming out of the academy need to be shown once and they are on their own. Others need constant eight hour a day supervision. |

**Question 00-22:** How were you able to reward good performance of personnel under your command? The ability to reward differences reflected the need to recognize good performance. Responses show that limited supervisory/managerial approaches to rewards existed, and were behaviorally based without regard to culturally based differences.

| staff responses | line responses |
|---|---|
| give good performance evaluations, assign premium shifts | I try to reward people they way I might like to be rewarded, through assignment opportunities. |

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| | |
|---|---|
| ...by personal recognition of the job their doing....being able to recommend people for higher level positions, or being part of the selection process | I can issue a letter of commendation, I can make sure word gets back through a supervisory notation to that individual, I can recognize during roll call if I happen to be in the unit at that time, or I can see that individual personally |
| The ability to reward is limited. The easiest is to take account of good performance. | |
| I would try to minimize the inconveniences that the job might impose. Some like to concentrate on a few things, others to help with advancement. | |
| There are no real material ways to reward performance that motivate and sustain people. | |

The remaining managing diversity questions looked at the relationship between diversity and personnel processes.

**Question 00-23:** If you chose to recognize differences of personnel, how did personnel processes that were in place help or hinder your ability to recognize differences of personnel under your command? Personnel processes tended to neutralize or hinder the process of recognizing differences.

| staff responses | line responses |
|---|---|
| Many of the personnel processes are geared to seniority and that means these processes will have little impact on recognizing differences. | The personnel processes generally do not give you any discretion to make serious changes to salary, or classification, although they do not hinder you from recognizing differences. I would have to say they are neutral. |
| It was a challenge to supervisors to be fair. the personnel processes were neutral to differences. | Some of them do, some of them don't....They are slow to changing....the authority of commanders to recognize the abilities...and the differences in people |
| Maybe the performance evaluation, if used correctly, can identify differences | These processes must be followed, however, they do not preclude me from finding things, there are areas where we can be flexible |
| People were very conscience of the fact that certain groups were being assisted and they did not feel they deserved it because of things not related to job performance. | The driving value is not always to get the best people. The values are attempting [to achieve] fairness. But they go about it the wrong way. They try to pigeon-hole people. |

**Question 00-24:** How did personnel processes that were in place help or hinder your ability for rewarding good performance of personnel under your command? The range of responses also show that the concept of rewards falls generally outside the scope of personnel processes, and so these processes offered limited guidance to reward differences.

| staff responses | line responses |
|---|---|
| If you were to comply with the consent decree, you couldn't treat everybody the same because there were differences. | they had a few things in the regulations as far as what particular traits that we're looking for...to help me in recognizing these. |
| The processes were a limitation in terms of not being able to reward people for outstanding performance through some system of monetary reward. | Other than good performance evaluations with the appropriate documentation, sitting down with someone and showing that you were aware of their triumphs...is in itself is a reward |
| The performance evaluation system both helped and hindered us because everyone got high ratings. | I was not able to reward because the system calls for equality and equity, particularly the collective bargaining influences, which draw lines. In addition, organizational needs sometimes have to take priority |
| The personnel processes really did not enter [into it]. Those to be rewarded were. | |
| I don't think personnel processes are the issue. I think it becomes that contract | |

**Question 00-25:** How did personnel processes that were in place help or hinder your ability to remediate poor performance among different personnel under your command?

Personnel processes offered values of equality, equity, and fairness of treatment, and a structure to control management action. The focus of responses to this item show that remediation implied a consequence that is related to a

behavior.  As a result, the respondents connected this issue to personnel processes like discipline, performance evaluation and collective bargaining.

| staff responses | line responses |
|---|---|
| I think that the union contracts sometimes hinder remediation because they provide such structure and union representation and impartial review. | Contract bargaining; that sometimes gives me no room or little room for doing any innovative kind of remediation |
| The processes were used to remedy any type of situation that was going sour; that if someone was sinking; you needed to save them to preserve our investment, which encouraged commanders not to be hasty with discipline. | There seems to be something missing [in the process] in terms of consequences short of discipline.  You can be a marginal performer forever with nothing ever happening. |
| The processes did not interfere in any way with my disciplining people.  I used the system. | the processes are neutral...they require equal treatment...it is up to the commanders to finds [other] ways to improve quality if someone doesn't meet their expectations. |
| The structure of the processes has taken away the flexibility that commanders had in the past to reward, punish or remediate. | with stipulations in the contract, it is very difficult to deal effectively with poor performers.  You can't take any employment related action against them. |
| The processes are neutral, they were not the means to remediate. | |

The concept of managing diversity, when predicated on the differences, takes on a set of behaviorally and culturally based meanings.  Culturally based meanings consider demographic differences.  Behaviorally based meanings relate to a supervisory/managerial activity that recognizes innate performance-related differences.  However, personnel processes focus on values of equality, equity and fairness in the treatment of all individuals with a focus toward the individual's behavior.  The responses show that personnel processes are neutral to differences based on culture.  They neither help nor hinder

supervisory/managerial actions toward culturally based
differences.

## Summary

This chapter shows that issues found in the
environment-organization interplay related to EEO were
eventually reflected in the PSP, its assumptions, values,
and personnel processes. The data shows that while the
mission of the PSP remained essentially constant, the formal
organizational structure slowly changed. The change
occurred with efforts to implement EEO as defined and
controlled by an affirmative action consent decree.

Responsibility statements that traditionally identified
organizational task activities changed. Statements became
more complex and numerous. They expanded to describe
policy/process of administrative offices and sub-units.

The institutionalization of EEO and a concomitant
organizational focus on management and administration
activities also resulted in the creation of new personnel
divisions, a department disciplinary officer, an affirmative
action officer, and a heritage affairs officer. These

coordinated and administered organizational efforts related to EEO, the consent decree, and later, diversity.

Respondents' interpretations of the meanings, objectives, priorities, and importance of personnel processes such as basic training, performance evaluations, discipline, and collective bargaining show that the values of EEO--that is equality, equity, and fairness--became institutionalized. Personnel processes also took on a results orientation, which required emphasis on documentation and evaluation of individual behavior.

At the time of this study, the respondents define the term diversity based upon their view of behaviorally and culturally based differences. These definitions of differences have roots in the issues of the consent decree and collective bargaining issues that have shaped, and reshaped, personnel processes. As a result, the values of EEO prevail in personnel processes. At present in the PSP, the concept of managing diversity falls outside the scope of personnel processes.

CHAPTER 6

FINDINGS AND CONCLUSIONS

Prior to 1972 the PSP was a bastion for white males.

Some 20 years later, it is a model of demographic

representativeness.  Clearly, EEO mandates "rocked the

world" of the PSP.  This dissertation examines how EEO

programs changed ongoing personnel processes of the PSP.

The study begins with political mandates for EEO and moves

to the present day challenges of managing diversity.  It

embraces an institutional perspective of sense-making in

order to study change.  Under this perspective, an

environment-organization interplay altered personnel

processes.  These become interpretive systems to understand

the implementation of EEO and its effects in the PSP.  This

chapter presents the findings of this study and assesses how

they might apply to managing diversity.


## Findings

Table 6-1 summarizes the four time periods of this

study.  It shows the key ideas revealed by the data in

categories of the environment-organization interplay, locus

of personnel administration, orientation of personnel

processes, and organizational values to members.  Interplay

shows 1) the external and internal pressures or energies of
EEO institutionalization, and 2) a characterization or
implication from the interaction.  Locus identifies the
level or place in the organizational hierarchy where
personnel processes occur.  Orientation characterizes the
purposes, objectives, and focus of the personnel processes
as they affected members of the organization.  Lastly,
organizational values provides insight to important ideals
embodied in personnel processes that influenced management
and administrative behavior of the PSP.

Table 6-1.  The Institutionalization of EEO in the PSP

|  | Interplay | Locus | Orientation | Values |
|---|---|---|---|---|
| 1905-1972 | Legal and Political --disconnected from organization | Personnel Division | task | seniority, unquestioned authority, and regimented structure |
| 1973-1979 | Legal and organizational-- resistance | Chief of Staff Personnel Bureau | procedure | seniority, authority, regimented structure, and representativeness |
| 1980-1986 | Legal, political, and organizational-- assimilation | Personnel Bureau, Chief of Staff, Affirmative Action Officer, Department Disciplinary Officer, and Field Command Staff | results, documentation intensive | equality equity fairness representativeness |
| 1987-1993 | Organizational Management-- Nascence of Diversity | Department wide | results oriented to end product; that is, individual and organizational performance | equality, equity, fairness, and individuality |

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In each category of the chart, important themes from the
data emerge:

1)  Interplay.  The legal, political, and
    organizational contexts of EEO formed the
    environment-organization interplay that influenced
    the PSP.  EEO institutionalization occurred in
    stages of environment-organization interplay to
    imply that EEO was disconnected from, resisted by,
    and assimilated into the PSP eventually resulting
    in diversity.  The PSP operated as a closed system
    when confronted by external EEO mandates.  The
    organization initially resisted its imperatives.
    Nevertheless,  persistent demands that minorities
    and women gain more representation in the ranks
    altered personnel processes, their orientation and
    values within the organization.

2)  Locus.  Personnel administration moved from a
    headquarter's division level staff function
    involving only a few members to a department-wide
    management process involving all members.
    Examples are found in the areas of basic training,
    performance appraisals, and collective bargaining.
    At the start of the period of this study, basic

training occurred only in the academy. Later it
extended into the field for almost after 12 months
after a cadet left the academy. Similarly,
performance appraisals initially required the
completion of an efficiency evaluation form each
year. After EEO mandates, performance appraisals
involved ongoing feedback and employee evaluation
in the workplace. Lastly, collective bargaining
changed from a means to improve economic
conditions for enlisted personnel to a means to
challenge management prerogatives at all levels of
the department.

3) Orientation. Personnel processes evolved from an
insulated set of organizationally bounded,
headquarters required, discrete tasks to a
department-wide set of institutionally determined,
ongoing management processes. For instance, in
the beginning there was no recruitment process.
Field officers completed preliminary application
forms when the department announced it was
accepting applications. After EEO, the
department established a permanent recruitment
program in the field supported by department

headquarters to attract minorities and women to
the PSP. As mentioned above, performance
appraisal changed as well from a discrete
paperwork requirement to an ongoing process of
supervisor and subordinate communications.

4) Values. Organizational values changed from a set
of ideals that described management and
administrative behaviors, such as seniority,
unquestioned authority, and regimented structure
to ideals of EEO and employment rights that stress
equality, equity, fairness, and individuality.
Prior to EEO, the performance evaluation rewarded
seniority. The discipline system meant you did
what your commander told you without question or
redress. These changed to a performance
evaluation system that evaluated job behaviors,
and a discipline system that provided due process,
equal protection, and redress.

## Research Questions

Research questions in this case study guide or focus
the research effort to the theoretical issues raised in Part
1 of the dissertation. Answers emerge from the data

presented in Chapter 5.

## 1. An institutional context shapes the underlying assumptions, beliefs and values of police management and administrative behaviors.

The experience of the PSP with implementation of EEO and employment rights since 1972 supports this proposition. This confirms the Allaire and Firsirotu (1984) model, which suggests that the environment connects to organizational outcomes through cultural and sociostructural components of the organization. In this study, constitutional and political pressures brought about change to organizational cultural and organizational activities. It took the forms of an affirmative action consent decree and collective bargaining, and it shaped organizationally internal ideals of equality, equity, and fairness. The consent decree focused on hiring, promotion, and to a lesser extent, discipline. Collective bargaining focused on benefits and conditions of employment to include discipline. Personnel administrative practices changed from organizationally defined and bounded tasks to public-institutional processes made accountable to persistent constitutional and political demands found in the PSP's environment. These demands worked their way into the organization to challenge unfair

and unequal management and administrative behaviors.

Management and administrative behaviors, as reflected in the PSP's personnel processes, were challenged when they rewarded and punished unequally or unfairly. Specifically, testing and selection processes that discriminated against minorities and women needed change and validation through provisions as set forth in the consent decree. Discipline actions that appeared to discriminate against minorities lacked due process protection for enlisted personnel and were challenged as such and altered through state legislative attention, collective bargaining negotiation and grievance resolution. Finally, performance evaluations, which were conducted as a perfunctory reward for seniority or a mere paperwork requirement evolved to a managerial tool of employee development and organizational assessment. Management and administrative behaviors reflected the ideals of fair and equal treatment that emerged with the institutionalization of EEO.

## 2. Organizational culture and leadership commitment affect the institutional response to change.

The data provides qualified support for this

proposition.  EEO challenged the PSP to change its personnel

administration and personnel processes.  To Wiener (1988)

value systems affect organizational members through

organizational socialization, organizational activities,

leadership, and organizational traditions.  Also, Wiener

and Vardi (1990) show in their model that shared values

grounded and formed by societal culture, the environment and

organizational socialization create interpretive systems.

This model shows that attitudinal and behavioral outcomes

loop back through rewards to organizational and situational

influences on the cultural system.  These models suggest

that the value of personnel administration and its processes

to an organization's members comes from organizational

culture and leadership commitment (where EEO implementation

played out.)  Elements of interest include organizational

socialization, leadership, and organizational traditions

toward personnel administration and its processes.  These

elements influence this analysis through an examination of

personnel administration and its processes 1) organizational

profile, 2) respondent data on commander priority, and 3)

individual importance.  These categories provide insight

into cultural and leadership elements that shape PSP

members' attitudes, beliefs, and values toward personnel

administration in the department.

Personnel administration in the PSP moved from a relatively low organizational profile to a relatively high profile during the years of the study. It began as a division-level function with a small number of organizationally bounded task statements. A state police captain who was not a personnel specialist by training directed the division. During the years of this study, personnel administration changed in organizational profile to a bureau-level function with several divisions. Affirmative action, discipline, and cultural diversity were specified in separate bureau-level offices. Functions were described as statements of policy/process rather than task. A personnel specialist in a civil service position of personnel manager directed the personnel bureau.

State police commanders became more aware of personnel processes over the period of the study. At the outset, interview data shows that personnel processes, with the exception of discipline, did not enjoy a relatively high priority. Department headquarters required these processes, but commanders placed low significance on them. However, as

state police commanders' began to use these processes as
managerial tools, they gave them higher priority.

On an individual basis, the importance placed upon
personnel processes changed as they did.  At the beginning
of the study, most respondents did not view personnel
processes as very important, largely because they believed
the process had little relevance to their organizational
life.  However, as personnel processes changed to a focus on
the individual and results, respondents regarded the
processes more highly.

Because there had been a low level of commitment to
personnel administration, EEO mandates encountered
resistance.  Over a twenty-year period, changes to personnel
administration and processes signaled organizational culture
and leadership commitment.  Coincidently, the issues of EEO
implementation, as expressed through the consent decree,
showed signs of being resolved.

3.    **Administrative and managerial perceptions affect
certain institutional responses to EEO implementation.**
The uncertainty an organization faces creates a

collective uncertainty that reduces to an interpretive

system to make sense of events and activities (Van Maanen

and Barley 1985).  This system shapes administrative and

managerial perceptions.  The organization's processes are

structured in such a context.  As an institution interprets

the environment and reacts to it, the environment in turn

reacts to the institution to provide the basis of interplay

(March and Olsen 1989).  The case history of the PSP agrees

with these notions.


The thrust of the 1974 consent decree focused upon

quotas to increase representation of minorities.  To state

police commanders, its management and administrative

practices were under siege, and therefore, the department

resisted organizational change.  This initial interpretation

and reaction to the institutional imperative of EEO set the

stage for over 20 years of interplay.  While the initial

reaction was resistance, state police selection and testing

procedures were nonetheless changed to reach representation

goals.


Substantive changes to personnel processes were much

slower to recognize other ideals of EEO.   For example,

staff and line officers always viewed discipline as unfair and unequal. Not until 1986 after the state legislature found that discipline practices discriminated against minorities did the department centralize discipline decisions to address this problem.

The early performance evaluation system rewarded seniority and had little relevance to organizational life. Minorities and women suffered because they had relatively little seniority. The current performance evaluation system requires documentation to support performance ratings. Seniority is no longer a factor. Both of these personnel processes changed as managerial and administrative perception toward EEO expanded beyond representativeness to equal and fair treatment of individuals with a focus on their behavior.

The PSP idea that managing diversity encompasses innate individual and behavioral based differences helps explain the managerial and administrative perception that emerged with EEO implementation. At first EEO meant quotas and representation. However, this changed to mirror fair and equal treatment of each individual, regardless of race or

sex. EEO and employment rights means consideration for the individual who faces administrative action, and this came to be reflected in personnel processes.

**4.    Personnel processes shape management and administrative behavior and guide staff and line employees.**

Organizational processes provided an organization's members a basis for understanding internal and external administrative challenges (Kaufman 1960; Tipple and Wellman 1991). In addition, management processes become public-institutional processes when they interact with, and are shaped by, the political system. The interplay that occurs reflects a socialized code, which guides organizational and individual behavior (Clay forthcoming). Taken in a cognitive direction, organizational processes connect the individual to formal rules, established norms, and emerging norms. These function as sources of event meanings for leaders and subordinates to make sense of and operate in daily organizational life (Smith and Peterson 1989). The experience of staff and line respondents supports this literature. PSP personnel processes have the qualities of interpretive systems. Data collected in the areas of basic training, performance evaluation, discipline, and collective

bargaining shows that the personnel process shapes management and administrative behavior, and guides respondents in their staff and line functions. They provide an organization's members with a "world view", which affects how they react to situations in the workplace.

The state police basic training program does more than simply introduce cadets to police work. It indoctrinates them into the regimented culture of the PSP. The cadets learn about the formal and informal facets of the department. They learn acceptable and unacceptable behavior that guide them in their careers, the rank structure and respect for authority and seniority, and the overall operational and administrative routines of a state police trooper.

The perception of the PSP's performance evaluation changed among staff and line respondents. It began as a system to reward seniority. It was mandatory, but the fact that it had no ramifications meant that it was rather perfunctory. Over time, the performance evaluation system changed into a communications tool to supervise and provide feedback. Later responses indicate that performance

evaluation became more meaningful and worthwhile.

A third personnel process that changed was the
discipline system.  In the beginning discipline meant
control over behavior to staff respondents while line
respondents viewed it as a means to punish.  Over the time
of the study, the discipline system changed so that its
administration appeared less arbitrary.  Nevertheless, it
remained a harsh means of control over behavior.

Collective bargaining after EEO achieved more than
employee benefits.  It added requirements to organizational
activities to change management and administrative
behaviors.  For example, specialized positions required
posting, interviews, selection standards, and written
notification of selection/rejection to all candidates.  To
staff employees, this requirement interfered with management
prerogative.  To line employees, this requirement ensured a
fair and open process.  The procedure guided and changed
management and administrative behaviors in the filling of
specialized positions.

This analysis shows that each personnel process

represents a distinct management and administrative
behavior.  Basic training reflects desired organizational
assumptions, values, norms, and behaviors.  Performance
evaluation becomes workplace communications.  Discipline
remains a means of control.  Collective bargaining grievance
provisions serve to redress management action.  Therefore,
personnel processes reflect different management and
administrative behaviors as perceived by staff and line
employees.  Each process distinctly and separately
associates to management and administrative behaviors, and
is unrelated in the minds of staff and line employees.

To the PSP, managing diversity, as a management
practice, lacks explicit connection to any personnel
process, and is not guided by them.  Staff and line
respondents reported personnel processes are neutral to
differences.  As a result, they offered a wide range of
opinions about diversity-related questions.  Because
managing diversity lacked a formal link to any personnel
process, it was not evident in management and administrative
behaviors of the PSP.  This finding shows support that
organizational processes be diversity-friendly to valuing
differences in order to institutionalize managing diversity

within the organization (Golembiewski 1995).

**5.    Effective institutional leadership is responsive to
public policy imperatives at constitutional, political, and
organizational levels.  Leadership failure at any of these
levels negatively sensitizes the environment of the agency.**

This proposition directs analysis to the environment-
organizational interplay, which occurred with the
implementation of EEO.  The interplay shows support for this
proposition.  The stages of implementation uncovered by this
study clarifies PSP institutional leadership prerogatives at
constitutional, political, and organizational levels.[1]
Smircich and Morgan (1982) show that leadership actions are
the key source of meaningful and effective organization
action.  Their model suggests the importance of leadership
action through time.  Changes in leaders, and leadership
prerogatives are reflected in the data collected in this
study.

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[1]To Selznick (1957), leaders have four institutionally
defined functions that are essential for institutional
leadership success.  These functions include response to
external and internal pressures or energies of
institutionalization.  Leaders may fail in these functions
for a variety of reasons including their prerogatives.

At first, the state police did not recognize the power
of the constitutional or political forces that mandated EEO.
This failure manifested itself in the form of departmental
resistance to EEO implementation, specifically in the areas
of organizationally controlled recruitment, examination,
selection, and discipline processes.  Both constitutional
and political forces formed the environment-organization
interplay that demanded these personnel processes change.

Despite the department's resistance, it achieved the
numeric goals of the consent decree.  Persistent
constitutional and political demands for EEO resulted in
assimilation of minorities.  However, as the data shows,
constitutional, political and organizational attention
shifted to the impact of discipline upon minorities.
Discipline was considered unfair, unequal and inequitable.
The PSP leadership's failure to recognize the disparate
treatment as considered constitutionally by the courts,
politically by the legislature, and organizationally by
uniformed personnel, resulted in renewed public charges of
discrimination toward minorities by state police commanders.
The public scrutiny of these processes showed that the
environment had been negatively sensitized to the state

police. The environment-organization interplay demanded that personnel processes change to satisfy concerns relevant to EEO.

## Understanding Managing Diversity in the PSP

The challenge of workforce diversity requires institutional change. Police administrators who face the challenge of putting managing diversity into practice can learn from the PSP's experience of implementing EEO. In this study, respondents struggled with the concept of managing diversity, a fact which shows it lacks institutional foundation in the environment. Yet the data suggests that PSP members have a definition, some level of organizational commitment, and some level of individual response to this imperative, which shows internal pressure or energy to institutionalize managing diversity.

Definition. A limited definition for managing diversity comes from its vernacular. Managing suggests that diversity is management-related, and that diversity requires managerial attention, control, or action. Diversity focuses on "ideas of pluralism, cultural diversity and multiculturalism" (Gillet-Karam, Roueche, and Roueche 1991,

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15). Managing diversity, therefore suggests management control over the coexistence of culturally based differences within the workplace. However, this fails to understand how workforce diversity challenges traditional management and administrative practices. The practice of managing diversity needs to engage each individual employee rather than to manage each position in the organization (Woolridge and Wester 1991, 208). Management practices that fit this view of the workplace include employee involvement, empowerment, and fulfillment (Woolridge and Wester, 212).

Workforce diversity usually flows from projected demographic changes of a more culturally diverse labor force. This implies the need for public personnel systems that anticipate changes in the representation levels of demographic groups and plan appropriate changes to management and administrative practices. The demand for equality in EEO implementation sometimes clash with the ideals of managing diversity.

This study offers a broader definition for the concept of managing diversity, given the case history of EEO in the PSP. Workforce diversity, when considered only in terms of

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culturally based employee differences of individuals, limits
managerial commitment and response within the legal
framework of equality based upon race, national origin, sex,
or religion. However, PSP personnel recognize cultural and
behavioral based employee differences and experiences. In
light of their EEO experience, PSP personnel understand how
to manage individual behavior, regardless of race or sex,
and engage employees in order to achieve organizational
objectives.

To PSP personnel, managing diversity means recognizing,
valuing, and understanding the presence of cultural, and
therefore, innate behavioral differences in employees, and
to reward and remediate performance based upon behavior.
This expanded definition of managing diversity incorporates
the dimension of behavior with cultural differences and
draws managerial attention to the processes of setting
goals, monitoring progress, and evaluating results.

Commitment. Managing diversity requires a long-term
commitment to its goals. The underlying assumptions,
beliefs, and values of police management and administrative
behavior must reflect this commitment. Insight to

commitment comes from an evaluation of managing diversity

through the concept of employee differences.  The analysis

of commitment occurs here through categories of

organizational profile, commanders' priority, and individual

importance.   This analysis shows that at this time in the

PSP's EEO experience, managing diversity lacks the

institutional clarity to affect management and

administrative behaviors.  Institutional clarity means that

respondents could look at their personnel processes as

interpretative systems, and draw upon their experiences.

Because of a lack of institutional clarity, respondents did

not share a "world view" toward managing diversity.


Nevertheless, the respondents provide insight to the

presence of managing diversity in the PSP.  Managing

diversity enjoys a high, yet incomplete status in the PSP.

Two related bureau-level offices, with state police majors

as directors, provide attention to policies and procedures

of the state police that affect minorities and women.  The

affirmative action office examines department employment

policies, while the heritage affairs offices advocate

cultural heritage awareness within the department.  These

offices do not have formal responsibilities for formulating

management and administrative policies that specifically address the issue of managing diversity within the PSP.

State police commanders now give higher priority to personnel processes than in the past. Now, they are required to document their personnel-related actions in order to ensure equality, equity, and fairness. Their actions affect individuals based upon behavior. Commanders apply specific standards for conduct as a measuring stick to evaluate each individual against: that is differences are not taken into account. Therefore, the respondents report that current personnel processes are neutral to the concept of differences. As a result, state police commanders place low priority to the concept of managing diversity. It does not yet enjoy much priority or commitment state police commanders give to personnel processes.

The individual importance respondents gave to personnel processes changed as they went from remote organizational activities to satisfy departmental requirements to procedures and processes that assess performance. Again, because respondents report personnel processes as neutral to recognizing, rewarding or remediating differences,

respondents do not regard them as important. For managing
diversity to achieve and hold a significant level of
individual importance, personnel processes must venerate the
ideals of recognizing and valuing differences to enhance the
achievement of organizational objectives.

Response. Personnel processes reflect management and
administrative behaviors. In turn, an institutional context
of EEO shapes personnel processes to reflect ideals of equal
treatment, including equality, equity, and fairness. They
neither help or hinder the respondents' attention to
managing diversity.

Changes to personnel processes to include ideals and
benefits of managing diversity, particularly valuing
cultural and behavioral differences, falls within the
institutional context created by EEO. However, managing
diversity when understood only as culturally based
differences lacks legal or political imperative. Attention
to behavior differences did occur through EEO. Therefore,
the anticipated development of, and response to, managing
diversity in the PSP has roots in its personnel processes
and other institutions of management and administration that

function as interpretative systems.

If managing diversity becomes a desirable practice in the PSP, its institutions must incorporate value of differences in light of EEO.  In particular, management and supervisory recognition of differences must factor into the processes of setting goals, monitoring progress, and evaluating results of each individual employee.  This theoretically would give PSP personnel the means to recognize differences when rewarding or remediating performance.

## Conclusions

Using an institutional approach built upon theories of institutions, organizational culture, and leadership, the study examines personnel processes as interpretative systems.  The study found that personnel processes help explain changes to management and administrative behaviors of the PSP in light of EEO implementation.

This dissertation confirms the thesis that EEO and affirmative action altered PSP personnel processes.  Change occurred slowly because of a powerful and persistent

constitutional/legal and political interplay. Personnel
processes now reflect EEO ideals of equality, equity, and
fairness.

Yet at the time of this writing, affirmative action
enjoys a resurgence of attention from the
constitutional/legal and political arenas. The spotlight
scrutinizes the use of preferences, set asides, or quotas.
For nearly 30 years, these practices provided an acceptable
legal and political means to remedy past discrimination.
They either provided a remedy for discrimination and justice
to minorities, or preferential treatment for minorities and
reverse discrimination to white males. The debate affects
the policy subsystems or institutions of EEO.

Recent attention to affirmative action does not appear
to negate the significance of EEO policy. The participants
in the renewed debate agree that any discrimination remains
unlawful. The ideals of EEO and employment rights,
specifically equality, equity, and fairness, prevail in this
debate; perhaps it is time to move on.

The PSP operates under a quota based affirmative action

consent decree. However, issues of their consent decree include procedures to change personnel processes and eliminate discrimination. The consent decree, though in effect for 20 years, does end when its issues become resolved for the parties. However, the findings of this study confirm that the ideals of EEO will endure and prevail in the PSP. Further, the additional challenge to manage diversity does not threaten EEO policy nor preclude its implementation.

The imperative of managing diversity itself lacks institutional foundation in the environment of the PSP. However, the findings show that members of this organization are diversity-friendly to others in the organization, which presents internal pressure or energy to bring about institutional change to personnel processes to recognize and value employee differences. It will be interesting to observe the PSP in the years to come as the ideal and imperative of managing diversity penetrates its institutions.

APPENDIX   A

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PA. 17110

OFFICE OF DEPUTY COMMISSIONER

February 28, 1994

Mr. Bradley V. DeGeorge
310 Ellett Road
Blacksburg, VA   24060

Dear Mr. DeGeorge:

    This  is in response to your recent letter requesting a review of
your  dissertation proposal, and the contemplated participation by the
Pennsylvania State Police in this study.

    While  we  generally  support  your  proposal,  there  is  one
restriction which must be placed upon this undertaking.

    Since  the Bolden case is still pending in United States District
Court,  the Department must observe the same constraints it would with
any  pending  litigation.  In that regard, no member of the Department
will  discuss  the  details  of  that  case,  or any of the strategies
employed  in the past, or presently contemplated, for dealing with the
issues  presented.  This would also extend to any matters relating to
hiring  or  promotion practices or policies of the Department pursuant
to  the consent decree.  Of course, matters of public record which are
otherwise  available  may be procured by you; however, you will not be
able  to  inquire as to the background decisions regarding any of that
material.

    Failure  to  abide  by these conditions would require our
discontinuing  the  Department's  participation  in  this  project.
However,  assuming that these conditions are acceptable to you, I look
forward to extending the Department's cooperation with this study.

    .I  trust  this information will assist you and I wish you success
in your future endeavors.

                              Sincerely,


                              Lt. Colonel Robert C. Hickes
                              Deputy Commissioner of Operations


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# 1972 Basic Training

**Department References:**

**Academy - 103 dated July 1, 1971, Cadet Syllabus, 960 Hours**

**Academy - 75 dated July 20, 1972, Academy Regulations for Cadets**

**Administrative Regulation 5-2 dated December 20, 1971, Coach-Trainee Program**

Basic training covers the period of time from appointment to the state police academy until the conclusion of the probationary trooper period, which lasted 18 months from date of appointment to the Academy.

In 1972, the Academy training program 24 weeks of teaching and training cadets to function as law enforcement officers within the constitutional limitations of the law and the precepts of the Pennsylvania State Police.  This program consisted of eight modules with specified hours:  Highway Safety (223), Public Safety and Prevention of Crime (194), Social Sciences (48), Accredited College Subjects (160), Physical Education and Police Skills (229), Interagency Relationships (30), Orientation and Administrative Procedures (76), and supplemental training activities (unassigned hours).  Life at the Academy was disciplined and on- and off-duty conduct was strictly regulated.

At graduation from the Academy, cadets were placed in probationary status as trooper and assigned to a troop. Each trainee was assigned four duty-weeks of training under an experienced trooper who functioned as a coach.  Coaches were responsible for instilling a desirable attitude and spirit in the trainee, and to guide the trainee in the application of knowledge and skills acquired at the Academy. The coach completed a trainee evaluation form, which was then reviewed with the trainee and forwarded to the Academy.

This evaluation focused on station operations, patrol, driving skills, traffic enforcement, traffic arrest, accident investigation, direction of traffic, general police investigations, criminal investigations, interviews and interrogations, handling prisoners, court procedures, relations with public, relations with other agencies, relations with fellow officers, reports, firearms, and care of equipment.

72-1.   What did this basic training program mean to you?

72-2.   In your opinion, what were the objectives and purposes of this basic training program?

72-3.   What did you see as its successes and failures?

72-4.   What priority did state police commanders with whom you associated give to basic training?

72-5.   How was this basic training program important to you?

# 1979 Basic Training

**Department References:**

**Academy - 103 dated June 1, 1978, Cadet Syllabus, 946 Hours**

**Academy - 75 dated September 1, 1979, Academy Regulations for Cadets**

**Academy- 75a dated September 1, 1979, Academy Disciplinary System**

**Field Regulation 5-2 dated November 16, 1978, Coach-Trainee Program**

Basic training covers the period of time from appointment to the state police academy until the conclusion of the probationary trooper period.

In 1979, the Academy training program was 24 weeks of teaching and training cadets to function as law enforcement officers within the constitutional limitations of the law; to properly understand and have an awareness of the social, economic, ethnic and cultural differences in people within society; and to exemplify the precepts of the Pennsylvania State Police.  This program consisted of eight modules with specified hours:  Highway Safety (220), Public Safety and Prevention of Crime (190), Social Sciences (29), Accredited College Subjects (160), Physical Education and Police Skills (235), Interagency Relationships (32), Orientation and Administrative Procedures (80), and supplemental training activities (unassigned hours).  Life at the Academy was disciplined and on- and off-duty conduct was strictly regulated.  The discipline system was established under the Director, Bureau of Training and Education.  This system was designed to make cadets aware of behavioral requirements, afford cadets every opportunity to prepare successfully for promotion to trooper, and to ensure uniform and fair administration of the disciplinary system.

At graduation from the Academy, cadets were placed in probationary status as trooper and assigned to a troop. Each trainee was assigned 30 days of training under an experienced trooper who functioned as a coach.  Coaches were

responsible for instilling a desirable attitude and spirit in the trainee, and for guiding the trainee in the application of knowledge and skills acquired at the Academy. The coach completed a trainee evaluation form, which was then reviewed with the trainee and forwarded to the Academy. This evaluation focused on station operations, patrol, driving skills, traffic enforcement, traffic violation arrest, accident investigation, direction of traffic, general police investigations, criminal investigations, interviews and interrogations, handling prisoners, court procedures, relations with public, relations with other agencies, relations with fellow officers, reports, firearms, and care of equipment.

At the conclusion of the 13th month of probation, the troop commander initiated a performance inquiry on the probationary trooper to ensure that standards of conduct, deportment and competency were being met.  This report followed the format of a general investigation and was to be completed by the 15th month of probation.


79-1.     What did this basic training program mean to you?

79-2.     In your opinion, what were the objectives and purposes of this basic training program?

79-3.     What did you see as its successes and failures?

79-4.     What priority did state police commanders with whom you associated give to basic training?

79-5.     How was this basic training program important to you?

# 1986 Basic Training

**Department References:**

**Academy - 103 dated November 1, 1981, Cadet Syllabus, 838 Hours**

**Academy - 75a dated May 15, 1986, Academy Disciplinary System for Cadets**

**Field Regulation 5-2 dated November 16, 1978, Coach-Trainee Program**

**Special Order 82-32 dated February 17, 1982, Coach-Trainee Program Modification**

**Special Order 81-65 dated May 13, 1981, Probationary Trooper Evaluation Program**

**Special Order 85-45 dated March 28, 1985, Probationary Trooper Assessment Form**

In 1986, the Academy training program was 20 weeks of teaching and training cadets to function as law enforcement officers within the constitutional limitations of the law; to properly understand and have an awareness of the social, economic, ethnic and cultural differences in people within society; and to exemplify as officers the precepts the Pennsylvania State Police. This program consisted of seven modules with specified hours: Highway Safety and Enforcement (181), Crime Prevention and Enforcement (185), Report Preparation (71), Police and Public Interaction (37), Physical Training and Emergency Care (129), Police Skills and Training Fundamentals (154), Orientation and Administration (81). Life at the Academy was disciplined and on- and off-duty conduct was strictly regulated. The discipline system was established under the Director, Bureau of Training and Education. This system was designed to make cadets aware of behavioral requirements, to afford cadets every opportunity to prepare successfully for promotion to trooper, and to ensure uniform and fair administration of

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the disciplinary system.  At graduation from the Academy, cadets were placed in probationary status as trooper and assigned to a troop.

By 1986, the department had established a formal probationary trooper evaluation program.  This program provided for a coach-trainee evaluations, and thereafter, bimonthly evaluations until the completion of the probationary period.  Each trainee took part in two 30-day periods of training under an experienced trooper who functioned as a coach.  Coaches were responsible for instilling a desirable attitude and spirit in the trainee, and for guiding the trainee in the application of knowledge and skills acquired at the Academy.  The coach completed a trainee evaluation form, which was then reviewed with the trainee and forwarded to the Academy.  This evaluation focused on station operations, patrol, driving skills, traffic enforcement, traffic arrest, accident investigation, direction of traffic, general police investigations, criminal investigations, interviews and interrogations, handling prisoners, court procedures, relations with public, relations with other agencies, relations with fellow officers, reports, firearms, and care of equipment.


After the completion of the second coach-trainee period, the probationary trooper received a bi-monthly assessment from their immediate supervisor.  The categories of performance were:  application of job knowledge; general attitude/behavior; preparation of reports/correspondence; productivity; dependability/responsibility/reliability; verbal communication skill; logical reasoning/judgement; listening/attentiveness/comprehension; planning/organizing ability; objectivity/open-mindedness/impartiality; sensitivity/tact; poise/self-control/calmness; neat, appropriate personal appearance; honesty/integrity/truthfulness; and, basic police skills. During this period, any inefficiencies were noted along with corrective remedies.

At the conclusion of the 13th month of probation, the troop commander initiated a performance inquiry investigation of the probationary trooper to ensure that standards of conduct, deportment and competency were being met.  This report followed the format of a general investigation and was to be completed by the 15th month of probation.

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86-1.     What did this basic training program mean to you?


86-2.     In your opinion, what were the objectives and
          purposes of this basic training program?


86-3.     What did you see as its successes and failures?


86-4.     What priority did state police commanders with
          whom you associated give to basic training?


86-5.     How was this basic training program important to
          you?

# 1993 Basic Training

**Department References:**

**Academy Syllabus dated March 26, 1993, 984 Hours**

**Academy Administrative Handout A-6 dated March 1993, Academy Regulations for Cadets**

**Administrative Regulation 5-2 dated April 19, 1993, Field Training Program**

**Special Order 93-54 dated March 31, 1993, Probationary Trooper Evaluations**

In 1993, the Academy training program was 24 weeks of instruction and discipline to teach and train cadets to function successfully throughout their career as law enforcement officers.  The training program consisted of six modules with specified hours:  Highway Safety and Enforcement (247), Crime Prevention and Enforcement (207), Police and Public Interaction (50), Physical Training and Emergency Care (181), Police Skills and Training Fundamentals (223), Orientation and Administration (76). The discipline program at the Academy was designed to regulate on- and off-duty conduct.  The discipline system was established under the Director, Bureau of Training and Education.  This system was designed to ensure that fair and consistent corrective action was taken for infractions of department and academy regulations.  At graduation from the Academy, cadets were placed in probationary status as trooper and assigned to a troop.

By 1993, the department had established a field training program to extend academy cadet training into the field. Each trainee was assigned to two 30-day periods of training under a field training officer.  Field training officers were responsible to act as a role model for the trainee, guide field training, identify and document trainee strengths and weaknesses, encourage proper professional police service, conduct daily and weekly evaluations, provide counseling when needed, and report trainee progress.

The two training periods had progressive standards of evaluation based on the development and application of skills. For the first period, the evaluation categories were: appearance (uniform, grooming, equipment, and military bearing); field performance (incident memo review, citation sign-out, checking patrol area, map reading, zone orientation, motorist assist, detection of violations, stationary patrol, issuing citation, control of accident site), crime investigation (crime detection, initial investigation, preserving crime scene), firearms (safe handling, securely storing, loading/unloading policy), physical skills (use of force policy, command presence, verbal control, first aid techniques), violator contact (attitude toward violator, officer safety, violator safety, instructions to violator), station operations (chain-of-command, basic desk procedures, station security, reading work schedule), driving skills (defense driving, following violator, use of lights and siren, site detection, vehicle placement, pull over techniques), knowledge (station territory, types of patrol, radio communication, court location), report procedures (location of reports, daily, assignment, non-traffic citation, initial crime report, accident report, supplemental report), and court activities (complaint, preliminary arraignment, hearing, summary trial observation, preparation, testifying, common pleas observation, preparation, testifying). For the second, the categories were: appearance (uniform, grooming, equipment, and military bearing), field performance (vehicle check, suspicious person, DUI arrest, transporting prisoners, haz-mat incident, road block plan, building search), crime investigation (gathering, preserving, and processing evidence, interviewing, taking statements and confessions, interrogating), firearms (issued firearm maintenance, station shotgun maintenance, station gun locker policy), physical skills (use of appropriate force, frisk/pat down techniques, searching techniques, hand-cuffing techniques), violator contact (attitude toward violator, officer safety, violator safety, community relations), station operations (CLEAN system, telephone protocol, records and filing systems), driving skills (pursuit driving, responding to incidents, backing techniques), general knowledge (traffic and crime laws, use of force policy, radio communications, technical and support services), report procedures (daily, assignment, traffic citation, intoxication report, non-traffic citation, accident investigation, sketching accident

scene), and court activities (complaint, preliminary
arraignment, hearing, summary trial observation,
preparation, testifying, common pleas observation,
preparation, testifying).

After the completion of the second coach-trainee period, the
probationary trooper received a bi-monthly assessment from
the immediate supervisor.  The categories of performance
were:   application of job knowledge; general
attitude/behavior; preparation of reports/correspondence;
productivity; dependability/responsibility/reliability;
verbal communication skill; logical reasoning/judgement;
listening/attentiveness/comprehension; planning/organizing
ability; objectivity/open-mindedness/impartiality;
sensitivity/tact; poise/self-control/calmness; neat,
appropriate personal appearance;
honesty/integrity/truthfulness; and, basic police skills.
During this period, any inefficiencies were to be noted
along with corrective remedies.  Each evaluation provided an
opportunity for the trainee to comment and/or appeal
performance ratings.


93-1.    What did this basic training program mean to you?

93-2.    In your opinion, what were the objectives and
         purposes of this basic training program?

93-3.    What did you see as its successes and failures?

93-4.    What priority did state police commanders with
         whom you associated give to basic training?

93-5.    How was this basic training program important to
         you?

# 1972 Performance Appraisal

**Department References:**

**Administrative Regulation 4-9, Section 9.05, September 7, 1971, updated December 29, 1971 and February 7, 1972, Promotions,**

**SP 3 -325 (REV 11-71), Efficiency Rating**

The performance appraisal system in place during 1972 was called the efficiency evaluation. An efficiency evaluation was completed on all troopers, corporals, and sergeants two times each year. These evaluations could be used as part of the promotion process. Factors considered were quality of work, quantity of work, work habits, relationships with people, initiative, dependability, analytical ability, ability of a supervisor, administrative ability, adequacy of experience, and special factors (The supervisory and administrative factors did not pertain to troopers.) For each factor, a rating scale of levels with points for each was provided. The range of the scale was unsatisfactory (0 points) to outstanding (25 points). The points were added and then divided by the number of factors to obtain an overall rating score. The rater discussed the rating with the ratee. The ratee also had an option to discuss the evaluation with the troop commander.

Commissioned officers (lieutenants, captains, majors, and lieutenant colonels) did not receive efficiency evaluations.

72- 6.   What did this performance appraisal system mean to you?

72- 7.   In your opinion, what were the objectives and purposes of performance evaluation?

72- 8.    What did you see as its successes and failures?


72- 9.    What events affected the performance evaluation
          process?


72-10.    What priority did state police commanders with
          whom you associated give to performance
          evaluation?


72-11.    How was this performance evaluation process
          important to you?

# 1979 Performance Appraisal

**Department References:**

**Special Order 78-65 dated May 24, 1978, Performance Evaluation Program**

**STD 315 (REV 10-77) Performance Evaluation Report**

By 1979, the performance appraisal system was separated from that of efficiency evaluations for promotions. An annual performance evaluation was to be completed for troopers, corporals, sergeants, and lieutenants. The rating period was June 1 to May 31. The factors for the performance evaluation system were quality of work, work habits, relationships with people, dependability, quantity of work, initiative, analytical ability, ability as a supervisor, administrative ability, safety, and special performance factors. The rating scale was three levels of performance within categories of excellent, very good, good, and fair. The unsatisfactory category had only one level. Any unsatisfactory rating required supporting comments.

Performance evaluations included a rating interview between the rater and ratee. The ratee had the right to an interview with the reviewing officer. Appeals were permitted. An appeal officer was appointed one-level above the ratee's reviewing officer. Decisions of the appeal officer were final.

Ranks above lieutenant did not receive annual performance evaluations.

79- 6.    What did this performance appraisal system mean to you?

79- 7.    In your opinion, what were the objectives and purposes of performance evaluation?

79- 8.    What did you see as its successes and failures?


79- 9.    What events affected the performance evaluation process?


79-10.    What priority did state police commanders with whom you associated give to performance evaluation?


79-11.    How was this performance evaluation process important to you?

# 1986 Performance Appraisal

**Department Reference:**

**Special Order 82-26 dated February 16, 1982, Performance Evaluation Program**

**STD 315 (REV 10-77) Performance Evaluation Report**

**Special Order 85-116 dated July 15, 1985, Performance Evaluations**

**Special Order 85-181 dated December 3, 1985, Performance Evaluation Report**

In 1986, the performance appraisal system remained as it was in 1979. Completion of an annual performance evaluation was required for troopers, corporals, sergeants, and lieutenants. However, the rating period was based on an anniversary date of July 1 for personnel promoted prior to July 1, 1980. For those promoted after that date, the anniversary date was the date of the last promotion. The anniversary date was the date of the annual performance evaluation.

The factors for the performance evaluation system were quality of work, work habits, relationships with people, dependability, quantity of work, initiative, analytical ability, ability as a supervisor, administrative ability, safety, and special performance factors. The rating scale was three levels of performance within categories of excellent, very good, good, and fair. The unsatisfactory category had only one level.

Performance evaluations included a rating interview between the rater and ratee. The ratee had the right to an interview with the reviewing officer. Appeals were permitted. An appeal officer was appointed who was one-level above the ratee's reviewing officer. Decisions of the appeal officer were final.

The ranks above lieutenant did not receive annual
performance evaluations.


86- 6.    What did this performance appraisal system mean to
          you?


86- 7.    In your opinion, what were the objectives and
          purposes of performance evaluation?


86- 8.    What did you see as its successes and failures?


86- 9.    What events affected the performance evaluation
          process?


86-10.    What priority did state police commanders with
          whom you associated give to performance
          evaluation?


86-11.    How was this performance evaluation process
          important to you?

# 1993 Performance Appraisal

**Department Procedures:**

**Administrative Regulation 4-22 dated August 21, 1989, Performance Evaluation Program for Members**

**Special Order 93-88 dated April 29, 1993, Performance Evaluations for Troopers, Corporals, Sergeants and Lieutenants**

**Special Order 92-20 dated February 12, 1992, Performance Evaluations for Captains and Majors**

**Special Order 92-102 dated May 26, 1992, Probationary Period for Newly-Promoted Members**

By 1993, the performance evaluation system represented a system to identify strengths and weaknesses in uniformed personnel, provide feedback to subordinates to gauge their development and contribution to the department, and communicate and document performance to uniformed personnel on an ongoing basis.

Supervisors were expected to maintain supervisory files to document positive and negative performance behaviors. Evaluations were to occur at least annually, and for unsatisfactory performance on an interim basis.

The ranks of trooper, corporal, sergeant, lieutenant, captain, and major were covered by performance evaluation policies. For troopers, corporals, sergeants, and lieutenants, the rating period was based on an anniversary date of July 1 for personnel promoted prior to July 1, 1980. For those promoted after that date, the anniversary date was the date of the last promotion. The anniversary date was the date of the annual performance evaluation. Evaluation factors considered were quality of work, work habits, relationships with people, dependability, quantity of work, initiative, analytical ability, ability as a supervisor, administrative ability, safety, and special performance factors. The rating scale was three levels of performance

within categories of excellent, very good, good, and fair. The unsatisfactory category had only one level. Any excellent or unsatisfactory rating was to have supporting comments.

Performance evaluations included a rating interview between the rater and ratee. The ratee had the right to an interview with the reviewing officer. Appeals were permitted. An appeal officer was appointed who was one-level above the ratee's reviewing officer. Decisions of the appeal officer were final.

The performance evaluation system for captains and majors was a Behavioral-Anchored Rating System (BARS). This system was developed to evaluate each rank on performance dimensions of that rank. For captains, the dimensions are supervision and management of personnel, training, planning and analysis, administration, internal coordination, personal development and management, communication skills, external relations, special assignments, deportment/demeanor, and police operations. For major, the dimensions are planning, problem-solving/decision-making, administration, program management, special functions and assignments, supervision of personnel, training and development of personnel, labor relations, communications skills, knowledge and skill maintenance/personal development, and external relationships. Descriptive sentences were provided as a guide to the rater to determine the evaluation ranking on a scale of exceeds standards, meets standards, and needs improvement. The process for conducting the performance evaluation and rating interview was the same as the system for troopers, corporals, sergeants, and lieutenants. There was no appeal procedure identified. However, the reviewing officer for this level of evaluation is usually a deputy commissioner or the Commissioner.

All newly promoted personnel receive a probationary evaluation six months after their promotion. Any "unsatisfactory" or "needs improvement" ratings were forwarded to the Deputy Commissioner of Administration for review and determination of remedial training to improve ratee performance.

93- 6.    What did these performance appraisal systems mean
          to you?


93- 7.    In your opinion, what were the objectives and
          purposes of performance evaluation?


93- 8.    What did you see as their successes and failures?


93- 9.    What events affected the performance evaluation
          process?


93-10.    What priority did state police commanders with
          whom you associated give to performance
          evaluation?


93-11.    How were these performance evaluation processes
          important to you?

# 1972 Discipline

**Department References:**

**Field Regulation 3-3 dated November 1, 1968, Disciplinary Procedures**

**Special Order 72-127 dated October 6, 1972**

In 1972, discipline policy of the department was that "a well-trained force that voluntarily and enthusiastically conforms to department rules and regulations is well-disciplined and that the best disciplined force is the least punished.  Positive discipline is not punitive discipline."

The discipline system of 1972 was a decentralized system. Any supervisor could initiate a disciplinary action report against a member under their supervision for a discrepancy or violation of department rules or regulations.  At minimum, disciplinary action had to have the approval of the troop commander, Deputy Commissioner, or Chief of Staff. Disciplinary actions that could result in a court-martial had to be reviewed by a disciplinary board of three area commanders.  This board could make a recommendation of court-martial to the Commissioner.  Members could appeal discipline.  The appeal officer was the next officer above the approval officer.

For most of 1972, disciplinary actions included oral reprimand, written reprimand, extra duty hours, extra duty days, restriction to quarters, and court-martial.  In October of 1972, and by Special Order 72-127, disciplinary actions were oral reprimand, written reprimand, disciplinary training (five to 20 days), suspension without pay (not to exceed five days), suspension without pay (six to 30 days), intra-troop transfer, inter-troop transfer, reduction in rank, and dismissal.  Suspensions and transfers required a determination of appropriateness by the Commissioner.

72-12.   What did this discipline system mean to you?


72-13.   In your opinion, what were the objectives and
         purposes of the discipline system?

72-14.   What did you see as its successes and failures?


72-15.   What events affected the discipline system?


72-16.   What priority did state police commanders with
         whom you associated give to discipline?


72-17.   How was this discipline system important to you?

# 1979 Discipline

**Department References:**

**Field Regulation 3-3 dated June 16, 1976, Discipline**

The discipline system in place during 1979 was based on the belief that "a well-trained force that voluntarily and enthusiastically conforms to department rules and regulations is well-disciplined." Further, the very nature of police work requires that supervisory personnel pay particular attention to, and actively participate in, the disciplinary process.

By 1979, the disciplinary system was becoming centralized. While any supervisor still could initiate a disciplinary action, the approving officer would be the troop commander, or, when the initiating officer was the troop commander, the next higher rank in the chain-of-command. A Department Disciplinary Officer position was established at Department headquarters to review all Disciplinary Action Reports and recommend to approval officers appropriate discipline levels. In principle, the disciplinary officer ensured that the administration of Department discipline was fair, impartial, and consistent throughout the department.

By 1979, the department had initiated a system of progressive discipline. This system provided for three levels of punishment, and guidelines for moving through the levels for repeat offenses. Discipline at the first level was written reprimand or disciplinary training (five to 20 days); at the second level, suspension without pay (one to 30 days); and at the third level, reduction in rank or dismissal. A Department disciplinary table was distributed which listed the level of discipline for infractions of most conduct regulations.

Members had the right of appeal to a department disciplinary board (for disciplined commissioned officers) or to a regional disciplinary board. Members with minority status

could request the department's affirmative action officer attend any or all questioning, proceedings, and deliberations when a member felt that minority status was a factor in the disciplinary action.

79-12.    What did this discipline system mean to you?

79-13.    In your opinion, what were the objectives and purposes of the discipline system?

79-14.    What did you see as its successes and failures?

79-15.    What events affected the discipline system?

79-16.    What priority did state police commanders with whom you associated give to discipline?

79-17.    How was this discipline system important to you?

# 1986 Discipline

By 1986, the administration of discipline had been centralized to the Department Disciplinary Officer. The discipline policy of the department remained, however, that a well-trained force that voluntarily and enthusiastically conforms to department rules and regulations is well-disciplined. The discipline system was designed to encourage fair and impartial resolution of charges made against members of the department.

While the discipline system was more centralized than at previous times, it maintained that the responsibility for discipline rested with all personnel in the chain-of-command. Supervisors could initiate a Discipline Action Report, however, only the disciplinary officer could approve and implement a disciplinary action up to the level of a 30-day suspension. This action was to be taken after the disciplinary officer had reviewed and investigated the infraction, and its extenuating and mitigating circumstances. Disciplinary actions could be appealed by members through the Department's grievance procedure, which was described in the field regulations, or the collective bargaining contractual grievance procedure.

86-12.    What did this discipline system mean to you?

86-13.    In your opinion, what were the objectives and purposes of the discipline system?

86-14.    What did you see as its successes and failures?

86-15.    What events affected the discipline system?


86-16.    What priority did state police commanders with
          whom you associated give to discipline?


86-17.    How was this discipline system important to you?

# 1993 Discipline

**Department References:**

**Field Regulation 3-3 dated January 21, 1993, Discipline**

In 1993, the discipline policy of the state police reflected
the standard that to enforce the law holds a member to a
higher standard of behavior than is required of the general
populace.  The discipline system was a responsibility of all
personnel in the chain-of-command, and that to hold members
accountable for their behavior, discipline needed to be
corrective in nature and fair.  The department recognized
that extenuating and mitigating circumstances were an
important element in the fair and just evaluation of
behavior.

The discipline system was very centralized.  Only a troop
commander or division director could initiate a Disciplinary
Action Report.  The Department Disciplinary Officer was
charged with the review of the Discipline Action Report, its
investigation, and the evaluation and determination of
appropriate disposition.  If a court-martial was indicated,
the disciplinary officer would make such a recommendation to
the Deputy Commissioner of Administration.  The disciplinary
officer could impose sanctions ranging from a written
reprimand to a 30-day suspension, to include duty
restrictions.  Sanctions exceeding 30-days of suspension,
demotion, transfer, or dismissal needed the concurrence of
the Deputy Commissioner of Administration on authority of
the Commissioner.  When a court-martial was recommended,
members had access to the contractual grievance procedure,
where the punishment would be imposed and administered in
accordance with the contract.  Therefore, all disciplinary
actions could be appealed using the provisions of the
collective bargaining agreement.

93-12.    What did this discipline system mean to you?


93-13.    In your opinion, what were the objectives and
          purposes of the discipline system?


93-14.    What did you see as its successes and failures?


93-15.    What events affected the discipline system?


93-16.    What priority did state police commanders with
          whom you associated give to discipline?


93-17.    How was this discipline system important to you?

# 1972 Collective Bargaining

**Department References:**

**Fraternal Order of Police and Commonwealth of Pennsylvania:
Award of Arbitration** (Galfand Award effective July 1, 1971)

**18. Grievance Procedure   p. 6**

The year 1972 was the second year of collective bargaining
between the Commonwealth of Pennsylvania and the Fraternal
Order of Police (FOP), which represented all uniformed
personnel of the state police with the exceptions of the
state police commissioner and deputy commissioner.
Contracts to this point addressed salary, benefits, and to a
limited extent, conditions of employment.

The only contract provision of interest in the contracts of
1972 was the 1971 contract provision to modify the
department's disciplinary procedure to provide for the right
of members to appeal any disciplinary action taken against
them.

72-18.    What did this contract provision mean to you?

72-19.    How was this contract provision important to you
          individually?

# 1979 Collective Bargaining

**Department References:**

**Provisions from Boards of Arbitration Awards and Letters of Agreement between Commonwealth of Pennsylvania - Pennsylvania State Police and Fraternal Order of Police**

**Discipline  p. 10**
**Seniority  p. 15**
**Vacancies  p. 16**

By 1979, collective bargaining between the Commonwealth and the FOP had matured and expanded in scope.  The provisions of the Contract that affected personnel processes since the 1972 contract were discipline, seniority and vacancies.  The discipline provision prevented any suspension without pay for more than 90 days pending a court-martial.  All discipline except court-martial procedures could be appealed using the contractual grievance procedure.  The seniority provision provided for layoffs in inverse order of seniority based on rank.  Members could bump into a lower rank so that the least senior trooper was laid off first.  Recall would be in inverse order.  The provision was to be administered in accordance with any judicially imposed requirements.

Specialized position vacancies and specialized training opportunities were to be posted at all stations and troop headquarters for at least 10 days to allow members to apply, if interested.

79-18.     What did these contract provisions mean to you?


79-19.     How were these contract provisions important to you individually?

# 1986 Collective Bargaining

**Department References:**

**1986-88 Agreement between Commonwealth of Pennsylvania and Fraternal Order of Police**

**Article XXVI - Discipline  p. 20**
**Article XXXIV - Reduction in Force  p. 27**
**Article XXXVI - Temporary Assignment  p. 28**
**Article XXXVII - Vacancies  p. 28**

By the 1986 contract, temporary assignments and special committee provisions had been added to agreements between the Commonwealth and the FOP.  A provision on temporary assignments recognized that members could be assigned duties of higher rank, and therefore, should be compensated at that rank for the duration of the assignment.

86-18.    What did these contract provisions mean to you?

86-19.    How were these contract provisions important to you individually?

# 1993 Collective Bargaining

**Department References:**

<u>1992-1995 Provisions from Boards of Arbitration Awards and Collective Bargaining Agreements between Commonwealth of Pennsylvania and the Pennsylvania State Troopers Association</u>

Article 26 - Discipline   p. 26
Article 34 - Reduction in Force   p. 39
Article 36 - Temporary Assignment   p. 40
Article 37 - Specialized Positions or Training   p. 41

By 1993, the provisions on discipline, grievances, and specialized positions or training had been modified. The provision on discipline specified time limitations to the imposition of disciplinary action, and its effects on pay and benefits. The grievance procedure was modified to create a grievance committee of the Governor's Office of Administration, Bureau of Labor Relations, the state police, and the Pennsylvania State Trooper's Association (PSTA), formerly the FOP, to meet and discuss grievances at step 2 in the grievance process. In addition, members were notified that if a disciplinary action report resulted in court-martial, the member in question may elect to use the grievance procedure. If the grievance procedure is selected, the commissioner determines the penalty, to include dismissal. The steps of the grievance procedure then apply. Another section of this provision was that a disciplinary penalty will not be imposed when a grievance was filed and while it was active.

"Specialized position" was defined as anything except a patrol unit position, a commander position, or any position in the commissioner's complex. Further, candidates were to be selected based on seniority when skills, abilities, and recent job performance were equal. The only exception was to comply with the provisions of applicable law and rules related to the Commonwealth's Affirmative Action program.

Any decision to appoint other than seniority had to be
supported in writing by the appointing officer to each of
the more senior members interested in the position.

The provisions of specialized vacancy or training could be
grieved to an arbitration panel.  This panel would comprise
a state police commissioner's representative, a PSTA
representative, and a representative from the Governor's
Office of Administration.  The panel would meet monthly when
grievances are pending a hearing.


93-18.    What did these contract provisions mean to you?


93-19.    How were these contract provisions important to
          you individually?

**Managing Diversity**


**Managing diversity means to create and maintain an environment in which each person is respected because of his or her differences, and where all can contribute and be rewarded based on their results.**


00-20.      Do you see any differences in the personnel under your command?


00-21.      Do you feel it is necessary to recognize differences of personnel under your command?


00-22.      How are you able to reward good performance of personnel under your command?


00-23.      If you chose to recognize differences of personnel, how do personnel processes that are in place help or hinder your ability to recognize differences of the personnel under your command?


00-24.      How do personnel processes that are in place help or hinder your ability to reward good performance of personnel under your command?


00-25.      How do personnel processes that are in place help or hinder you ability to remediate poor performance among different personnel under your command?

# APPENDIX   C

**Study Year 1972**

| Respondent | Rank | Office | Race | Sex | Position |
|---|---|---|---|---|---|
| 1 | Trooper | Community Services | W | F | L |
| 3 | Trooper | Patrol | W | M | L |
| 4 | Lt. Colonel | Chief of Staff | W | M | S |
| 6 | Lieutenant | Personnel | W | M | S |
| 8 | Corporal | Research and Development | W | M | S |
| 9 | Trooper | Academy | W | M | L |
| 11 | Trooper | Patrol | W | M | L |
| 13 | Trooper | Patrol | B | M | L |
| 14 | Trooper | FOP | W | M | L |
| 17 | Sergeant | Patrol | W | M | L |
| 18 | Lieutenant | Research and Development | W | M | S |
| 19 | Trooper | Academy | W | M | L |
| 20 | Trooper | Patrol | W | M | L |
| 21 | Trooper | Patrol | H | M | L |
| 22 | Trooper | Patrol | W | M | L |
| 23 | Trooper | Patrol | W | M | L |
| 24 | Captain | Personnel Director | W | M | S |
| 25 | Trooper | Crime | B | M | L |
| 26 | Trooper | FOP Representative | W | M | L |

| Respondent | Rank | Office | Race | Sex | Position |
|---|---|---|---|---|---|
| 1 | Trooper | Patrol | W | F | L |
| 3 | Trooper | Patrol | W | M | L |
| 5 | Trooper | Patrol | W | F | L |
| 6 | Lt. Colonel | Chief of Staff | W | M | S |
| 7 | Trooper | Patrol | B | M | L |
| 8 | Lieutenant | Personnel | W | M | S |
| 9 | Sergeant | Station Commander | W | M | L |
| 10 | Corporal | Patrol | B | M | L |
| 11 | Lieutenant | Patrol | W | M | L |
| 12 | Corporal | Patrol | W | M | L |
| 13 | Corporal | Patrol | B | M | L |
| 14 | Trooper | FOP Committee | W | M | L |
| 15 | Trooper | Crime | B | M | L |
| 17 | Lieutentant | Patrol | W | M | L |
| 18 | Captain | Personnel | W | M | S |
| 19 | Sergeant | Personnel | W | M | S |
| 20 | Corporal | Academy | W | M | L |
| 21 | Sergeant | Patrol | H | M | L |
| 22 | Captain | Legislative Liaison | W | M | L |
| 23 | Corporal | Patrol | W | M | L |
| 24 | Major | Personnel Director | W | M | S |
| 25 | Corporal | Crime | B | M | L |
| 26 | Trooper | Lodge Chairman, FOP | W | M | L |

| Respondent | Rank | Office | Race | Sex | Position |
|---|---|---|---|---|---|
| 1 | Sergeant | Research and Development | W | F | L |
| 2 | Pers. Manager | Personnel Director | W | M | S |
| 3 | Corporal | Patrol | W | M | L |
| 5 | Sergeant | Station Commander | W | F | L |
| 6 | Lt. Colonel | Chief of Staff | W | M | S |
| 7 | Sergeant | Station Commander | B | M | L |
| 8 | Captain | Personnel | W | M | S |
| 9 | Lieutenant | Disciplinary Officer | W | M | S |
| 10 | Lieutenant | Internal Affairs | B | M | S |
| 11 | Captain | Troop Commander | W | M | L |
| 12 | Captain | Internal Affairs | W | M | S |
| 13 | Sergeant | Patrol | B | M | L |
| 14 | Trooper | FOP Committee Chair | W | M | L |
| 15 | Lieutenant | Crime | B | M | L |
| 16 | Pers. Analyst | Personnel Management Director | W | F | S |
| 17 | Lieutenant | Patrol | W | M | L |
| 18 | Captain | Training | W | M | S |
| 19 | Captain | Legislative Liaison | W | M | L |
| 20 | Captain | Troop Commander | W | M | L |
| 21 | Sergeant | Station Commander | H | M | L |
| 22 | Major | Training and Education Director | W | M | S |
| 23 | Lieutenant | Personnel | W | M | S |
| 25 | Lieutenant | Training | B | M | S |
| 26 | Corporal | Chairman, FOP | W | M | L |

**Study Year 1993**

| Respondent | Rank | Office | Race | Sex | Position |
|---|---|---|---|---|---|
| 1 | Captain | Troop Commander | W | F | L |
| 2 | Pers. Manager | Personnel Director | W | M | S |
| 3 | Sergeant | Staff Services | W | M | L |
| 5 | Captain | Troop Commander | W | F | L |
| 7 | Lieutenant | Community Services | B | M | L |
| 10 | Captain | Troop Commander | B | M | L |
| 11 | Major | Disciplinary Officer | W | M | S |
| 12 | Lt. Colonel | Dep. Comm. of Staff | W | M | S |
| 13 | Lieutenant | Patrol | B | M | L |
| 14 | Trooper | PSTA Committee Chair | W | M | L |
| 15 | Major | Crime Laboratories Director | B | M | S |
| 16 | Pers. Analyst | Personnel Management Director | W | F | S |
| 17 | Captain | Troop Commander | W | M | L |
| 19 | Lt. Colonel | Dep. Comm. of Administration | W | M | S |
| 20 | Major | Training and Education Director | W | M | S |
| 21 | Major | Heritage Affairs Director | H | M | S |
| 22 | Major | Area Commander | W | M | S |
| 23 | Captain | Personnel | W | M | S |
| 25 | Captain | Troop Commander | B | M | L |
| 26 | Corporal | Chairman, PSTA | W | M | L |

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# APPENDIX D

| Respondent Number | Interview Technique | Word Count | Number Study Years | Average Words |
|---|---|---|---|---|
| 1 | In-person | 9,796 | 4 | 2,449 |
| 2 | In-person | 2,542 | 2 | 1,271 |
| 3 | In-person | 2,105 | 4 | 526 |
| 4 | In-person | 1,200 | 1 | 1,200 |
| 5 | In-person | 1,982 | 3 | 660 |
| 6 | In-person | 2,037 | 3 | 679 |
| 7 | Telephone | 1,722 | 3 | 574 |
| 8 | In-person | 2,424 | 3 | 808 |
| 9 | In-person | 2,163 | 3 | 721 |
| 10 | Telephone | 1,881 | 3 | 627 |
| 11 | Telephone | 5,520 | 4 | 1,380 |
| 12 | In-person | 5,746 | 3 | 1,915 |
| 13 | Telephone | 4,239 | 4 | 1,059 |
| 14 | Telephone | 7,940 | 4 | 1,985 |
| 15 | In-person | 3,300 | 3 | 1,100 |
| 16 | Telephone | 6,940 | 2 | 3,470 |
| 17 | Telephone | 6,651 | 4 | 1,663 |
| 18 | In-person | 5,984 | 3 | 1,995 |
| 19 | In-person | 4,007 | 4 | 1,002 |
| 20 | In-person | 11,188 | 4 | 2,797 |
| 21 | Telephone | 3,848 | 4 | 962 |
| 22 | In-person | 8,874 | 4 | 2,219 |
| 24 | In-person | 6,288 | 2 | 3,144 |
| 25 | Telephone | 3,528 | 4 | 882 |
| 26 | Telephone | 4,686 | 4 | 1,172 |
| | | | | 36,260 |

Total Words              36,260
Number of Respondents       26
Words/Respondents        1,394.6

In-person Interviews
Total Words              22,486
Number of Respondents       16
Words/Respondents        1,405.4

Telephone Interviews
Total Words              13,774
Number of Respondents       10
Words/Respondents        1,377.4

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## Content Dictionary

ADMINISTRATIVE (AD) administrative, executive, managerial, organizational, regulatory, regulation, supervisory

ASSUMPTIONS (AS) assumptions, knowledge, fact, presumption

BEHAVIOR (BV) behavior, actions, conduct, demeanor, deportment, operation, performance

BELIEFS (BE) belief, believe, assurance, certainty, expectation, faith, effective, productive, competent, useful

CHANGE (CG) change, amend, correct, exchange, transform, replace, reverse, rotate, difference, modification, shift, vary, variation, modify

COMMITMENT (CM) commitment, importance, priority, dedication, decision, devotion, duty, guarentee, obligation, promise, responsibility, stand

CONTEXT (CX) context, arena, background, framework, setting, situation, consent decree, Union, FOP, PSTA, Governor, Governor's Office, OA, law, legislature, legal, policy, political, labor relations, collective bargaining, contracts, organization, Constitution, code,

statutes

| | |
|---|---|
| GUIDED (GD) | guided, advised, counseled, directed, conducted, lead, shown, manuals, steered, conveyed |
| LEADERSHIP (LE) | leadership, authority, administration, command, control, direction, guidance, instruction |
| MANAGERIAL MN) | managerial, executive, administrative, officer, commander |
| ORGANIZATIONAL CULTURE (OC) | organizational culture, culture, paramilitary, military, shared meanings, experience, belief, systems, systematic |
| PERCEPTIONS (PR) | perceptions, comprehension, knowledge, realization, understanding, attitude, insight, judgement, opinion, wisdom, feeling, impression, thought, failure, mess, flop, dud, success, accomplishment, achievement |
| REFLECTION (RF) | reflection, image, likeness, evidence, indication, mark, sign, belief, view |
| RESPONSE (RE) | response, answer, reaction |
| VALUES (VA) | values, appraisal, appreciate, benefit, equality, equity, fairness, merit, regard, significance, worth |

APPENDIX   F

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA


WILLIAM BOLDEN, III, et al.              :

          vs.                            :        Civil Action
                                                  No. 73-2604
PENNSYLVANIA STATE POLICE, et al.    :


CONSENT DECREE


The parties hereto are mutually desirous of disposing

of as many of the issues raised by this suit as possible

without further litigation, and for that reason plaintiffs

and defendants are willing to consent and do consent to the

entry of the following judgement, the provisions of which

shall bind the plaintiff, the intervening plaintiffs and the

defendants and their successors in office.  Prior to the

filing of the Complaint in this action defendants already

had instituted some of the procedures described herein, and

it is acknowledged that by the signing of this Consent

Decree defendants do no admit any violation of law.

The Court, being fully advised in the premises, having

conferred with the parties and their attorneys, having

reviewed all aspects of this case to date, having fully

considered the desirability of disposing of the matters

contained herein by means of a consent judgement and being

satisfied that said consent judgement has been freely agreed

to by the plaintiffs and the defendants herein does:

HEREBY ORDER, ADJUDGE AND DECREE that the following

judgement be and the same is hereby entered as the final

judgement of this Court in this matter:

I.  HIRING PROCEDURE

Plaintiffs and defendants recognize that the

responsibilities and duties of members of the Pennsylvania

State Police are becoming increasingly more complex and

every endeavor will be made to attract the most qualified

and competent candidates for these professional positions.

Plaintiffs and defendants recognize that at the present time

there are insufficient minority (For purposes of this

Consent Decree, "minority" or "minorities" shall include

Blacks, Hispanics (but not persons who claim minority status

due solely to Spanish national ancestry), American Indians

(Native Americans), and Asians/Pacific Islanders) members of

the Pennsylvania State Police, and that every endeavor

should and will be made to increase the minority membership

of the Pennsylvania State Police to the point where the

percentage of minorities of the Pennsylvania State Police is approximately equal to the percent of minorities in the Pennsylvania labor force from which State Police men and women are selected. In order to achieve these goals, plaintiffs and defendants agree, with respect to hiring procedure and goals, as follows:

1.  The defendant Pennsylvania State Police shall establish an eligibility list of qualified applicants for hiring for each State Police Academy class and shall rank such applicants in the manner specified in paragraph I.2 and I.3 (a) to (e). At least on half (50 percent) of all candidates selected for each Academy class from such list shall be minorities, provided that there is a sufficient number of qualified minority applicants. This one-half ratio shall continue until such time as nine point two percent (9.2%) of the enlisted complement of the Pennsylvania State Police consists of minorities.

2.  The defendants shall retain an independent and qualified expert to obtain validated and job-related tests and other criteria for employment of Pennsylvania State Police members. Each test, standard or other criteria for employment shall be validated to predict job performance in compliance with Equal Employment Opportunity Commission

guidelines or other applicable Federal and State law. Upon

the development of such validated test, standards and other

criteria for employment, defendants shall submit evidence of

their validity for approval by the Court. Counsel for the

plaintiffs shall be furnished such evidence prior to

submission to the Court. If the Court finds that the

defendants proposed selection criteria are in fact valid and

job-related, defendants may there upon institute said

criteria for the ranking and selection of qualified

applicants for membership in the Pennsylvania State Police.

3. Pending Court approval of defendants validated

selection criteria, the following interim standard shall be

used to determine the qualifications of applicants for State

Police membership:

    (a)  <u>Preliminary Requirements</u>

        (1)  Each applicant for membership must possess a

        high school diploma or a G.E.D. equivalency

        degree. Each applicant must be between twenty-one

        and thirty years of age at the time of the

        convening of the cadet class for which he or she

        is selected. Each applicant must have 20/40

        vision in each eye uncorrected. Each applicant

        must be a resident of Pennsylvania for one year

immediately prior to filing such preliminary
application, unless said residency requirement is
modified by law.

(b) <u>Preliminary Interview</u>

(1) No applicant shall be rejected at the
preliminary interview except for failure to meet
one or more of the following standards: High
school degree or G.E.D. equivalency degree, age
requirement, vision requirement, or residency
requirement. Provided, however, that if at the
time of the preliminary interview it appears that
an applicant possesses a medical deficiency which
would disqualify him or her from State Police
membership, said applicant shall obtain a medical
statement from a physician of his or her own
choosing, and such statement shall be referred
immediately to a physician selected by the State
Police who shall promptly determine whether the
applicant should be rejected on medical grounds
without further processing. Provided, further,
that any applicant who is referred to a physician
as described herein shall continue to be processed
while the decision of the physician is pending.

(2) Each applicant who is not disqualified on the basis of any of the provisions listed in paragraph 3. (b) (1) above shall be given a preliminary application and invited to complete and file said application.

(3) Each applicant shall be furnished with a general informational brochure or memorandum stating, *inter alia*, the State Police General Regulations, included but not limited to, regulations as to height and weight, grounds for rejection, medical deficiencies, possible places of assignment, and other relevant information concerning criteria for employment, qualification, duties and responsibilities of a member of the Pennsylvania State Police. Applicants who are overweight at the time of the preliminary application shall not be rejected at this time but shall be advised if they are still overweight at the time of the physical examination prior to the oral interview, they will be rejected for membership.

(c) <u>Written Examination</u>.

All applicants who pass the preliminary processing

shall be informed that they may take a written
examination.  Said interim written examination
shall be developed, administered and graded by the
Pennsylvania Civil Service Commission, and the
Civil Service Commission shall set the passing
score on said examination.

(d)  Post-Examination Application Procedure
     and Additional Criteria for Selection

(1)  From those applicants who have passed the
written examination the State Police shall select
a number of said applicants for further
processing.  These applicants shall be selected in
accordance with their test scores, and the State
Police shall select for further processing as many
applicants who passed the examination as are
necessary to fill the projected cadet class and
meet the minority hiring ration set forth in I.
(3) (3) below.  All such applicants who pass the
written examination shall be furnished a full
application for employment to be completed and
submitted to the defendant, Pennsylvania State
Police.

(2)  All applicants who pass (a) pass written
examination but who are not selected for further

processing, or (b) are selected for further

processing, are found to be fully qualified for

membership but are not selected for the class for

which they applied, shall be notified that they

may, if they wish, be placed on the eligibility

list for the next class without being required to

take another examination, provided that they meet

the age requirement at the time the next class

convened. Applicants who elect this alternative

may retain their prior examination and oral

interview (where applicable) scores for the

purpose of processing for the next class, or they

may elect to take another examination and oral

interview (where applicable) and elect to use the

higher of the scores to determine their standing

on the selection list for the next class.

Provided, however, that the foregoing carry-over

provision shall not apply if the subsequent

examination is substantially dissimilar to the

earlier examination taken by the applicant. Prior

to notifying any applicant that said carry-over

provision will not be applicable to him or her,

defendant Pennsylvania State Police shall provide

plaintiff's counsel with reasonable notice of its intention in this regard and reasonable opportunity for plaintiff's decision not to apply the carry-over provision. (This paragraph was eliminated by order entered 1/24/86).

(3) All applicants selected for further processing in accordance with sub-paragraph (1) above shall be invited to take a physical examination. Applicants who pass the physical examination shall be eligible for an oral interview. The Pennsylvania State Police will consider the feasibility of holding said physical examination and oral interview in three locations throughout the state.

(4) <u>Oral Interview Board</u>

Each Oral Interview Board shall be comprised of three (3) persons, one (1) of whom shall be appointed by the Pennsylvania State Police, on (1) of whom shall be appointed by the Executive Director of the Pennsylvania Civil Service Commission, and one (1) of whom shall be appointed by the Governor's Office of Personnel. The members of the Board appointed by the Civil

Service Commission and the Governor's Office of Personnel shall be civilians who have been trained in the field of personnel selection, and one (1) of said civilians on each Oral Interview Board shall be a minority. Only standardized and job-related questions may be asked of the applicant at the oral interview.

(5) <u>Background Investigation</u>.

The Pennsylvania State Police shall conduct a background investigation on each applicant who passes the oral interview. The decision as to whether to accept or reject an applicant for reasons of his or her background shall be made by the Background Investigation Screening Board. Each such Board shall be comprised in the same manner as the Oral Interview Boards. Any applicant who is rejected for employment because of his or her background investigation shall be notified in writing of the reasons of said rejection and of the right to appeal as described below, except where the Background Investigation Screening Board determines that the reasons for rejection are confidential. In such cases of

confidentiality the Board will merely notify an
individual that he or she has been rejected and
that there exists a right of appeal as described
below.

Any applicant who has been so rejected will
have twenty (20) days from the date of written
notice sent to his or her last known address to
appeal to an appeal board which shall be comprised
of the Deputy Commissioner of the Pennsylvania
State Police, the Deputy Director of the Civil
Service Commission and the Director or Deputy
Director of the Governor's Office of Personnel. A
ten day extension of the twenty day appeal period
shall be permissible under special circumstances.

(e)  Selection of Cadet Class.

Pending validation of the employment criteria
of the Pennsylvania State Police, cadet classes
shall be selected on the basis of the interim
criteria described above. Classes shall be
selected from a list of qualified candidates who
have passed all of the examinations, interviews,
and other requirements described above. Such
applicants shall be listed in the order of their

combined scores on the written examination and
oral interview. The written examination shall
count as seventy (70) percent of the final score
and the oral board shall count as thirty (30)
percent of the final score. Selections shall be
made from said list in the order in which the
applicants appear of the list, provided the
selection in this manner results in a class which
shall be comprised of at least one-half (1/2)
minority members until the above described nine
point two percent (9.2%) quota is reached. If
selection of a class in this manner does not
produce the aforesaid result and if there are
additional minorities in the pool of qualified
applicants, said qualified minorities shall be
selected for the class until either the aforesaid
minorities is exhausted. This selection procedure
is hereby declared by the Court to be required as
a matter of Federal Law notwithstanding any
provisions of State law to the contrary.

(f) <u>Notification of Minority Applicants From 1972
Entrance Examination</u>.

The State Police will send certified letters
to each minority applicant, at the last known

address of said minority applicant, who scored

between seventy-five (75) and one hundred and four

(104) in the examination for employment

administered on August 5, 1972 stating that such

persons have passed that examination.  Said

applicants will be informed that they may be

processed for possible appointment to the next

cadet class providing that they reply within

thirty (30) days from the date of receipt of said

notice (or within thirty days of delivery of said

letter to the applicant's last known address if no

forwarding address was left with the Post Office).

The State Police shall further advise said

applicants that if they so indicate their desire

to be reconsidered for appointment, they will be

scheduled to take a physical examination, and if

successful, an oral interview, and if they pass

the physical examination and oral interview, they

will undergo a background investigation.

Any applicants in this group who pass the

aforesaid examination and investigations will be

eligible for appointment to the next Cadet Class

regardless of age.  Those who are so eligible

shall be placed on the eligibility list for the
next Cadet Class, and their rank on the list shall
be determined by comparing their test scores with
the test scores of applicants who passed the
interim written examination set forth in paragraph
3. (c) above.

(g)  Notification of Minority Applicants from June 1,
     1970 Date.

     The Pennsylvania State Police will notify, by
certified mail sent to the last known address, all
minority applicants who were rejected for
employment with the Pennsylvania State Police on
the basis of oral interviews or background
investigations from June 1, 1970 to the date of
this Order.  Said minority applicants will be
informed that, if interested, they may be
reconsidered for employment regardless of their
present age if they now pass the oral interview,
physical examination and background investigation.
Those responding affirmatively within thirty (30)
days of receipt of said letter (of within thirty
(30) days of delivery to the last known address if
no forwarding address was left at the Post Office)
and qualifying as aforesaid will be eligible for

employment in the next class.

(h) <u>Minority Recruitment</u>.

In order to increase the number of qualified minority applicants for State Police membership, the Pennsylvania State Police agree that until the aforesaid nine point two percent (9.2%) quota for minorities is obtained, the Pennsylvania State Police shall engage in a program of year-round minority recruitment. Said recruitment shall begin forthwith, and a long term program will be submitted to the Court for approval with the plaintiffs being given an opportunity to comment on, approve or oppose said program.

(i) <u>Individual Claims With Respect to Hiring</u>.

All claims for individual relief by the intervening plaintiffs with respect to hiring are severed and will be decided by the Court with the right of appeal preserved.

(j) <u>Accumulation Period</u>.

The hiring ratio described in this section shall not be cumulative from one entrance examination to the next.

II.  PROMOTION GOALS AND PROCEDURES.

A.  Promotion Goals.

Plaintiffs and defendants agree that the interests of the Pennsylvania State Police and those of all the citizens of the Commonwealth of Pennsylvania will be best served by obtaining the best qualified candidates for promotion within State Police ranks.  Plaintiffs and defendants also agree that it is desirable for all ranks of the State Police to reflect a minority representation which will be approximately equal to the total minority representation within the State Police.  Accordingly, defendants have agreed herein to promotion procedures designed to result in a minority representation of approximately nine point two percent (9.2%) within each rank above the grade of Trooper.  Plaintiffs and defendants agree that in no case will unqualified candidates be promoted for the sole purpose of increasing minority representation in any rank.

B.  Promotion Procedure.

(1)  Validation.

The defendants shall retain an independent, qualified expert to obtain validated and job-related criteria for promotion.  Each criteria for

promotion shall be validated to predict job

performance in compliance with Equal Employment

Commission guidelines or other applicable Federal

and State law.  Upon the development of such

validated promotional criteria, defendants shall

submit evidence of their validity to the Court for

its approval, with plaintiffs having the

opportunity to comment on, approve or oppose

defendants proposed validated promotion criteria.

Upon a finding by the Court that defendants

proposed promotion criteria are valid and job-

related, defendants may thereupon institute such

criteria for the promotion of members within the

Pennsylvania State Police.

(2)  Promotion Ratio.

Minorities shall comprise thirty-three and

one-third percent (33 1/3%) of all those promoted

to the ranks of corporal, sergeant, and lieutenant

within the State Police until such time as nine

point two percent (9.2%) of those ranks are

comprised of minority members or until further

order of this Court, provided that there is a

sufficient pool of qualified minority applicants

to meet this ratio at any given promotion period. The promotion ration described above shall not be cumulative from one promotion list to the next.

(3) <u>Promotion from Trooper to Corporal</u>.

(a) No Trooper shall be eligible for promotion to the rank of Corporal until he cr she has served at least three and one-half (3 1/2) years with the Pennsylvania State Police, said period to commence at the time when a Trooper enters the State Police Academy for cadet training. However, any Trooper who has had at least three years experience, dating from his or her entry into the State Police Academy, is eligible to take the written promotional examination for promotion to Corporal, but notwithstanding, no vacancy at the rank of Corporal will be held open for a Trooper who qualifies for promotion but who does not have the required three and one-half (3 1/2) years service within the ranks of the Pennsylvania State Police.

(b) Promotional examinations for appointment to Corporal shall be given on a statewide basis, and the promotion list for Trooper to Corporal

promotions shall be administered on a statewide
basis.

(4)   Interim Promotion Procedures.

Pending the development of validated criteria
for promotion:

(a)   A numerical score shall be assigned to
each applicant for promotion for each eligibility
list for the ranks of corporal, sergeant and
lieutenant.   Said score shall be computed as
follows:   (1)   The score achieved on the interim
written promotion tests shall be weighted eighty
(80) percent;  (2)   An objectified performance
rating shall be weighted twenty (20) percent; and,
(3) Seniority shall not be considered.

(b)   For each eligibility list for promotion
to corporal, sergeant or lieutenant, the State
Police shall rank all applicants in order of the
(a) supra.   Each person who places in the top one-
half (i.e. 50 percent) of each eligibility list
shall be qualified for promotion to the rank for
which that list is compiled.

(c)   Promotions from the aforesaid list shall
be made by first determining the number of

vacancies in a given rank to be filled from that promotion list; then examining the list from the highest score on down to determine whether that number of vacancies can be filled and the aforesaid thirty-three and one-third percent (33 1/3%) promotion ratio reached without deviating from the applicant's standing on the list. If both these results can be achieved in this manner, promotions will be determined solely by an applicant's standing on the promotion list. However, if the promotion ratio cannot be reached in this manner and if there are additional minority members on the promotion list who are eligible for promotion by virtue of their having placed in the top one-half (1/2) of the total number of applicants for promotion, such minority applicants will be selected for promotion in the order of their standing on the list until such time as the minorities make up thirty-tree and one-third percent (33 1/3%) of those to be promoted from said list or until the number of minorities eligible for promotion from that list has been exhausted. No one who does not place in

the top one-half (1/2) of the entire group of applicants for promotion will be eligible for promotion from that list. This promotion procedure is hereby declared by the Court to be required by Federal law notwithstanding any provisions of State law to the contrary.

(d) At least pending the development of validated promotion criteria, the time in rank required of each member prior to promotion to the ranks of sergeant and lieutenant shall remain at one year.

(e) The next promotion examination shall not be given prior to August 15, 1974.

(5) <u>Promotion Above the Rank Lieutenant</u>.

The commissioner of the State Police shall continue to exercise his discretion in making all promotions above the rank of Lieutenant. The State Police shall develop a set of written, job-related standards to govern said promotions. The defendants recognize the importance of having all ranks of the Pennsylvania State Police reflect the racial composition of the entire force. Therefore, the Commissioner, in exercising his

discretion, shall endeavor to meet the promotion ratio of minorities set out in sub-paragraph (4) (c) above.

C.   <u>Individual Claims With Respect to Promotion</u>.

All claims for individual relief by the Intervening Plaintiffs with respect to promotions are severed and will be decided by the Court following final hearing with the right of appeal fully preserved.


III. <u>NON-RETALIATION CLAUSE</u>

No person shall be retaliated or discriminated against by any of the defendants and their successors in office, because that person has opposed any practice of defendants challenged in this lawsuit, or because that person is a member of the class represented by plaintiffs, or because that person has made a charge, testified, assisted, or participated in any manner in any stage of the investigations, proceeding or hearing of this case.

The Commissioner shall use his best efforts insure that no member of the State Police makes any attempt to retaliate or discriminate against any such person.


IV.   <u>MUTUAL-PUBLICITY CLAUSE</u>.

The parties shall mutually publicize the terms of this Decree in all available media.

## V.   REASONABLE REPORTING REQUIREMENT.

The defendant, Pennsylvania State Police, and other defendants upon whom these reporting requirements are imposed by the Court, shall submit reports to the Court immediately following the compilation of the eligibility list for each Cadet class and immediately following the compilation of each promotion list.  These reports shall contain details of the defendant's compliance with each of the terms of this Decree.  A copy of each report shall be sent concurrently to counsel for the plaintiffs.

## VI.  COSTS AND ATTORNEYS' FEES.

The defendants shall pay plaintiffs the sum of three thousand two hundred seventy-nine dollars and five cents ($3,279.05) as reimbursement for the costs of this litigation, said costs including filing fees transcripts, and reproduction expenses, and fees for expert witnesses.

The defendants shall pay Robert J. Reinstein, Esquire, the sum of seven thousand nine hundred and forty dollars ($7,940.00) as reasonable attorney's fees in the prosecution

of this case.

VII. MODIFICATION OF DECREE.

Any party may apply to the Court at any time for an
Order modifying any of their terms of this Decree.
Reasonable notice of such application shall be given to
counsel for each party.

VIII.    CONTINUING JURISDICTION OF THE COURT.

The Court retains jurisdiction of this action.

By the Court:

Clifford Scott

Green, J.

Dated:    June 20, 1974 (With amendments of 11/29/76,
          12/30/77, 2/23/82 and 1/24/86 incorporated
          herein).

# APPENDIX  G

## 1979 Personnel Administration:
## Organizational Task Statements


Personnel Management Division:


1) Develops standards and procedures for Department personnel administration and processes personnel actions such as salary increases and increments, suspensions, dismissals, leaves of absence, promotions, transfers, appointments, payroll discrepancies, and information for credit references.

5) Maintains liaison with the Office of Administration, Civil Service Commission, Bureau of Risk and Insurance Management, and the Attorney General.

6) Coordinates the activities of the Department in collective bargaining agreements, analyzes proposals submitted by bargaining units for consideration, and analyzes and interprets approved agreements in effect.

7) Administers the Department grievance procedure, develops standards and guidelines for employee conduct and performance, and administers employee training and counseling in the area of labor relations.

8) Provides labor relations training to supervisors and labor relations coordinators related to the interpretation and administration of contracts and agreements, grievance handling, and labor law or arbitration decisions affecting supervisors/subordinate relationships.

10) Coordinates all formal disciplinary actions and evaluates and processes Disciplinary Action Reports.

11) Coordinates Disciplinary Board activities including scheduling of hearings, notification of Department personnel required at hearings, and any other related matters.

12) Coordinates Court-Martial and Administrative Hearing procedures and maintains related records (AR 1-1, 10/24/78, 8-9).

Recruitment and Development Division:

4) Reviews all Cadet Preliminary Applications, schedules examinations with the Civil Service Commission, prepares all correspondence and keeps statistics pertaining to Cadet applications. This includes scheduling and providing assistance in conducting Oral Boards, physical appointments and providing notification to applicants for Cadet classes.

10) Administers and coordinates Department Minority Recruitment in conjunction with Department Affirmative Action Officer, and schedules related seminars (AR 1-1, 10/24/78, 10).

Evaluation and Standards Division:

1) Periodically reviews and updates position specifications for members of the Department.

2) Develops and maintains personal requirements and performance standards for Cadets and other members.

3) Evaluates, maintains, and updates performance appraisal program(s) of the Department.

4) Reviews and updates Department programs for Cadet selection and promotion of members (AR 1-1, 10/24/78, 10-11).

Affirmative Action Office:

   (1)  Provides data, recommendations and/or suggestions
        to assist the Department in the development of
        affirmative action goals and objectives.

   (2)  Maintains a system of audit and reporting to
        monitor program effectiveness and ensure that all
        Department installations are in compliance with
        mandated responsibilities.

   (3)  Receives and investigates complaints of alleged
        discrimination and recommends resolution at the
        appropriate level.

   (4)  Participates in regular discussions at all levels
        to assure that affirmative action polices are
        understood and implemented.

   (5)  Maintains an active involvement with minority and
        women's organizations, community action groups,
        and leaders at the local, state, and federal
        levels (AR 1-1, 10/24/78, 18).

APPENDIX   H

1986 Personnel Administration:
Organizational Task Statements


Personnel Management Division:

3)  Coordinates the activities of the Department in
    collective bargaining agreements, analyzes
    proposals submitted by bargaining units for
    consideration, and analyzes and interprets
    approved agreements in effect.

4)  Administers the Department grievance procedure,
    develops standards and guidelines for employee
    conduct and performance, and administers employee
    training and counseling in the area of labor
    relations.

5)  Provides labor relations training to supervisors
    and labor relations coordinators related to the
    interpretation and administration of contracts and
    agreements, grievance handling, and labor law or
    arbitration decisions affecting
    supervisor/subordinate relationships.

6)  Coordinates all formal disciplinary actions and
    evaluates and processes Disciplinary Action
    Reports.

7)  Coordinates Court-Martial procedures (AR 1-1,
    12/6/83, 8-9).


Personnel Services and Processing Division:

1)  Reviews all Cadet Preliminary Applications,
    schedules examinations with the Civil Service
    Commission; prepares all correspondence and keeps
    statistics pertaining to Cadet applications.  This
    includes scheduling and providing assistance in
    conducting Oral Selection Boards, physical
    examination appointments and providing

notification to applicants to report for Cadet classes.

2) Develops standards and procedures for Department personnel administration and processes personnel actions such as salary increases and increments, suspensions, dismissals, leaves of absence, promotions, transfers, appointments, payroll discrepancies, and information for credit references.

5) Maintains liaison with the Office of Administration, Civil Service Commission, Bureau of Risk and Insurance Management, and the Attorney General.

16) Coordinates the Probationary Trooper Review Committee Program (AR 1-1, 12/6/83, 9-10).


Evaluation and Standards Division:

1) Administers and coordinates the Department recruitment effort in conjunction with the Department Affirmative Action Officer.

2) Collects job-analysis data for all enlisted and specialty positions in the Department.

3) Analyzes and synthesizes data in order to establish standards for all enlisted positions.

4) Develops selection, performance and promotion standards.

5) Develops, monitors, evaluates, and upgrades job-related, validated measurement devices for selection and promotion (AR 1-1, 12/6/83, 10-11).


Affirmative Action Officer:

4) Participates in regular discussions at all levels to assure that affirmative action policies are

understood and implemented.

5) Maintains an active involvement with minority and women's organizations, community action groups, and leaders at the local, state, and federal levels.

9) Serves on the Probationary Trooper Review Committee (AR 1-1, 12/6/83, 11-12).

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA


WILLIAM BOLDEN, III, et al.                    :

                    vs.                        :        Civil Action
                                                        No. 73-2604
PENNSYLVANIA STATE POLICE, et al.     :


ORDER

AND NOW, this __4th__ day of __March__, 1993, upon

consideration of the Joint Motion for Modification of the

Terms of the Consent Decree, it is hereby ordered that the

terms of the said decree be modified as more fully set forth

in Attachment 1 to the Joint Motion For Modification of the

Terms of the Consent Decree.


                              /s/Clifford Scott Green
                              CLIFFORD SCOTT GREEN, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM BOLDEN, III, et al.          :

          vs.                        :          Civil Action
                                                No. 73-2604
PENNSYLVANIA STATE POLICE, et al.    :

JOINT MOTION FOR MODIFICATION OF THE
TERMS OF THE CONSENT DECREE

AND NOW, this __4__ day of __March__, 1993, comes the
Pennsylvania State Police, the plaintiffs and the Fraternal
Order of Police through its successor, the Pennsylvania
State Troopers' Association, by and through the undersigned
attorneys, and pursuant to paragraph VII of the Consent
Decree, do hereby jointly move this Court for an order
modifying the terms of the Consent Decree as set forth in
Attachment 1 hereto, and in support thereof allege the
following:

1.    On June 20, 1974, a Consent Decree was entered
into between the parties to this action.

2.    The Consent Decree recognizes the need to attract
the most qualified and competent candidates for selection
and promotion within the ranks of the State Police.

3.    In order to meet this need, the Consent Decree

requires the State Police to retain an independent and qualified expert to obtain validated and job-related tests and other criteria for employment and promotion.

4.   Despite repeated efforts by the State Police, it has been unable to obtain tests and other criteria for selection and promotion which were acceptable to the plaintiffs as being validated and job related.

5.   The Consent Decree recognizes the need to increase the minority membership of the State Police to  the point where the percentage of minorities on the State Police force is approximately equal to the percent of minorities in the Pennsylvania labor force and to attain a minority representation in all ranks which reflects the total minority representation within the Pennsylvania State Police.   The current level of minority representation required by the Consent Decree is 10.2% of the overall complement and 9.2% in the ranks of corporal, sergeant, and lieutenant.

6.   Recent census figures indicate that minorities represent 12.3% of the population in Pennsylvania.

7.   In order to avoid litigation concerning the appropriate level of minority representation in the State Police and the validity and job relatedness of standards and

tests for selection and promotion; and in an effort to finally resolve all outstanding requirements of the Consent Decree, the parties have reach an Agreement to Modify the Terms of the Consent Decree, a copy of which is attached hereto as Attachment 2.

8.   The Agreement, in part requires the parties to move for amendment of the Consent Decree as set forth in Attachment 1 contingent upon certain requirements as to the reasonableness of the cost and time frame being met.  Since the State Police has determined that the time frame and costs for completion of the validation projects as stated by the three member panel are reasonable and the PSTA has determined that the time frame for completion of the validation project as projected by the three member panel is reasonable, all contingencies required prior to moving for modification of the Consent Decree have been met.

9.   It is anticipated by the parties that the amendments to the Consent Decree as set forth in Attachment 1 will bring about a resolution of all outstanding requirements of the Consent Decree in the most timely manner.

WHEREFORE, the above-referenced parties jointly move this Court to approve the amendments to the Consent Decree,

and order that the terms of the Consent Decree be modified
as more fully set forth in Attachment 1.

/s/Harold I. Goodman

HAROLD I. GOODMAN, Esquire
Counsel for the Plaintiffs


/s/Joseph S. Rengert

JOSEPH S. RENGERT
Chief Counsel
Pennsylvania State Police
Counsel for the Pennsylvania State
Police


/s/Gary M. Lightman

GARY M. LIGHTMAN, Esquire
Counsel for the Pennsylvania State
Troopers' Association, Successor in
Interest to the FOP

Attachment   1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA


WILLIAM BOLDEN, III, et al.           :

            vs.                       :        Civil Action
                                               No. 73-2604
PENNSYLVANIA STATE POLICE, et al.     :


CONSENT DECREE

* * *

I.   HIRING PROCEDURE

* * *

1.   The Defendant Pennsylvania State Police shall establish
an eligibility list of qualified applicants for hiring for
each State Police Academy class and shall rank such
applicants in the manner specified in paragraph I.2 and
I.3(a) to (e).  At least one-half (50%) of all candidates
selected for each Academy class from such list shall be
minorities, provided there is a sufficient number of
qualified minority applicants.  This one-half ratio shall
continue until such time as [ten point two percent (10.2%)]
12.3% of the enlisted complement of the Pennsylvania State
Police consists of minorities.

2.   The defendants shall retain an independent and
qualified panel of [expert] experts composed of Dr. Irwin
Goldstein, Dr. John Veres, III and Dr. Edwin Fleishman to
obtain validated and job-related test and other criteria for
employment of Pennsylvania State Police members.  Each test,
standard or other criteria for employment shall be validated
to predict job performance in compliance with Equal
Employment Opportunity Commission guidelines or other
applicable federal and state law.  Upon the development of
such validated selection tests, standards and other criteria
for employment, [defendants shall submit evidence of their
validity for approval by the Court.  Counsel for plaintiffs
shall be furnished such evidence prior to the submission to
the Court], the panel will submit a report containing the
standards for employment as a member of the State Police and
the basis and justification therefore to the parties.  All
parties will be bound by the recommendations of the panel,
will stipulate that the tests and criteria developed by the
aforesaid panel are valid and job related and will jointly
submit the standards to the Court for approval.  If the
Court finds that the [defendants] jointly proposed selection
criteria are, in fact, valid and job related, defendants may
thereupon institute said criteria for the ranking and

selection of qualified applicants for membership in the
Pennsylvania State Police.

3.    Pending Court approval of defendant's validated
selection criteria, the following interim standards shall be
used to determine the qualifications of applicants for State
Police membership:

                              * * *

    (e)    Selection of Cadet Class

            Pending validation of the employment criteria for

    the Pennsylvania State Police, cadet classes shall be

    selected on the basis of the interim criteria described

    above.  Classes shall be selected from a list comprised

    of qualified candidates who have passed all of the

    examinations, interviews and other requirements

    described above.  Such applicants shall be listed in

    the order of their combined scores on the written

    examination and oral interview.  The written

    examination shall count as seventy (70) percent of the

    final score and the oral interview shall count as

    thirty (30) percent of the final score.  Selections

    shall be made form said list in the order in which the

    applicants appear on the list, provided selection in

    this manner results in a class which shall be comprised

of at least one-half (1/2) minority members until the
above-described [ten point two percent (10.2%)] 12.3%
quota is reached.  If selection of a class in this
manner does not produce the aforesaid result and if
there are additional minorities in the pool of
qualified applicants, said qualified minorities shall
be selected for the class until either the aforesaid
ratio is reached for the class or the pool of qualified
minorities is exhausted.  This selection procedure is
hereby declared by the Court to be required as a matter
of federal law notwithstanding any provisions of state
law to the contrary.

* * *

II.  PROMOTION GOALS AND PROCEDURES

A.    Promotion Goals

Plaintiffs and defendants agree that the interests
of the Pennsylvania State Police and those of all
citizens of the Commonwealth of Pennsylvania will be
served by obtaining the best qualified candidates for
promotion within State Police ranks.  Plaintiffs and
defendants also agree that it is desirable for all
ranks of the State Police to reflect a minority
representation which will be approximately equal to the

total minority representation within the State Police. Accordingly, defendants have agreed herein to promotion procedures designed to result in a minority representation of approximately [ten point two percent (10.2%)] 12.3% within each rank above the grade of trooper. Plaintiffs and defendants agree that in no case will unqualified candidates be promoted for the sole purpose of increasing minority representation in any rank.

B.     Promotion Procedure

(1)    Validation.

The defendants shall retain an independent, qualified panel of [expert] experts composed of Dr. Irwin Goldstein, Dr. John Veres, III and Dr. Edwin Fleishman to obtain validated and job-related criteria for promotion. Each criteria for promotion shall be validated to predict job performance in compliance with Equal Employment Opportunity Commission guidelines or other applicable federal and state law. Upon the development of such validated promotional criteria, [defendants shall submit evidence of their validity to the Court for its approval, with

the plaintiffs having the opportunity to comment
on, approve or oppose the defendant's proposed
validated promotion criteria] the panel will
submit a report containing the standards for
promotion and the basis and justification
therefore to the parties.  The parties will be
bound by the recommendations of the panel, will
stipulate that the tests and criteria developed by
the aforesaid panel for promotion are valid and
job related and will jointly submit the standards
to the Court for approval.  Upon a finding by the
Court that [defendants] the jointly proposed
promotion criteria are valid and job related,
defendants may thereupon institute such criteria
for the promotion of members within the
Pennsylvania State Police.

(2)    Promotion Ratio.

Pending implementation of valid and job-
related standards for promotion to the ranks of
corporal, sergeant and lieutenant following Court
approval, minorities shall comprise thirty-three
and one-third percent (33 1/3%) of all those
promoted to the ranks of corporal, sergeant and

lieutenant within the State Police until such time

as [nine point two percent (9.2%)] 12.3% of those

ranks are comprised of minority members or until

further order of this Court, provided that there

is a sufficient pool of qualified minority

applicants to meet this ratio at any given

promotion period.  The promotion ratio described

above shall not be cumulative from one promotion

list to the next.

<p style="text-align:center">* * *</p>

Attachment   2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA


WILLIAM BOLDEN, III, et al.           :

            vs.                       :        Civil Action
                                               No. 73-2604
PENNSYLVANIA STATE POLICE, et al.     :


AGREEMENT TO MODIFY THE TERMS OF THE CONSENT DECREE

AND NOW, comes the plaintiffs, the Pennsylvania State

Police and the Fraternal Order of Police through its

successor, the Pennsylvania State Troopers' Association

(PSTA), by an through their undersigned attorneys and in an

effort to finally resolve the above-captioned action without

the need for further litigation, do hereby agree to the

following:


1.    The parties agree to a modification of the terms

of the Consent Decree to increase the required percentage of

minority individuals within the overall filled complement of

the State Police at the time of hiring from 10.2% to 12.3%.

The agreement to utilize the 12.3% figure is the result of a

compromise entered into by the parties in order to finally

resolve this protracted litigation, and is not intended nor
is it to be construed as an admission or waiver by any party
in the event that adversarial action is or becomes necessary
to determine the appropriate minority percentage.

2.    The parties agree to a modification of the terms
of the Consent Decree to increase the required percentage of
minorities in the ranks of corporal, sergeant and lieutenant
from 9.2% to 12.3% of filled positions as identified in
paragraph 9.

3.    The parties agree to a modification of the terms
of the Consent Decree which alters the manner for
development of valid and job-related standards for
selection, graduation from the Academy, and promotion to the
ranks of corporal, sergeant and lieutenant by providing a
three-member panel.  The panel will be composed of Dr. Irwin
C. Goldstein, Dr. John G. Veres, III and Dr. Edwin A.
Fleishman, and will be responsible for obtaining valid and
job-related standards in the three above-referenced areas.
The parties agree to stipulate that the standards developed
by the panel are valid and job related and further agree to
jointly submit said standards to the Court for approval,

along with a motion for termination of the Consent Decree; provided however that each party reserves a limited right to challenge at a fairness hearing any standard set forth by the panel that makes race a specific factor on which a decision to select or promote can be made.

4.   The parties agree to jointly file a motion with the District Court to amend the Consent Decree to make the modifications set forth in paragraphs 1-3.

5.   The parties' agreement to modify and move amendment of the Consent Decree as set forth above is contingent upon a determination by the State Police that the time frame and costs for completion of the validation projects as stated by the three-member panel are reasonable. In the event that either of the above-referenced contingencies are not met, there would be no agreement among the three parties to amend or modify the Consent Decree as set forth above.  Additionally, the PSTA's agreement to modify and move for amendment of the Consent Decree to increase the percent of minorities in the Pennsylvania State Police from 10.2% to 12.3% is contingent upon a determination by the PSTA that the time frame for completion

of the validation project as projected by the three-member
panel is reasonable.  Any conclusion by the PSTA that the
time frame for completion of the validation project is
unreasonable would not impact on its agreement to modify the
Consent Decree to provide for a three-member panel as set
forth in paragraph 3.  There are no contingencies other than
as set forth in this paragraph which would impact or negate
any of the parties' agreement to modify the Consent Decree
as set forth above.

6.    The Department will select a sufficient number of
minorities for the next two cadet classes entering the
Academy to attain an overall minority complement of 12.3% at
the time of entrance of the second cadet class; provided
there are a sufficient number of qualified minorities
available for selection.

7.    The Department agrees to maintain the 12.3%
minority composition of the force until implementation of
valid and job-related standards for selection following
Court approval; provided there are a sufficient number of
qualified minorities available for selection.

8.    The Department will promote to the ranks of corporal, sergeant and lieutenant at a ratio of 1-3 of minorities to non-minorities until such time as the 12.3% figure is attained, and to utilize said ratio to maintain the 12.3% requirement until implementation of valid and job-related standards for promotion to the ranks of corporal, sergeant and lieutenant following Court approval; provided there are a sufficient number of qualified minorities available for promotion at a given rank.  Existing procedures as to how specific positions are offered under the ratio will continue to be followed by the Department.

9.    The Department agrees that pending Court approval of valid and job-related standards for promotion to the ranks of corporal, sergeant and lieutenant, that it will no reduce the number of filled positions below 508 corporal, 193 sergeant, and 91 lieutenant positions; provided that any vacancy in the above-referenced number of positions will be filled within a maximum of 75 days in order to restore the complement in said ranks to the above-referenced numbers. The above-referenced figures represent the total filled positions at the ranks of corporal, sergeant and lieutenant as of August 31, 1992.

10. The Commissioner agrees to make a good faith effort to attain and maintain a percentage of minorities in the ranks of captain and major at 12.3%.

11. None of the parties will provide input to the expert panel for purposes of influencing the methods to be used or types of standards that should be developed. This does not preclude the Department or any other party from providing information and data requested by the panel for purposes of completing the job analysis and validation project.

12. The Department agrees to utilize the standards for hiring, cadet graduation and promotion that are established by the expert panel. This provision is not intended to preclude utilization of different standards in future administrations based upon changed circumstances provided reasonable notice of the new standard and reason for the change is given to the plaintiffs and the PSTA prior to the implementation of any new standard.

13. A Rule 23(e) fairness hearing will be held by the District Court prior to approval of the standards

recommended by the three-member panel.  Nothing in this
agreement forecloses or is intended to foreclose an
individual from objecting to the standards developed by the
expert panel at the fairness hearing; however, it is
specifically agreed that neither the plaintiff class, the
PSTA nor the Department is permitted to challenge the
standards other than as provided in paragraph 3.

14.  The terms set forth in paragraphs 6-13 are
contingent upon obtaining an amendment to the Consent Decree
as set forth in paragraph 4.

The provisions contained in paragraphs 1-14 contain the
entire agreement between the parties hereto.  The
undersigned hereby represent and warrant that they have the
authority to sign for and on behalf of their respective
parties as set forth below and that the parties have
approved the terms of this agreement.

/s/Joseph S. Rengert
JOSEPH S. RENGERT
Chief Counsel
Pennsylvania State Police
Counsel for the Pennsylvania State Police

/s/Gary M. Lightman
GARY M. LIGHTMAN, Esquire
Counsel for the Pennsylvania State
Troopers' Association, Successor in
      Interest to the FOP

/s/Harold I. Goodman
HAROLD I. GOODMAN, Esquire
Counsel for the Plaintiffs


Dated:   December 18, 1992

APPENDIX  J

1993 Personnel Administration:
Organizational Task Statements

Personnel Management Division:

4)  Coordinates the activities of the Department in
collective bargaining agreements, analyzes
proposals submitted by bargaining units for
consideration, and analyzes and interprets
approved agreements in effect.

5)  Administers the Department grievance procedure,
develops standards and guidelines for employee
conduct and performance, and administers employee
training and counseling in the area of labor
relations.

6)  Provides labor relations training to supervisors
and labor relations coordinators related to the
interpretation and administration of contracts and
agreements, grievance handling, and labor law or
arbitration decisions affecting
supervisors/subordinate relationships.

7)  Oversees and reviews the Department's performance
evaluation program.

12)  Defines selection, performance and promotion
standards.

13)  Develops, monitors, evaluates and upgrades job-
related and validated procedures for selection,
evaluation and promotion of personnel (AR 1-1, 15-
17).

Personnel Services Division:

10)  Develops standards and procedures for Department
personnel administration and processes personnel
actions such as salary increases and increments,
suspensions, dismissals, leaves of absence,
promotions, transfers, appointments, payroll

discrepancies, and information for credit
references.

11) Maintains liaison with the Offices of Budget and
Administration, and the State Civil Service
Commission

16) Administers and coordinates the Department's
recruitment effort.

17) Controls the automated Cadet application process;
schedules written examinations with the State
Civil Service Commission; schedules the oral
examination, physical examination, drug screening,
and the physical strength and agility testing;
coordinates Cadet background investigations, and
prepares correspondence and keeps statistics
pertaining to Cadet applications.

18) Maintains liaison with the Office of
Administration and the State Civil Service
Commission in conjunction with the Cadet
applications procedures.

19) Coordinates the Probationary Trooper Review
Committee Program (AR 1-1, 4/19/93, 18-19).


Disciplinary Officer:

1) Initiates necessary disciplinary action consistent
with regulations.

2) Coordinates, evaluates, and processes all
Disciplinary Action Reports (DAR's).

3) Requests or conducts further investigations as
necessary to properly adjudicate a DAR.

4) Imposes disciplinary sanctions ranging from
written reprimands to a maximum of 30 days
suspension without pay.

5) Directs, with the concurrence of the Deputy
Commissioner of Administration, that a member be
court-martialed.

6)  Prepares and maintains appropriate records to ensure the uniform administration of disciplinary action.

7)  Ensures the concept and administration of discipline is fair, impartial, and consistent.

8)  Informs the Commissioner, on a continual basis, of the effectiveness of the disciplinary system and the compliance by all personnel with its provisions (AR 1-1, 4/19/93, 19-20).


Affirmative Action Officer:

c.  Analyzes annually the Departments's employment policies, practices, and procedures relative to their impact on minorities and women.

e.  Participates in regular discussions at all levels to assure that affirmative action policies are understood and implemented.

f.  Maintains an active involvement with minority and women's organizations, community action groups, and leaders at the local, state, and federal levels (AR 1-1, 4/19/93, 13-14).


Office of Heritage Affairs:

d.  Advises the Department regarding the awareness of cultural heritage as a key element in public policy, planning and program development (AR 1-1, 4/19/93, 15).

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