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Analysis of Simulated Negotiation:

Union Representatives and J.Smith

vs.

Mid-South Vending Co.

March 8, 2015

Introduction

On March 8, 2015, the students in a Conflict Analysis and Intervention course taught by Dr. Ryan P. Fuller of the University of Arkansas at Little Rock Speech Communication Department participated in a simulation of a negotiation between union representatives on behalf of Jim Smith and the company of his employment, Mid-South Vending Company. The vending company was concerned about funds being lost in its coin-operated vending machines, so they took measures to correct the issue and the result was two senior employees accused of breaking recently implemented policies and procedures. One employee had been disciplined and the other, Jim Smith, was the purpose of the hearing. In this paper, I will describe the perceptions/frames used by the opposing sides and how those frames influenced the negotiation. The situation started a competitive negotiation where management viewed the situation as a disciplinary action and the union viewed the situation as a communication breakdown. A shifting point in the form of a counter offer caused management to relax the severity of their desired discipline and engage in a more compromising and collaborative discussion based on integrative interests that benefited all parties involved. The outcome of the negotiation was that Jim Smith received a written reprimand in his file that would be removed after 6 months if no other conduct issues arose. Additionally, communication within the company was strengthened through the creation of a more robust training program designed to help every employee understand and follow the company's policies and procedures.

In my analysis, I will discuss how language was used to frame their perspectives, express rights and power, set expectations and save/protect face, as well as to create a competitive tone and competitive reciprocity. I will also touch on the points made by Cynthia Tannen and Deborah Cameron about gender speech—conversational styles. I will argue how framing and reframing the issue along with the competitive conversational styles of the representatives resulted in a resolution that was not damaging to either party's face and was beneficial for everyone in the future.

Case Description

The class formed two groups that first voted on their representatives for both pre-negotiation and negotiation, which were David Schoen and Bharati Matta for the vending company along with John Peterson and Jason Hogue (myself) for the union. David and I met for the pre-negotiation and set ground rules to abide by during the negotiation. Then each group held a pre-planning meeting in separate rooms to prepare for the negotiation hearing. The union wrote the facts from the story on the white board to weed out all the 'fluff' or unnecessary parts. I thought about Grice (2014) when he discusses the Cooperative Principle (CP and in particular the quantity category—"...overinformative is not a transgression of the CP but merely a waste of time." "...such overinformativeness may be confusing..." (p. 64).

We discussed the power and rights of both the company and the union and how each could use them. We recognized that the union held the power to represent all employees within the union, provide legal assistance to employees treated unfairly, and lead the employees to strike. The company had the right to discipline staff in form of a layoff, a dock in pay, suspension of power, demotion in rank, or even dismissal.

As Bourdieu (2014) states, "It is certain that the relation between linguistic competences—which, as socially classified productive capacities of appropriation and appreciation, define markets that are themselves socially classified—helps to determine the law of price formation that obtains in a particular exchange" (p. 416).

The representatives met first for a pre-negotiation meeting to set the ground rules. Rules like no name calling, act in "good faith", turn taking, length of turn, and so on in some part set the conversational style by predefining the conversational signals of turn taking and length of turn. After reading Deborah Cameron's (2014) statement, "Evidence thus exists to support an argument that there is a hierarchy in this conversation, and there is competition, particularly between the two dominant

speakers...” (p. 346). In researching Cynthia Tannen, I learned that men and women have different conversational styles that start as early as 2 years old. Tannen describes that most men are competitive and most women talk to create intimacy.

Men and women essentially grow up in different worlds—boys play with boys; girls play with girls. And, the way that these children are using language in their play, is very different. Typically a little girl has a best friend and they spend a lot of time sitting and talking. Telling each other secrets—that’s what makes them best friends. So typically a woman will grow up expecting, if she is heterosexual, she is going to find a man and she’ll have a new and improved version of a best friend. We’ll tell each other everything. This isn’t the expectation that most men grow up with, so go back to the little boys. Typically he will be playing in a group and a big difference is the group is larger and it tends to be hierarchical. Not everybody is equal though, there are high status boys and low status boys and the high status boys give orders and they push the low status boys around. So, men grow up realizing that other people are going to try to push them around and they learn to use language to try to negotiate that—to try to protect their own independences—to try to keep others from telling them what to do—they try to take center stage—challenge others—deflect challenges from others are presenting to them (Tannen, 2013).

I wish I knew that on March 8, 2015, because I would have suggested in the rules meeting that each team representative would take turns speaking. This would have eliminated the dominance of certain representatives, me included.

Pretending to represent Contract Services, Dr. Fuller outlined the ground rules set in the pre-negotiation meeting and set the negotiation in motion by cueing the team representatives for the vending company. David opened with this opening statement.

Well. We're here because we have a fairly serious incident with Jim Smith and uh, apparently he was caught with some coins from a machine. We've had a previous incident of this nature back in 2013 with Hal Lingle which resulted in a two week disciplinary layoff. We are thinking that is—ah, a less clear case, in Hal's case, cause he had not been really schooled on the procedures for dealing with excess coins. It was about the same amount of money, just a little bit less than Jim Smith had taken, so we feeling that we really do need to have some fairly serious response in terms of discipline with—with Jim— he has been a good employee. We want to keep him. It was, I know. I will tell you there was some very strong support for discharge but, we would, I think, we came to the consensus that we would hate to lose him and we would like to, you know, fasten a solution that would impress upon him and other employees the importance of following our policies on dealing with funds, and at the same time, you know, be fair, but we do need to maintain our profitability. We can't have loss of revenue through, you know, the loss of our coins which is our income. That's what our company operates on and that's what we use to pay our employees, so it's to the unions benefit as well as to ours to make sure that we have good procedures and policies in place and that we can enforce those when we need to. (D. Schoen, personal communication, March 8, 2014).

Management framed the situation as a disciplinary action, and in doing so wanted to exert power over their employees. David's use of the words 'serious', 'disciplinary', 'layoff', 'caught', 'taken', 'discharge', 'impress', and 'enforce' articulated the management's rights and power, and he set the conflict off on a competitive tone that may have contributed to the non-integrative approach the management representatives held in the beginning of the negotiation. Throughout the event, the management representatives held the stance that the negotiation was a disciplinary hearing against Jim and so they continued with their use of aggressive discourse.

A.L. Lytle et al. (1999) point out, “There is no one ‘best way’ to approach a dispute,” although my mistake of calling David by the wrong name (“Bill”) was not the best way to start the negotiation and may have been perceived by management representatives as a lack of respect or an attempt to throw their mindfulness off by irritating them to the point of invoking anger. Penelope Brown and Stephen Levinson (2014) describe this as an intrinsic FTA (Face-threatening act).

Those acts that threaten the positive-face want, by indicating (potentially) that the speaker does not care about the addressee’s feelings, wants, etc.—that in some important respect he doesn’t want H’s [addressee] wants—includes: (f) use of address terms and other status-marked identifications in initial encounters (S [speaker] may misidentify H [addressee] in an offensive or embarrassing way, intentionally or accidentally) (p. 302).

Research by Leo F. Smyth indicates that if David perceived my mistake as a hostile gesture, it would invoke him to behave in a hostile way toward me. It was merely an accident on my part, though, because I was looking at Bill instead of David. Whether he truly accepted my apology may have influenced the rest of the negotiation. It did break the ice in the room and caused laughter, which I also hope didn’t offend David. Maybe it was just the ‘demon’ that Malinowski (2014) talks about as the “demon of terminological invention—a type of speech in which ties of union are created by mere exchange of words.” (p. 285).

The rebuttal from the union introduced a different frame for describing the issue. We tried to open with an information exchange focused on the interests of both parties. We reinforced the word David used—“fair”—and added the word “trust” in our first statement. We then acknowledge that management recognized Jim as a good employee and that they wanted to keep him, which was an interest of both parties. The union offered the integrative perspective of “the community” made up of both employees and company managers in an effort to refocus the issue on interests, rather than management’s position, which was to discipline Jim Smith. The union offered the managers a different

perspective on the implementation of policies and the possibility of a communication breakdown within the company. Therefore, the union presented a need to have policy and procedure training to maintain respect and a positive culture within the company and their community.

The management stood their ground on the matter of discipline and supported that claim by referring to Hal's issues as a "closed matter" that set the precedent for their position; however, we know from Foucault (2006) that you can't stop people from discussing or bringing up a topic. In fact he states, "...likely did produce, as a countereffect, a valorization and intensification..." (p. 492). So we knew we had to continue on with our stance. The management wanted to provide factual information about all employees being "briefed" on policies, thereby enforcing the idea that all employees, including Jim, being a 19-year veteran of the company, were "aware" of the policies. These words and statements were all an attempt to "police" (491) our perspectives and control the topic of the conversation. However, they were responsive to hear more about our ideas on making the policies "more clear or the training and implementation more clear," which was a step away from their competitive frame of the hearing being only for the discipline of Jim Smith.

The union representatives could not understand how management could base their rulings on Hal's case as precedent for this case but not allow us to discuss that incident. They even agreed in the opening statement that, "...a less clear case, in Hal's case, cause he had not been really schooled on the procedures for dealing with excess coins" (D. Schoen, personal communication, March 8, 2014). So we answered back with, "Do you plan on using the action taken against Hal as a baseline that you intend to be common in discipline action in such a situation?" (J. Peterson, personal communication, March 8, 2014).

Management skirted the question indirectly and continued to articulate their rights and power by responding with the following:

Well, in general, our lawyers and HR people tell us that we need to be fairly consistent in our discipline so we can kinda protect ourselves against discrimination claims that we are treating people pretty much the same for the same kind of conduct but—you know, we are always going to look at the facts—underlying facts of the situation...(D. Schoen, personal communication, March 8, 2014).

At this point there was a rapid exchange in the conversation between the union and the management representatives. The main point the union was trying to make focused on whether the employees comprehended the policies.

So do you feel confident that middle management effectively communicated the policy to Jim? (J. Peterson, personal communication, March 8, 2014).

Yes, all employees were schooled on the new policy (D. Schoen, personal communication, March 8, 2014).

Can you verify that? (J. Peterson, personal communication, March 8, 2014).

It's clearly—it was very clear that all technicians were instructed as to the procession (B. Matta, personal communication, March 8, 2014).

Did they understand it? Do you have proof? Do you have a signature from the employees? (J. Hogue, personal communication, March 8, 2014).

Management representatives never conceded that it was not possible to know what someone understands and comprehends without demonstration, but instead offered that since they had communicated the policies by “issuing” them that all employees must have understood them, especially Jim Smith since, “I think Jim had enough knowledge, in this case, to do better than he did. And that is all we’re trying to do—is say we need you to do better and we need you to take this seriously. And, we need other employees to do that as well” (D. Schoen, personal communication, March 8, 2014). But, that wasn’t what they were saying; they were saying that they had to discipline Jim Smith and that was the only purpose of the negotiation meeting.

In the end, the managers agreed with the union to provide good, clear training, and a tracking page for signatures that would be signed after trainees demonstrate to their supervisors that they understand and know the correct processes and procedures to perform. Management also agreed to provide coins, in the amount of ten dollars, to employees for testing purposes. Management continued to push toward a disciplinary action against Jim, but as a compromise to the harsh proposals from the beginning of the negotiation and actions taken against Hal, the company agreed to a written reprimand that would be removed after 6 months of no other incidents of misconduct, and to a written statement from Jim on his view of the situation that would remain in his personnel file.

Analysis

Claim # 1: At first, management viewed the situation as a serious disciplinary action and the union viewed the situation as a communication breakdown—these were the frames that locked the parties in a competitive mindset for the first portion of the negotiation. The predominate conflict or conversational style for both sides was competitive.

In conflict situations, framing is evident in two processes: discourse use and development of the issues. In discourse use, framing is performed through the naming or labeling of events, the use of words that imply blame, and explanations about the nature of the situation. Actors label a situation as a problem, infer causes for why it occurred, and provide accounts for the sequence of events (Putman & Shoemaker, 2007).

In my opinion, I think management felt they would lose face or be deemed weak if they were not able to get some form of disciplinary action, which is an identity goal that Qin Zhang, Michael Andreychik, David A. Sapp, and Colleen Arendt point out in *The Dynamic Interplay of Interaction Goals, Emotion, and Conflict Styles: Testing a Model of Intrapersonal and Interpersonal Effects on Conflict Styles*(2014).

The concepts of “conflict frames” and “conflict framing” have received attention from scholars in various disciplines. However, there is little consensus about the meaning of these terms (Dewulf et al., 2005; Putman & Holmer, 1992). Research tends to be divided between those who concentrate on cognitive frames, knowledge schemas, or structures of expectation that guide action (Neale & Bazerman, 1985; Tversky & Kahneman, 1981), and those who center on framing as a communicative process, which occurs when people create foreground and background distinctions during their definitions of what is going on in a situation (Goffman, 1974; see also Bateson, 1955/1972) (Brummans et al., 2001).

Research by Tannen and Wallat (2014) offers a definition of the term “knowledge schema” that refers to participants’ expectations about people, objects, events, and settings in the world, as distinguished from alignments being negotiated in a particular interaction (p. 314). In the pre-planning meeting, the union used these frames and knowledge schemas by putting ourselves in management’s shoes to try to figure out their expectations in order to set our expectations. We discussed the expectations of various outcomes and effects they might have on each group. But during the negotiation, Brummans et al. (2001) argues that the “communicative process” will cause a reframing of the issues. Tannen and Wallat (2014) agree with the demonstration of interactive frames that can only be through some form of communication (p. 315). They continue to offer how triggers or cues cause the shifting of frames. In our negotiation, the union attempted to reframe the discussion—first communication breakdown, loss of face within the community, shift in blame from Jim Smith to management, and breakdown within the culture of the company. But other than the management agreeing that training would be good and beneficial to everyone, they never changed their frame of perceiving the negotiation as a disciplinary hearing. Perhaps this quote from Goffman (2014) might explain their stance.

Every person lives in a world of social encounters, involving him either in face-to-face or mediated contact with other participants. In each of these contacts, he tends to act out what is sometimes called a line—that is, a pattern of verbal and nonverbal acts by which he expresses his view of the situation and through this his evaluation of the participants, especially himself. ... The other participants will assume that he has more or less willfully taken a stand, so that if he is to deal with their response to him he must take into consideration the impression they have possibly formed of him (p. 287).

So in other words, he had to think about his 'face' and the 'face' of the company in responding to the unions directed utterances. Out of the fear that their face may be seen unfavorably, they continued to stay in line with their perspectives.

Claim # 2: In an attempt to further reinforce the idea that the situation was a communication breakdown, as a union team representative, I said that management needed to accept some blame for its failure to adequately train employees. This caused panic within the union team and they passed me notes yelling, "DON'T ESCALATE!" So I took a deep breath to regain my mindfulness, to become better aware of everyone's position, emotional state, conflict style, tactics being used, the general atmosphere.

The act of blaming the company for its part in the issue was considered by my team members to be a FTA that may cause the discussion to escalate into the next stage of arbitration, in which case both parties would lose rights and power. I was trying to cause the effect that Brown and Levinson (2014) make in the use of this act—"Those acts that predicate some future act A of H [addressee], and in so doing put some pressure on H to do (or refrain from doing) the act A: (d) threats, warnings, dares (S [speaker] indicates that he—or someone, or something—will instigate sanctions against H unless he does A)" (p. 301).

We could have displayed actions of power like getting up from the negotiation table and calling for a strike. However, actions of power come with consequences based on the severity of the actions. For example, the loss of profit due to a strike from union employees fed up with the stonewall of the company's stance, or management calling the police to press charges against Jim. In either case, money would be lost, community perception of the company or union could be diminished, and a thought from the 'winning' side might be, "...won the battle but lost the war" (Lytle, Brett, and & Shapiro, 1999).

A 'winner' of a negotiation may think that way according to Lytle et al. (1999) because acting on a threat like a strike in this case or the management calling the police to press charges against Jim could lead to much greater losses for all. If the union members strike, then everyone loses money and the

media would most likely portray the issue negatively, which would in turn affect morale among employees, management, and the company.

Research by Lytle et al. (1999) supports focusing on interests, rights, and power effectively by moving between each as a very strong strategy. The union focused on interests like Jim being a good employee with years vested in the company, profit for the entire company, good training with clear policies so people are not worried about the unknown, and all parties saving face.

So your main concern is discipline for an employee. Are you concerned about the confidence of the employees to understand and demonstrate the policies of your company?—to represent your company? (J. Hogue, personal communication, March 8, 2014).

This was an attempt to get management to see the interests of good, happy employees because they serve a much larger interest—that is, they represent the company as a whole with everyday interaction between them and customers—the community. Or as Bourdieu puts it, they help build the market of the company's voice or "capital" and ultimately their face within the community—how much weight or value the people of the community puts on what the company says or does.

Recommendations

The first thing I would have changed is in the pre-meeting for the setting of the rules. I think we made a mistake when not setting a rule that provided equal communication from all representatives. We should have set a rule that each representative on each team take turns in responding. This would not only have given authority to each representative to speak but also given us a women's perspective on the issue. After watching the video, I discovered that Bharati did not talk but 10 times and most of those were one sentence remarks. In fact, I notice her writing and offering her thoughts in a note to David to speak most of the time. So I wonder now if David conveyed her thoughts the way she would have conveyed them. Holmes (2006) points out women "...tend to adopt the strategy of seeking agreement to a greater extent than men do...", "...work together and collaborate with each other 'to produce shared meanings'." and also "they provided each other with a great deal of positive encouraging feedback" (p. 325). So from Holmes I would suspect the simulation would have been much different if we would have implemented this rule.

Another important thing to consider is the implementation of the strategic use of interests, rights, and power described by Lytle et al. (1999) would be a very good place to start for recommendations.

By strategically reciprocating information-sharing, negotiators should be able to move from sharing interests to sharing interest-based proposals to settlement. Those interest-based proposals will contain elements that are both integrative...and distributive... (Lytle et al., 1999).

The union could have confronted management about their hard-nosed attitude and suggested that instead both parties brainstorm ways to improve training processes. We could have not reciprocated as Lytle et al. (1999) states, "A negotiator can simply refuse to reciprocate communications involving facts, rights, or power and instead ask an interest-based question." We then may have stopped the blaming and insistent attitude of the management that set the tone of the meeting as "serious."

We can also look at this from the point of Mehan (2014)—“All people define situations as real; but when powerful people define situations as real, then they are real for everybody involved in their consequences” (p. 451). He suggests that people in power sometimes overlook evidence and impose their will or decisions on others because they have the authority to do so. The management could have thought they needed to impose their powers in order to not look weak or loss face so in doing so they ignored or dismissed any other frames or perspectives on the issue. Either way, continuing to frame the utterances in an interest-base discussion while flexing power and rights afforded the opportunity to change the policies and procedures to improve future relations among all the parties.

But as Smyth (2012) points out, “When a person is preoccupied with a single idea or aspect of a situation she will have great difficulty engaging in the activities associated with constructive conflict resolution: reflecting deeply on interests, listening actively, seeking to balance assertiveness and cooperation while searching for solutions. These activities are impaired by the preemptive capturing of cognitive and emotional attention that is preoccupation.” From the firm stance management had throughout the negotiation, we know they were preoccupied with thinking only about disciplining Jim and their identity goal of saving face.

The union could have called the management team out on their competitive conflict style and asked to keep the discussion to collaborating or compromising conflict styles and concentrated on instrumental goals that Zhang et al. (2014) describes as “task-oriented goals, such as obtaining information or goods or solving a problem (Wilson & Putman, 1990).”

Being more mindful of the entire situation and the people involved is my next recommendation.

The first step is to “create space” between thoughts, to find a wider consciousness. Again, I note that “thought” is shot through with emotion and sensation. When a person’s sense of self is threatened he can be overcome by sensations, feelings, and thoughts that consume his consciousness (Smyth 2012).

When I received the note from my team to not escalate the negotiation I was upset with the management and everyone could tell by my tone and posture, not to mention my red face. At the time, I had little to no mindfulness of the others in the room besides the two management representatives and Bill, who was lounged back with a smirk on his face half the time and nodding his head the rest of the time. But having watched the video recording of the negotiation now, I see others taking notes, listening intensely, but I certainly saw myself engaging in the role of union representative to the point of getting upset over—well, nothing. Taking a caucus at that time (or even before) would have been very beneficial to the negotiation. It would have given all a time to review the facts and information shared by both parties, reframe the perspectives to better focus on the common interest and needs, and relax to release the tension created from the interaction.

To end my conclusion on recommendations, I would say that the greatest need in a conflict or in a negotiation of a conflict is knowledge—knowledge about the way people communicate. We don't tend to think about the natural process of speaking, but courses like Language Theory forces you to look at a basic process that is so engrained into our lives. You start to understand the ways our environment, society, family culture, political culture, economy, gender, age, and more affect our communication skills and processes. You learn how meaning is created in direct and indirect ways. All of this and more combined to create tools in your tool belt of knowledge that can be used in creative and constructive ways to interact with others to produce meaningful solutions for everyone.

Conclusion

This simulation and its analysis was a very good learning experience. It provided a way to combine and comprehend the information discussed and taught throughout the classroom experiences and readings as well as my other studies of Language Theory and Digital Narratives. I could not help but think about Adichie's TED Talks that we recently viewed in my Digital Narratives class. She discusses the dangers of a single story and warns us of the single story about another person or country—its authenticity. I wondered who provided the facts in the cases since Dr. Fuller stated it was taken from a true account. Did the company provide the facts? Jim Smith or the union? Maybe it was Contract Services? In any case, the story given would be intertwined with bias and predefined expectations. I can say this not only from my own experiences and observations but also draw from Cameron's (2014) statement, "...but his description of the data was (in both senses) partial: it was shaped by expectations that caused some things to leap out of the record as 'significant', while other things went unremarked" (p. 338).

In the negotiation, competing conflict styles created an action-reaction process that seemed to invoke irritation in both parties and certainly heightened my emotional state. I am aware now that I need to be more mindful of my emotions and to concentrate more on interests and needs, rather than being preoccupied with my irritation invoked by the behavior of other people. I read a brief report in Cognition & Emotion to help me understand what I needed to be aware of and change to gain control over my emotions. Ornaghi and Grazzani explain that we learn to understand our emotions during childhood and it is an important part of social cognition, so if one lacks the ability, they may show "atypical development and problem behaviors (Dunn, 2000)" (p. 356). In my case, a rise in my sound level and sharper, tone while responding to a classmate in a simulation, may be a normal emotional response in some conflicts; among the business world it may be considered a behavioral problem.

Emotional understanding is a key component of ToM [theory of mind] (Harris, 2008) and a key aspect of the broader socioemotional competence that children develop from infancy and primary-school age through adolescence and beyond (Denham, 2007).

- At a first level (conventionally referred to as *external* by the authors)...recognition of facial expressions, understanding the impact of situational causes on emotions, and the role of desires in emotions.
- At a second level (termed *mental*)...understanding...of the role of beliefs in emotions, the impact of memory on emotions and the distinction between outwardly expressed and privately felt emotions.
- At a third level (labelled *reflective*)...acquired...the effect of morality on emotions, awareness that emotions can be regulated through cognitive control strategies, and an appreciation of concurrent mixed feelings (Ornaghi & Grazzani, 2013).

At the first level, I should have been aware more of the causes of my emotional rise, which was from a class assignment and not anything I had personal investment in—other than a good grade. So I ‘got into the part’ you could say, but if I was in that ‘real’ situation, I think it would be better and socially normal to privately hold my emotions, so not to invoke a rise in emotions from the other parties or loss of face. I stated earlier that I needed to find a quiet place in my mind that can overcome emotions so I can continue to be attentive to the conversations.

The management did not want to collaborate on discussions of training; instead, at first they only agreed that training would be a good idea. They only wanted to “set an example” of Jim Smith. It took a lot of back and forth of the same information—framed differently—before management was willing to collaborate. The union framed information by incorporating different interests, rights and power, such as the interest of saving face within the community, the right of all employees to be treated fairly, and the power to strike. Over the course of the negotiation the management proposed a 3-week

layoff with a demotion upon returning to work; this offer weakened as they became irritated by not getting a response or reciprocal proposal. The union never stopped pressing management to start a training program, and eventually management agreed. The union finally offered a proposal after receiving agreement to start a training program, and because the management had offered a fourth proposal of only a week layoff, the union proposed no discipline for Jim; instead, Jim would be the first student in the training course. Once that offer was made, a solution to the issue was soon resolved.

As the research points out, being mindful of conflict styles and the strategies used in a negotiation can be very helpful in developing a solution. I believe for me, I need to find the “distance place” that Smyth (2012) talks about in order to be able to focus on information and facts, and to respond with an appropriately strong response, and not necessarily speak the thoughts that first come to my mind. Keeping conflict styles in mind will also help direct a negotiation by asking interest-based questions in an attempt to change the competing conflict style to a more collaborating or comprising style.

Conversational styles can also be very helpful in the negotiation process. Tannen (2012) points out that when we want to create meaning and get it across by speech, we use conversational signals, devices, and rituals. Conversational signals are the stops, starts, speed, pace, voice quality, pauses, tone, sound level, and silence of utterances. A party’s conversational style can give insight on their understanding of the issue and the resolution. She offers influences, “the big five”, on conversational styles as the following: ethnic background, regional background, age, class, and gender. I know from my studies, these five elements have a tremendous effect on our behavior, speech, knowledge, and more.

It’s like a seesaw and all conversational rituals are like a seesaw—you do your part and you expect the other person to do their part, if they don’t, it’s like they got off and you go plopping to the ground and you don’t know how you got there—that’s the feeling you get often when you are talking to someone whose conversational style is not shared (Tannen, 2012).

Finally, I know the information I have learned throughout this semester and from this simulation is going to be helpful for both my career and my life in general. As I implement these strategies, become more analytic of other's discourse, and increase my ability to be more mindful of my environment and the people within it, I will be able to deal with conflict better. My workplace is laden with conflict every week. This is where I will be building my skill set by trying out the new tools provided by my studies throughout this semester.

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A Complete Transcript

Greetings, everyone. (Groups response with greetings) I am Dr. Fuller with Contract Services and my purpose here today is really as a neutral observer. I am not an intervener by any stretch. The parties have agreed to meet today to try to negotiate a resolution to this grieves that has been raised. So I well remind the teams of the ground rules that were agreed upon by your team representatives. The first ground rule relates to caucuses and a caucus is a side bar meeting that's taken to discuss your strategy. Your team representatives agreed to both the use of team caucus, where everyone on the team is participating in that as well as representative caucuses, where the your respective representatives who are speaking go into separate rooms to talk about how to respond. So for the team caucus, you agreed to take a maximum of 5 minutes. And for representative caucuses you agreed to take 1 minute. In terms of talking turns, each team will have 3 minutes to respond and that 3 minutes will be either speaker for that team. And I will keep track of the time on that and let you know. That is mainly to make sure that there is equal talking turns and to reduce the likelihood of drawing out the time. Your representatives—representatives raise your hands for your respective teams—will be the main speakers for this. If you are not one of the representatives, but have a point you would like to make; you may pass your representative a note. That is not to limit the voice of everybody; it's mainly to an organized rather than chaotic discussion. Both sides also agreed to bargain in good faith. As we discussed, bargaining in good faith means you're here to negotiate in genuine faith. It also means behaving ethically—so refraining from things like misrepresenting the facts or lying. Both sides in this meeting agreed to have management take the first speaking turn and it will proceed from that. Typically the team also that calls a caucus will have the first speaking turn when they come back. As far as where the caucuses take place—the labor team will have their caucus in speech 230 which is the office that's just behind us here, it's my office, and the management team will have their caucuses in speech 234 which is just down that

hallway to the left. Having provided the ground rules that your teams agreed upon, I will now turn it over to the management team to make their first statement (R. Fuller, personal communication, March 8, 2014).

Well. We're here because we have a fairly serious incident with Jim Smith and uh, apparently he was caught with some coins from a machine. We've had a previous incident of this nature back in 2013 with Hal Lingle which resulted in a two week disciplinary layoff. We are thinking that is—ah, a less clear case, in Hal's case, cause he had not been really schooled on the procedures for dealing with excess coins. It was about the same amount of money, just a little bit less than Jim Smith had taken, so we feeling that we really do need to have some fairly serious response in terms of discipline with—with Jim— he has been a good employee. We want to keep him. It was, I know. I will tell you there was some very strong support for discharge but, we would, I think, we came to the consensus that we would hate to lose him and we would like to, you know, fasten a solution that would impress upon him and other employees the importance of following our policies on dealing with funds, and at the same time, you know, be fair, but we do need to maintain our profitability. We can't have loss of revenue through, you know, the loss of our coins which is our income. That's what our company operates on and that's what we use to pay our employees, so it's to the unions benefit as well as to ours to make sure that we have good procedures and policies in place and that we can enforce those when we need to. (D. Schoen, personal communication, March 8, 2014).

Union team. (R. Fuller, personal communication, March 8, 2014).

Bill, Barti glad that you are here and (J. Hogue, personal communication, March 8, 2014).

David. (D. Schoen, personal communication, March 8, 2014).

Oh yea. Oh I am sorry. (J. Hogue, personal communication, March 8, 2014).

(Laughter and inaudible chatter)

I am glad you are here and glad to hear that you want fairness. I think all of us are in consensus on being fair and having a good organization with trust among the employees and the employers. I like that you

recognized that fact that Jim is a good employee and that you want to keep him. And he has been an employee for nineteen years and has a lot of support from the community that the vending machines are in. Talking with him and Hal, we feel like the issue is not—the issue of someone stealing something right now—the issue with both of these parties is the understanding of your policies. The policies weren't communicated well through the chain of coming down from the top. The supervisors were the ones that conveyed the policies to the employees and there was no training. There was just going over the policies. We feel like the issue is that we need to have a better policy, training, and implementation to all of it. Because both of these employees, Hal and Jim, have been with your company for a long time and their both amount the same amount, you said about the same amount and their creatures of habit. The policies were brought down and in 6 months both of them were charged with "taking money" but they were only doing what they always done in the past. So it is hard to break habits. Neither one of these employees were out to steal anything, they were doing it right out in the open and they were doing it because they felt as this is the way it is supposed to be done. We feel Hal already got a bad in on this, but that we can change that and we can come up with a better solution Jim. That way respect and the culture of your company can remain well also instead of other employees getting upset over all this and having the whole organization's culture disrupted over this matter. (J. Hogue, personal communication, March 8, 2014).

Well I think we can go back to Hal, I don't think we are here to revisit that—that was already decided. There was an investigation and I think we all know that taking money that doesn't belong to you is wrong and I think that was decide with respect to Hal. I think that is kinda a baseline for us and that was a discipline—that is not being reviewed here. Hal didn't appeal that. However, we are always looking for ways to increase our effectiveness. And I would note that for a factual matter, all employees were briefed on this policy. So it not if Jim was unaware of it. Somebody that has been here for as long as he was—some nineteen years, we would expect him to be able follow procedures and policies. But, having said that, if there are ways that we can make the policy more clear or training and implementation more clear, then we are certainly willing to look at that (D. Schoen, personal communication, March 8, 2014).

Do you plan on using the action taken against Hal as a baseline that you intend to be common in discipline action in such a situation? (J. Peterson, personal communication, March 8, 2014).

Well, in general, our lawyers and HR people tell us we need to be fairly consistent in our discipline so we can kinda protect ourselves against discrimination claims that we are treating people pretty much the same for the same kind of conduct but—you know, we are always going to look at the facts—underlying facts of the situation. We don't really have a denial from Jim that he took the money. He made some kind of statement about the reimbursement procedures, but he didn't really state, very clearly, that's what he was doing here. So we think some kind of discipline is appropriate and just for the reason in my opening statement, I think it is appropriate to look at Hal as a floor that would be very minimum in terms of—because we think Jim has more responsibility—the policy—Hal wasn't very clear about the policy. We can concede that, but in Jim's case he was. He had been informed about it. (D. Schoen, personal communication, March 8, 2014).

So do you feel confident that middle management effectively communicated the policy to Jim? (J. Peterson, personal communication, March 8, 2014).

Yes, all employees were schooled on the new policy. (D. Schoen, personal communication, March 8, 2014).

Can you verify that? (J. Peterson, personal communication, March 8, 2014).

It's clearly—it was very clear that all technicians were instructed as to the procession. (B. Matta, personal communication, March 8, 2014).

Did they understand it? Do you have proof? Do you have a signature from the employees? (J. Hogue, personal communication, March 8, 2014).

We are willing to work on those policies but for right now we need some disciplinary action because Jim was fully aware of these policies and he has been working for nineteen years and we think some action is needed for it to not keep occurring in the future. (B. Matta, personal communication, March 8, 2014).

Well, talking with Jim, he saw there were policies for excess moneys, but this was money he was using for test. So there was—in the policies there were no discussion on what their supposed to do about reimbursing and also the policies in 6 months were gone over three times, but you have two senior employees that were supposedly caught with money. So, I am arguing that the policies wasn't conveyed well. Because they're not understanding it, so there needs to be some training. And since both of them were about the same amount, it was not an issue of stealing, because—it's an issue about how to get his money back and that was not conveyed in the policies or procedures. So, he was doing it the way his always done it. So there needs to be some actual hands-on training, plus a new policy that outlines in detail the procedures and the consequences if an employee is caught actually stealing money. (J. Hogue, personal communication, March 8, 2014).

Even after implementing the new policies on January 4, of 2014 it was stress that both union and management stressed the importance of the review in order to reduce the likelihood that innocent mistakes would be considered intentional infraction of company policies. So again, and again, repeatedly we have gone through the policies with the employees, and we think we have made it pretty clear, but we are open to—as you suggested, that we could have some training down the road to really clear up those policies. But right now, we think that there has to be some kind of action taken by the management to stop this conduct from going forward. (B. Matta, personal communication, March 8, 2014).

So you do feel confident that—if you notice there, it says on January 30th he was assigned—Jim Smith was assigned to repair a soda and snack machine in a nearby military installation. Jim checked the assignment—as Jim checked the assignment, his supervisor talked with him about how to handle excess moneys and was satisfied Jim knew the procedure. So it seems to me that if his supervisor felt as if Jim understood what the new procedure was then—Jim is not—obviously he's a good employee—he's not a forgetful employee, and so if he had understanding of it then why did this happen? Our contentious is

that there is a communication breakdown between upper management, middle management, and the workers. Do you see that? (J. Peterson, personal communication, March 8, 2014).

Well, I down think there was a breakdown, to me that indicates that Jim knew the procedure. He was, you know, right on that very day—it was reviewed with him, so that really cuts against the argument that there wasn't good communication and yet acts in a way that was contrary to company policy. So I, you know, I think the polices are something we are certainly willing to look at and if you y'all have suggestions for better implementation, better training. We certainly open to listening to that and working with you on making sure that people really do understand, but I think there needs to be some consequences here in this particular case. So that we are clear that these polices are to be taken seriously, and that we are not sending a message that they're simply something that can be ignored. One more thing I like to point out, going back to something you said earlier—as I understand facts, he did not give a reason for taking the coins. So he didn't say, "I was reimbursing myself." So there no real explanation from him as to why he took those coins. And certainly, if he was reimbursing his self and had that kind of good excuse, why would he not have said so? So, I think we can assume that there was something else going on here. (D. Schoen, personal communication, March 8, 2014).

Are you implying some sort of bad faith action? Do you believe he was being devious? (J. Peterson, personal communication, March 8, 2014).

Well, you know, I really don't know what was going on in his mind—it sounds like—working through the union and with his experience with the company, if he could have asserted he was acting in good faith, I think he would have. I hate to accuse him of stealing, but when money is taken and there is no good explanation given for it. Even though the opportunity is there then I think discipline is appropriate. And, we're not talking about calling the law on him or anything like that. We're just saying that we need some employment discipline here that would be appropriate. You know, it's not going to end his career with the company—it's something that would be. (Reading notes passed from team member) Sorry I am getting some notes here and I haven't reviewed them, but that kind of where our position would be. I don't think we need to—we're not prosecuting him, we don't need to, but there is an employment issue here that needs to be addressed. (D. Schoen, personal communication, March 8, 2014).

Well, on the 30th, he did assert—the fact sheet says, "He asserted for coin box repair technicians have reimbursed themselves for their own coins in testing the machines." So he did arrest his position. He gave no reason for stealing because he wasn't stealing. And, as far as on the 30th, it was the handling of excess moneys not reimbursement policies that were went over. And the supervisor was satisfied—that is a very ambiguous word—satisfied. That why we need hands-on training and policies that are signed, after the training is done. Because Jim takes the fact that—you went straight to an investigating agent instead of going to a training program in the first place. On September 15th the special agent even asked Jim Smith for help with this issue. So he is vested in this company. He has a lot of interest in this company sustaining—profitable business in order for him to bring money home to his family. So for you to say that he stole this money is slapping him in the face and saying you don't trust an employee that has brought purses that value money—that has money in it and different things over the past nineteen years—to the office to saying yea this was here and some body needs to—(in this long pause I was

passed a note that said, “Don’t escalate!”)—to take note that there were some misplaced items. So I think there is a communication breakdown because even the person that was asked to help didn’t understand all the policies, so all of the policies must not have been addressed. (J. Hogue, personal communication, March 8, 2014).

Well I, you know, like I said. I think we can look at the policies and the training, but I think discipline is appropriate here, again this is employment discipline—we’re not accusing him of committing a crime. It’s just a civil employment manner. So I think, you know, we are looking at is—that we would, look at something like a disciplinary layoff of about three weeks and with a demotion of some period of time when he returns. And, I think that would be appropriate and we’re willing to bring him back which does show that we do have some trust in Jim, but I don’t think we’re at the level of, of theft, but since you mention that, you know, if we don’t nip this in the bud then we are leaving ourselves open to possible—or at least the possibility of theft in the future. I think that is something that the union should be concerned about as well, obviously if we are losing money, fifteen dollars at a time here and there, it adds up. And that is money we don’t have for benefits, training, you know, working on policies or what have you. (D. Schoen, personal communication, March 8, 2014).

Did you take an inventory of the machine and the amount that was taken? Because if he would have been just giving his money for a test and he is not taking the product, there is actually an excess of money in the machine instead of a negative. (J. Hogue, personal communication, March 8, 2014).

I think he admitted taken fifteen dollars in coins on this occasion. (D. Schoen, personal communication, March 8, 2014).

To reimburse himself. (J. Hogue, personal communication, March 8, 2014).

Well, he doesn’t say he was reimbursing himself. He just raised, in kind of general and vague matter that there something about reimbursement in the past. He didn’t say, “That what I was doing.” (D. Schoen, personal communication, March 8, 2014).

We think that the history of Jim’s employment speaks for itself, hence why we have been informed by Jim that this is simply a mistake. He, as we have mentioned for the—special agent consulted with Jim Smith on this issue, this coin loss issue. Believe me, it is something we are concerned about as well. We all need to make money in order for our union members to make money as well. We understand that. But the special agent consulted with him, his worked for you for nineteen years, his returned purses and other items of value totaling over three hundred dollars. These are things that he wouldn’t have had to do—there is no inventory on a purse, right? There’s no inventory on a purse. There’s nothing for him to gain, other than simply an ethical person returning something like that. And so, we believe that his past speaks for itself. The community, obviously, he’s considered a leader in his group. The community likes him too. He is a well-known person. A good worker. And so, we want to make sure that he is held in the esteem that he needs to and yes, we admit he made a mistake. But, we don’t think that there is malfeasance involved or any mal-intent involved. (J. Peterson, personal communication, March 8, 2014).

Well, you know, mistakes—we all make mistakes and we agree with a lot about what you're saying about his past and having displayed honest in the past. And, we are certainly taking that into account. If we thought he was a habitual theft he wouldn't be working here he would have been gone before now. So, really all we're looking at is some fairly minimum discipline on the employment level. And that is just a part of the employment—being an employer and employee. Those issues come up and, you know, once we get past the disciplinary stage, you know, we can go forward with a good relationship with Jim. We do value his service and we want to keep him. So, I think we are definitely going to look at some discipline. We are again, kind of appreciated of your perspective about the policies and whether they're really working well. I think Jim had enough knowledge, in this case, to do better than he did. And that is all we're trying to do—is say we need you to do better and we need you to take this seriously. And, we need other employees to do that as well. (D. Schoen, personal communication, March 8, 2014).

Well, this whole matter has got all the employees kind of upset that you would discipline these senior people that trained the other people so harshly. We feel like you went a little bit too far with Hal discipline and that this is a chance that you to show all the employees that your fair. And, discipline Jim less and concentrate on training and policies more. So, what is your minimum discipline stance? What would be the minimum discipline that you can live with? (J. Hogue, personal communication, March 8, 2014).

Keeping in mind that the reimbursement policy was implemented a month before he was caught doing this kind of action, and keeping in mind that he was very knowledgeable and that he was a good learner, and keeping all those these in mind there still this kind of action. So as a management team, we need to take some action for it to stop right here. And we are open to get these policies improved and training, but I think for our—there has to be some action. We are ready to go down to 3 week or 2 week of layoff period and reprimand him with a warning that if it happens again, that can result in dismissal. (B. Matta, personal communication, March 8, 2014).

Can you show me on this fact sheet where the reimbursement policy was reviewed? (J. Hogue, personal communication, March 8, 2014).

Yes. A special instruction on self-reimbursement had been issued a month before which directed the employee to file voucher of reimbursement of their funds used in testing. (B. Matta, personal communication, March 8, 2014).

Where is that? (J. Hogue, personal communication, March 8, 2014).

Second page, first paragraph. On January 30th. (B. Matta, personal communication, March 8, 2014).

Well there again, that was only a month prior to this and it has been practiced for nineteen years. So a creature of habit, rather they learn quickly or not—people are creatures of habit and it was a mistake. And, Hal never received this then. So, you have already discipline one employee without special instructions on self-reimbursement which we think he was treated unfair, so this is a time for the company to get fair. (J. Hogue, personal communication, March 8, 2014).

Well, if there is a problem with Hal's disciple, you know, if the union wants to bring that up or bring grieve, we will respond at that time. But we are really not here to discuss Hal today. (D. Schoen, personal communication, March 8, 2014).

We are here to discuss an issue affecting both employees and the issue is that the policy was not conveyed well and there was no training at all for the employees and therefore, they should not be held accountable for the mismanagement. (J. Hogue, personal communication, March 8, 2014).

I don't believe there is any mismanagement. Jim had—If we were unfair to Hal, you know, as you are pointing out that unfairness did not carry forward to Jim—Jim was given the policy and the instruction on self-reimbursement a month before, so he had plenty of time to change his habits. We certainly have a right as an employer to change policies and clarify them, and that is what you wanting us to do. In this case, we did—we're very clear. That was conveyed and communicated. So, I not really sure I understand the fairness argument here or the lack of notice about the policy. I think we have complied. We have kind of told you where we are on the disciple. I think there is going to have to be disciple here, but I am just wondering if you agree that there needs to be any disciple at all or you asking for no disciple? What is your position on that? (D. Schoen, personal communication, March 8, 2014).

You said it was clear that you have conveyed the policy. It says you issued the policy. So, you sent out a memo? Put a memo in the lounge? I mean—how did you do this? There was no training. No one can understand and realize that someone understands the policy unless they can show you that they are doing the policy different. So this says it was issued. There is nothing that says you have signed paper work that each person read it, how they received it, the training they got from their supervisor, so they need to demonstrate it. They need to see it demonstrated and then they need to demonstrate it. That way the muscle memory of going through the motions and that way you can actually understand, did they understand it or not because you can see them demonstrate it. (J. Hogue, personal communication, March 8, 2014).

Can we um, make—there seems to be something we are all in agreement on and that is the need to clear up the training. Are we on agreement on that? There needs to be better communication on what is expected of the employees? (J. Peterson, personal communication, March 8, 2014).

I think we can agree that better training is always going to be beneficial and if there is ways we can improve our training, we are certainly willing to look at that. We don't think that impacts the need for disciple here. So, I guess that was my question to you was, "What is your position on disciple?" From what I am understanding, we all agree that training is an issue, policies are an issue, but the issue we are mainly concerned with today is Jim's case. How are we going to deal with this from a disciplinary stand point. So, I think we've kind of told you where we are, so we kind of like to hear from you. What your response is to the disciplinary issue itself. (D. Schoen, personal communication, March 8, 2014).

Right, better training is what we are trying to accomplish here and not simply just how Jim's going to be treated. So, that is one purpose of why we are here. Is to make sure that communication is cleared up and all employees are for certain doing what they are supposed to be doing because they have

demonstrated it—they have shown skills and yes they have done it. Because we have said it a few times, but we believe there was a communication breakdown between Jim's manager and what Jim did. (J. Peterson, personal communication, March 8, 2014).

We want to point—as a management team we really want to point out that the day Jim was caught doing this kind of act, the same day his supervisor talked with him about how to handle these excess moneys. So, Jim was totally aware of the procedures not just in written policies but in personal talking with supervisor. He was clear about these policies and he still did what he did. (B. Matta, personal communication, March 8, 2014).

That is true, if and only if, the supervisor completely understood the policy. (J. Peterson, personal communication, March 8, 2014).

And that doesn't mean that he was going over the self-reimbursement policy. That was the excess money policy. And, the excess money policy is another policy altogether. How did y'all issue the self-reimbursement policy instructions? (J. Hogue, personal communication, March 8, 2014).

Without going beyond the facts as we have them right now, that wasn't made clear. It said it was done. I think the fair implication of that is that it was done effectively. (D. Schoen, personal communication, March 8, 2014).

I argue that. (J. Hogue, personal communication, March 8, 2014).

So, I am still kind of at a loss for what your proposal is. I know you would like better training. We have already kind of agreed that is certainly something that we can look at. (D. Schoen, personal communication, March 8, 2014).

Kind of agreed? You haven't really been firm on that. We're trying to know we you are on that. We have state we want that. And so? (J. Peterson, personal communication, March 8, 2014).

We agreed that we are going to take in consideration better training and better policies. We are open to talk about it. And implement that in the future. (B. Matta, personal communication, March 8, 2014).

So we can say that is finished. (J. Peterson, personal communication, March 8, 2014).

We are not sure about your position is that—what you think should be a disciplinary action that is needed at this time—we think is needed. (B. Matta, personal communication, March 8, 2014).

So your main concern is disciplinary an employee. Are you concern about confidence of the employees understand and to demonstrate the policies of your company?—to represent your company? (J. Hogue, personal communication, March 8, 2014).

Well yea, we don't want to have to disciple employees—we'd rather have them understand the polices and follow them. If there are ways that we can help deal with those issues on the frontend then that is better because we won't be in these kinds of situations that we find ourselves in now with Jim. So sure, we are definitely concerned about that. When it gets to this point, where polices have been violated,

then yes of course, we're also concerned about discipline so it's not really all one road. (D. Schoen, personal communication, March 8, 2014).

So you take no responsibility in this? Because we think, you are equally responsible because the policies were not conveyed well. If it was conveyed well, two employees that were life-time career employees violated the so called policies. Would you not rather have an organization where trust among the employer and the employees and that the culture of the company is of making the whole company run well? Because these employees are out there; they are the frontlines between the community and your company. And, Jim is very well liked among the every employee, almost every employee, of these locations where these vending machines are. There are a lot of supporters in the community for Jim. I believe if you lost Jim or there was any disciplinary actions against Jim the consequence maybe this company loses respect from within the community and may loss profit. You are concerned about profitability. So it is our concern also, Jim's concern, that the company is profitable. (J. Hogue, personal communication, March 8, 2014).

This is the second incident that has happened in less than a few months and after the first incident, each and special instructions were given to all the supervisors to review and conduct codes and procedures for handling excess moneys with all the technicians. So, I think we have made our policies pretty clear and we are ready to revise them, put more training into them, but right now the question is it has happened twice and we don't want it to happen a third time. So at this point, we believe that some action is needed. We really appreciate his work for the company. His been a good employee, but we need to set some example here so it doesn't have a third time. We are clear and we have accepted your position in the training and the better policies and implementation better training for that. But, we are not really able to understand what your position is as far as disciplinary action? (B. Matta, personal communication, March 8, 2014).

Well, what if Jim is the first one in the training class? And then, a clear policy with first offense, second, offense, and third offense is written. After the training, all employees sign the policy and then if anything comes up after that, then you can just follow the policy. (J. Hogue, personal communication, March 8, 2014).

They also need to know they followed procedures correctly. That is one thing we don't believe happen the first time with Jim. So we have talking about that—the employee would demonstrate that they understand the correct procedure and so forth. So everybody is clear on the communication, we feel, as we have said before, there has been a lack of communication of what is expected from upper management and what was expected out of the employees. (J. Peterson, personal communication, March 8, 2014).

So, if I understand what you're proposing, you would like a training class—Jim will be pupil number one. And, then you want policies that would be clear sign-off by the employee on the policy. (D. Schoen, personal communication, March 8, 2014).

Any details, as far as, first offense, second, offense, and third offense or if it is just on the first one or whatever. (J. Hogue, personal communication, March 8, 2014).

So, you want pre-established penalties or discipline. And, kind of a progressive approach for first, second, and so forth. (D. Schoen, personal communication, March 8, 2014).

As far as signing the acknowledgment, it's more of an understanding—demonstrates—maybe a supervisor signs off or the training officer signs off that he actually saw the employee do it and then the employee signed also. (J. Hogue, personal communication, March 8, 2014).

OK. So, training class with Jim in it, clear sign-off, supervisor signs that indicates the employee understands, and then a kind of progressive discipline policy pre-established disciplinary steps. Is there anything else that I have missed? (D. Schoen, personal communication, March 8, 2014).

No (J. Hogue & J. Peterson, personal communication, March 8, 2014).

We'd like to take meet with our management group then and we'll consider your proposal. We will come back and let you know. (D. Schoen, personal communication, March 8, 2014).

Caucus time of five minutes

Well management is really—feels pretty strongly that, you know, that giving people three bites at this apple is just not appropriate. We are with you on the idea of having good clear training. You know, signatures, as we discussed by supervisors and employees that they understand the policies. We have no problem with that. But that being the case and given that we are talking about the company's money, we can't just let people have repeat offenses on this. We do feel that, to make things clear, one thing we would like to propose, is that the company provide coins to these employees. That they can use and we're looking at—we think ten dollars would be significant. They will have this money up front and they can account for it if they do repairs. So, then that should totally take away the need to have any money in your pocket or in your personal possession. I think that will really clarify the situation. So that is where we are on the training proposal. (D. Schoen, personal communication, March 8, 2014).

So is Jim just going to be the first one in the class and then we are going to start everything from ground zero again? Is that what you are saying? (J. Hogue, personal communication, March 8, 2014).

Well, no. We think that there is a need for discipline here and simply going to a class is—he's been to class. He's been told what needed to happen. So, I think we need some discipline in his case, but hopefully with these procedures in place, we can go forward and this won't happen again. We won't have these kinds of issues. (D. Schoen, personal communication, March 8, 2014).

So, a verbal reprimand that's not in his file, and then going through all these classes and training and new policies signatures? (J. Hogue, personal communication, March 8, 2014).

Are you proposing a verbal reprimand? (D. Schoen, personal communication, March 8, 2014).

Yes (J. Hogue & J. Peterson, personal communication, March 8, 2014).

We haven't heard that before. Can I get some notes from—we don't have to go out again. OK. I think we can do a reprimand. We'd like a written statement from Jim explaining what happen and we also would give him a warning that another violation of this nature will result in dismissal. (D. Schoen, personal communication, March 8, 2014).

And, we would need a written explanation from him. (B. Matta, personal communication, March 8, 2014).

What about a written reprimand that's in his file and then if no issue from him after six months it's removed. (J. Hogue, personal communication, March 8, 2014).

That's OK, but we would need a written explanation from his side too. (B. Matta, personal communication, March 8, 2014).

OK, the written explanation is going to explain it wasn't explained to him. There is no admission of guilt in that explanation. (J. Hogue, personal communication, March 8, 2014).

Whatever he can explain. (B. Matta, personal communication, March 8, 2014).

In good faith. (J. Peterson, personal communication, March 8, 2014).

And it won't happen again. (B. Matta, personal communication, March 8, 2014).

It gives him an opportunity to tell his side of the story. (D. Schoen, personal communication, March 8, 2014).

As far as the reprimand, it's removed after six months from his file? (J. Hogue, personal communication, March 8, 2014).

If nothing happens. (B. Matta, personal communication, March 8, 2014).

Right. (J. Hogue, personal communication, March 8, 2014).

OK. (J. Hogue, B. Matta, D. Schoen. & J. Peterson, personal communication, March 8, 2014).