

# ADVANCES IN INDUSTRIAL AND LABOR RELATIONS

**Edited by** David Lewin  
and Paul J. Gollan

ADVANCES IN INDUSTRIAL  
AND LABOR RELATIONS

**VOLUME 26**

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VOLUME 26

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EDITED BY

**DAVID LEWIN**

*University of California Los Angeles, USA*

**PAUL J. GOLLAN**

*University of Wollongong, Australia*



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India – Malaysia – China

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# LIST OF CONTRIBUTORS

<i>Steven E. Abraham</i>	School of Business, State University of New York (SUNY) at Oswego, Oswego, NY, USA, Email: <a href="mailto:steven.abraham@oswego.edu">steven.abraham@oswego.edu</a>
<i>Ronald Ehrenberg</i>	School of Industrial and Labor Relations, Cornell University, Ithaca, NY, USA, Email: <a href="mailto:rge2@cornell.edu">rge2@cornell.edu</a>
<i>Paul J. Gollan</i>	Sydney Business School, University of Wollongong, Sydney, Australia, Email: <a href="mailto:pgollan@uow.edu.au">pgollan@uow.edu.au</a>
<i>Aibak Hafeez</i>	School of Labor and Employment Relations, University of Illinois, Champagne, IL, USA, Email: <a href="mailto:hafeez2@illinois.edu">hafeez2@illinois.edu</a>
<i>Eunice S. Han</i>	Department of Economics, University of Utah, Salt Lake City, UT, USA, Email: <a href="mailto:ehan1105@gmail.com">ehan1105@gmail.com</a>
<i>Jeffrey Keefe</i>	School of Management and Labor Relations, Rutgers University, New Brunswick, NJ, USA, Email: <a href="mailto:jkeefe3@cs.com">jkeefe3@cs.com</a>
<i>Jungook Kim</i>	School of Management and Labor Relations, Rutgers University, New Brunswick, NJ, USA, Email: <a href="mailto:jungook.kim@rutgers.edu">jungook.kim@rutgers.edu</a>
<i>J. Ryan Lamare</i>	School of Labor and Employment Relations, University of Illinois, Champaign, IL, USA, Email: <a href="mailto:rlamare@illinois.edu">rlamare@illinois.edu</a>
<i>David Lewin</i>	Anderson School of Management, University of California at Los Angeles (UCLA), Los Angeles, CA, USA, Email: <a href="mailto:david.lewin@anderson.ucla.edu">david.lewin@anderson.ucla.edu</a>
<i>Xiangmin Liu</i>	School of Management and Labor Relations, Rutgers University, New Brunswick, NJ, USA, Email: <a href="mailto:xiangmin.liu@rutgers.edu">xiangmin.liu@rutgers.edu</a>



*Howard R. Stanger*

Wehle School of Business, Canisius College,  
Buffalo, NY, USA, Email: [stangerh@canisius.edu](mailto:stangerh@canisius.edu)

*Paula B. Voos*

School of Management and Labor Relations,  
Rutgers University, New Brunswick, NJ, USA,  
Email: [pbvoos@smlr.rutgers.edu](mailto:pbvoos@smlr.rutgers.edu)

*Liang Zhang*

Steinhardt School of Culture, Education and  
Human Development, New York University, New  
York, NY, USA, Email: [lz65@nyu.edu](mailto:lz65@nyu.edu)

# INTRODUCTION

David Lewin and Paul J. Gollan

Volume 26 of *Advances in Industrial and Labor Relations (AILR)* contains six papers featuring research on several aspects of employment relations, including a historical analysis of the first trade association of commercial printers, the prospects for free riding in public sector unions following a key US Supreme Court decision, the increasing stratification of college and university faculty, procedural and distributive justice aspects of sexual harassment arbitrations in unionized settings, the effects of third-party neutral sourcing and qualifications on employment alternative dispute resolution (ADR) practice in large companies, and the measurement of democratic spillover from workplaces to politics. Consistent with previous AILR volumes, these papers contain a variety of disciplinary perspectives and quantitative and qualitative research methods. Also consistent with previous AILR volumes, some of these papers were originally presented at the Labor and Employment Relations Association (LERA) annual meeting.

In the paper titled “A House Divided: The Making and Unmaking of Labor Policy in the Typothetae of America, 1887–1928,” Howard Stanger provides a detailed historical analysis of the United Typotheate of America (UTA) covering a four-decade period ending in the late 1920s. He traces the origins and early development of the UTA as an association of employers in the printing industry that, as with other industry associations, was formed to advance and protect the interests of its members. Notably and considerably earlier, printing industry employees formed the International Typographical Union (ITU), which grew and prospered. Hence, the UTA was to a considerable extent formed in response to the ITU. But, unity of interest can be difficult to maintain in an employers’ association, and so it was the UTA. In particular, Stanger shows how differences in labor philosophy among UTA members, especially regarding absolute authority and independence on the one hand and stability and order on the other hand, led to early and continuing tensions in this organization. Among other factors, the structure of the industry, relative union power, certain external events, and other factors impeded the UTA’s ability to establish and maintain a

centralized labor policy that a large majority of the membership was willing to follow even though most UTA members were strongly antiunion. The internal strife that developed among UTA members subsequently led to the organization's demise and to its recasting during the late 1920s as a trade association that focused largely on cost accounting, modern management techniques, employee training, and marketing services. Notably and perhaps ironically, Stanger's historical analysis indicates that the "new" UTA developed organizational innovations in regulating competition that spread to other trade associations, such as of drug makers, stationers, booksellers, and electronics manufacturers, that helped to redefine "fair competition" and reshape the American regulatory state in the decades before World War II.

In the paper titled "Candidates for Free Riding in a Post-*Janus* Public Sector," Eunice S. Han and Jeffrey Keefe predict which public school teachers are likely to resign their union membership in light of a recent US Supreme Court decision that declared agency shop (or "fair share") provisions of collective bargaining agreements to be unconstitutional.<sup>1</sup> Unsurprisingly, teacher union revenue fell considerably following this decision as some union members ceased paying their union dues/fees. Nonetheless and in accordance with state and local government unionization and bargaining laws, unions must continue to represent these nondues payers equally with dues payers. Pursuing their research question concerning which teachers may resign their union membership, the authors compare teachers in right-to-work states that have comprehensive collective bargaining laws with teachers in former agency shop states using unique district-teacher matched data constructed from the *School and Staffing Survey* (SASS). In this regard, Han and Keefe use three waves of the SASS data, specifically from 2003–2004, 2007–2008, and 2011–2012 academic years. For the authors' empirical analysis, union membership of public school teachers is modeled and measured as the dependent variable and characteristics of teachers, their schools, their districts, and their geographic locations are modeled and measured as independent variables. In this analysis, 23 states are designated Agency states, and 11 states are designated collective bargaining and right-to-work (or CBRTW) states. Notable findings from the regression analyses are that the predicted decline in union membership is significantly higher in Agency than in CBRTW states, black teachers are significantly more likely to remain union members than white teachers, female teachers are significantly more likely to remain union members than male teachers, and teachers who are relatively more established and committed to teaching are more likely to retain their union membership.

In the paper titled "The Increasing Stratification of Faculty Employment at Colleges and Universities in the United States," Liang Zhang, Ronald Ehrenberg, and Xiangmin Liu use panel models and data to analyze changes in faculty employment in US four-year colleges and universities. It is well-known that the share of part-time faculty among all faculty in these institutions has grown considerably during the twenty-first century. The roots of this growth took hold during the 1970s and 1980s when some colleges and universities began to segment their faculty into full-time tenure track and

part-time nontenure track faculty. Beginning in the 1990s, however, this dual structure evolved into a three-tier structure in which some full-time faculty were tenure eligible and others were not. The former performed research and teaching functions whereas the latter largely performed the teaching function, that is, they were and are instructional faculty. Framing their study via resource dependency theory, the authors' empirical work uses data drawn from the Integrated Postsecondary Education Data System (IPEDS). These data cover the academic years from 1993–1994 through 2013–2014, specifically for a sample of 1,463 four-year colleges and universities. Zhang, Ehrenberg, and Liu's panel and regression analyses of these data yield several notable findings, including that the proportion of part-time faculty increased from about 30 percent to about 38 percent during the study period, and that by the end of the study period about one out of five full-time faculty was not tenure eligible – and this percentage is about one of three for full-time assistant professors. Further, the authors conclude that everything else equal, higher education institutions have increasingly employed faculty whose salaries and benefits are relatively less expensive. Taken together (though the authors do not say so explicitly), these findings indicate that higher education institutions behave much like companies in other industries in creating multitier employment systems and in seeking and achieving employment-related cost containment.

In the paper titled “Procedural and Distributive Justice in Sexual Harassment Arbitrations: Evolution of Decisions in the Union Context,” Stephen Abraham and Paula B. Voos analyze the evolution of labor arbitration decisions during the 30-year period 1988–2018 in which a union-represented employee was alleged to have committed sexual harassment. For this purpose, the authors focus on unionized workplaces in which an employee was disciplined by an employer for allegedly having sexually harassed another person (usually a coemployee), and a union representing the employee challenged that discipline due to the employer's alleged violation of a just cause discipline provision of a union contract. Using Bureau of National Affairs (BNA) and American Arbitration Association (AAA) databases, Abraham and Voos selected 194 arbitration cases – 65 that occurred during the early 1990s, 84 that occurred during the early twenty-first century, and 45 that occurred most recently – for their empirical analysis. The authors found that management punished sexual harassment more stringently over time and that arbitrators became more sensitive over time about the specific procedure used by management in attempting to resolve these disputes. But, in addition to their growing concern about procedural justice in these sexual harassment cases, the author's findings also indicate that distributive justice was a major and growing concern for arbitrators. Therefore, Abraham and Voos conclude that company managements should carefully consider both procedural and distributive justice when it comes to imposing discipline on unionized employees (and, by inference, nonunion employees) for inappropriate behavior.

In the paper titled “An Empirical Examination of How Third-Party Neutral Sourcing and Qualification Differences Affect Employment ADR Practice

Usage: Evidence from the Fortune 1,000,” Aibak Hafeez and J. Ryan Lamare analyze how different sources of neutrals and differences in third-party neutral qualifications affect mediation and arbitration usage to resolve employment-related disputes in large US-based companies. As readers will likely know, the use of these procedures, especially arbitration, is controversial when it occurs in nonunion firms, mainly because unregulated sourcing arrangements may bias outcomes in favor of employers. By contrast, the use of arbitration in unionized firms is considered to be “regulated” by joint union–management selection (and shared payment) of arbitrators. For this study, the authors use human capital theory to hypothesize that organizations will use mediation and arbitration more frequently when neutrals are perceived to be more highly qualified. The authors test these hypotheses using survey data obtained from Fortune 1,000 companies. For this purpose, they model current and future use of mediation and arbitration as dependent variables, developed a four-component measure of neutral sourcing as an independent variable, and used a three-category measure of neutral qualifications. Empirically, Hafeez and Lamare find that companies do, in fact, use mediation and arbitration more frequently when they view their neutrals as highly qualified. This appears to be the first such finding in the literature on nonunion ADR. They also find that higher levels of past or future arbitration frequency are correlated with sourcing from private ADR providers, such as the AAA, relative to all other sourcing options, such as word of mouth. The institutional structures and supports associated with private ADR providers appear especially important to such choice of neutral sourcing by large companies.

In the paper titled “Democratic Spillover from Workplace to Politics: What are we Measuring and How?,” Jungook Kim critically reviews and assesses the extant literature on the thesis that participation in the workplace leads to increased participation in politics. This “spillover thesis,” which was first advanced by Pateman in 1970, has been the subject of considerable empirical research. As Kim points out, however, this research has produced mixed findings ranging from support for the thesis to no support to negative results of workplace participation on political participation. In assessing these findings, Kim reviewed all empirical studies contained in social science research databases that were published in academic journals, cited Pateman’s work, used quantitative measures of workplace participation, and specified political behaviors as an outcome – dependent – variable. In doing so, Kim found that researchers did not use a consistent or single construct or measures of workplace participation, very few studies used panel or longitudinal data, most studies used cross-sectional survey data (across a wide range of word regions and nations), and most but not all studies used political efficacy as a mediating variable. A relatively small number of the published studies measured the effects of workplace unionization on political participation, but the results of those studies are mixed. Although Kim concludes that most of studies reviewed and assessed in his paper appear to support the spillover thesis, their conceptual and methodological limitations indicate that this support is quite limited. Further, and as Kim observes, the linkage between workplace participation and

political participation is considerably more nuanced when account is taken of the subdimensions of workplace participation and various types of political participation.

### **NOTE**

1. The decision was rendered in *Janus V. American Federation of State, County, and Municipal Employees, Council 31*, et al. (June 27, 2018), and is referred to by the authors as *Janus*.

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# A HOUSE DIVIDED: THE MAKING AND UNMAKING OF LABOR POLICY IN THE UNITED TYPOTHETAE OF AMERICA, 1887–1928

Howard R. Stanger

## ABSTRACT

*This paper examines the labor policies of the United Typothetae of America (UTA) from its birth in 1887 through the late 1920s and argues that labor policy differences among its members (personified by two prominent New York City-based printing employers, Theodore DeVinne and Charles Francis) created a “house divided” that not only prevented it from creating and maintaining a unified labor policy but also ultimately led to its demise as an employers’ association and reconstitution primarily as a trade association. It will do so by analyzing key episodes in the UTA’s labor history to show how the two competing labor philosophies – DeVinne’s absolute authority & independence and Francis’s stability & order – interacted with industry conditions – intense price competition, a decentralized industry structure, proprietor autonomy, the relative power of unions, and economic conditions – to impact the UTA’s labor policies and its institutional survival. The UTA’s experience reveals the diversity of American employers’ experiences as well as the challenges that they have faced when attempting to act collectively in the industrial relations arena. Moreover, recent IR research on employers’ associations around the world also reveals that, as unions have declined in power, many also are shifting their focus away from labor relations to other member services.*



**Keywords:** United Typothetae of America (UTA); employers' associations; labor policies; labor unions; commercial printing industry; proprietary capitalists

On the hundredth anniversary of Theodore L. DeVinne's birth in 1828 (-1914), the United Typothetae of America (UTA),<sup>1</sup> the leading business association of commercial printers, paid homage to this master craftsman, prolific author, co-founder of the New York City Typothetae, and the first president of the UTA, in its *UTA Proceedings*. DeVinne rose from an apprentice to partner and then to sole owner of the large and prestigious New York City firm of Theodore L. DeVinne & Co., printers of the popular periodicals *St. Nicholas*, *Scribner's Monthly*, and *Century Magazine*. His talents also earned him honorary degrees from Columbia and Yale Universities (UTA Proceedings, December 24, 1928; Tichenor, 2005).

Intense price competition and persistent underbidding of print jobs led employing printers in New York to create a trade association in the early 1860s that lasted only a short time before being permanently revived in 1883 to address business methods, legislation, and the growing power of the International Typographical Union (ITU). DeVinne and his fellow master printers were primarily consumed with cutthroat competition and downward pricing power, but they also felt pressure from the ITU's demands for shorter hours, higher wages, and work rules that threatened their managerial prerogatives and profits (Jackson, 1984; Tichenor, 1980).

DeVinne's labor philosophy was shaped by his enduring belief that the United States was a classless society in which apprentices like him could rise to become business owners. It was a world in which meritocracy distributed economic outcomes fairly. He believed that, unlike in Europe, labor and management in the United States shared similar interests and that strikes were injurious and prevented a spirit of compromise. He strongly held that wage demands were often disconnected from the firm's performance and were monopolistic. DeVinne also was convinced that the union's push for shorter hours originated in foreign workers who fomented trouble and were un-American in thought and deed (Tichenor, 2005). If workers wanted improved conditions, DeVinne argued, there was only one solution: "...he must sell a better quality of labor...The reform that the workman desires in the trade must begin with himself" (quoted in Tichenor, 2005, p. 31).

Before the establishment of the New York Typothetae, DeVinne served as a spokesperson for employing printers and chaired a committee that met with journeymen to set prices. As early as the 1860s, he staunchly advocated for proprietor independence, self-reliance, and a free-market economy. DeVinne's beliefs about unions were affirmed after a two-week citywide strike by the ITU in 1887 idled his presses and threatened his profits and authority (Tichenor, 2005). As a result, DeVinne became an outspoken critic of the closed shop, union label, and union strike tactics: "The prevention of a free man from getting work is a grosser violation of the Constitution than any other possible act. It strikes at the very foundation of civil liberty" (quoted in Tichenor, 2005, pp. 101-102).

As an employer, DeVinne attempted to cultivate employee loyalty and cooperation through acts of paternalism and "fairness," by the force of his personality,