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Alternative Models of Policy Compliance by Unions With Civil Rights Legislation

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The author looks at the process of compliance which local unions follow in response to Title VII of the Civil Rights Act of 1964, analyzing local unions as organizations. Three models of compliance are presented: the voluntary model in which compliance is initiated and sustained through a voluntary and local process, the bureaucratic model in which compliance is initiated through the international union's program and sustained through the mechanisms of the bureaucracy of the international union, and the legal model in which the local union complies as a direct result of a change in the law. The results are that none of these models fit exactly. The greatest amount of compliant activity occurs when the process is quasi-bureaucratic, that is, when it begins as a voluntary process, but relies on bureaucratic mechanisms for completion. The author finds two other factors which are associated in a strong and positive way with the amount of local union compliance: a great objective need for change and a great amount of controversy. The study is based on in-depth interviews with forty-seven local union leaders and on twenty interviews with international union leaders in eleven local unions.

I. INTRODUCTION

The Civil Rights Act of 1964 and the subsequent case law led to considerable changes in standard practices for promotions, upgrading and transfers. These changes were designed to promote nondiscrimination in employment opportunities for women and blacks. Compliance with these new standards dictated changes in what were traditional clauses in collective bargaining agreements concerning upgrading and promotion, including the type of seniority used for upgrading.¹ Little is known, however, about the process by which a union complies with these new obligations under Title VII. This article examines how and why a local union will comply with the law and what difference this makes for the degree of compliance. It discusses what causes a local union to move toward a broader seniority system² for upgrading or promotion, or to bargain for a plantwide posting system for job opportunities which allows blacks and females greater access to available job openings.

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Theoretically, there are three processes through which a union can achieve compliance with the law: (1) a voluntary process; (2) a bureaucratic process; or (3) a legal process. These are presented by the author as alternative descriptions of compliance. This research examines eleven case studies of local unions from two different international unions as they comply with the law. The study has two goals. First, to determine which of the three processes is dominant—if, in fact, compliance can be characterized as one of the three processes. Second, to determine which type of compliance process is associated with the greatest degree of compliance. In order to do this, a behavioral definition of compliance is developed and local unions are scored as to the degree of compliance they exhibit.

This study is important beyond what it tells us about Title VII compliance *per se*. The union complying with Title VII is not unlike the school board, the city health department or any other organization facing a changing environment. Thus the question of whether a certain type of compliance process is associated with greater compliance seems an important question for policy studies. This research forms an important bridge between organization theory and compliance studies.

II. LEGAL DEFINITION OF NONDISCRIMINATION IN PROMOTION AND SENIORITY CASES

The Civil Rights Act of 1964 did not contain an explicit definition of discrimination, nor did it contain any specific standards for nondiscriminatory seniority policies.³ In fact, section 703h of the Act exempted any "bona fide seniority system" from being considered an unlawful employment practice under the Act.

Beyond some rudimentary guidelines issued in 1965 (Schlei and Grossman, 1976) in which "male" and "female" and "light" and "heavy" lines of progressions were declared unlawful, there was little guidance from the EEOC as to how to construct seniority systems or promotion practices which would be considered nondiscriminatory.

Notwithstanding the congressional intent expressed in 703h, the courts began to rule departmental seniority systems unlawful if they perpetuated the present effects of past discrimination (*Quarles v. Philip Morris* [1968], *Local 189 Papermakers v. United States* [1969], *Robinson v. Lorillard Corp.* [1970]). In determining their legality, the courts appeared to be examining the effects of these seniority systems, rather than the intention of seniority systems as suggested under 703h.

In the early cases involving tobacco and paper, employers were unable to provide a sound "business necessity" defense for such narrow systems. The courts also ordered other remedies in these and other cases, including rate retention, seniority carry-over backpay for the affected class, and plantwide posting of positions (*United States v. Bethlehem Steel Corporation* [1970], *United States v. U.S. Steel Corporation* [1975]).

These developments closely paralleled the general direction which the Supreme Court established in *Griggs v. Duke Power* (1970), that is a move toward an effects rather than an intent definition of discrimination. It is worth noting that the present study was carried out before the Teamsters case (*International Brotherhood of Teamsters v. U.S.* [1977]), which reverted to a literal interpretation of the legislative intent. In this case the Supreme Court upheld a narrow form of seniority, ruling it was bona fide, under the 703h clause of the Act. However, the criteria for legal compliance which were in effect when this study was begun were those which preceded the Teamsters case.

III. COMPLIANCE PROGRAMS OF THE TWO INTERNATIONAL UNIONS

Both international unions studied (International A and International B) have had vigorous compliance programs involving a high degree of staff commitment. Most international unions, particularly smaller unions, would be expected to take a more passive stance toward compliance than these two unions; consequently, the results may present compliance under the most optimal conditions.

A. INTERNATIONAL A'S PROGRAM

The union's compliance policy⁴ was officially articulated in 1972 when the union passed a resolution banning all forms of discrimination at its convention. The union's program consisted of: (1) the adoption of plantwide seniority clauses; (2) the adoption of plantwide posting procedures for jobs; (3) the review of its locals for a sex or race imbalance by job classification and department; and (4) the rewriting of clauses concerning pregnancy leaves to conform to leaves for other temporary disabilities. The union's legal department and its executive committee worked together to formulate and implement the policy. Many of the individual interviews credited the general counsel personally with spearheading the compliance program.

B. INTERNATIONAL B'S PROGRAM

Like International A, International B has a liberal tradition in terms of legislation,⁵ particularly in its staunch support of the passage of the Civil Rights Act of 1964. It has had a civil rights department with staff in each region for twelve years or so. Efforts in this union have been more centralized and specialized than in International A, as is evidenced by the existence of a separate civil rights department. The international union has a compliance procedure through the union's civil rights department for members who feel there is discrimination. Also, the civil rights department of the international union encourages locals to establish civil rights com-

mittees on the local union level. In 1973 the international union participated in a consent decree with the multi-employer bargaining coalition with which it negotiates. The main provisions of the decree were the use of continuous companywide service as the measure of seniority for promotions, upgrading and transfer rights across departments, and the right to rate retention upon transfer.⁶

IV. THE PROCESS OF COMPLIANCE: THREE TYPES

A. MODEL I.

There are three processes by which a local union may comply with an external change. The first possibility is through a *voluntary process* (Model I). Voluntary compliance in a local results from internal reasons.⁷ The stimulus for compliance originates wholly from within the local rather than from external sources such as a court ruling or from bureaucratic pressure from the international. The motivation to comply is essentially voluntary.

1. *Compliance Scenario Under Voluntary Model*

In a voluntary compliance process, the compliance scenario is that the local union initiates the compliance. Also local-level factors provide an incentive for the local to comply.⁸ The factors which are important are the values of the local union officers, the activity of blacks or women within a local union leadership with a pro-civil rights ideology, or the existence of a faction which has an aggressive stand on civil rights.

B. MODEL II.

The second possibility is that a union complies through a *bureaucratic process* (Model II). In this process, the local union is dependent on the *international union* for initiating and sustaining compliance practices. In this case, the international union serves as a biased information conduit between the enforcing agency (the EEOC) and the local union. If compliance is bureaucratic, the motivation comes more nearly from the international rather than the local and it may be coerced rather than voluntary.⁹

1. *Compliance Scenario Under Bureaucratic Model*

The compliance scenario under the bureaucratic model could involve several stages. First, the international union formulates its policy on Title VII, thus "translating" the court ruling into specific actions. Second, the international union, through the expertise of its legal department, its education department, and its civil rights department, uses the bureaucratic structure to disseminate information about its policy. Third, the international union staff monitors the progress of local unions.

There are a variety of mechanisms for compliance which the international union has. These include: (1) the use of "influence"; (2) the use of

educational programs; (3) the use of specialists on the international union staff; (4) the use of the scapegoating function; (5) the use of national bargaining; (6) the use of a consent decree¹⁰; and (7) the use of sanctions controlled by the international. These vary in their degree of coercion from informal influence, which is noncoercive, to the consent decree and the use of sanctions controlled by the international union on the coercive end of the continuum. For instance, the international can "influence" its member locals through its international representative, or the influence can be more formal, through educational programs of the international union, through civil rights programs, or through consultations with the international leadership over contract language changes. Another influential bureaucratic mechanism is the specialization provided by the legal department of the international union.

A more coercive device is the consent decree mechanism. This involves the international union, along with the employer and the government, bargaining a remedy and then enforcing the negotiated agreement on the constituent locals. This decree results from a legal suit and it has the power of a court-ordered remedy. The court and the government enforcing agencies must approve it.

C. MODEL III.

The third process by which a local can achieve compliance is the legal process (Model III). This process suggests that compliance results from the legal coercion of the courts (or the enforcing agency) on the local union.

1. *Compliance Scenario Under Legal Model*

The scenario for the legal model process will resemble this: a local union whose seniority and promotion provisions are not in compliance with the law hears about a backpay settlement which another local with similar seniority and promotion provisions has had to pay. The local union makes the minimum number of changes in the contract necessary to protect itself from a similar suit. The local union actions are motivated by the certainty that it will be fined if a suit is filed. Whether or not it takes action may depend on the amount of backpay that would be required, the certainty that punishment will occur, and the size of the backpay fees relative to the size of the local union treasury.

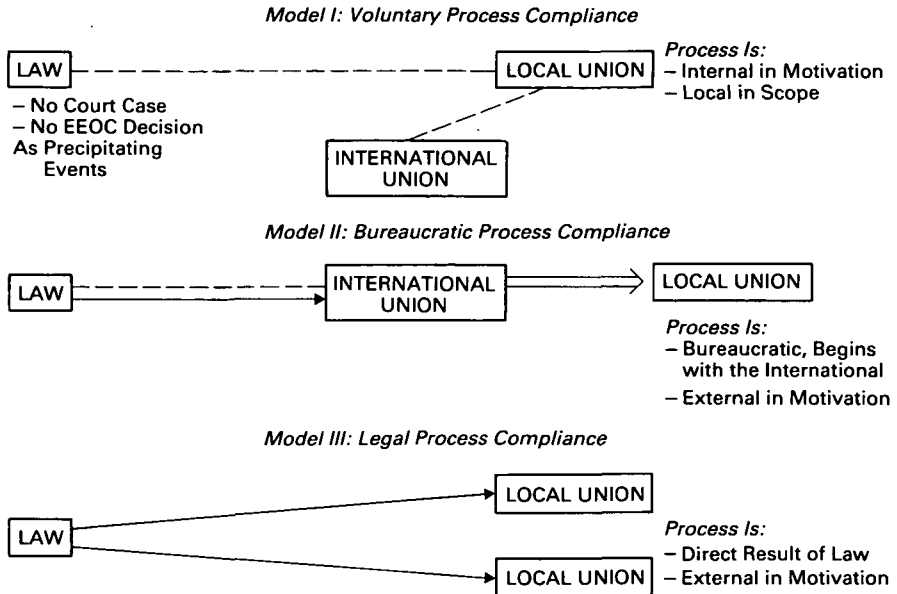
The three processes are described schematically in Table 1.

V. THE THEORETICAL SUPPORT FOR THESE MODELS

A. MODEL I: VOLUNTARY PROCESS MODEL

The literature abounds with support for the voluntary model. Many of the individual case studies of how and why individuals and communities comply with Supreme Court decisions point out that compliance may depend

Table 1: Three models of compliance



on local-level factors such as the endorsement of local elites. Dolbeare and Hammond (1971) note the inertia of state and local elites in complying with school prayer prohibitions. (In this study the equivalent to the local elite is the local union leadership.) These studies also find that such local factors as the political structure, the percentage of black and low-income earners in the area, and the political activity of certain interest groups, particularly groups such as the NAACP in school desegregation cases, have proven to be crucial in predicting compliance.

B. MODEL II: BUREAUCRATIC PROCESS MODEL

There is also support for the notion that compliance is a bureaucratic process. This is based on the studies of Supreme Court compliance (Wasby, 1970; Johnson, 1967; Muir, 1967), the studies of policy innovation (Hage and Aiken, 1967; Rosenthal and Crain, 1966), deterrence theory (Stover and Brown, 1975; Brown and Stover, 1977; Tittle, 1969; Tittle and Logan, 1973; Ray, 1962), and literature on the power of executives (Neustadt, 1976). There are three reasons why compliance may be bureaucratic. The first is that organizations which have bureaucratic characteristics may be better able to change. The second reason is that the international union as a bureaucracy has many resources which it can utilize to motivate local unions to change. Finally, the international union has the ability to spread information about the new legal requirements and thus increase compliance.

The literature on Supreme Court compliance lends some support for the

notion that compliance process may be bureaucratic. For instance, Wasby (1970) suggests that the greater the centralization of the organization, the greater the compliance with court decisions. Some of these studies suggest that compliance is facilitated by having a "hierarchy of scapegoats." By pointing to those higher up in the organization, local leaders are able to shift the blame for actions that are unpopular with their constituents onto other actors, such as the international union.

In addition, the amount of specialization in an organization may contribute to the amount of compliance. The definition of specialization in this study is the concentration of compliance efforts in a legal department or a civil rights department where personnel and expertise are solely concerned with civil rights compliance.¹¹ The role of the legal profession in ensuring compliance is cited in studies such as Muir's on school prayer. To the extent that the international union's legal department plays a role in formulating its civil rights policy by advising the elected international leaders, the resulting policy will tend to comply more than policies formulated without legal counsel. Similarly, in the organizational theory literature, many of the studies of how cities and communities innovate support the notion that the compliance process is bureaucratic. These studies, which have examined changes ranging from fluoridation to urban renewal, support the notion that structural characteristics can influence innovation.¹²

There is a final reason for thinking that compliance may be bureaucratic. Compliance appears to increase when the Court's ruling is clear and unambiguous. This notion is based originally on Neustadt's five conditions for achieving compliance with executive orders.¹³

C. MODEL III: LEGAL PROCESS MODEL

There is a third process by which compliance can occur, the legal process. It suggests a direct impact of the courts (or the enforcing agency) on the local union. It also suggests that the compliance process is motivated by external societal factors rather than by pressures from the international union as the bureaucratic model would suggest. This assumes that decisions on the subject of plantwide seniority are known and understood. Further, it assumes that local unions anticipate some sanction for their noncompliance, such as liability for backpay for minority workers against whom they have discriminated. The theoretical basis for the legal model is found in the literature on deterrence theory which suggests that the severity of punishment for violations of law will keep people from violating the law. There are also studies which have shown that increasing the certainty of punishment independent of its severity will achieve compliance. This process assumes a high level of information on the part of each local union and rational behavior on the part of each local.

VI. DESCRIPTION OF METHODS AND MEASURES

A. NATURE OF THE DATA

Eleven local unions¹⁴ from the two internationals described were included in this study. Forty-seven local union leaders and twenty international leaders were interviewed between January and April, 1977. The respondents in each local included the president, the grievance committee chairperson, the bargaining committee chairperson (or a member of the bargaining team), a member of the executive committee, a representative of female workers and a representative of black workers. Open-ended interviews of approximately two hours in length were held to obtain detailed information on the amount of compliance activity and the process of compliance in each local. The key factors included organizational characteristics, such as the size, age, centralization and specialization; characteristics of the local's leadership, such as its ideology, race and sex composition; and contextual characteristics, such as the history of racial discrimination, the attitude of the employer and amount of controversy, and the size and location of the community in which the union is located. The depth and range of the interview material provided a comprehensive history of the compliance process in each local.

The choice of sampling strategy was constrained by the problems of access and resources. Because of these two constraints, it was impossible to draw a random sample of locals. A strategy of random sampling would not have been desirable in terms of a scientific design in any case because with only eleven cases, it was important to select locals which represented some variation in the amount of compliance. Civil rights compliance, like compliance with any law, is a sensitive area, because of the financial liability involved. Thus there were substantial problems of gaining access. This dictated nonrandom selection of both international unions and local unions.

Once access was gained, the strategy for sampling locals was to try to match a high- and low-compliance local from the same international union and from the same region. The international union identified those locals which were high and low in compliance. It was considered important for this compliance area (civil rights) that locals be paired by region, because the character of civil rights compliance is different for each region. The use of a comparative case study approach of eleven cases, or eleven local unions, is the design used in this study. The strength of this approach lies in the in-depth interview material which provides a close examination of eleven locals, rather than just a single case. The author acknowledges that one cannot strictly speaking generalize from eleven locals which were not randomly selected. However, what one loses in external validity one gains in internal validity. It is also worth noting that most Supreme Court compliance studies involve only one case, due to the in-depth analysis required.

B. BEHAVIORIAL DEFINITION OF COMPLIANCE

It is expected that local unions will vary in their response to the law. Local union reactions to these new legal obligations range from active resistance to active cooperation. A highly compliant union might initiate complaints with the EEOC, file suits, unilaterally establish education programs, create special civil rights committees or present bargaining proposals designed to achieve compliance. At the other end of the spectrum are locals that will resist compliance even when EEOC charges or lawsuits are filed against them. Somewhere in between the extremes of active cooperation and active resistance are unions that pay lip service to compliance by adopting the bare legal minima or making symbolic gestures.

There are some methodological problems in studying the impact of a law by taking only a one-shot observation. Assume that an organization had a certain compliance level in T1 and that a new policy or law was passed in time period T2. The only observation point is the measurement of its degree of compliance in T3. This is typical of most of the studies of Supreme Court compliance. Since there is no measure of the amount of compliance in T1, it could be that the compliance observed in T3 could have existed without the effect of the law or it could be that it existed previously in T1. This study attempts to solve this problem. First of all, through the interviews, an accurate picture of the amount of compliance which existed in T1 is constructed. Second, the measure of compliance is the amount of pro-compliance behavior which was manifest, rather than just a mechanical measure of whether or not there is legal compliance in T3. After all, there may be some reasons why a union may have moved to a plantwide seniority system totally independent of Title VII, and before Title VII, in order to benefit older workers, for example. It would be erroneous to read that as pro-compliance behavior.

The dependent variable, the amount of compliant activity, is defined behaviorally and provides a measure of actual compliance rather than just legal conformity.¹⁵ This should avoid the problem of interpreting what is symbolic compliance as actual compliance. The compliance scale gives credit to a union for the amount of pro-compliant behavior it manifested between T1 and T3. The behaviors which were included in the scale were: the adoption of plantwide seniority, the clarity of language in agreement, posting procedures, rate retention, the existence of a nondiscrimination clause, a joint civil rights committee, provisions for nondiscrimination testing, provisions for nondiscrimination training, and the incorporation of Title VII standards into grievance and arbitration clauses. Finally, *enforcement* behaviors which worked toward compliance were also credited. For example, a union's aggressively pursuing a race- or sex-discrimination grievance would be an example of enforcement behavior.

VII. RESULTS: WHICH PATTERN OF COMPLIANCE IS DOMINANT?

As was suggested before, there are two criteria by which to judge which type of compliance process is the most important. The first is to see what process is evidenced in the majority of these eleven cases. The second way is to see what process of compliance accounts for the greatest amount of compliance. Caution should be exercised in interpreting any trend in order to make sure that the results are not biased by one case, since the number of cases is so small. The experience of a single local, for example, may disproportionately influence the results, and may be atypical. There was one extremely compliant local, Local #1 and part of the process of examining the evidence involves a determination of whether this local is so atypical that the results from its experience should be discounted.

A. WHAT PROCESS EXISTED IN MOST LOCALS?

Table 2 indicates the type of process and the compliance score for each local. As can be seen from Table 2, no one of the three models was dominant. What had been labelled a voluntary process before appears to encompass two distinct types called the voluntary-active process and the voluntary-passive type. These two types describe compliance in a total of eight of the eleven locals, thus clearly dominating.

The three patterns of compliance which emerged in these locals were: (1) the voluntary-active type which was manifest in two locals; (2) the voluntary-passive type which existed in six locals; and (3) the quasi-bureaucratic type which existed in three locals. It is noteworthy that the legal process did not motivate compliance in any of these locals and neither did the bureaucratic model in its pure form. Of the three types of compliance originally presented, there was no single process which dominated. The voluntary-active and the voluntary-passive are two distinct variations of the voluntary process which was presented earlier. It may be useful to describe each of the three processes listed in Table 2 since they are hybrids of the process types described earlier.

The voluntary-active type is a process in which both the impetus for compliance and the continuation of compliance are voluntary and local in nature. The best example of this process is the experience of Local #1.¹⁶ The voluntary-passive process is voluntary in the sense that the impetus is internal, but the process is also passive in that it results in only low-to-moderate compliance activity. A third type of compliance can be termed quasi-bureaucratic. It is a hybrid of both the voluntary and the bureaucratic process discussed previously. The quasi-bureaucratic type is primarily bureaucratic in that it requires coercion to complete, as characterized by Locals #8 and #9. However, compliance may begin because of local-level forces, not bureaucratic forces. Three locals, two of which are highly compliant locals, were quasi-bureaucratic.

Table 2: Amount of compliance and type of compliance process

Local Number	Compliance Score (Amount of Compliance Activity)	Trichotomons Compliance	Type of Compliance Process
1	34.5	High	Voluntary-Active
2	26.0	Medium	Voluntary-Passive
3	24.0	Medium	Voluntary-Passive
4	24.0	Medium	Voluntary-Active
5	21.0	Low	Voluntary-Passive
6	20.0	Low	Voluntary-Passive
7	28.0	High	Quasi-Bureaucratic
8	25.0	Medium	Quasi-Bureaucratic
9	30.0	High	Quasi-Bureaucratic
10	17.5	Low	Voluntary-Passive
11	24.0	Medium	Voluntary-Passive

In the majority of the locals (eight of the eleven) in this study the process of compliance looks like a voluntary process. However, this does not mean that compliance is voluntary. First of all, the voluntary-active and the voluntary-passive types are distinct types. Secondly, the voluntary-passive ones involve a *minimal* amount of compliance. In fact the voluntary-passive type might be more appropriately characterized as conformity to the legal minima necessary. There are actually only two locals which are voluntary-active, one of which is the highly compliant—and perhaps atypical—Local #1. This suggests there is little support for the voluntary model. For this reason, it appears that the voluntary-active process may not hold across other cases. Each of these cases is described in Table 2.

1. The Voluntary-Active Type

In order to characterize the voluntary-active process it may be useful to discuss compliance in Local #1 in more detail. Local #1 established a very substantial organizational commitment to civil rights compliance. The local retained an additional lawyer, beyond their regular labor law attorney, to handle only civil rights cases. There was an active women's committee gathering evidence on sex discrimination for grievances and there was a black steward who was acting as a civil rights advocate. The local was using a legal strategy to get the employer to comply with part of its voluntary program. Thus the degree of compliance in this local was very high.¹⁷

Although Local #1 appears to lend support for the voluntary model, Local #1 is unique. For instance, in many locals the moderates in the leadership would not have taken on a role of arguing for compliance as a policy goal as they did in Local #1.¹⁸ If this had not been the case, the militant faction would have remained at odds with the old guard over a controversial racial incident which initiated the changes in Local #1. The result would have been that nondiscrimination never would have been adopted as a goal had not the moderate leadership taken that initiative. In other words the role of the leadership in reconciling this difference was unique in Local #1.

The other way in which Local #1 is unique is that it is an organization of

substantial size and with sufficient resources. Otherwise it could not have sustained this level of effort, particularly the retention of an attorney only for civil rights cases. For instance, in a local which could not even afford to pay its officers full time, this expenditure would not have been possible. Even the internal degree of specialization, e.g., the existence of an advocate for females and blacks, may be greater than in most locals. Finally, the "style of leadership" of the current president of the local is such that he is not threatened by delegating authority to specialists or by the existence of several points of view among the leadership. Because of some of these reasons, the conditions in Local #1 can be considered unique.

Reviewing the experience of Local #1 and Local #4 it seems clear that there are limits to the voluntary compliance process.¹⁹ Local #1 exhibited a great deal of compliance. However, it is unique among these eleven locals and probably unique compared to other locals generally. The local union president possessed certain personal qualities, such as his ability to delegate authority without being threatened, which made such high levels of compliance possible. Local #4 did not have a great amount of compliant activity. It is also worth noting that in both cases the presence of controversy²⁰ contributed to putting the issue on the agenda.

2. *The Voluntary-Passive Type*

The voluntary-passive type of compliance is manifest in Locals #2, #3, #5, #6, #10 and #11. Some of these locals, for instance Local #2, Local #3, Local #5, and Local #11, are in legal conformity, that is in compliance with the legal standards for plantwide seniority and bidding procedures.²¹

If the compliance pattern of the locals which are in legal conformity is scrutinized, a common pattern emerges, as exemplified by Local #5. (These legal conformity locals are a subset of the voluntary-passive locals.) The pattern in these legal conformity locals is that civil rights compliance has very low salience. Although there were a fair number of blacks and females in the membership and even in the leadership, none of them viewed themselves as spokespersons or advocates for their group. As a consequence, not only was civil rights compliance never adopted as a major leadership goal, but it was never seriously considered as a goal. For example, one local had always had language requiring plantwide posting and bidding for labor grades 10 and above as well as guarantees of seniority carry-over, but not necessarily full rate retention for promotions.²²

Perhaps the reason for no compliance is that there is no objective need for further compliance in the voluntary-passive cases. This does not appear to be the case. In fact, there seems to have been a great need for compliance.²³

3. *Quasi-Bureaucratic: Voluntary Turned to Bureaucratic*

The rest of the locals—Local #7, Local #8 and Local #9—are those in which the process begins as a voluntary process and ends up bureaucratic. The compliance process in Local #7 is illustrative.

Compliance in Local #7 can be characterized by a great need for change, a high degree of controversy, and the use of bureaucratic devices. Local #7's compliance began in the early 1960's at the initiation of a small group of blacks and the local N.A.A.C.P. After efforts to change certain practices in the local were thwarted, the Office of Federal Contract Compliance of the Department of Labor investigated the union and the employer on charges of race discrimination.²⁴

Notwithstanding that some of the early activity was voluntary, much of the successful pressure to change was bureaucratic. For instance, the negotiation of a master contract containing a nondiscrimination and seniority carry-over clause helped effect change in this local. This local could not have achieved the level of compliance it did by voluntary means alone. Specifically, had bureaucratic mechanisms such as the international union and the consent decree not been used, the only change would have been the merger of the black and white seniority lines.²⁵

It is worth noting that there was a great need for change and a great amount of controversy in this local. There was an incident in Local #7 concerning the integration of water fountains which illustrates both the great amount of change necessary and the amount of controversy present in this local. Originally there were separate "White" and "Colored" water fountains, so that the first step taken was to remove the signs on the fountains. However, the blacks continued to use "their" water fountain and the whites "theirs." Finally the employer and the union agreed that one water fountain should be removed. When this was done, all the white employees began bringing their water from home in thermoses. The story illustrates the fact that people looked upon a separate water fountain as a symbol, and as something which could not be changed without some degree of controversy. It also indicates that a union's voluntary compliant behavior is perhaps only the first step in changing social attitudes or behavior.

There is strong evidence that the actors thought the process was bureaucratic and that the black and female activists gave much credit to the international union for its role in effecting compliance. A quote from a local union activist illustrates the fact that bureaucratic means were necessary in the light of such fierce resistance. "We could not have done this without the Decree" the activist asserted.

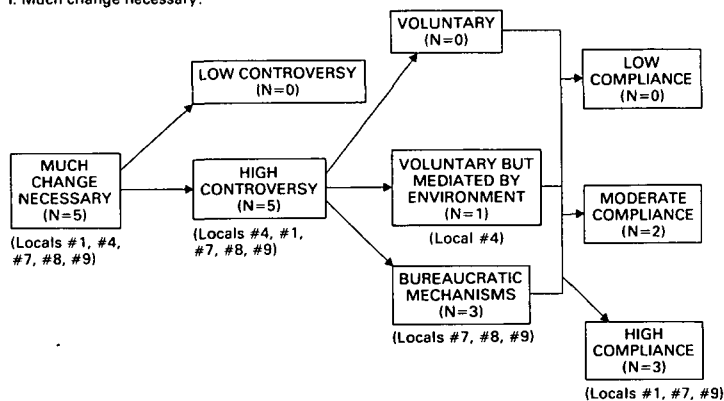
B. WHICH PROCESS EXPLAINS A HIGH DEGREE OF COMPLIANCE?

So far, we have examined the first criterion, that is which of the three types of compliance dominates the eleven locals. The majority of the eleven locals, including the most compliant local, are technically categorized as voluntary process locals (see Tables II and III).

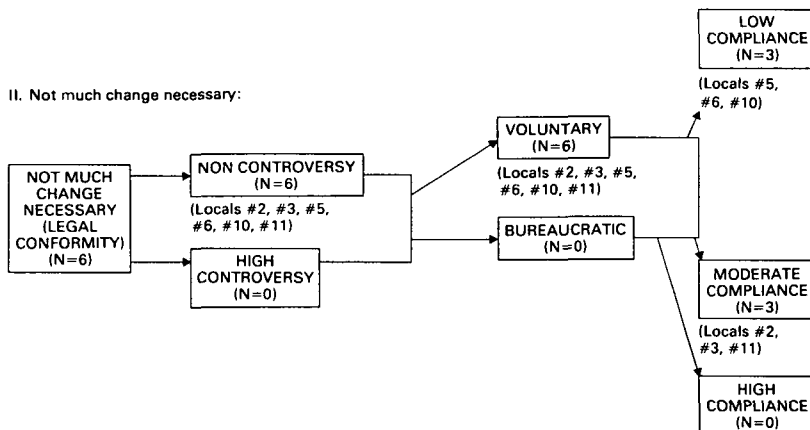
It is the author's contention that bureaucratic means are most effective in achieving compliance. This becomes clear if the second criterion is used: which model explains the greatest amount of compliance. All of these

Table 3: Compliance scenario

I. Much change necessary:



II. Not much change necessary:



voluntary locals except Local #1 and Local #4 are also categorized as *passive* in their compliance behavior, in that the amount of activity is minimal and constitutes legal conformity only. Furthermore, the compliance activity in these minimal compliance locals often occurred either before the Civil Rights Act was passed or for reasons unrelated to civil rights compliance. It has been argued that compliance in Local #1, which is considered to be exemplary of voluntary efforts, can only be explained by a *unique* set of circumstances. This means that Local #4 remains the only case of voluntary-active compliance which is potentially generalizable. However, Local #4 does not have an extremely high degree of compliance due to the constraints of environmental factors.

VIII. SUPPORT FOR THE BUREAUCRATIC MODEL

Furthermore, the locals which have been described as quasi-bureaucratic, although they exhibited voluntary compliance to begin the process of com-

pliance, clearly needed bureaucratic means to complete compliance. What this suggests is that a voluntary process is not sufficient to ensure a high degree of compliance, at least in these eleven locals. However, voluntary compliance does serve two useful functions: it serves to ensure minimal compliance, such as legal conformity; and it serves to initiate compliance, although not to complete it. A bureaucratic process seems necessary in order to attain a high degree of compliant activity.

A. SPECIFIC BUREAUCRATIC MECHANISMS

The suggestion is that the bureaucratic process of compliance is responsible for the high degree of compliance activity in Locals #7 and #9 and the moderate amount in Local #8. What specific bureaucratic mechanisms aid compliance? The interviews suggest that nearly all the bureaucratic mechanisms are helpful in the process of compliance.

1. *Influence*

The influence of the international union does appear to be a factor in compliance. Evidence of this is in the fact that the locals in the voluntary-passive group are not particularly close to their international representatives with the exception of Local #6 and Local #10, and not nearly as close as Locals #7, #8 and #9. In other words, the minimal compliance of these locals seems to be related to their autonomy in terms of the international unions.

2. *The Use of Specialists*

The second bureaucratic mechanism, the use of specialists such as the staff of the legal departments of the unions, clearly helps compliance. In interviews with the top leadership of international unions, the general counsels of both unions were credited for the speed with which the policy was formulated and for the substance of the policy. An aggressive stance was taken by the two legal departments even though there was a great deal of ambiguity in the case law.²⁶

3. *Use of a Scapegoat*

There is some support for the notion that the international union was a scapegoat for an unpopular policy. In most of the extremely compliant locals except Local #1, the international union was cited as the reason that the change in the local seniority system was necessary.

4. *National Bargaining*

It appears that national bargaining helps compliance. The support for this comes from two sources: first, there is the general trend among the national bargaining locals as opposed to other locals. This indicates that national bargaining locals have a higher amount of compliant activity than the other locals.²⁷ Secondly, the interview material suggests that national

bargaining serves a critical role. The main way it functions is to establish language which sets a threshold level of compliance.

5. *Consent Decree*

A bureaucratic mechanism which was more coercive and which seemed to be critical to compliance was the use of the consent decree. Generally, the locals do not have a voice in determining the changes in seniority which were agreed to by the international union, the employer and the government under the consent decree, but they do have a role in enforcing them through the implementation committees. The interviews strongly suggest that, given the recalcitrance of local leadership, voluntary compliance would not have achieved the same high degree of compliance that the consent decree did. Also a comparison of the consent decree locals and the non-consent decree locals show there is a higher average compliance score among the consent decree locals.²⁸

6. *The Perception of Sanctions from the International*

Each of the mechanisms described above assumes that the international union affects the local union's behavior in a direct and conscious way. It is possible that the international union may affect a local union's behavior more indirectly if local union leaders perceive that sanctions from the international, either positive or negative, will result from their behavior.²⁹ However, there is no support for the notion that the local union leaders' fear of bureaucratic sanctions from the international actually causes a greater amount of compliance in the high-compliance locals.

IX. QUASI-BUREAUCRATIC MODEL:

WHAT DOES DETERMINE COMPLIANCE ACTIVITY?

It was already shown that the quasi-bureaucratic model is the most effective model of compliance, because it is associated with a great amount of compliant activity. (This conclusion was reached even though there was one voluntary-active process local which had the highest amount of compliance. This is due to the fact that the conditions in the voluntary-active local were considered unique.) Furthermore, the usefulness of individual bureaucratic mechanisms has also been documented, which lends support to the importance of the bureaucratic model.

A. AMOUNT OF CHANGE AND CONTROVERSY

As can be seen in Table III, there appear to be two other important factors associated with high compliance: the amount of change necessary and the amount of controversy. First, it appears that the highly compliant locals were ones in which much change was necessary because of past discrimination by the employer, local, or the community. Conversely, out of the six locals which had little net change necessary, three were low in compliance

and three were moderate in compliance. (This was not an artifact of the way this was measured.) However, it is difficult to separate the amount of change necessary from the employer's attitude because the two are closely related. In fact, in most of the cases where much change was necessary for compliance, the employer did appear to have a poor record of race relations.³⁰ The amount of change as a stimulus may be explained by the fact that a hostile employer attitude may force the local union leadership to address the civil rights issue. In this way civil rights will not be pushed out by the more "urgent" issues of bargaining a contract and enforcing the contract.

The second factor associated with high compliance is the amount of controversy over race or sex discrimination in these locals, as detailed in the previous section. It seems this serves the function of forcing the issue of civil rights compliance onto the agenda of the local union leadership. In the absence of this, there may be the perception that there is "no problem" even when there is virtually no compliance. In this case, it may not be that there are "no problems" as much as that the problems have never been raised. In other words, the controversy serves the purpose of forcing the local union officials from a position of nondiscrimination to an affirmative stance. Since the local union leadership has more on its agenda than it can possibly accomplish, a controversy or crisis may be necessary to attract its attention to an issue which is considered a "luxury" issue, such as Title VII compliance.

B. OTHER FACTORS

There were other factors such as organizational and community characteristics which were controlled for in this study. These included: the age of the bargaining relationship; the size of the local; the location and size of the community; and presence of black and female leadership;³¹ the number of blacks and females in the local; the strength of the bargaining relationship; the employer attitude to labor relations and to civil rights compliance; the attitude of the local union leadership on domestic political issues including civil rights; the role of interest groups in the community; and the amount of legal activity. Generally, none of these proved to be consistently more important to the amount of compliance activity than the factors mentioned above. Further, the mere presence of blacks in the membership or leadership does not seem to be related to compliance. However, the amount of black and female *advocacy*, which is a concept developed elsewhere, does have an effect (Hoyman, 1980).

C. SUPPORT FOR THE LEGAL MODEL

There is not much support for the premise that the law directly affects local union leaders' behavior, as described in the legal model. Local union

leaders have too little information on what the law is for this to operate as the direct cause. Most of them define nondiscrimination differently from the way the case law does. Furthermore, in the interviews none of the leaders credited the law as the motivating and sustaining force in causing compliance in their locals. This is not to imply that legal activity is not important. Legal activity as a *strategy* was used effectively in several locals in which the compliance process was essentially voluntary or bureaucratic. However, this does not mean that the motivation to comply was legal.

X. IMPLICATIONS

It may be useful to comment on the ability to generalize from these results. In a technical sense, they cannot be generalized to other local unions due to the small number of cases and their nonrandom selection. Furthermore, the two international unions both had a vigorous policy of compliance which puts them on the compliant end of the continuum. In other words, this study represents an assessment of compliance under the most favorable conditions.

The finding that compliance in the civil rights area works better when a great deal of change is necessary, when a great deal of controversy is present and when bureaucratic mechanisms are used is a significant, if not an ironic, result. It would seem intuitively that the nearer an organization is to compliance, the easier it is to comply. Instead, the implication of this study is that the more the organization has to change, the more likely it is to change. In other words, a legally mandated change such as this can occur more easily if the issue is an extremely salient one.

The results, particularly the results on controversy, are fraught with implications for how democratic processes affect the implementation of public policy. One of the chief ways that controversy affects change is that the scope of the conflict becomes broader than that between the individual employee and the employer as with the case of the discharged black in Local #4. In fact, in the controversial situations there are interest groups from the larger community involved. Controversy has the effect of adding to the visibility of the conflict. This means that the parties are forced to resolve the issue, rather than submerge it. What this implies is that the compliance process is dependent on the scrutiny of actors external to the local such as interest groups and the press. In other words the permeability of the organization to outside groups is a way in which the broader democratic forces impact on local union compliance.

It is possible to think of other policies to which these results may apply by dint of the fact that the policies have a high degree of salience or controversy and thus require bureaucratic intervention in order for compliance to occur. One case in which these results would apply is a situation in which the actor who should be initiating the change, such as a local union, a school board or a city, is either unaware of the change or resists the

change. Thus compliance would occur as a result of some bureaucratic coercion brought about by an intervening organization, such as an international union or a state bureaucracy.

The type of policy for which these results may be useful is a redistributive policy, a policy which is *viewed* as being redistributive, or a policy which is controversial or threatening such that there is little incentive for the leadership to comply. Although civil rights is a regulatory policy, it is viewed as redistributive by many of the actors (see Lowi, 1966; see also Lowi, 1972). These results also apply when the policy as articulated by the court or the Congress is ambiguous or is not compatible with the values of the actors. This may be typical of many of the Supreme Court rulings in the civil rights policy area, such as the school desegregation decisions.

One clear implication is that it is overly optimistic to expect a great deal of compliance to occur in a voluntary way in the civil rights area other than merely the initiation of efforts. Similarly, the forecast for a great amount of compliance in some of these policy areas looks bleak. This is because it appears necessary to have a bureaucracy with a pro-compliance attitude to intervene. The chances of individuals or other actors such as unions reacting directly to the law and complying voluntarily seem slim, particularly if the policies are technical and/or controversial.

This triumph of bureaucracy over democracy in unions for civil rights compliance may look puzzling. After all, there is a clear position in American public policy, in the form of the Landrum Griffin Act, that unions ought to be democratic. Congress thought it was better for them to be democratic than bureaucratic, and set about regulating certain procedural guarantees of democracy, such as the holding of elections, etc. However, the result on the importance of the bureaucracy is explicable when one considers that the policy area is civil rights. Civil rights compliance is distinctive in that by definition it involves the rights of a minority of union members, either blacks or females, rather than the rights of the majority. Given this, compliance may occur more easily through bureaucratic than democratic means. Also the fact that the change being studied here is a change in a seniority system may be of importance. Put in the industrial relations context, a change in the seniority system is a change in a set of expectations that the majority of workers have about what can be expected on the job. As such, it may be unreasonable to expect a democratic groundswell by the white majority in unions to change seniority to benefit blacks and females. In fact, it is reasonable to expect that this would happen as a result of bureaucratic coercion.

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NOTES

1. This definition of compliance, which includes the use of plantwide seniority, the use of posting and the use of rate retention was changed in the *Teamsters* decision (*International Brotherhood of Teamsters v. United States* 431 U.S. 324). This definition stated that bona fide seniority systems, even departmental (as opposed to plantwide), are protected under section 703h of the Act.
2. The Court, using a literal reading of the Act, stated that departmental systems were not unlawful, because section 703h exempted bona fide systems from consideration as unlawful practices. Furthermore, the court made a pre-Act versus post-Act distinction in the granting of retroactive seniority.
3. For a discussion of institutional interests served by the seniority system, see Slichter, Healy and Livernash (1960).
4. International A is an industrial union of 285,000 members with a progressive tradition concerning domestic policies which includes civil rights policies.
5. International B is an industrial union with nearly one-and-a-half million members.
6. The employer coalition involved in this decree originally did not include one of the large employers who normally bargains with the group. However, the group was expanded later. Besides the use of companywide seniority, transfer rights across departments, and rate retention, the decree called for the establishment of quotas for the apprenticeship program and the validation of employer selection tests to ensure that they are in compliance with the agency's guidelines on employee selection procedures. The implementation of the decree occurs at the local level through a committee composed of one management representative, one union representative, and one representative of the affected class.
7. This local-level model does not deny the possibility that in spite of compliance efforts being voluntary and local in nature there may have been some prior external event which originally forced the civil rights issue onto the local union's agenda. However, if the external event acts only to precipitate compliance but does not sustain the motivation to comply, this process is considered primarily voluntary.
8. See Dolbeare and Hammond (1971). The reason for the inactivity of local elites in this study seemed to be the personal value the leaders placed on the free exercise of religion as well as their perception that the Court's school prayer ruling meant that only coercion to participate in religious exercises was outlawed. Dolbeare and Hammond found that the local officials "misunderstood" compliance and resisted information about the extent of violations in the schools.

There is much evidence from other studies that the personal values of the elite, their views on the Court, and their attitudes toward the legitimacy of the decision and the role of the legal profession, in particular, are important to compliance. For instance, there is Wasby's (1970: 264-265) finding that compliance is higher where the local leaders prefer the substance of the ruling court and where they hold a favorable view of the court. Johnson's (1967: 10-12, 142) study of school prayer decisions found that superintendents who view the court's decision as legitimate managed to effect compliance even though community values were hostile to the change. Also, in his study of the *Shempp* school prayer decision, Muir (1967: 131) documented the role of elites, particularly the legal profession in leading the way toward compliance. See also Wirt (1970). In finding out why there was not more compliance in another school prayer case, the *McCullum* case, Patric (1957) found that noncompliance

resulted because the same administrators who originally formulated the prayer policy were put in charge of implementing the new policy. For an excellent work using social reenforcement in a dynamic model of compliance, see Kohfeld and Likens (1982).

9. Rodgers and Bullock (1976: 41–42) found that coercion was most intense in desegregation cases not only where school officials disagree with desegregation, but also where there was: (1) a large black population; (2) a low income level; (3) an elected superintendent; and (4) noncompliant neighboring districts. In terms of the activity of blacks, Rodgers and Bullock posited that there should be a positive relationship between the activity of blacks and progress in school desegregation, but they actually found a negative correlation. They were attempting to investigate whether black activity is related to the amount of coercion needed to achieve desegregation. Black activity seemed to have no effect on the amount of coercion necessary. The percentage of blacks in the community seemed to have a negative effect on the amount of coercion, but the authors speculate that the community mean income and the black mean income are intervening variables between the black percentage in the community and the amount of coercion.
10. A consent decree is a negotiated agreement between the government, the employer and the union as a settlement of legal action brought against the employer, the union or both of them. Although it is negotiated, it includes remedies which the court has the authority to enforce.
11. Professionalization as a bureaucratic characteristic has a more complicated relationship with compliance. Although the effect of having a professional staff may increase information levels, it may also tend to mean that the staff will rely on its internal norms more than external laws. Milner's study of compliance with the *Miranda* ruling found the net change in reaction to *Miranda* was not related to a high level of professionalization in the police department. See Milner (1972: 308).
12. Hage and Aiken (1967) found that a decentralized work structure in welfare organizations correlated with a high rate of program change. Rosenthal and Crain (1966) found just the opposite to hold true: that centralized support helped an issue. Hawley (1963) found that the concentration of power was an important factor in determining the progress of urban renewal programs in American cities. See also Aiken and Alford (1970). For a good theoretical work, see Downs and Mohr (1976). See also Loy (1969), and Normann (1971).
13. See Neustadt (1976). In this way, the international union can act as a "transmitter" of the Court's policy message, either clarifying the policy, thus increasing the chances of compliance, or obfuscating the policy, thus decreasing the chances of compliance. The international does this through its program for compliance or lack of such a program. For a work on the role of the federal courts in achieving compliance, see Peltason (1961).
14. The local union is the unit of analysis for this study. It may be useful to note why this study focuses on the union since seniority is jointly determined by the two parties. The institutional interest of the union in seeking seniority as a basis of promotion is to adopt an unbiased system of distributing promotions which reduces management's discretion. The employer's institutional interest is to preserve its rights to manage which, in this case, would include making qualitative personnel decisions, rather than using seniority, as the basis for upgrading or promotions. Thus it is the *union* rather than management which usually is more concerned about seniority and which initiates changes in the seniority system (Schlichter, Healey and Livernash, 1960).

Secondly, it may be useful to indicate why the focus is on the local union. The local union is more important than the international union for compliance

because of the highly decentralized nature of the American labor movement. In other words, there may be as much variation in the compliance experience across locals in the same international as across internationals.

The author acknowledges that labor's position on politics and civil rights may be decided at a central level, such as by the international union or the A.F.L.-C.I.O., but the support and activity for these central decisions vary across local unions. Moreover, since compliance with civil rights policy often depends on negotiating new contract language for seniority practices, the local union, not the international union, is the appropriate level at which to measure compliance because of the variation in local compliance. Although it is somewhat of an oversimplification, it is still accurate to say that an international union sets policy and the local union implements it. There are two major ways in which this research design tries to accommodate local-level variation mentioned above. First, there is no uniform instrument used except for the standard items used to measure political attitudes (the traditional conservative-liberal scale). There was no way to assure that a single questionnaire could be designed which would have validity for each of these unions. This is because of the large variation in characteristics of local unions.

The second way is the flexibility in selecting respondents. The president of the local, the chairperson of the grievance committee and the chairperson of the negotiation committee were interviewed from each local. Beyond that, the interviews themselves became the basis for identifying who the other respondents should be. The first set of interviews helped identify which individuals were the advocates for blacks and women, and who was familiar with the history of race and sex relations and the events surrounding Title VII compliance. These persons were then interviewed.

15. The compliance scale includes the following weighted items: (1) the presence of plantwide seniority for the purpose of upgrading (maximum=10); (2) the ambiguity or clarity of language on upgrading criteria (maximum=0, minimum=-1); (3) the procedures for posting (maximum=7); (4) the provisions for rate retention (maximum=4); (5) a nondiscrimination provision and a provision for a joint civil rights committee (maximum=4); (6) a provision for nondiscriminatory training (maximum=4); (7) provisions for nondiscriminatory testing or for union monitoring of testing (maximum=3); (8) the incorporation of Title VII standards into grievance language and arbitration clauses (maximum=1); and (9) other efforts besides legal conformity (maximum=10). The ninth part of the measure includes the enforcement and follow-up activity in which a local engages to ensure that actual, rather than just symbolic, compliance occurs. Such enforcement behavior includes: (1) a union aggressively pursuing grievances which allege race and sex discrimination; (2) a union filing an unfair labor practice over the employer's failure to disclose the statistics necessary for bargaining; and (3) a union seeking compliance through an outside agency when bargaining is not successful.

There are three points by which compliance in each local is measured: the starting point, the amount of change and the ending point. The starting point is the time immediately before the Civil Rights Act was passed or the period of time before the civil rights issue was addressed in this local. The amount of change is the amount of compliant behavior which occurred between the starting point and the ending point. The ending point is the time when the interview was held, sometime between March 1977 and May 1977.

One of the issues in developing a measure of compliance is how much to weight each of these points. For instance, if the measure includes only the amount of change there is a possibility that a local might be classified as noncompliant because it had already been in compliance, meaning that it had needed no

change. Conversely, there is a problem if *only* the ending point is considered as a measure of compliance without reference to the starting point. For example, a local which has a starting point of resistance to compliance has a great amount of change but still has an ending point of less than full compliance. Thus the amount of compliance would be understated. This measure attempts to take into account all three points as well as to count the amount of compliance in the plantwide seniority area more heavily than other aspects of compliance since it is the main focus. The following weighting is used: (Amount of change times 2)+(amount of change on plantwide seniority only)=compliance score.

The definition of legal conformity which is referred to in later sections is the compliance which satisfies the legal requirements only in a literal and minimal way. This would mean the adoption of some minimal version of plantwide seniority, plantwide posting of job opportunities across departments, and provisions for rate retention in the case of a transfer to a new department. (A local could be in legal conformity without having made any change—just because it had always had a plantwide seniority system.) The absolute numbers for each local formed by using this scoring technique is broken down into three categories: low, medium and high compliance (see Table 2).

Most of the other measures for other variables are dichotomous and are coded from the interviews. For instance, the amount of controversy is dichotomous, divided into high and low controversy. The amount of change necessary is a dichotomous variable which corresponds to the starting point of the compliance measure. National bargaining is a dichotomous variable which indicates whether or not the local union participates in national bargaining.

16. The event which led to the picketing was the firing of a Chinese-American employee who hit his supervisor when the supervisor made a racist comment about him. The settlement consisted of reinstatement of the three picketers and the Chinese worker.

The stimulus for compliance in this local was a racial incident in 1972. After three employees picketed in protest of the employer's handling of a racial incident, they were fired. The leadership and membership were divided over whether to defend the three employees, with most of the leadership favoring taking the case to arbitration. The case was eventually settled without going to arbitration, but it forced the leadership to turn their attention to civil rights compliance. The scope of conflict expanded beyond this particular incident after the three picketers formed a rival faction which ran a slate of officers with an aggressive pro-civil rights platform. Eventually, the two factions reconciled their differences. This was due to the role of some of the moderates in the leadership who were won over to the young faction's viewpoint. This resulted in the leadership as a whole endorsing the policy of nondiscrimination.

17. This was the most compliant local of the eleven with a compliance score of 34.5. The interviews with the union indicated two other factors which were noteworthy: there had been a history of employer discrimination, and there was weak contract language. For instance, there was no arbitration procedure for classification grievances. This may partially explain the local's use of legal activity as a strategy.
18. There would have been two long-term possibilities for the future of these factions in that case: the two factions might have remained antagonistic long after the details of this dispute were forgotten, leaving basically two factors based on personality—such as Local #6 and Local #3; alternatively, the young faction could have disappeared once this issue had been resolved. In Local #4, the controversy was enormous. There was an incident involving the discharge of a black employee. The issue was defined in terms of blacks versus whites, rather than in terms of a discharge case. There was another incident involving the first

woman to be hired. This incident typified the resentment and controversy surrounding the integration of women into the plant labor force. At the first union meeting attended by a large and visible contingent of women, a male union member stood up and said "There's no place for a woman at a union meeting." Considering that this attitude appeared to be dominant when women were first hired, much progress has been made. There are now several female stewards, one of whom is the chief steward for one shift.

19. Contrasting Local #4 to Local #1, it can be seen that the compliance turned out to be relatively low in Local #4 (see Table 2). Compliance in Local #4 was voluntary and was sparked by a controversial incident. The incident involved the discharge of a black male employee for allegedly making sexual advances towards a white nurse. Unlike Local #1, nondiscrimination was never adopted by the leadership as a goal. This fact, combined with the environmental constraints of the local's location in a 14b state, meant that the voluntary compliance efforts in Local #4 did not achieve a great degree of compliance.
20. See Crain (1969) for a discussion of the role of controversy in compliance. There was an incident involving the discharge of a black employee for allegedly sexually harassing an employee.
21. For instance, Local #2, which described itself as independent, did send the international union the information on departmental and plantwide minority percentages which it requested, but after the international informed the local that the contract language was in conformity. The local leadership concluded that this was the extent of their obligation. Thus they adopted a liberal interpretation of the policy and concluded that they had complied completely. They did this in spite of the evidence from the interviews that there was a great need for more compliance. Also, Local #6 and Local #10 have plantwide seniority and bidding. However, Local #6 has a requirement that a person must stay in 1 department for 18 months before it is considered his/her home department, while Local #10 has a 60-day requirement.
22. What the local had bargained was not an absolute right to retain rates but a system by which the rate was determined by the individual's ability "to perform the work."
23. For instance, the interviews in Local #5 indicated that as a result of an Office of Federal Contract Compliance (Department of Labor) review, an affirmative action plan had been adopted to correct certain deficiencies in hiring and recruitment practices. There had been little movement of women into male-dominated positions.
24. The efforts of this group led to the formation of a national black organization within the international union. One of the early demands of the group was to broaden the seniority units into lines of promotion seniority. This had been done through voluntary efforts in Local #8 where there was a greater number of black members and black leaders.
25. This is not to say that there were no changes as a result of voluntary compliance efforts. In Local #8 the leadership made the most movement, pushing for and winning a clause guaranteeing seniority carry-over after two years of service. This responsiveness was attributed to the high number of blacks in Local #8. Interestingly, although there was a higher number of blacks in the membership in Local #8, there was a higher number of blacks in the leadership in Local #7. Notwithstanding the gains made in Local #8, the amount of change was extremely small in comparison to the amount of change necessary. There were also some changes in Local #9, but these were due to the militancy of the local. These voluntary efforts had the effect of broadening the seniority system for promotions, but were not motivated by a desire to comply with civil rights legislation. They did not ensure the high level of compliance which the later

bureaucratic efforts did. The high level of compliance in Local #9 could not be attributed to voluntary efforts but rather to later bureaucratic efforts.

26. It is worth noting also that the two international unions heeded the advice of their specialists. The legal department's advice might not have been followed if the political leadership of these unions had been less liberal. The legal department might have been relegated to an essentially defensive role of defending the international union against suits which were filed against it.
27. There is a significant difference in compliance scores of locals with national bargaining and locals without national bargaining. However, given the small number of cases and the bias in selection of locals, this result should be interpreted cautiously.

	N	Avg: Compliance Score	Pooled Variance		
			T-Value	DF	2-Tail Prob.
Local Bargaining					
Locals	6	22.0	2.87	9	.018
National Bargaining					
Locals	5	28.3			

28. There is a higher average compliance score among the consent decree locals than among the non-consent decree locals, but it is not a significant difference. As before, this should be interpreted cautiously due to the numbers. The results are as follows:

	N	Avg: Compliance Score	Pooled Variance		
			T-Value	DF	2-Tail Prob.
Locals not under consent decree	8	23.8	-1.23	9	.25
Locals under consent decree	3	27.6			

29. These sanctions may be negative or positive. Negative sanctions might include the refusal of legal services to a recalcitrant local if it is blatantly violating the law or the international's policies. Positive sanctions could include practices such as the appointment of "likeminded" local leaders to the international union staff.
30. This was true except for Local #9 where the attitude could be described as between legalistic and liberal.
31. For example the percent black is important in explaining the difference in the amount of progress between Local #7 and Local #8, but this does not hold across other locals consistently (see Hoyman, 1981).

REFERENCES

- AIKEN, M. and R. ALFORD (1970) "Community Structure and Innovation: The Case of Public Housing," *American Political Science Review* 64: 843-864.
- BROWN, D. and R. STOVER (1977) "Court Directives and Compliance: A Utility Approach," *American Politics Quarterly* 5: 465-480.
- CHILD, J. (1972) "Organization Structure and Strategies of Control: A Replication of the Aston Study," *Administrative Science Quarterly* 17: 163-177.
- (1973) "Strategies of Control and Organizational Behavior," *Administrative Science Quarterly* 18: 1-17.

- CRAIN, R. (1969) *The Politics of School Desegregation*. Garden City, New York: Anchor Books.
- DOLBEARE, K. and P. HAMMOND (1971) *The School Prayer Decisions: From Court Policy to Local Practice*. Chicago and London: University of Chicago Press.
- DOWNES, G. W., JR. and L. MOHR (1976) "Conceptual Issues in the Study of Innovation," *Administrative Science Quarterly* 21: 700-714.
- HAGE, J. and M. AIKEN (1967) "Program Change and Organizational Properties: A Comparative Analysis," *American Journal of Sociology* 72: 503-519.
- HALL, R. (1963) "The Concept of Bureaucracy: An Empirical Assessment," *American Journal of Sociology* 69: 32-40.
- HAWLEY, A. (1963) "Community Power and Urban Renewal Success," *American Journal of Sociology* 68: 422-431.
- HOYMAN, M. (1980) "Leadership Responsiveness in Local Unions and Title VII Compliance: Does More Democracy Mean More Representation for Blacks and Women?" *Proceedings of the Thirty-Second Annual Meeting of the Industrial Relations Research Association* (December 28-30, 1979). Madison, Wis. Industrial Relations Research Association.
- (1981) "Effectiveness of Black and Female Advocacy in Determining Civil Rights Compliance in Local Unions." Unpublished paper.
- JEFFEREY, C. (1962) "Criminal Justice and Social Change," in J. Davis et al. *Society and the Law: New Meanings for an Old Profession*. New York: Free Press of Glencoe.
- JOHNSON, R. (1967) *The Dynamics of Compliance: Supreme Court Decision Making From a New Perspective*. Evanston: Northwestern University Press.
- KOHFELD, C. and T. LIKENS (1982) "Mass Compliance and Social Interaction: A Dynamic Formulation," *Law and Policy Quarterly* 4: 353-372.
- LOWI, T. (1966) "Distribution, Regulation, Redistribution: The Functions of Government," in R. Ripley (ed.) *Public Policies and Their Politics*. New York: Norton.
- (1972) "Four Systems of Policy, Politics, and Choice," *Public Administration Review* 32: 298-310.
- LOY, J. (1969) "Social Psychological Characteristics of Innovators," *American Sociological Review* 34: 73-82.
- MILNER, N. (1972) "Comparative Analysis of Patterns of Compliance with Supreme Court Decisions: 'Miranda' and the Police in Four Communities," in S. Krislov (ed.) *Compliance and the Law: A Multi-Disciplinary Approach*. Beverly Hills: Sage Publications.
- MOHR, L. (1969) "Determinants of Innovation in Organizations," *American Political Science Review* 63: 111-126.
- MUIR, W. K., JR. (1967) *Prayer in the Public Schools: Law and Attitude Change*. Chicago and London: University of Chicago Press.
- NEUSTADT, R. (1976) *Presidential Power: The Politics of Leadership*. New York: Wiley.
- NORMANN, R. (1971) "Organizational Innovativeness: Product Variation and Reorientation," *Administrative Science Quarterly* 16: 203-215.
- PATRIC, G. (1957), "The Impact of a Court Decision: Aftermath of the McCollum Case," *Journal of Public Law* 6: 455-464.
- PELTASON, J. (1961) *Fifty Eight Lonely Men: Southern Federal Judges and School Desegregation*. New York: Harcourt, Brace and World, Inc.
- PENNINGS, J. (1973) "Measure of Organizational Structure: A Methodological Note," *American Journal of Sociology* 79: 686-704.
- PUGH, D., D. HICKSON, C. HININGS and C. TURNER (1968) "Dimensions of Organization Structure," *Administrative Science Quarterly* 13: 65-105.
- RODGERS, H. R., JR. and C. S. BULLOCK, III (1976) *Coercion to Compliance*. Lexington, Mass: Lexington Books.

- ROSENTHAL, D. and R. CRAIN (1966) "Executive Leadership and Community Innovation: The Fluoridation Experience," *Urban Affairs Quarterly* 1(3): 39-57.
- SCHLEI, B. and P. GROSSMAN (1976) *Employment Discrimination Law*. Washington, D.C.: Bureau of National Affairs.
- SLICHTER, S., J. HEALY and E. LIVERNASH (1960) *The Impact of Collective Bargaining on Management*. Washington, D.C.: Brookings Institution.
- STOVER, R. and D. BROWN (1975) "Understanding Compliance and Non-Compliance with Law: The Contributions of Utility Theory," *Social Science Quarterly* 56: 363-375.
- TITTLE, C. (1969) "Crime Rates and Legal Sanctions," *Social Problems* 16: 409-423.
- TITTLE, C. and C. LOGAN (1973) "Sanctions and Deviance: Evidence and Remaining Questions," *Law and Society Review* 7: 371-392.
- WASBY, S. (1970) *The Impact of the United States Supreme Court: Some Perspectives*. Homewood, Ill.: Dorsey Press.
- WIRT, F. (1970) *Politics of Southern Equality: Law and Social Change in a Mississippi County*. Chicago: Aldine.

CASES

- GRIGGS v. DUKE POWER (1970) 401 U.S. 424.
- INTERNATIONAL BROTHERHOOD OF TEAMSTERS v. U.S. (1977) 431 U.S. 324.
- LOCAL 189, UNITED PAPERMAKERS AND PAPERWORKERS v. U.S. (1969) 416 F.2d 980 (5th Cir.), cert. denied 397 U.S. 919 (1970).
- QUARLES v. PHILIP MORRIS (1968) 279 F. Supp. 505 (E.D. Va.).
- ROBINSON v. LORILLARD CORP. (1970) 319 F. Supp. 835 (M.D. N.C.), aff'd. 444 F.2d 791 (4th Cir., 1971), cert. denied 404 U.S. 1006 (1971).
- UNITED STATES v. BETHLEHEM STEEL CORPORATION (LACKAWANNA) (1970) 312 F. Supp. 977 (W.D.N.Y.) modified and remanded, 446 F.2d 652 (2d cir., 1971).
- UNITED STATES v. U.S. STEEL CORPORATION (FAIRFIELD) (1973) 371 F. Supp. 1045 (N.D. Ala.), revised in part, 520 F.2d 1043 (5th Cir., 1975).

STATUTES

- CIVIL RIGHTS ACT OF 1964 (78 Stat. 253, 42 U.S.C. 2000e et seq.) as amended by
EQUAL OPPORTUNITY ACT (P.L. 92-261, effective March 24, 1972).

