

Reforming Public Officials' Councils into the Model of Participative Decision-Making: For Labor-Management Cooperation in the S. Korean Government

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Abstract

The purpose of this study is to find how to revive Public Officials' Councils into the institutional model of Participative Decision-Making (PDM) in the South Korean government. To do so, the study reviews how the Councils have been inactive or nominal without power clearly given by any law so far and why, and proposes how to take after the successful case of Labor-Management Council as a form of PDM in the private sector. Generally, unions and councils tend to drive labor-management relations into adversarial and cooperative ones, respectively. Furthermore, Public Officials' Councils are overlapped with their Unions in terms of purpose and eligible membership. To avoid the conflict and inefficiency, the government needs to build three legal bases of the Council: clarifying participation and cooperation as its purpose, having the public officials excluded from unions to be entitled to the Council, and granting greater influence by allowing alliances among the Councils.

Keywords: Public Sector Labor Relations, Public Officials' Council, Participative Decision-Making, Labor-Management Cooperation, Labor-Management Council

I. Introduction

At the turn of the century, industrial capitalism brought forth Labor-Management conflict. Numerous efforts were made to keep a balance of economic and social power between management and labor. Participative Decision Making (hereinafter "PDM") has emerged as the new topic of public-sector labor relations studies, focusing on Labor-Management cooperation rather than conflict. However, these studies have still examined if PDM can help public agencies deal with intense political, economic, and social pressure on their service delivery and regulatory functions (Kearney and Hays, 1994).

Historically, there was relatively an unfavorable balance of power between management and unions in Korea in comparison with Western countries, but now any business or workplace employing more than 30 people on a regular basis is obligated to establish and operate Labor-Management Councils, which are intended to encourage employees to participate in decision-makings. This has been a great opportunity to promote employee's participation in business and company welfare. However, the system is not the case with government. The concept of PDM has not yet emerged as a salient issue in Korean government, which is still rigidly bound by bureaucratic and hierarchical structure. Although Korean public officials have rights to organize labor unions and to bargain collectively through them, except for rights to collective action, the unions usually operate on the basis of confrontation and conflict with the other side, not cooperation and participation. There is no formal organization to promote participative decision-makings for public officials. This study attempts to define PDM as a new paradigm of governmental labor relation in Korea, not as a fad or something else. At the beginning, PDM may supplement traditional labor relations that are under the control of unions, but it may finally replace the traditional one.

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A good starting point will be to revive Public Officials' Councils in nominal condition indeed because its counterpart in the private sector and a kind of PDM, Labor-Management Council, has been successfully growing in the private sector of Korea. Hence, the purpose of the study is to find the governmental model of PDM in Korea, and to review how to revive Public Officials' Councils into the form of PDM, focusing on the successful case of Labor-Management Council in the private sector. Following a brief description of the PDM's concept and function, the study will analyze the structural problem of governmental labor relations and propose for the governmental model.

II. Theoretical Background

1. Major Concept of Participative Decision-Making

As Mary Parker Follett argues, to better integrate individuals into the organizations, leaders of public organizations need to transform their mentality from "power-over" to "power-with." For public organization leaders to do so, they need to recognize that social interactions are reciprocal, or circular. In other words, social situations are in "a state of flux, for each member of society exists in a condition of mutual interdependence with all others, as all of us create each other all the time" (Fry & Raadschelders, 2014; 157-159).

PDM has been a popular topic of great interest for organizational researchers, since Tennenbaum's "Control Structure and Union Structure" (1956). Nevertheless, PDM has been defined conceptually in many different ways, as Cotton et al. put it (1988). By thoroughly reviewing the PDM literature, the authors classify a wide variety of PDM concepts into six categories based on PDM forms: 1) participation in work decisions, which includes formal PDM schemes in which workers have much influence in decisions focusing on the work itself; 2) consultative participation, where the content of the PDM is focused on job issues; 3) short-term participation, which is different from PDM programs of limited duration; 4) informal participation, which occurs informally through interpersonal relations between managers and subordinates; 5) employee ownership, where each employee has the formal 'right' to participate as any stockholder does; and 6) representative participation, where employees participate by representatives elected.

Although the specific concept of PDM may vary according to forms, they generally share a fundamental principle: "meaningful employee participation in organizational decision making wherein a formal vehicle for an employee voice is operative, and employee views and decisions are given serious consideration," as Kearney & Hays put it (1994, 45). This concept is the common, unifying element in TQM, QCs, QWL programs, Labor-Management Committee, and related approaches, whose development have been stimulated by the Japanese management style with an emphasis on great cooperation between employers and employees.

2. An Anti-Bureaucracy Movement

PDM has arisen as an important issue in public-sector labor relations, as the problems of governance continue into the era of New Public Management. In major western countries, there have been many calls for reforming bureaucratic governments and promoting competition among public employees in opposition to traditional trade unions (Dell'Aringa, Rocca & Keller, 2001). The Volcker Commission points out a crisis marked by government's inability to attract and retain high-quality employees, and the inability of government to respond effectively to the needs and aspirations of the American people. In their popular book, *Reinventing Government*, Osborne & Gaebler (1992) argue that the current bureaucratic form of government is outdated. They also contend that "hierarchical, centralized bureaucracies designed in the 1930s and 1940s simply do not function well in the rapidly changing, information-rich, knowledge-intensive society and economy of the 1990s" (11-12). Instead, they argue that governments in the 1990s should strive to become "more flexible, more innovative, and more entrepreneurial" (12).

The phase "reinventing government" has become a powerful symbol of the Clinton Administration's efforts to reform the civil service. President Clinton appoints Vice President Al Gore to lead the National Performance Review (NPR) task force to work on the blueprint of reforming the federal government. The NPR report writes, "Washington is filled with organizations designed for an environment that no longer exist-bureaucracies so big and wasteful they can no longer serve the American people." The NPR report suggested four "bedrock principles" to transform the present bureaucratic government into an entrepreneurial government. One of them is to empower employees to get results by decentralizing authority.²

²NPR 93-a Report of the National Performance Review. <http://www.nsf.gov/pubs/stis1993/npr93a/npr93a.txt>. Access on 10/2/2015.

With severe criticism against hierarchy or top-down decision making, there is a growing realization that the cooperation and participation of all workers should substitute those outmoded organizational structure and decision-making style. Many public agencies have already utilized some new approaches such as TQM, QCs, and QWL programs. The recent popularity of PDM should be understood as a part of the anti-bureaucracy movement and New Public Management to improve organizational productivity (Dell'Aringa, Rocca & Keller, 2001).

Of course, some empirical studies conclude that PDM does not necessarily improve organizational outcomes. For instance, Cotton et al. (1988) argue that the effects of PDM on employee satisfaction and performance vary according to form. The authors contend that among the six PDM forms, which are noted above, short-term participation and representative participation have no effect on satisfaction and performance.

Nevertheless, the dominant number of empirical studies has provided the evidences of PDM benefits. These benefits are highlighted by Kearney & Hays' article (1994), which examines the linkages between the PDM model and personal and organizational benefits. The authors argue that, among various personal employee benefits, the most important and most widely accepted things are personal growth and development, job satisfaction, and willingness to change. They go on argue that those three factors contribute, directly or indirectly, to the two types of desired organizational outcomes. The one is related to human resource management, including increased organizational commitment, organizational goals internalized by employees, and reduction in conflict, turnover, absences, accident rates, and rates of sick leave. The other is task-related outcomes such as improvements in job performance, problem solving, and quality and quantity of output.

3. An Alternative to Unionization and Collective Bargaining

PDM is a new paradigm in that it is a fundamentally different way in both of seeing the employment relationship and of solving employment problems than the traditional labor relations process including unionization and collective bargaining.³ In particular, its theoretical basis is participative management theories that have been accumulated by human resource management and behavioral science schools.

Because PDM aims at Labor-Management cooperation, the success of PDM depends upon how cooperatively labor and management work together. By contrast, the traditional labor relations process including unionization and collective bargaining does not necessarily assume that the relationship be cooperative. Employees, by participating in unions, attempt to protect their interests from management. Management and union each seeks for its own interests in the process of confrontations and negotiations. Sometimes, mediators or arbitrators are involved in the collective bargaining process to settle disagreements or misunderstandings, and in the worst case, unions resort to strikes. Without cooperation, management and unions often oppose each other and fight for zero-sum outcomes. Furthermore, the outcomes of PDM are mostly beyond that of the traditional labor relations process, which is at best conflict resolution. As noted above, PDM is believed to provide personal benefits to the individual employee, as well as human resource management-related and task-related benefits to organizations.

It is not to say that collective bargaining necessarily excludes the Labor-Management cooperation. According to Cohen-Rosenthal and Burton, "labor and management have cooperated on health and safety, wartime production, apprenticeship and training, employee assistance, energy and resource conservation, new technology, joint community fund drives, and other concerns" (Armshaw, Carnevale&Waltuk, 1993: 96). However, as Kearney and Hays put it, "collective bargaining is premised interferes with the development of viable cooperative vehicles by perpetuating a never-ending power struggle through adversarial provisions and processes" (1994: 48).

As Stahl (1983: 430) points out, a shortcoming of the traditional labor relations process, especially in the public sector, is that unions do not always foster the public interest. He cites Mosher's statement that "the most cogent argument against some public unions today concerns not political democracy and popular sovereignty, but their pressure toward conformist and mediocrity." (1968: 200). By contrast, PDM is often realized in customer-driven decision-making processes of TQM. It may provide public employees and management with more opportunities to improve the quality of work life and the quality of public services, respectively.

³Morgan points out that there are three consistent senses of what paradigm means: (1) as a complete view of reality, way of seeing; (2) as relating to the social organization of science in terms of schools of thought connected with particular kinds of scientific achievements, and (3) as relating to the concrete use of specific kinds of tools and texts for the process of scientific puzzle solving (1980: 606).

This win-win system enables them to recover their composure enough to consider a higher common goal, the public interest (Goldsmith, 2003). Many managers still have skepticism toward PDM for two major reasons: the one is that they are not sure of the correlation between PDM and organizational effectiveness, and the other is that they fear the loss of managerial power (Parnell and Bell, 1994). Employees also may fear that “QCs, TQM, and other devices are spawned from an anti-labor seed and tend to subvert collective bargaining” (Levine, 1992: 115). Furthermore, some union officials fear that PDM may undermine the power of local unions, their leaders and collective bargaining and that it may be used in “union-avoidance strategies” (Armshaw, Carnevale&Waltuk, 1993: 96). The widespread “fear” is the major impediment to PDM.

Even if growing in number, the cooperation system is not easy to be institutionalized and to last long. Actually, it is reported that many union leaders would feel the sense of betrayal due to significant layoffs or other negative consequences followed by cooperation (Keefe, 2003; Masters & Albright, 2003). In most public agencies, PDM has supplemented, rather than replaced, collective bargaining. As Armshaw, Carnevale&Waltuk put it, “since quality improvement plans depend upon employee involvement and teamwork, their success in unionized environments hinges on the willingness of labor leaders to become champions of such programs and management’s agreement to embrace collaboration with unions as a key aspect of implementation strategies” (1993: 104). According to Kearney and Hays, the basic foundation for PDM is that employees can be loyal and committed to both their organization and their union (1993: 49).

Although PDM has just supplemented the traditional labor relations process, it is quite promising approach to labor relations. Douglas (1991) presents three union models that may be employed by the public sector of the Twenty-first Century: no union, developing union, mature union models. He states that “if ‘no-union’ prevails, or unions fail to mature, then different organizations will appear... Their emergence in a union-free environment is inevitable” (222). PDM will be a dominant approach to public-sector labor relations in a union-free environment at least.

III. Problems of Public Official’s Council

1. Korean System of Labor-Management Relations

The first step to find a model of PDM will be to review the official bodies of Labor-Management relations including unions and councils across the public and private sectors in Korea.

Table 1. Labor-Management Relations in Korea

Types of Organization	Business (including public corporation)		Government	
	Labor Union	Labor-Management Council	Public Official’s Union	Public Official’s Council
Nature of Relation	Adversarial	Cooperative	Adversarial	Cooperative
Establishment	Free	Mandatory if more than 30 people	Free	Free
Power	Rights to organize, bargain, and act	consultation, resolution, reported	Rights to organize and bargain	ambiguous
Activity	Active	Active	Active	Inactive or nominal

As shown in <Table 1>, business, including public corporations, and government have different structure in Labor-Management relations. In business workplaces, whether to organize and use labor unions depends on related employees’ decision but Labor-Management Councils should be legally established in workplaces with more than 30 people. Hence, there are some dual-system workplaces where a union and a council work together with sharing some members. Under the Articles 20, 21, and 22 of the Act on the Promotion of Worker’s Participation and Cooperation, the Council is specialized in three types of activities: consultation, resolution, and being reported.

Meanwhile, public officials, by their unions, are allowed to exert rights to organize and bargain collectively, not to act collectively, but are neither obligated nor allowed to build Labor-Management Councils unlike in businesses. As their counterparts in the government, Public Official's Councils exist instead of or together with Public Official's Unions. The Unions and the Councils in the government are contrary in their nature: while the former tends to drive Labor-Management relations into adversarial ones, the latter principally aims at leading the relations to cooperative ones.

A problem is that most of Public Official's Councils are inactive or even nominal without power clearly given by any law; so, a legal ground for participation and cooperation is seriously weak. It has been argued that too much dependence on unions may drive labor relations to be adversarial and conflictual due to the nature of unions, but also to be deteriorated into the issues of party politics by union leadership (Dresang, 1999: 317 and 337; Brock & Lipsky, 2003: 4). In this respect, it is imperative to analyze the problems of Public Official's Councils in more depth and to discuss how to normalize them on the basis of the results.

2. Overlap between Public Official's Council and Public Official's Union

Public Official's Council had been working as the preliminary program before Public Official's Union was allowed and established in 2006. Since the union began to work, the union and the council have coexisted with some overlapped functions as guaranteed by the Public Official's Union Act. This made the council fall to a nominal agency for the reasons of overlapped natures.

Table 2. Comparison between Public Official's Union and Public Official's Council in Korea

	Public Officials' Union	Public Officials' Council
Applicable Law	Article 33(1) and (2) of the Constitution; Act on the Establishment and Operation of Public Officials' Trade Union	Act on the Establishment and Operation of Public Officials' Councils
Purpose/Nature	To ensure fundamental labor rights: to conclude collective agreement	To ensure Labor-Management consultation: improvement of working conditions, improvement in the efficiency of work and the handling of grievances of public officials.
Establishment Unit	Minimum units only restricted and multiple unions allowed	One for one agency and any coalition of councils not allowed
Scope of Eligible Member	Public officials in general service in Class V and under, and not engaged in personnel, budgeting, etc.	Same as the union case
Subject of Bargaining / discussion	Activities of union, pay, welfare, and other matters of working condition	Improvement of working environment and working efficiency; grievance settlement
Effect of Bargaining/discussion	Effects of collective agreements except the matters prescribed by statute, ordinance, budget, etc.	No binding force of agreed matters

As shown in <Table 2>, they share a common ground in two points: purpose and membership. First, their purposes are in common. Both the bodies aim to improve the working conditions of public officials and to protect their rights in service. While the union is a collective organization to protect the rights of civil servants as workers and employees, the council is just a council body where the internal matters of an agency are discussed.

Second, the scopes of membership are in common. Public officials who may join both the bodies shall be specified as follows: public officials in general service in Class **V** and under, and not engaged in personnel, budgeting, etc. Hence, Those of management levels and high-ranked levels are allowed to join neither the union nor the council.

Furthermore, the law, from the scope of eligible members, excludes public officials who are not specially allowed to join for the natures of their tasks including those in a position of directing and supervision, personnel management, budgeting, accounting, material accounting, secretarial duties, secret information, security, guard, car driving and other duties similar thereto.

3. Results of the Overlap Problem

<Table 3> shows some examples of activities that Public Officials' Councils have carried out in real workplaces. They, not different from the activities of unions, include various matters across personnel, working conditions, efficiency of work, and grievances.

Table 3. Exemplary Activities of Public Officials' Councils

Types	Performances
Personnel-related matters	<ul style="list-style-type: none"> - Coordination and prerelease of promotion criteria - Prerelease of a promote-to-be - Expansion of 360-degree feedback - Personnel exchange between metropolitan and primary local governments - Special employment of public officials in special and technical services into public officials in general services
Improvement of working conditions	<ul style="list-style-type: none"> - Installation of O/A office, one PC per person, a post office in the building - Improvement of cafeteria condition or fitness room - Good Speech Movement - Installation of women's rest area
Improvement in the efficiency of work	<ul style="list-style-type: none"> - Expansion and realization of arbitrary decisions, and streamlining of approval path - Paperless executive meetings and improvement in report and communication culture - Security check of watch-keepers - Live broadcasting of executive meetings
Handling of grievances, etc.	<ul style="list-style-type: none"> - Coordination of commute bus lines and times - Weekly family's day and summer resorts - Installation of CCTV in civil complaint offices - Opportunities for education and overseas study - Support for education in foreign language, PC utilization, and certificates - Realization of overtime allowance

Statistics shows what effects the establishment of Public Official's Union has had on the regression and inaction of Public Official's Councils. After the Councils launched in 1999, the number of their members had kept increasing and reached 160,000 (organization rates of 56.8%) in 2002. However, it has turned to a decreasing trend since the launch of the Union in 2006, when many of those councils were transformed to unions. Among 130 agencies surveyed in 2007 through 2013, 111 agencies had consultation performance, but just 20 agencies carried out at least two-time consultations a year as a legal obligation. Although it is reported that 118 (90.8%) out of total 130 agencies do the withholding deduction of membership fee, just 68 agencies (52.3%), mostly local governments, provided offices to the Councils.⁴

Furthermore, the survey result implies that the real functions of the Councils are overlapped with those of the unions. The Councils were used most for improvement of working conditions (43.1%), which also is the function of the Unions, and relatively less for other different roles such as development of the agency, etc. (29.4%), improvement in the efficiency of work (18.3%), and the handling of grievances (9.2%).⁵ In order to avoid the overlap problem, Public Official's Councils need to be improved to something like Labor-Management Councils in the private sector. Because the Civil Servant Union Act does not include all the matters in the topic of collective bargaining, the Council may offer the place of discussion to fill up the gap.

⁴Ministry of Government Administration and Home Affairs, Internal Data

⁵Membership Conditions in Public Officials' Councils,

http://www.index.go.kr/potal/main/EachDtlPageDetail.do?idx_cd=1023. Access on 11/30/2015.

In Germany, France, Sweden, etc., Public Official’s Councils, compatible with trade unions, are legal cooperative bodies, where public employees are allowed to make consultations and decisions on matters such as personnel, welfare, etc. deficiently covered by trade unions (Jung, etc., 2009). In U.S., “productivity bargaining,” initiated by the management side to improve productivity, would be operated by joint labor-management committees or quality management teams, which were not legislated by Congress (Dresang, 1999: 325).

IV. Way of Reforming Public Official’s Council

1. Labor-Management Council in the Private Sector

Under the Act on the Promotion of Workers’ Participation and Cooperation passed in 1997, Labor-Management Councils, aimed at consultative bodies, were formed to help improve the welfare of workers and ensure the sound development of enterprise through the participation and cooperation of workers and employers (Article 3(1)).

The Councils shall be established at each business or workplace which is vested with the right to decide working conditions, employing more than 30 people on a regular basis (Article 4(1)).

Table 4. Establishment of Labor-Management Councils in Workplaces

Year	2007	2008	2009	2010	2011	2012
# of Applicable Business (a)	46,163	45,970	49,851	51,176	53,047	55,618
# of Business of Establishment (b)	40,133	42,689	46,005	46,702	47,621	47,456
Rate of Establishment (b/a)	86.9	92.8	92.3	91.3	89.8	85.3

Source: Ministry of Employment and Labor (Internal Data recalculated by the Author)

As shown in <Table 4>, statistics indicates the degree to which the mood of Labor-Management cooperation permeates widely. The establishment of the Council is mandatory to any business or workplace employing more than 30 people on a regular basis. This contributed to continuous increase in the number of the business that established the Council. In 2012, among 47,456 businesses with the council, the businesses of 30-49 people take 39.9% and those of 50-99 peoples do 33.0%. Meanwhile, those of 1,000 people take just 1.4%. In the private sector, there are much more Labor-Management Councils in small and medium companies than in large ones under the law.

2. Reforming Public Officials’ Council into the Kind of Labor-Management Council

To transform Public Official’s Council to Labor-Management Council, the following gaps between those Councils need to be overcome. First, the purpose of Public Official’s Council needs to be modified into that of Labor-Management Council. Under the Act on the Establishment and Operation of Public Official’s Councils, the purpose of the council is the improvement of working conditions, improvement in the efficiency of work and the handling of grievances of public officials (Article 1). There is no mention about the promotion of participation as a main purpose. Meanwhile, under the Act on the Promotion of Workers’ Participation and Cooperation, the purpose of Labor-Management Council is to increase common interests of labor and management through the mutual participation and cooperation of workers and employers. As a concrete description of employees’ participation, the Act enlists 16 matters for consultation (Article 20), 5 matters for resolution (Article 21), and 4 matters for report (Article 22).

Second, in relation with representativeness, the joining qualification of Public Official’s Councils needs to be expanded similarly to that of Labor-Management Councils, which are obligated to be established as a representative body as far as the law does not prohibit. However, whether to participate in Public Official’s Council, as well as whether to establish it depends on the decisions of public officials, who are free to join and withdraw. Furthermore, joining itself is restricted only to public officials in general service in Class V and under and not engaged in personnel, budgeting, etc. The managers who do not fall into that definition have no collective opportunity to speak for their rights because they are also excluded from Public Official’s Unions. Some of managers, even if not all of them, need to be entitled to collective voices to improve their quality of working conditions through PDM at the risk of falling into a conflict of interest (Eaton &Voos, 2003).

Third, under the law, a Public Official's Council shall be established by one unit of agency so that one agency can establish only one Council (Article 2(2)). The provision makes it impossible for an alliance to be set up across more than two businesses or workplaces. However, a Labor-Management Council shall be established at each business or workplace which is vested with the right to decide working conditions (Article 4(1)). In cases where one business has workplaces located in different regions, the Councils may be established at such workplaces as well (Article 4(2)). The larger-scale unit of establishment will increase the influence of Public Official's Council, which is currently fragmented.

V. Conclusion

PDM holds fundamentally different assumptions about the underlying nature of the employment relationship than existing labor relations. The advantage of PDM is critical especially in the public sector, where adversarial labor relations have a direct and enormous impact on the public interest and national security unlike in the private sector.

Although many public-sector managers profess agreement with the notion of PDM, most of them are fearful of its actual adoption because they believe that their own particular agencies or employees are uniquely unsuited for PDM. In Korea, this is a main reason why new legalization should revive Public Officials' Council as the prototype of PDM as Labor-Management Councils have taken the role of trade unions under their legalistic coexistence in the private sector. That is, Public Officials' Councils should take after Labor-Management Councils in its form and function so that each of them can commit to cooperative labor relations in the public and private sectors, respectively.

However, this tentative conclusion waits further refinement and correction in the light of further research. It remains to be seen whether PDM and Public Officials' Council really has positive effects on not only individual satisfaction and performance but organizational performance even under the Korean context dominated by bureaucratic culture and structure. Further empirical studies should be directed at finding what evidence exists concerning the linkages of PDM and the Council with productivity, job satisfaction, and other relevant considerations in the Korean government.

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