THE FEDERAL SECTOR LABOR RELATIONS CLIMATE UNDER EXECUTIVE ORDER 12871

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ABSTRACT

Despite the crushing defeat of the 1981 PATCO strike, federal sector labor relations become more rather than less adversarial. With E.O. 12871, Labor-Management Partnerships, President Clinton attempted to reverse this situation. This study reports the results of a 1997 survey of union and management representatives conducted on behalf of the National Partnership Council. The data show both union and management representatives believe the labor relations climate has improved since E.O. 12871 was issued in 1993. However, union representatives tend to be more negative in their assessment of the situation, though they are more inclined to perceive improvement in employee productivity and product/service quality over this time period. Federal bargaining units with partnerships express a greater degree of improvement in labor relations and a more positive labor relations climate.

Since the widely publicized Professional Air Traffic Controllers Organization (PATCO) strike in 1981, federal sector labor-management relations has received scant media attention [1]. Yet, federal-employee unions and agencies struggled for more than a decade thereafter in a labor relations system that became more rather than less adversarial [2]. Early in its first term, however, the Clinton-Gore administration began a systematic effort to transform federal sector labor relations from conflict to cooperation as part of a comprehensive program to "reinvent" government [3]. Accordingly, President Clinton issued Executive Order [E.O.] 12871 in October 1993 to establish a labor-management partnership in the executive branch [4]. He specifically created the National Partnership Council

(NPC) to foster partnerships and instructed agency heads to do the same. Charged explicitly with "collecting and disseminating information about, and providing guidance on, partnership efforts in the executive branch," the NPC has annually surveyed federal sector union and management representatives to document the progress in partnership. Until 1997, however, the NPC had not gauged the labor-management relations climate under the partnership executive order.

The purpose of this study is to report the results of the labor relations climate survey of union and management representatives we conducted on behalf of the NPC in 1997 [5]. More specifically, we report on the scope of partnership activities, satisfaction with the existing labor relations program, the degree of harmony/hostility in the labor relations climate, and perceived changes in agency performance since the partnership order has been in effect. The data provide a baseline by which to measure future changes in union and management representatives' attitudes about the condition of federal labor relations. They also have implications for how the NPC and federal agencies can promote the effectiveness of partnerships.

BACKGROUND

The current federal sector labor relations framework originated with E.O. 10988, issued by President Kennedy in 1962. It granted federal employees the right to unionize and bargain collectively but also severely restricted the scope of bargaining and prohibited strikes [6]. Despite these policy restrictions, federal-employee union representation grew significantly between the early sixties and late seventies, when Congress codified federal labor policy in the Federal Service Labor-Management Relations Statute (FSLMRS; Title VII) of the 1978 Civil Service Reform Act (see Table 1). By the early 1980s, more than 1.2 million, or 61 percent, of the civilian, nonpostal, federal service employees were represented by unions [7]. In the years since, the representation level has remained more or less steady, standing at 59 percent of the current-federal service in 1997 [7]. Still, the FSLMRS, like its executive order predecessors, is comparatively restrictive, especially when compared to the National Labor Relations Act and numerous state-level public sector bargaining laws. Major economic items (wages and benefits) remain nonnegotiable, strikes are banned, and union-security arrangements are prohibited.

Under this framework, the three largest unions of federal workers are the American Federation of Government Employees (AFGE; representing 596,206), the National Treasury Employees Union (NTEU; 136,577), and the National Federation of Federal Employees (NFFE; 123,660). Other significant representatives of federal employees include the National Association of Government Employees (NAGE; 54,712), the Metal Trades Department (25,256), and the International Association of Machinists (IAM; 20,633). Overall, these unions

Table 1. Union Recognition in the Federal Service, 1981-1997 Selected Years

Year	Total Employees	Percent Recognized	Blue-Collar Employees	Percent Recognized	White-Collar Employees	Percent Unionized
1981	1,234,256	61	384,890	88	849,366	54
1985	1,244,266	60	372,786	88	870,480	53
1991	1,250,777	60	336,977	93	913,800	53
1997	1,098,072	59	235,632	88	862,440	55

Source: [7, p. 24].

operate in a highly decentralized structure of bargaining, with 2191 exclusively recognized units.

Notwithstanding impressive nominal union representation, the federal labor relations system has several noteworthy deficiencies. First, due in substantial part to the limited power of unions, the actual number of union *members* as opposed to *represented* employees is quite small [8]. About three-fourths of the employees represented by the AFGE and NFFE do not pay dues, and at least one-half of the employees in NTEU units do not belong to the Treasury Employees [9].

Second, federal labor-management relations, as mentioned, has tended to be too adversarial and litigious. As a result, these major federal-employee unions, particularly the AFGE and NFFE, have been financially hamstrung and felt institutionally threatened [8]. A 1991 General Accounting Office report on the federal labor-management relations program concluded:

The large majority of all [labor relations] experts GAO interviewed said the federal labor-management relations program is not working well. In general, they said (1) the program is too adversarial and often bogged down by litigation over procedural matters and minutiae; (2) some dispute resolution mechanisms are too lengthy, slow, and complex . . . More than three-fourths of these experts said that: Federal collective bargaining has not accomplished the objectives of the statute. They felt the bargaining processes were too legalistic and adversarial and too often led to litigation over procedural matters and minor disputes [2, pp. 2-3].

The circumscribed scope of bargaining under the FSLMRS contributed directly to this result, as did the absence of effective alternative dispute resolution and participative decision-making venues. In this context, it has been argued that E.O. 12871 constitutes a substantial policy breakthrough [10].

Third, because federal employees and their unions have been un-empowered, worker productivity and service to the public have consequently suffered [3]. Vice President Al Gore's National Performance Review report, *From Red Tape to*

Results, freely acknowledged that the prevailing labor-management system not only failed to empower employees but also actually inhibited collaboration, all to the disadvantage of the ultimate consumer:

No move to reorganize for quality can succeed without the full and equal participation of workers and their unions. Indeed, a unionized workplace can provide a leg up because forums already exist for labor and management exchange. The primary barrier that unions and employers must surmount is the adversarial relationship that binds them to noncooperation. Based on mistrust, traditional union-employer relations are not well-suited to handle a culture change that asks workers and managers to think first about the customer and to work hand-in-hand to improve quality. The current context for federal labor-management relations, title VII of the 1978 Civil Service Reform Act, presents such a barrier [3, p. 87].

To change this unacceptable situation, Vice President Gore recommended that President Clinton establish "labor-management partnership as an executive branch goal and . . . a National Partnership Council to help implement it" [3, p. 88]. The president did so on October 1, 1993, creating the NPC to spearhead the drive and ordering agency heads to "create labor-management partnerships by forming labor-management committees or councils at appropriate levels, or adapting existing councils or committees if such groups exist, to help reform Government" [4].

To empower federal employees and their unions further, E.O. 12871 expanded the scope of bargaining under FSLMRS to include previously "permissive" items involving the "numbers, types, and grades of employees, and the technology, methods, and means of performing work" [5, p. 17]. This seemingly technical enlargement has the potential to increase significantly the voice of unions in important personnel decisions, but concerns have been raised about the willingness of federal agencies to comply [5, 8]. As the NPC noted in its most recent report to President Clinton:

A number of participants in working level partnerships expressed their continuing concern about implementation of the President's directives in Executive Order 12871, particularly concerning . . . the requirement to negotiate concerning matters encompassed by 7106(b) (1) [of the 1978 Civil Service Reform Act], including: numbers, types and grades of employees, and the technology, methods and means of performing work. These participants view lack of implementation of the requirements of the Executive Order as a significant, and continuing barrier to establishing partnerships and to making them effective [5, pp. 16-17].

Since its inception, the NPC has conducted four annual surveys to assess partnership activities in the federal service. It has documented a sizable increase in

partnerships during this period. In 1994, it reported that 23 percent of all federal bargaining units, encompassing 55 percent of bargaining unit employees, had partnership councils [11]. Just two years later, 70 percent of federal sector bargaining units had partnership councils [12]. The NPC has continually accentuated the achievements and positive contributions of partnerships to government service (although its data have been largely anecdotal and impressionistic):

Labor-management partners are addressing a range of issues. Strategic planning, reinvention, performance management, and workplace flexibilities are becoming familiar topics in partnership discussions. Partnerships are proving over and over again that they are capable of making important contributions to improving the effectiveness and efficiency of government services, while at the same time involving more employees in the decision making process [5, pp. 1-2].

At least one preliminary study affirmed the favorable impacts of partnerships. Verma and Cutcher-Gershenfeld concluded: "Although the initiative is still comparatively new, the federal partnerships have already altered the landscape of federal sector labor relations" [13, p. 229]. To date, however, no systematic analysis of partnership effects has been undertaken.

DATA AND SAMPLE

In its 1997 survey, the NPC attempted to gauge the labor relations climate in the federal sector and the perceived changes in various measures of organizational performance since the partnership order was issued. Advised by the NPC, its professional staff, and an ad hoc labor-management group, we constructed a questionnaire and survey methodology that differed from prior NPC surveys in three key respects:

- The unit of analysis is the bargaining-unit union and management representative, regardless of whether or not a partnership existed (previous surveys targeted units with partnerships);
- The inclusion of a previously validated labor-management relations climate survey assessment;
- A comparison of perceptions of post- to prepartnership organizational performance on a variety of dimensions, including employee productivity and product quality.

The ninety-one-item survey included questions on agency/unit characteristics; whether units had partnership councils and/or agreements; the types of issues addressed by partnerships; attitudes on the federal sector labor relations program and the labor relations climate; and perceptions about changes in organizational performance since E.O. 12871 was issued.

The sample-selection methodology was based primarily on the proportion of exclusively recognized represented units in agencies and by unions. That is, agencies and unions received the number of questionnaires proportionate to the number of units they represented. We asked agency and union labor relations contacts to distribute surveys to their respective unit-level representatives based on the number of employees in the units (the objective being to maximize workforce coverage) and the representativeness of the units, regardless of the existence of a partnership or the state of labor relations.

In the summer of 1997, surveys were mailed to 1,497 union and management representatives. Altogether, a total of 668 usable questionnaires were returned, yielding a 44.6 percent response rate. No follow-up attempt was made to increase responses because of resource constraints.

The 668-person sample included agency and union representatives from units located in a broad array of government departments and agencies, spanning various levels of organizational activity. The sample split almost evenly between labor and management respondents: 51.5 percent union; 48.5 percent management. Most representatives operated at the local level (72.5 percent), while 11.3 percent represented regional units and 12.7 percent were involved at the national level. A handful (3.6 percent) reported representing their parties at multiple organizational levels.

Nearly 80 percent of the respondents indicated their agency or department had downsized since 1993. Of this group, the average reduction in force had amounted to 17.3 percent of the workforce. Further, about 78 percent of the sample expected more job cutbacks. Six percent indicated they expected the outright closing of their unit of employment.

SCOPE OF PARTNERSHIP ACTIVITY

More than three-quarters of the union and management representatives reported a partnership council or an agreement existed in their units (see Table 2). On average, the representatives reported councils had been in place for slightly more than three years, while agreements *per se* had existed for about 2.5 years. Just about 70 percent of the representatives reported they serve on a labor-management committee or council, and 58 percent have had more than one year of such service.

The data also show that a sizable set of councils address a wide range of traditional and nontraditional issues (the percentages here are based only on those representatives in units with partnership councils or committees). More specifically, three-fifths or more of this group reported their councils addressed traditional issues regarding health and safety, the physical work environment, and the partnership itself. About half or slightly more of the councils dealt with training/career issues and family-friendly work practices. Over half of the representatives indicated their council addressed the nontraditional issue of

Table 2. Federal Sector Partnership Activity Survey Results

	Responses					
Item	Yes	No	Don't Know			
Existence of partnership council or agreement	77.7%	20.7%	1.0%			
Average length of existence of council	3.09 years					
Average length of existence of agreement	2.56 years					
Representatives' service on labor-management	Not a me	ember	30.2%			
committee or council	® 1 year		11.6%			
	1-2 years		26.8%			
	3-5 years	3	25.2%			
	> 5 years		6.1%			

Types of issues council/committee handles (percentages based only on representatives in units with partnerships)

Traditional	%	Nontraditional	%
Partnership Process	65.9	Reorganization	54.7
Physical Work Environment	63.5	Customer Service/Productivity	49.5
Health and Safety	61.1	Quality	48.7
Family-Friendly Work Practices	54.1	Reengineering	44.1
Training/Career Development 4		Budget/Staffing	41.5
Lower-Level Councils	33.5	New Technology	40.3
		Reductions in Force	40.3
		Privatization	23.8
		Procurement	13.2

reorganization, and 40 to 50 percent indicated councils handled customer service, employee productivity, quality, reengineering, and new technology. A much smaller percentage reportedly dealt with privatization and procurement.

SATISFACTION WITH AND COOPERATIVENESS OF LABOR-MANAGEMENT RELATIONS

Union and management representatives revealed their satisfaction with the current labor management program and the extent of cooperativeness in labor-management relations. Table 3 shows significant differences in their attitudes. Well over half of the union representatives were at best neutral on the question of how satisfied they were with the labor-management relations

Table 3. Federal Sector Union and Management Representatives' Satisfaction with the Current Labor-Management Relations Program

Item		Very Unsatisfied	Unsatisfied	Neutral	Satisfied	Very Satisfied
Overall, how satisfied are you with the federal labor-management relations program as practiced in your unit?	U S M	20.9 14.3 7.3	24.2 20.9 17.4	14.0 12.6 11.1	33.1 41.0 49.4	7.8 11.2 14.9
		Much Too Narrow	Too Narrow	About Right	Too Broad	Much Too Broad
Do you think the current scope of collective bargaining in the federal sector is too narrow, too broad, or about right?	U S M	22.9 12.9 2.2	50.3 29.5 7.3	23.2 32.2 41.7	3.0 19.4 36.9	.6 6.0 11.8

Note: U = union respondents; S = sample respondents; M = management respondents.

program as practiced in their unit; over 45 percent were dissatisfied. In contrast, almost 65 percent of their management counterparts expressed satisfaction, while only about a third fell in the neutral-to-very-unsatisfied range.

On the specific issue of whether the scope of bargaining was too narrow, broad, or about right, management and union views also diverged dramatically along easily anticipated lines. Most union representatives believed the existing scope of bargaining is too narrow, but less than 10 percent of surveyed managers felt similarly. Nearly half of the management representatives, however, viewed the scope of bargaining, despite its restrictions, as too broad. Perhaps this reflects concerns about the policy transferral of selected "permissive" items to the "mandatory" negotiability classification.

As might be expected, too, labor and management attitudes on the degree of labor-management cooperation were also divided (see Table 4). Over 60 percent of the union representatives regarded the situation as uncooperative before the partnership executive order was issued. Only 26 percent of federal agency representatives revealed a similar assessment. Fifty-six percent, in fact, viewed the situation as cooperative (almost twice the percentage of the union representatives who so described the prior situation).

Attitudes varied considerably less, however, on the question of the improvement in labor-management relations since E.O. 12871. Sixty percent of the union representatives and 45 percent of their management counterparts indicated the

Table 4. Federal Sector Union and Management Representatives' Attitudes About the Cooperativeness of Labor-Management Relations

	Responses (%)					
Item		Very Uncooperative	Generally Uncooperative	Neither	Generally Cooperative	Very Cooperative
How cooperative was the relationship between management and union(s) prior to the Executive Order (E.O. 12871) on Labor-Management Partnerships issued in October 1993?	U S M	27.3 16.9 5.5	32.9 27.0 20.5	16.3 16.9 17.6	19.9 33.2 47.9	3.6 5.9 8.5
		Has Deteriorated Very Much	Has Deteriorated Some	Has Not Changed	Has Improved Some	Has Improved Very Much
To what extent has the labor-management relationship improved since Executive Order 12871 was issued?	U S M	8.2 7.2 6.1	10.7 13.3 16.1	21.6 27.1 32.8	39.6 36.9 34.1	19.8 15.5 10.9

Note: U = union respondents; S = sample respondents; M = management respondents.

labor-management relationship had improved. Still about 22 percent and 19 percent of the management and union representatives, respectively, believed the situation had deteriorated. Overall, 62 percent thought things had improved since the partnership order of 1993.

LABOR RELATIONS CLIMATE ATTITUDES

Labor and management representatives responded to two sets of questionnaire items regarding the climate of federal sector labor relations. The first set includes two more-or-less global items on attitudes regarding the degree of hostility vis-a-vis cooperativeness between labor and management at present versus the past in their bargaining units. The second consists of fifteen narrower items aimed collectively at assessing the extent of harmony (ten items) and hostility (five items) in the climate. These items were developed and tested by Dastmalchian, Blyton, and Adamson [14]. Respondents were asked to express their agreement/ disagreement on a 5-point Likert scale (5 = strongly agree . . . 1 = strongly disagree) to such harmony items as "union and management work together

to make this organization a better place to work" and such hostility items as "union and management in this organization tend to dislike each other" [14].

Consistent with prior results, union and management representatives' exhibited a similar pattern of divergent responses to the two cooperation items reported in Table 5. That is, union representatives were much more inclined to describe the prior climate as hostile, both in the present and past tense. The encouraging news, however, is that the overwhelming majority of both union and agency representatives viewed the current climate as at least somewhat cooperative. Clearly, a more significant shift in opinion, comparing the present situation to the past, had occurred among union representatives than among their managerial counterparts.

Figure 1 reports the union and management representatives' responses to the multi-item harmony and hostility indexes. Their responses, which were averaged in each index, show management representatives perceived the current climate as relatively more harmonious than did their union counterparts. Conversely, union representatives perceived the overall climate as more hostile. Given the previously established validity of these harmony and hostility climate scales, we may reasonably conclude that union and management representatives perceived the current labor relations condition differently, notwithstanding perceptions on how the climate might have improved.

PARTNERSHIP ACTIVITY AND ORGANIZATIONAL PERFORMANCE

To obtain a preliminary indication of whether or not there has been an improvement in agency performance, as was the explicit intent of the Clinton-Gore

Table 5. Federal Sector Union and Management Representatives' Attitudes About the Labor-Management Relations Climate

	Responses (%)							
Item		Very Hostile	Somewhat Hostile	Largely Indifferent	Somewhat Cooperative	Very Cooperative		
How would you describe	U	11.3	17.4	9.6	40.4	21.2		
the current labor	S	6.7	16.3	9.2	40.3	27.2		
relations climate in your organization?	М	2.2	15.2	8.9	40.2	33.5		
How would you describe	U	23.3	34.7	17.2	18.1	6.4		
the overall labor	S	16.0	30.9	17.2	25.7	9.8		
relations climate that existed in your organi- zation in the past?	М	8.2	26.3	17.4	34.2	13.6		

Note: U = union respondents; S = sample respondents; M = management respondents.

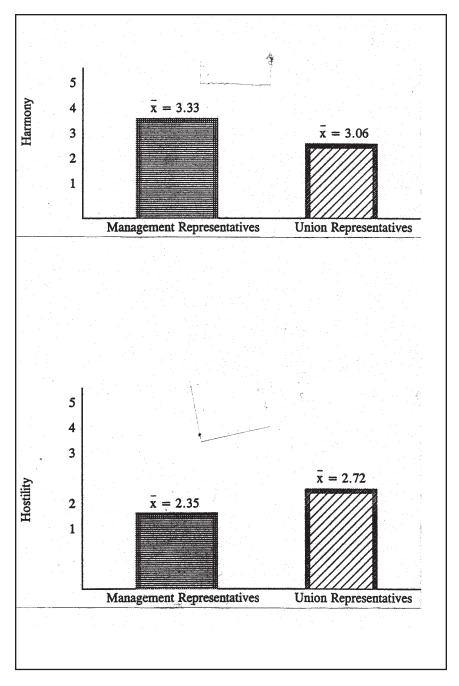


Figure 1. Federal sector labor relations climate indexes.

partnership policy, the respondents were asked the extent to which such performance had improved (or deteriorated) on several items. Table 6 reports the results for three key performance variables: productivity, quality, and waste. Again, the data show a split between labor and management opinion. While almost 40 percent of the union representatives perceived an improvement in employee productivity, only about 14 percent of the agency counterparts concurred. Forty-four percent of union representatives saw improvement in product/service quality, compared to just 21 percent on the management side. And nearly 36 percent of the union representatives saw less waste in government since 1993, compared to less than 20 percent of the management group. However, nine percent of the union group perceived more waste vis-a-vis only 3.5 percent of the management respondents.

Overall, however, the trend line for both groups is a positive one. A higher percentage of union *and* management representatives perceived an improvement in productivity and product/service quality than did those who saw a deterioration. Relatively more also perceived less rather than more waste in government since E.O. 12871. But the modal response in all three performance areas was that things have stayed "about the same."

DISCUSSION

This 1997 study continues the NPC practice of annually surveying union and management representatives in the federal sector on the status of partnership. The

Table 6. Federal Sector Union and Management Representatives' Perceptions as to Improvements in Organizational Performance on Selected Dimensions (Pre-E.O. 12871 to Post-E.O. 12871 Period)

		Responses (%)							
Item		Much Higher	Modestly Higher	About the Same	Modestly Lower	Much Lower	N/A		
Productivity	U	5.9	32.7	49.5	4.0	3.0	5.0		
of Employees	S	3.7	23.6	61.3	4.2	2.6	4.7		
	М	1.1	12.7	75.0	4.5	2.2	4.5		
Product or	U	10.2	33.7	43.9	5.6	2.0	4.6		
Service Quality	S	6.3	27.1	54.8	5.9	1.4	4.5		
	М	1.9	19.4	67.2	6.3	.7	4.5		
Waste	U	2.0	7.0	48.3	27.5	8.9	6.0		
	S	1.4	5.1	58.6	22.9	5.6	6.3		
	М	.4	3.0	70.5	17.4	1.9	6.8		

Note: U = union respondents; S = sample respondents; M = management respondents.

data reveal the overwhelming majority of surveyed units have labor-management partnerships, a sizable number of which deal with various traditional and nontraditional items. They also indicate both union and management representatives tend to believe the labor relations climate has gotten better since E.O. 12871 was issued in 1993, despite, we might note, the fact that an overwhelming percentage of respondents were in units that had downsized since then.

However, union representatives hold a more negative view of the present and past labor-management situations than do their management counterparts. At the same time, they are also more inclined to perceive an improvement in various key measures of organizational performance, such as employee productivity and product/service quality. Results unreported here (but available on request) demonstrate that bargaining unit training on such matters as interest-based bargaining (IBB) is positively correlated with the unit's labor relations climate (i.e., perceived harmony), as is the actual presence of a labor-management partnership. Further, the harmony measure is positively correlated with improvements in the performance indicators on productivity, quality, and waste.

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