

LAY-OFFS IN LEGAL SERVICES:
A VALUES-CLARIFICATION APPROACH

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Legal Services programs, faced with the prospect of making significant staff cuts, will likely be forced to endure extraordinarily difficult and painful trade-offs. All lay-offs impose major costs; but different lay-off policies impose different kinds of costs, and these costs are often extremely difficult to compare.

The purpose of this paper is to argue for a Values-Clarification approach to considering such trade-offs, an approach that encourages decision-makers to specify in concrete terms the potential consequences of various cut-back strategies. Only by identifying and clarifying the values or goals they hold dear can decision-makers act intelligently and responsibly in the face of retrenchment. The alternative is to engage in a futile, even dangerous game of blind-man's-bluff, cutting staff and programs unconsciously, without systematically and comprehensively considering all of the relevant consequences.

Thus, in our view, a basic, though often overlooked, task of management is to articulate, as clearly as possible, program values and goals. This is especially crucial in a period of retrenchment. For articulation does not merely help to improve the quality of policy decisions. It also (1) serves to make the program more clearly accountable to constituents and staff; (2) reduces the interpersonal costs of decision-making; (3) helps provide stability

by formalizing policy and process; (4) forces the manager to know exactly what he is doing; and (5) for all these reasons, makes the manager's life easier, at least in the long run. To be sure, most managers have at least some idea of some of the goals they routinely seek to attain. Effecting major lay-offs, however, is generally a non-routine activity; many organizations are therefore unprepared to perform this function systematically and in terms of a well articulated set of values.

This paper will make no substantive policy recommendations; policy-making is the job of the program manager. Our purpose, rather, is to suggest a format and a language for thinking about, and articulating, the value-context in which decisions are made, especially decisions pertaining to staff reductions.

Our premises are threefold:

1. The range of values which Legal Services programs seek to maximize is broad and complex, extending far beyond the mere provision of quality legal services.
2. These manifold values are frequently incompatible with one another; the maximization of one cherished value can often be achieved only at the expense of another. As a result, painful trade-offs are unavoidable.
3. In a period of severe retrenchment, however, such value conflicts and resultant trade-offs are, if anything, intensified and exacerbated. Difficult choices must now be faced up to, and their consequences clearly reckoned.

In the first section of this paper, the notion of Values-Clarification is itself specified with special reference to the kinds of values relevant to Legal Services programs. In the second section, we consider the nature of value conflicts and the kinds of trade-offs

such conflicts typically imply. In the third and final section, we examine the policy relevance of Values-Clarification, and suggest a simple method for examining the consequences of various cut-back strategies.

WHAT IS VALUES-CLARIFICATION?

"Values" are goods or benefits which organizations seek to have and enjoy to the fullest possible extent. As such, they are, by definition, repositories of "utility"; they are useful and desirable, hence things to be maximized. Some values are tangible and comparatively easy to measure (e.g., money, number of clients served, etc.). Other values are intangible and extremely difficult to gauge (e.g., staff morale, fairness, etc.). In either case, values refer to those goals or end-states that determine the nature of an organization's mission and the degree to which it succeeds or fails.

Virtually all organizations seek to maximize both tangible and intangible values. Some organizations, however, do so only randomly and haphazardly. They typically identify a comparatively small set of values, usually the most tangible and measurable ones, and pursue policies designed to maximize these and these alone. As a result, those values which remain merely implicit and unidentified are almost certain to be ignored by policy-makers. Yet such implicit values may well be crucial to the overall success of the organization and to the welfare of its various members and clients.

Values-Clarification describes a simple process having two components: (1) the systematic and comprehensive identification of relevant tangible and intangible values; and (2) the specification

of incompatibilities within this identified set of values. At base, the process assumes that a conscious decision-maker is more likely to be effective than an unconscious one, and that a conscious decision-maker is one who has uncovered and defined, to as great an extent as possible, those various goals and end-states -- some obvious and some not -- that comprise the raison d'etre of the organization. Conscious and rational decision-making is, of course, always to be preferred; again though, it is especially important for organizations faced with major funding reductions and forced to effect significant lay-offs.

What values should Legal Services program seek to maximize? How does one go about identifying such values?

In what follows, we suggest a classification of values, and offer a brief list of specific values, which may be relevant to Legal Services programs, especially in a period of retrenchment. The list is by no means intended to be exhaustive or definitive. Clearly, local programs differ considerably from one another; each is likely to have its own peculiar hierarchy of values. Our list, however, is designed simply to illustrate the kinds of thinking entailed in a Values-Clarification approach and to suggest the range of values which ought to be considered by any project administrator.

At least three sets of values would appear to be relevant to Legal Services programs facing major staffing cuts: these include task-related values, humanistic values, and ethical values.

TASK-RELATED VALUES. We refer here to values that specify the tangible, comparatively measurable tasks or functions that the

organization primarily performs. Identifying such values would seem to be easy. Thus for example, for a business enterprise, profit is presumably the primary task-related value; for an army, it is winning a war; for a church, saving souls. Typically, though, reality is much more complicated than this. Indeed, as many economists have argued, corporations may be less interested in maximizing profit than in maintaining a stable and predictable business environment; armies in peace-time are forced to develop goals other than winning wars; churches rarely limit their range of tasks to the preaching of the gospel. Similarly, while all Legal Services programs pursue the value of "quality legal service for those who are eligible", in fact the reality is more complex. Thus, for example, the following various task-related values may well be relevant to particular Legal Services programs:

1. Mere Survival: No tasks will be performed if there are no Legal Services programs. Hence, the mere survival ^{the} of local program -- regardless of its particular structure, function, or mission -- would appear to be a value at least worth considering. (Some, of course, would argue that Legal Services programs have value only if they do certain things in certain ways. Our purpose here is to neither agree nor disagree, but merely to argue that the issue ought to be frankly and openly confronted.)
2. Maximum Service Distribution: Regardless of where one stands on the service/legal-reform debate, virtually every-one agrees that, all things being equal, it's better to serve more clients than less.

3. Legal Reform: Again, nearly everyone associated with Legal Services agrees that impact litigation is at least of some potential value.
4. Fiscal Integrity: A basic task of any Legal Services program is to manage its money honestly and efficiently. Clearly, this becomes especially important in a period of shrinking budgets and increasing demands for legal services.

HUMANISTIC VALUES. We make no reference here to complex psychological theories, nor to so-called "touchy/feely" principles or techniques. We refer, rather, to simple considerations of morale. Virtually all organizations seek to maintain the morale of its members, not just for reasons of productivity but also because high morale is intrinsically valuable. Indeed, treating organization members humanely and with respect may be worth doing even if it tends to undermine certain task-related values. Unfortunately, many managers focus solely on task-related values, thereby failing to systematically pursue humanistic considerations. This is probably a mistake. For it is by no means obvious that task-related values should even take precedence over humanistic ones. In any case, we regard the pursuit of humanistic values to be a basic and necessary managerial function. The following "humanistic values" perhaps merit special attention:

5. Staff Morale: We are thinking particularly of those staff members who survive cut-back policies. It is important that survivors are reasonably happy in their jobs. This perhaps suggests paying particular attention to staff

salaries, workloads, task definitions, and the overall climate in which cuts are made.

6. **Morale of Departing Staff:** It is also important that the pain of lay-offs be minimized. Departing staff members may well be important in keeping the "legal services movement" alive or, indeed, in performing certain legal services through contractual arrangements, volunteer efforts, etc. Of course, the potential psychological effects of unemployment are also crucial and cannot be ignored by sensitive administrators.
7. **Morale of Project Directors:** It is important that administrators be able to "live with" their decisions, that they feel as little guilt as possible in effecting lay-offs, and that they are as free as possible from demoralizing intra-organizational turmoil and conflict. Project Directors must also consider their own professional self-respect as administrators; after years of planning and building, the prospect of sudden major cuts is itself likely to be demoralizing.

ETHICAL VALUES: Again we intend nothing profoundly philosophic here. In our judgment, however, certain basic ethical considerations are likely to intrude upon the decision-making process and, indeed, are put in high relief by conditions of retrenchment and organization decline. Yet, managers rarely treat ethical values in a systematic fashion. Such values might include the following:

8. **Fairness:** In making lay-off decisions, considerations of

fairness, justice, and equity are certainly important. In this regard, such factors as employee merit and due process become integral parts of the decision-making process. It is, however, by no means obvious that the fairest decision -- however defined -- will also be the most humane decision; nor is it at all certain that fairness improves productivity, even in the long run. Nonetheless, most will consider fairness to be valuable in its own right, regardless of the consequences.

9. Affirmative Action: This is not merely a matter of law or regulation; it is, for many, a matter of ethical right and wrong. Many of those who value affirmative action do so because they regard it as inherently right, hence valuable simply for that reason.
10. Legality: Most Legal Services personnel will regard abiding by the law, both in letter and in spirit, as a question not simply of prudence but also of principle. As regards lay-off policies, this may again raise the issue of affirmative action (this time in terms of the legality of cut-back strategies that ignore affirmative action); but it may also involve issues relating to the "canon of ethics", especially as regards the caseloads of departing staff members.
11. Seniority: The particular and special rights of long-time employees, and the feelings of security, accomplishment, and approbation associated with longevity, may themselves be values worth maximizing. It is, of course, commonplace

to regard seniority as a haven for "dead wood". There is, nonetheless, something to be said for a system that rewards long-term persistence and commitment.

We wish to emphasize, once again, that this list is by no means exhaustive or definitive. Many local programs may find one or more of these "values" to be, in fact, without value; and there are, without doubt, many other values of particular relevance to Legal Services. Nonetheless, we feel that this list is at least illustrative of the kinds of factors involved in Values-Clarification; and we feel that our three-fold taxonomy of task-related, humanistic, and ethical values may be useful identifying some of the goals or end-states of particular local programs.

VALUE CONFLICTS IN LEGAL SERVICES

If it is important for decision-makers to specify the values they seek to maximize, it is equally important to specify and acknowledge conflicts between those values. The old homily that "you cannot have your cake and eat it too" is as true of organizations as it is of individuals, especially in periods of retrenchment. For again, the maximization of one cherished value often can be achieved only at the expense of another; decision-makers must therefore be willing to accept difficult and painful trade-offs. Indeed, the effective handling of such trade-offs is almost a definition of sound management. To be truly rational and effective, however, the manager must know what his values are and know what kinds of trade-offs he is faced with.

Using our typology from the previous section, value conflicts

may occur between values in the same group (e.g., between two or more "task-related values"); or they may involve values from different groups. At this point, a simple hypothetical example may be useful:

Project Director X, faced with a budget cut, must lay off one lawyer, and the choice is between Lawyer A and Lawyer B. Lawyer A is one of the Director's most effective and able staff members. He is well-trained, energetic, and extremely skillful, sensitive in his dealings with clients and, yet, a talented litigant. He is also a confident, well-adjusted individual, a self-motivated and independent bachelor who would almost certainly respond well to any exigency. Moreover, and for all of these reasons, he would likely have little trouble finding satisfying work elsewhere. On the other hand, Lawyer B has been far less productive. Although earnest, hard working, and reasonably productive, he has proved to be a man of only moderate ability. Moreover, he lacks self-confidence, is given to moods of depression, and frankly worries about his ability to provide for his wife and two young children.

Who should be terminated? The decision would clearly be a difficult one. If Director X is interested only in ethical values (as defined above), then it is Lawyer A who should probably be retained. For the criterion of fairness presumably dictates that merit be rewarded; it would be unfair to terminate Lawyer A in view of his superior performance. However, if Director X is also interested in humanistic values, then his choice would be much less clear. Perhaps it would be better to terminate Lawyer A, whose job prospects are so much better and whose character is so much more

resilient. Lawyer B has tried his best, does an acceptable job, and would suffer incalculable pain -- perhaps even psychic distress -- if faced with a lay-off.

Director X is confronted with a dilemma, one whose solution we would not dare to suggest. Indeed, there is no "solution", for both values -- the ethical and the humanistic -- appear to be legitimate and equally worthy of consideration. Our point, rather, is merely that decisions of this kind can be made effectively only if managers are fully aware of the dilemmas they face, if they act self-consciously and forthrightly in handling such pervasive and deep-seated value conflicts. It is in this regard that a Values-Clarification approach can be especially useful.

Our hypothetical case involved a conflict of values drawn from two different groups; i.e., an ethical value versus a humanistic value. What of within-group conflicts? Again, consider the following simple case:

Project Director Y, having made her staffing cuts, feels it might be useful to provide departing staff members with limited moving expenses so as to facilitate their relocation to areas where employment opportunities are more plentiful. She feels badly about those who have been terminated, all friends and former colleagues, and wishes to make their transition as easy as possible. On the other hand, she is also worried about the morale of those who will be staying. She feels that even a small salary increase would help assuage their feelings of uncertainty, assure them of her concern for their welfare, and make the burden of larger caseloads somewhat more bearable. Unfortunately, budgetary considerations force her to

make a choice: she can provide moving expenses or salary increments, but not both.

Here we have a conflict between two humanistic values; i.e., the morale of departing staff versus the morale of surviving staff. Again, there is no "solution". Director Y must somehow make a decision. Her decision will be a responsible one, however, only if she has reckoned all the consequences to the best of her ability. And this is possible, we submit, only if she has taken the time and effort to engage in a process of Values-Clarification; i.e., only if she has attempted to clarify those values and value-conflicts that define her organization and its mission.

At this point, the policy relevance of Values-Clarification should be somewhat clearer.

CUT-BACK STRATEGIES AND VALUES-CLARIFICATION

In effecting significant lay-offs, Legal Services programs are faced with a wide variety of options. Some of the more familiar lay-off policies are the following:

- Merit: The least meritorious employees shall be let go, regardless of other factors
- Seniority: Last hired, first fired.
- Across-The-Board Cuts: Lay-offs should be evenly distributed across units or functions, regardless of merit or seniority.
- Programmatic Cuts: Lay-offs should be effected by eliminating sub-units, functions, particular programs, field offices, etc.
- Partial Lay-Offs: Included here might be forced sabbaticals, job sharing, four-day work weeks, etc.

-- Attrition: Forced lay-offs will be avoided, but vacancies will go unfilled.

Of course, there are many other possibilities, including and especially combinations of the above. What should be emphasized, though, is that each strategy implies significant costs and benefits. But how should those costs and benefits be understood? How can managers determine the various consequences of different lay-off policies?

It is here that the policy-relevance of Values-Clarification becomes manifest. Our view is that costs and benefits can be fruitfully understood as factors that tend to serve or undermine cherished values. Thus, each particular cut-back strategy will tend to serve certain values, i.e., contribute to their maximization, and undermine others, i.e., prevent their maximization. Only by clarifying those values relevant to the organization's success, and by specifying the value-consequences of various lay-off policies, can a manager select cut-back strategies in a reasonably informed and enlightened manner.

Consider the chart on the following page. Our tentative list of values appears along one dimension, certain cut-back strategies along the other. A Values-Clarification approach suggests that each strategy can be graded in terms of the number of values it serves and the number of values it undermines. Thus, in the example provided, using only merit criteria for making staff cuts would perhaps serve such task-related values as survival, legal reform, and fiscal integrity. However, such gains might well be achieved only at the expense of some significant humanistic and moral values; indeed, making merit decisions might impose serious and demoralizing burdens

	Merit	Seniority	Across-the-Board	Programmatic Cuts	Partial Lay-Offs	Attrition
Survival	+					
Maximum Service Distribution	n					
Legal Reform	+					
Fiscal Integrity	+					
Staff Morale	+					
Morale of Departing Staff	-					
Morale of Administrators	-					
Fairness	+					
Affirmative Action	-					
Legality	-					
Seniority	-					

"+" = serves the value
"- " = undermines the value
"n" = neutral

on Project Directors, would certainly undermine the value of Seniority, and might also compromise considerations of affirmative action.

Emphatically, Values-Clarification is not a substitute for decision-making itself. Filling in all of the cells of our values/strategies matrix would not, in itself, solve any problems. Administrators cannot avoid making hard decisions. Values-Clarification can nonetheless serve as an important aid, encouraging decision-makers to specify and acknowledge the consequences of various strategies and to devise and select lay-off policies accordingly.

CONCLUSION

We have proposed nothing especially esoteric or novel here. Values-Clarification is based on simple common sense. Indeed, it is designed precisely to ensure that common-sense notions are articulated, and to provide a language or conceptual apparatus for so doing.

Nonetheless, students of organizational behavior never cease to be amazed at the number of organizations whose leaders act unreflectively, instinctively, inarticulately. Our hope is that Legal Services administrators will act otherwise, especially in the tough times that lie ahead. We feel that Values-Clarification can be useful in this regard by providing a context for effective and enlightened cut-back management.

Human Resource Management in a
Period of Retrenchment

A WORKSHOP FOR LEGAL SERVICES ADMINISTRATORS

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workshop is designed to provide an arena for LSC managers to exchange ideas and experiences concerning lay-off policies in a structured manner. At the same time, it should encourage the systematic analysis and evaluation of these ideas and experiences with a view toward minimizing the personal and programmatic costs of retrenchment. Finally, it can provide an opportunity for morale building and hopefully for a renewed commitment to LSC as a social movement. Indeed, collegial interaction in an atmosphere which is action-oriented should foster this.

What follows is a description of a one-day workshop, comprised of the following four units or sessions:

1. An opening Roundtable, in which each participant has an opportunity to share his or her concerns and ideas.
2. A Formal Presentation by the facilitator, establishing a structured basis for ensuing discussions.
3. Structured discussion of specific cut-back strategies and their potential value implications.
4. Structured discussion of procedures for selecting, and implementing, cut-back strategies.

It should be emphasized at the outset that the role of the workshop co-ordinator is that of facilitator rather than instructor. One of our major assumptions is that only LSC managers themselves can provide the substance for discussion. It is their experiences on the front lines that are most relevant and that need to be examined. At the same time, it

is the responsibility of the facilitator to provide some theoretical framework for discussion and to assume responsibility for channelling exchanges among participants. Thus, for example, LSC members have frequently debated the proper mission of LSC. Such discussion is of course valuable, but it is unlikely to be immediately useful in addressing questions of personnel policy and cut-backs. It is the co-ordinator's job to keep participants on track, to set and maintain the agenda, in short to provide a structure conducive to the fruitful exchange of ideas.

Session 1: ROUNDTABLE

The workshop begins with a roundtable. Each participant is asked to respond succinctly to a specific question(s). For example: (1) "What exactly do you envision the impact of major budget reductions to be on your program?" and (2) "What have you done to prepare for projected budget cuts, particularly in terms of staffing your program?" Responses will be listed on a flip chart or blackboard for discussion later in the program and also for reference during the formal presentation that follows shortly (see Session 2).

The primary objectives of the roundtable are (1) to immediately involve and activate participants, (2) to focus the workshop on the practical issues at hand, and (3) to acquaint or reacquaint the participants with each other.

We would anticipate a wide variety of responses during this initial session. Some participants will, perhaps, be able to offer detailed and systematic answers based on existing analyses and well-formulated policies. Others may have little to say. Our goals here, however, are less substantive than formal. We want to break the ice, initiate each participant into the conversation, and establish a set of ideas and experiences to serve as a general context. Indeed, the remainder of the workshop will have relevance only if participants can articulate and connect their specific situations with the general issues raised during the rest of the program.

It should be stressed that, at this stage, the leader should minimize discussion; indeed, while comments and specific reactions can, perhaps, be encouraged, extended exchanges should be deferred until later in the program. For again, the purpose here is to set an interpersonal and substantive foundation for a discussion which is yet to acquire a structured context. This context should be provided in Session 2.

Session 2: FORMAL PRESENTATION ON VALUES-CLARIFICATION

A presentation of the "values-clarification" scheme by a workshop co-ordinator follows the roundtable. The format is a lecture. Interaction with participants is, at this

point, limited to elucidation of the lecture material. Discussion of specific cases will be treated in the session that follows.

THE VALUES-CLARIFICATION APPROACH. The values-clarification approach is based on the assumption that decisions imply the favoring of some values over others and that important trade-offs are necessarily involved. In a retrenchment period there is either no or very little slack in organizational resources so that trade-offs become even more painful than usual. Most managers, of course, realize this. However it is important that they systematize their managerial thinking so that they (1) have a clear grasp of what values they are actually choosing, (2) are better able to trace out the often complex effects of potential decisions and (3) can more clearly articulate their decision to staff and constituents. Thus, values-clarification describes a simple process having two components: (1) the systematic and comprehensive identification of relevant values, and (2) the specification of incompatibilities within this identified set of values.

A detailed exposition of our approach is contained in our paper, "Lay-Offs in Legal Services: A Values-Clarification Approach." This paper outlines the nature of values-clarification, offers an illustrative typology of values pertinent to LSC programs, and suggest the policy-relevance of a values-clarification approach to retrenchment. Its

recommendations are hardly etched in stone. Other co-ordinators may well adopt different schemes with which they feel more comfortable. What is important is to provide participants with a context of ideas and, if possible, a language for analysis so as to order the group's discussions. We seek to encourage free-wheeling exchange, but one that is nonetheless structured and focused so as to maximize the workshop's effectiveness.

In this regard, it should be stressed that the co-ordinator's role in lecturing is to provide a framework for LSC managers to think about lay-off policies. The lecturer's role is definitely not to provide specific policy recommendations. It is the manager's job to make these choices. There is probably no one best way to manage retrenchment. Rather -- and this is a major premise of the values-clarification approach -- different cut-back strategies entail different value consequences. It is in the nature of values that one cannot choose among them on a clear-cut or factual basis. Probably the most important part of a manager's job is to order a program's priorities.

WHY IS VALUES-CLARIFICATION IMPORTANT? Coping with retrenchment is a non-routine task for LSC managers. A major lesson learned from the period of stagnant funding in the early seventies is that managers tend to avoid or deal haphazardly with retrenchment related issues. To use a

textbook term, they tend to engage in "crisis management", i.e. (1) they deal with each issue as it arises in an attempt to ameliorate the immediate situation, and (2) they retreat and hope to weather the storm. Sound managerial practice dictates instead that leaders take charge, anticipate problems, and consciously formulate policy. Values-clarification is the first step in doing this:

1. Values-clarification is better for the morale of all concerned. The ability of a manager to present policies that are clearly derived from basic, well-articulated and consciously chosen values makes the manager more responsible and accountable. Employees and constituents have a greater sense of fairness, of due process. Further, this ability helps "save face" in difficult situations. For example, a formalized personnel policy helps to depersonalize the lay-off process, thereby minimizing interpersonal stress.

2. Values-clarification helps the manager articulate policy. Managers have implicit common-sense notions about their actions. However, in order to trace out the link between a particular strategy and the direction in which it leads, it is necessary for the manager to have a language for expressing exactly what he or she is doing. At the same time, forcing oneself to articulate policy in these terms makes the manager better able to communicate policy to staff and constituents.

3. Values-clarification furthers organizational stability. A major managerial goal during a retrenchment period is to preserve a viable organizational core. Indeed, one of the greatest dangers in a declining organization is the absence of leadership and direction associated with crisis management, ad hoc decision-making, etc. For organizations to remain reasonably healthy, and to be well prepared for rejuvenation if and when the crisis passes, it is necessary to establish clearly articulated and legitimized policies or values which can provide direction and continuity.

* * *

The afternoon is divided into two sessions (Sessions 3 and 4) separated by a coffee break. In the first of these, participants will be asked to consider specific retrenchment policies in the light of particular values or goals. Project Directors or other relevant planners must determine for themselves (1) what policies further particular goals and (2) which values or goals they will prefer. The last session will deal with specific procedures for choosing policies and for implementing them effectively.

Session 3: CUT-BACK STRATEGIES AND VALUES

The workshop co-ordinator may begin by presenting a matrix which diagrams the possible value implications of

selected personnel policies (see matrix on page 10). This will illustrate the direction the discussion should take. To initiate discussion, we might draw on a crude example:

A project director, faced with significant budget reductions, considers the choice between across-the-board cuts or programmatic cuts. In the former case, all units and functions would suffer some reduction; in the latter case, some services would be eliminated altogether, permitting the program to zero in on a few or even one that could be performed adequately. Workshop participants are asked to determine the potential value implications of each policy. Each policy is, in effect, "graded" in terms of the values it would tend to serve and the values it would tend to undermine. Using the matrix as an analytic device in this way could generate a wide variety of arguments:

For example, it may be discovered that an across-the-board strategy would tend to serve such values as "maximum service distribution" and "morale of administrators". Indeed, cutting across-the-board would keep most functions and units at least somewhat intact, thereby maximizing the number of clients actually served in some way; and by distributing the burden of cuts equally through the organization, the manager may well ease the pressure on him- or herself. On the other hand, such a strategy could well be found to undermine certain other important values, e.g. staff

| Merit
 | Seniority
 | Across-the-
 | Board
 | Programmatic
 | Cuts
 | Partial
 | Lay-Offs
 | Attrition

Survival	+					
Maximum Service Distribution	n					
Legal Reform	+					
Fiscal Integrity	+					
Staff Morale	+					
Morale of Departing Staff	-					
Morale of Administrators	-					
Fairness	+					
Affirmative Action	-					
Legality	-					
Seniority	-					

"+" = serves the value

"-" = undermines the value

"n" = neutral

morale, legal reform, affirmative action, etc. Similarly, making programmatic cuts would serve certain values while undermining others. Moreover, it is likely that participants would disagree as to the potential impacts of various policies. These are complex processes, and the nature of policy impacts are never clear. Such disagreements, nonetheless, would be regarded as healthy.

The point of the discussion is not to select the optimum strategy. The goal, rather, is to trace out the possible value consequences of various policies so as to sensitize participants to the issues involved, develop in them a facility for dealing with values, and demonstrate to them the potential utility of a values-clarification approach. If nothing else, it should demonstrate that evaluating a particular policy involves two steps: (1) a factual assessment of the various effects of each choice, and (2) a preference ordering of values.

The co-ordinator's role at this point can vary according to the chemistry of the group and, perhaps, its size. Our preference is to allow discussion to arise freely from the floor. However, certain intervention strategies may be useful in stimulating participation. The co-ordinator may wish to raise a leading question, commenting on the implications of particular arguments and suggesting alternatives. He or she may also wish to be devil's advocate in behalf of

certain less popular policies, forcing the others to either accept his or her position or reject it by utilizing the values/strategies matrix. Finally, the leader may wish to use the ideas and experiences of one or two of the participants as case studies, encouraging others to comment on each case and getting them to uncover its concrete value implications.

Again, it is important to discourage endless and irresolvable philosophical debates; discussion should be as concrete and policy-specific as possible. It is also important to counter such comments as: "That's fine, but it doesn't work in my program." An emphasis on values should focus on generalizable issues without at all denying the uniqueness of each individual program. Finally, disagreements amongst the participants should not be discouraged, but must be treated in an appropriate manner. The coordinator should emphasize that there are few right answers, and that opposing views are fine provided they are based on reasonable and well-specified arguments.

Session 4: PROCESS AND IMPLEMENTATION

This final session focuses on the process by which cut-back strategies are to be selected. Specifically, it considers such questions as: who should be involved in the decision-making process? to what extent should they be involved? how and when should information be communicated to

staff and constituents? In our judgment, answering these questions is crucial if retrenchment is to be properly managed. A well-designed process can ensure that all relevant perspectives are taken into account when formulating policy. Further, it can serve to legitimize decisions and coopt various and divergent program interests. Finally, it can convey to those individuals affected by lay-offs a sense of propriety and of good intentions.

Of course, this session occurs at the end of a long day; we would expect that, by this stage, the participants are well-known to one another and keenly attuned to the issues of cut-back management. Thus, a somewhat freer discussion format may be appropriate here. The coordinator may ask a general question such as "How will you actually go about choosing a lay-offs policy?" or "Whom will you include and whom will you leave out of the decision-making process?", then encourage the rest of the group to consider the various implications of different answers. If a more rigorous structure is desired, we would suggest some variant of the "Responsibility Charting" procedure as formulated by consultants at the Wharton School.

Time permitting, we would also hope to devote some attention to the implementation of cut-back policies. Various considerations could be mentioned here, e.g. providing job counselling, severance pay, and relocation expenses for affected personnel, extending fringe benefits

beyond the termination date, offering suitable and appropriate job training within the context of existing programs, establishing out-placement procedures and support systems, etc. It is important that departing staff feel that management is interested in and concerned about their welfare; and it is equally important that such interest and concern actually manifest itself in tangible ways. Our purpose here would not be to systematically explore these possibilities but, rather, to merely raise the issue and argue for its importance.

Finally, we would hope to provide some time for general discussion so that some of the concerns raised during the day might be explored further and in a more informal setting. The degree to which this is possible, if at all, will of course vary greatly.

