

Revealing and Disclosing
in Managing the Retrenchment Process

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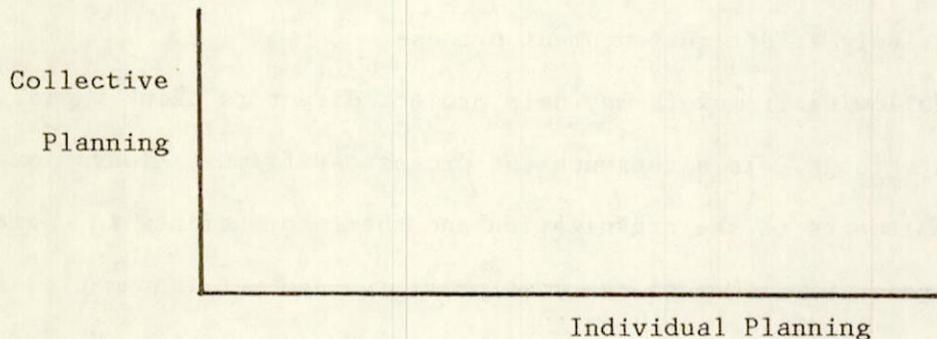
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One of the most difficult questions a project director faces is what, when and how to inform his staff of the dimensions of the funding crisis that the program faces. Most project directors worry that too much disclosure and too much staff involvement in the "work of worrying" will so increase staff anxiety, that individual morale and productivity will fall and many will leave. On the other side, if the program director keeps too much information to himself the level of felt uncertainty among the staff may actually increase. They know that cutbacks are coming, but because they do not know when and how, the level of paranoia and fear may actually rise. Thus, the questions of how, when, why to disclose is fundamental to the retrenchment process. How the PD answers the question will decisively affect retrenchment process.

The following framework may help project directors think these questions through. In a retrenchment process staff must always examine their commitments to the organization and their commitments to their own welfare and future. One of the most primitive and yet fundamental fears in such a situation is that one will be left "holding the bag" after all other staff members have saved themselves and indeed have used program resources to find a new job or situation. If this fear becomes general and powerful, it becomes self-fulfilling as each staff member suspects the others of undermining program structure to further their own ends.

Program directors want to avoid such a process, the chance for the survival of a core program under these conditions is minimal and feelings of guilt and disgust with the program will linger on in the minds of staff members long after the demise of the program. Under these conditions the chances that some sort of legal services program can re-emerge if political conditions change is significantly reduced. Indeed this scenario is one reason PDs tried to hold cutback cards close to their chests.

However, experience suggests that a different strategy may more effectively serve long term interests. Project directors must openly attend to people's individual career needs and concerns at the same time that they openly plan for the future survival of the program. Look at the following diagram:



Point A represents a point of program demoralization. Individuals do not and cannot engage in planning for their own futures just as program staff as a group cannot plan for the continued life of the program. Often employees in highly constrained bureaucracies who have already

experienced significant demoralization prior to the cutback (due to bureaucratic ineffectiveness) occupy this position. Point B represents the point of "flight": everybody abandons ship as all become convinced that there is no value or gain in planning for the future of the program as a whole. Program staff may use program resources (e.g. time) to further their own ends and will hide their activities from the PD. The director, appearing as the enemy, will quickly lose control over the cutback process.

Point C represents the point of "collective regression". Program staff band together to fight the enemy, but they do so without a realistic appraisal of the chances that they may lose, and then as individuals have nothing. This stance can work in the initial stages of the cutback process to galvanize the staff against the enemies from without, but beneath the surface commitment, individual members will suspect others of secretly planning to abandon ship. This paranoia will first be "projected out" against the enemy, but after some initial failure, it will turn inwards against other members (who may be accused of causing the failure) and the situations will quickly shift either to point B or C.

Point D represents in my opinion, the optimal point. It is the point at which staff members are encouraged to think about their individual futures and indeed are helped to do so. This provides staff members with the safety to help plan for the future of the program as a collective entirety.

One program director in a state-wide program effectively combined these two positions. He actively worked to help individuals think about their own individual future just as he placed all staff on task committees to explore future options for the program. The value of this position is:

1. All relevant information is available to the staff.
2. The nature of the genuine uncertainty is clear to all the staff. Thus, for example, in a Canadian program which underwent cutbacks some four years ago, staff members over-restricted themselves and became less aggressive in their advocacy stance. They did this, not because they had been ordered to do so, but rather because they "imagined" that the cutbacks presaged a climate of hostility to legal services work. They imagined this threat because program management did not share information with them about the nature of the threats from without and about which issues were genuinely uncertain. It is a common feature of human psychology to imagine the worst under conditions of great certainty. In this way people can avoid taking risks and prepare to defend themselves with all their available resources.
3. People do not feel guilty about planning for their own individual futures. People must engage in such planning, no matter what peer pressure dictates. It is better for program management to co-opt and structure this planning process so that it can be integrated with collective planning as well. If

program management does not recognize this planning process, the resultant guild itself can further contribute to mutual suspicion and resentment among program staff.

4. People will generally feel free to imagine particular futures which link their own plans with possible futures for the program. Thus, for example, judicare like arrangements that link ex-employees with the program may emerge from this planning process.
5. The director may be able legitimately to develop other than "neutral criteria" for determining who gets layed-off and when. Under conditions of cutback, the difficulty of laying off people makes such neutral criteria very attractive (e.g. seniority, job category, site) but it may not be strategic to lay off in this way. Thus, for example, newer members may be the more productive ones. If the program director can attend to individual futures with care (e.g. Do you own a house in the area served by the program? How mobile are you? Is your spouse working? What percent cutback in family will you take if you are layed off? What are your connections with the private bar? What are your skills? etc.) then staff members may more readily accept a strategic rather than a neutral lay off policy.

There are nonetheless limits to the position just argued here. First, the program directors must distinguish between disclosure to program staff and board and disclosure to the "outside". It may be most important for program staff to have the full picture, but if you give

this same full picture to a local funding source (e.g. United Way), you may scare them sufficiently so that they will reduce its future support of the program. After all they will only support viable programs. (On the other hand, a plea to the funding sources may open the coffers if they are committed to the program or some aspect of its service. This is a tactical decision.)

Secondly, a program director may face a union. I believe that under conditions of severe cutbacks, a new dialectic between the collective and individual futures must emerge that transcends the traditional collective bargaining arrangement. It makes little sense for union leaders to see management as an adversary when management itself has lost decisive control over the future of the program. Yet it is not easy to transcend this collective bargaining tradition. Thus, in the beginning of the disclosure process, union leaderships may protest greatly at cutback plans thus increasing the level of conflict. I believe this process to be unavoidable. That is if the program is to develop a planning process which integrates individual and program needs in a new way, the level of conflict will have to rise before it becomes apparent that the old collective bargaining framework will not work. This means, however, that program directors may wish to get their "ducks in a row" and to consider issues of timing and pacing in the process of disclosures. Most importantly, they will have failed if the program staff cannot get past the older collective bargaining framework so that everyone is demoralized when the union - management conflict solves no problems and only increases staff anxiety.

The following chart highlights the interplay of disclosure and concealment in the cutback process:

	Inside	Outside
To Reveal	Reduce suspicion and paranoia; integrate individual planning with collective planning.	Look like in trouble to mobilize outside support.
To Conceal	Timing and pacing issues; prepare for conflict.	Look like a winner to insure continued support.

Some Practical Advice

This analysis suggests the following advice.

1. Attend to the ways in which the program can help individuals plan for their own futures. The director can commit program resources and time to this process and can:
 - a) Commit accrued vacation time and sick leave as part of severance pay to all those who leave.
 - b) Arrange for transfers between sites (particularly in statewide programs) to help individuals "jump ship" from more favorable

locations.

- c) Arrange for board-staff meetings so that staff can use board connections to find jobs.
 - d) Conduct open discussions about possible futures for legal services lawyers in which individuals can retain their commitment to the "movement," e.g. participation in legal clinics, active work in the bar to keep the conscience of the movement at the center of the legal profession.
 - e) See if a group of lawyers from the program can plan together for their future, e.g. setting up a group practice.
 - f) Examine possible relationships between the core that might be left in the program and the lawyers who have found jobs elsewhere.
2. Attend to the ways in which each individual can help the program survive, such as setting up task forces for the program. One director set up committees in the areas of local funding sources, job sharing and half time arrangements, joint projects with private law firms, input on state block grants, case completion and case referral policies, dilatory tactics of opposing lawyers, staff morale and intake control systems for the duration of the program. Other committees might explore marketing opportunities (sales or services), corporate reorganization possibilities (the integration of profit and non-profit systems), administrative cost sharing with other programs and mergers. These task forces should be time limited and they

should produce a short paper with clear options presented within thirty days.

3. Be sure that program staff attend closely to the future of its presently served clients. There is a danger that program staff may flee the program without arranging for the transfer of cases and relevant files and documents. Not only does this undermine service already rendered, but I believe it may also increase the feelings of guilt staff members have in leaving the program. Such guilt feelings may lead ex-staff members to wish that they forget legal services and may leave them as weak allies in any future attempt to refund the program.
4. Be certain that the group is not split between the optimists and the pessimists. There is a real danger that in difficult situations one group will take on the role of thinking positively about the future while another will take on the role of thinking pessimistically. These splits do not usually produce compromise or realistic pictures, but rather reflect the flight of each group away from the difficult to evaluate present moment. If the split continues, it most likely will stalemate all discussion. Pessimists must be encouraged to question their own pessimism while optimists must be encouraged to question their own optimism. Ultimately each individual must be able to embrace both points of view if he or she is productively to contribute to the planning process. It is particularly important for the PD to avoid a splitting process in which he or she carries all

the optimism and the rest of the staff carries the pessimism. In this case, it is likely that the PD and the staff are colluding to establish the PD as the savior of reluctant troops and the PD is sure to fail. Paradoxically, the PD must co-opt the pessimistic scenario as an idea he too shares or "owns" as a precondition for helping staff members think creatively about future options.

5. The PD must attend to the problem of becoming a "lame duck". His positional authority will be weak and he or she will be much stretched as he or she tries to find a basis in personal authority for leading staff members through a difficult period. The PD must psychologically prepare for his or her own failure and must avoid personal "savior" fantasies. Such fantasies paradoxically exaggerate the salience and meaning of any single mistake so that savior fantasies quickly give way to feelings of complete failure fantasies and feelings of shame. With such preparation, the PD is then freed up to try to construct a core program that can survive past the budget cuts and bounce back under different political conditions.