

EMPLOYMENT DISPUTE RESOLUTION

T. Zane Reeves, PhD
Spring Semester, 2013
PUBLIC ADMINISTRATION 528

“Violence is the last refuge of the incompetent.”
---Isaac Asimov, US author [Russian born], 1920-1990

COURSE OVERVIEW

This course is an overview of conflict and dispute resolution in the workplace. The first part of the course explores the origins of conflict in humans with particular attention to the emotions surrounding dispute resolution and prevention. Issues of aggression, bullying, and violence are analyzed in depth. Conflicts are examined in the context of inherent physiological facets of the brain, the influence of cultural and social values as well as socialization by family, peers, and organizational culture. Conflict as a functional and dysfunctional dynamic is compared, with attention to why conflict is sometimes positive and at other times destructive in work teams. Particular attention is given to power of emotion and the application of Emotional Intelligence in resolving disputes.

The second part of the course looks at formal structures and techniques for resolving disputes and grievances in the workplace. The underlying assumption is that negative conflict is most effectively addressed as soon as it emerges, rather than waiting until grievances evolve into disputes, aggression, violence, litigation or concerted job actions. In this regard, the course will analyze the appropriate uses ADR techniques, i.e., enhanced communication, negotiation strategies, as well as third-party neutral approaches such as mediation, conciliation, facilitation, fact finding, ombudsmen, and arbitration.

REQUIRED READINGS

T. Zane Reeves, *Employment Dispute Resolution handout* (available on Ereserves)

AGENDA

January 25: Employment Dispute Resolution

- Syllabus review
- Concepts and terminology
- Approach and expectations

February 1: The Role of emotions in conflict resolution

- “Emotions in communication,” by TZ Reeves
- “Ladder of inference and handling emotions” by Deborah Hall
- “Emotional intelligence (EQ),” by Helpguide.org
- “The Brain and emotions,” by Kimberly Renk

“Talking to the ‘right’ brain in a conflict,” by Bill Eddy
 “Regular arbitration panel,” TZ Reeves, arbitrator
Read: pp.1-33
Complete two self-assessment exercises, p. 33

February 8: Conflicts in the workplace

“Conflict: Good or bad?” by Deborah Hall
 “Understanding your conflict resolution style,” Avtec Thomas-Kilmann Conflict Mode Instrument
 “What did I do wrong? A cultural misunderstanding,” by TZ Reeves
 “Nyack Spinning Mill”
 “Obituaries and editorial,” Albuquerque Journal
Read: pp.34 -70
Complete three self-assessment exercises, p. 70

February 15: Negative conflicts at work

“Speaking your mind,” by Chris Warren
 “Putting on the other shoe,” exercise (complete exercise)
 “The Abilene paradox,”
 “The Unsinkable Molly Brown,” by TZ Reeves
 “Self-checklist: Rate your relationship with your boss,”
Read: pp. 71-90
Complete three Self-assessment exercises, p. 90

February 22: Positive conflict in teams

“Differences between team and group behavior,”
 “Team norms,” by Susan Heathfield
 “The Mutual trust network”
 “Pyramid of team qualities,” by Deb Hall
 “Heart of a good team,” by John Carroll
 “Sense of goose”
Read: 91-116
Complete three self-assessment exercises, p.116

March 1: No class

March 8: Mental health issues & conflict at work

“Workplace bullying & psychological violence at work,” by TZ Reeves
 “Bullies at work,” by Bill Eddy
 “When conflict in the workplace escalates to emotional abuse,” by Noa Zanolli
 “Cubicle bullies: Mobbing at work”
 “Guidelines for healthy confrontation”
Read: 116-145
Complete three self-assessment exercises, p. 145

March 15: Disputes & aggression in the workplace

“Rethinking primate aggression,” by Richard Conniff
 “The Cultural animal: Human nature, meaning, and social life,” by Roy Baumeister
 “How to handle disagreement,” by Jaine Carter
 “An Alien point of view”
 “Reframe your thinking”
 “Across the red-blue divide... a guide to constructive one-on-one conversation,”
 by Public Conversations Project
 “Albert’s Lie”
Read: 146-181
Complete three self-assessment exercises, p. 181

March 22: Spring break

March 29: Violence in the workplace

“What are the signs of workplace violence?” by Susan Adams
 “Nonviolent communication; the Language of the Heart,” by Lawrence Wilson
 “Lester and Melissa,” by TZ Reeves
 “Cattery row” by TZ Reeves
Read: pp. 182-211
Complete two self-assessment exercises, p. 211

April 5: Communicating effectively at work

“Communicating from the heart,” by TZ Reeves
 “The Hidden messages in disciplinary memos,” by Jonker and Reeves
 “SELF Profile Handbook,” (complete your profile in conflict resolution)
Read: pp. 212- 258
Complete two self-assessment exercises, p. 258

April 12: Dispute resolution processes

“Public unions are not the problem,” by TZ Reeves
 “Disciplinary practices that really work,” by TZ Reeves
 “The Use of employee-based grievance systems,” by TZ Reeves
 “Resignation in lieu of discipline,” by TZ Reeves
Read: pp. 259-292
Complete two self-assessment exercises, p. 292

April 19: Negotiating dispute solutions

“General guidelines for negotiation”
 “Successful negotiating skills”
 “Resolving conflict through ‘win-win’ negotiating,” by Philip Morgan
 “Getting past yes: Negotiating as if implementation mattered,” by Danny Ertel
 “Handling the Hanford Patrol,” by TZ Reeves
Read: pp. 293-320
Complete three self-assessment exercises, p.320

April 20: Mediating workplace disputes

“Stages of mediation & mediation process,” NM Center for Dispute Resolution

“The Mindset for mediation & mediator principles and beliefs,” by

Jean Civikly-Powell

“Metropolitan court mediator code of ethics,” Bernalillo County Metro Court

“Mediation in United States’ Courts,” by TZ Reeves

“Mediating Custody”

Read: pp. 321-352

Complete two self-assessment exercises, p.352

April 27: Conducting internal fact finding investigations

“Preparing to investigate,” by TZ Reeves

“Pitfalls in conducting fact-finding investigations” by TZ Reeves

“How personnel boards work: New Mexico as a case study,” by TZ Reeves

“Case Study: Was Victor Garcia at the Library?” by TZ Reeves

“Jailhouse Follies,” by TZ Reeves

Read: pp. 353-384

Complete two self-assessment exercises, p. 384

May 4: Arbitrators and arbitration

“The First arbitrator: Splitting the baby,” by TZ Reeves

“The American arbitration association”

“Appeals court rejects firefighters’ arbitration agreement,” by Steve Korris

“Arbitrators who live in glass houses should check the locks,” by Franis Quinn

“The Last Straw: Before you fire an employee,” by TZ Reeves

Read: pp. 385-415

Complete three self-assessment exercises, p. 416

GRADE DETERMINATION

Because this is a graduate course, students will be eligible to earn one of the following grades:

A+ Truly outstanding performance on all self-assessment exercises and through insightful participation in classroom discussion. No more than 3 absences/tardies.

A Excellent contribution on all self-assessment exercises and solid participation in classroom discussion. No more than 3 absences/tardies.

A- Excellent contribution on most self-assessment exercises and consistent participation in classroom discussion. No more than 3 absences/tardies.

B+ Excellent contribution on a majority of self-assessment exercises and through consistent participation in classroom discussion. No more than 4 absences/tardies.

B Solid contribution on a majority of self-assessment exercises and through consistent participation in classroom discussion. No more than 5 absences/tardies.

B- Solid contribution on at least half of self-assessment exercises and through participation in classroom discussion. No more than 6 absences/tardies.

C Unacceptable level of performance on most self-assessment exercises and

inconsistent participation in classroom discussion. No more than 7 absences/tardies.

For purposes of grading, the following factors will be weighed in the final grade:

Self-assessment answers (timeliness)	40%
Self-assessment answers (content)	40%

Answers to Self-assessment questions are due on the dates indicated and must be sent via WebCT to the instructor. Answers must be lucid, cogent and thoughtful. Do not answer in outline or bullet formats. These are essay answers and must include references to assigned and outside readings, relevant examples from your own experience as well as definition of all terminology and concepts. All sources cited in your answer must be included as complete citations. You can reach me at tzane@unm.edu or following class to schedule appointments.