

OWED WORK AHEAD: PUBLIC SERVICE MOTIVATION, CORPORATE SOCIAL  
RESPONSIBILITY, AND THE DECONSTRUCTION OF DAVIS-BACON  
NONCOMPLIANCE IN TRANSPORTATION CONTRACTING

by

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## DEDICATION

This dissertation is dedicated to the construction workers who lost their lives as a result  
of jobsite accidents in pursuit of the work studied herein,

who I did not have the pleasure of knowing;

To those whom I did know—and loved, deeply—who did not live to see this work  
completed:

Grandmother

Joan McFarlane

1942-2021

Boise Junior College Class of 1962

Father

John Platt

1955-2022

Boise State University Classes of 2004, 2008;

And to my mother—Julie McFarlane-Platt—

Boise State University Class of 2013:

For surviving it with me.

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For keeping my brain full of knowledge and my stomach full of DoorDash;

My friends, family, mentors, coworkers, bosses, partners, and peers,

both come and gone:

For being exactly as you are, were, and will be—while inspiring me to do the same;

And Boise State University:

For three degrees' worth of incredible education and self-conceptualization.

(I don't know how I could ever repay you,

but I hope the student loans will suffice.)

## ABSTRACT

Noncompliance with the Davis-Bacon Act (1931)—the accidental or intentional disregard of a federal prevailing wage law—is among the most unethical crimes committed against a business’s own workforce. With the threat of sanctions unpersuasive to preventing fraud, a more forbearing eye may be required to understand the understudied construction companies pressed to ‘serve two masters’ in public-private partnerships. This dissertation uses nested data from 26,903 highway and bridge construction- and construction-adjacent firms, funded by the Federal Highway Administration (FHWA) and contracted by 28 state Departments of Transportation between 2010-2019, to answer the overall question: do firms that *feel* like government *comply* with government? This data is used to perform a macro-level (national) negative binominal regression determining the scope and impact of Davis-Bacon noncompliance on vulnerable (i.e., female and minority) workers, revealing how unstandardized data collection methodologies risk worker discrimination by wage theft, especially those identifying as Asian, Pacific Islander, or Native Hawaiian; a meso-level (organizational) qualitative content analysis of 4,580 of these contractors’ online mission statements with corporate social responsibility (CSR) and public service motivation (PSM) principles, identifying underexplored mutual solutions; and finally, a micro-level (individual) survey deploying Perry’s (1996) four-dimension, 24 Likert-item scale among 160 of these firms’ employee using a logistic regression model, isolating an unexpected relationship between employees’ Other-regarding sympathy and their firms’ compliance status. The findings

presented bring the humdrum concept of “compliance” to life by illustrating its direct effects on the lives of vulnerable workers; establish how PSM is presented and measured—or isn’t—by traditional research methods; connect public service to protecting the public interest through compliant behavior; and offer ways in which all parties in public-private partnerships can prevent the 92 year-old Davis-Bacon Act from circling back to its controversial origins, putting an end to a woeful paradox in which vulnerable workers build the infrastructure system whose upkeep marginalizes them.

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## PREFACE

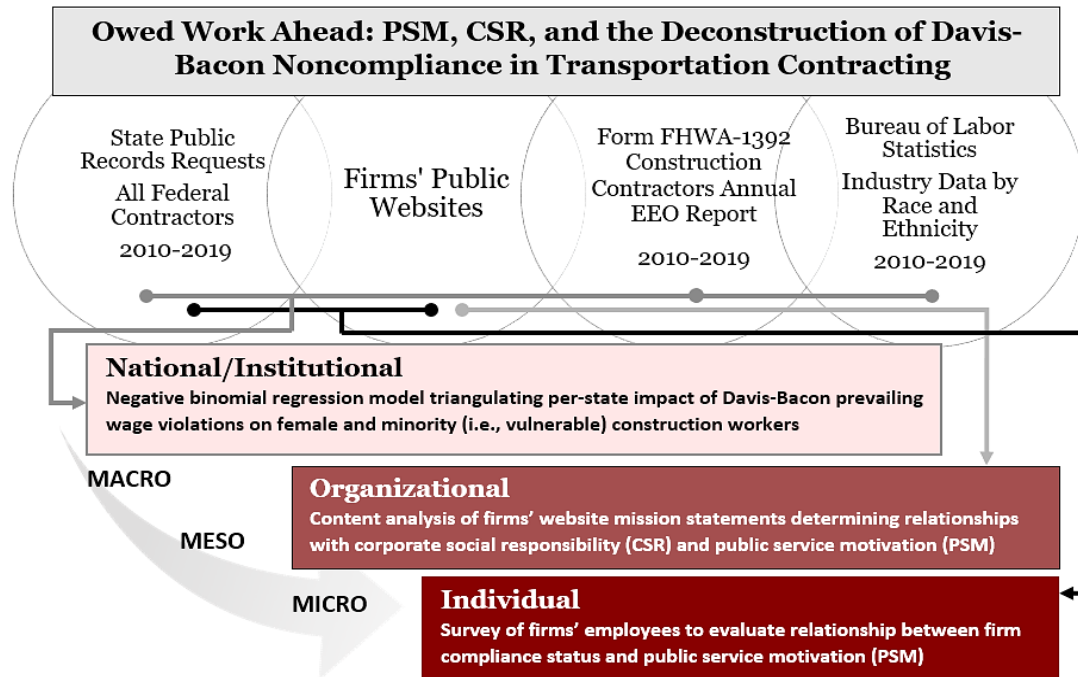
I was driving a standard-issue Chevy Impala, headed east on Highway 20 back to Headquarters. It was a predictably crisp fall day in 2019. I had just finished my first meeting with a construction firm's Controller concerning some suspected violations, and I was cautiously optimistic about the encounter. After all, gaining trust as a Compliance Officer was difficult—but not as difficult as the position I was put in when he confided that my agency was just *looking for things* to 'ding' their company on. I was steadfast in my stewardship, but speaking in reassuring half-truths by trade. How—or better yet, why—had the relationship between government entities and their private-sector partners devolved to this extent? I drove to Boise intent on shifting the Department's procedures in ways I felt would elicit this kind of frankness from the dozens of other construction- and construction-adjacent firms contracted with funds from the U.S. Department of Transportation. Just how many of them felt this way? Could I possibly shepherd a new era of compliance premised simply on feedback loops and sympathy? Visions of grandeur drift in easily with the eyes busied on only a two-lane road, bevved by miles of sagebrush. Unfortunately, this outcome was not destined: within a few months, the U.S. Department of Labor's Wage and Hour Division had found the construction firm guilty of forgery, extortion, bribery, tax evasion, and submitting fraudulent certified payrolls with false Davis-Bacon wages reported. The workers received only a fraction of their mandated pay to rehabilitate a bridge. The firm's president bought a boat. The Controller skipped town during the investigation and was never heard from again. In an effort to

prevent the situation from escalating and further harming the workers, the Wage and Hour Division reached an agreement with the firm to ensure back wages would be received—but it wouldn't be all of them. It almost never is.

\*\*\*\*\*

This dissertation seeks to answer an overarching question: do contracted firms that *feel* like government *comply* with government? This thematic inquiry is approached in three different ways, presented in a three-essay structure; each text is able to stand on its own as a scholarly work, but the texts may be combined to produce maximum insight for immediate use by both government contractors and their regulators. An outline of the texts and their nested data sources is available in Figure 1.

To avoid a potential conflict of interest, the Idaho Transportation Department was not considered for any part of this research. However, a limited number of Idaho firms' data was collected and analyzed incidentally as a result of these firms performing work in one of the 28 states that were selected for analysis (e.g., Washington, Wyoming, Utah, or Montana). This research was not endorsed by, encouraged by, or supported—personally or financially—by any private entity or public agency, including the Association of General Contractors, any state Departments of Transportation in this study or otherwise, the U.S. Department of Transportation, or the U.S. Department of Labor. While the author received scholarships from professional transportation associations for living expenses incurred while completing this program, the only funding received for direct production of this research (i.e., grants) was awarded internally from the Boise State University School of Public Service.



**Figure 1. Structure of dissertation and nested data sources**

This research was undertaken to honor the commitments of the vulnerable workers, frustrated firms, and overburdened government agencies which come together to create the safe and efficient transportation infrastructure blissfully used and extensively relied upon by the public every single day—and the sacrifices (as well as mistakes) that are often made to accomplish this goal.

CHAPTER ONE: VULNERABLE WORKERS DON'T BRING HOME THE (DAVIS-)

BACON



## Abstract

Employment in the skilled construction trades provides a fulfilling yet threatening environment for women and minorities—and not just because of safety hazards. Of these threats, prevailing wage violations (i.e., wage theft) can be particularly harmful and clandestine. To determine under what state-level conditions is noncompliance with the Davis-Bacon Act (1931) most likely to affect vulnerable workers, and which groups are most affected, this paper performs a macro-level negative binomial regression triangulating state- and year-level employment panel data for the federally-funded projects to which this law applies; violation data from the U.S. Department of Labor, Wage and Hour Division; and subnational policy characteristics from 28 states and their Departments of Transportation (DOTs) covering the ten years (2010-2019) following the American Recovery and Reinvestment Act (ARRA) of 2009. Findings from the 26,903 highway and bridge construction firms performing work funded by the Federal Highway Administration (FHWA) during this period reveal powerful relationships between the number of vulnerable workers employed on projects and the number of firms noncompliant with the Davis-Bacon Act, especially those that identify as Asian, Pacific Islander, or Native Hawaiian. This paper concludes with a discussion of how the ways vulnerable worker data is currently collected may not only reinforce systemic insensitivity to their unique sociocultural identities but contribute to invisibility on the job which risks their discrimination by wage theft. Suggestions are provided to support a more effective and just intersectoral implementation and intergovernmental regulation of this well-intentioned labor law which aim to prevent the 92 year-old Davis-Bacon Act from circling ironically back to its controversial origins and to put an end to a woeful

paradox in which vulnerable workers build the infrastructure system whose upkeep marginalizes them.

### **Introduction**

Illegality simply isn't enough to dissuade employer retaliation against workers. For vulnerable employees—e.g., women and minorities—this is especially ominous, as employers can depend on their silence (not to be mistaken for toleration) for fear of losing their jobs. Under-detected, underreported, and even unknown to employees, wage theft is among the most nefarious of crimes committed against a business's workforce. Such is the case in the 'low wage, high violation' construction industry as identified by the U.S. Department of Labor (Wage and Hour Division, 2021), which topped the list of industries in back wages owed from wage theft at \$48 million in 2019, as well as the list of violations and employees involved in violations (12,537). This fraud, waste, and abuse (FWA) in construction is only complicated further when this service is provided by private firms contracted by state and federal agencies, which—knowingly or accidentally—withhold pay using taxpayer funds, creating complex intergovernmental and intersectoral hazards to the public interest.

This paper presents an overview of the Davis-Bacon Act—just one of the many contractual obligations required of federally-funded construction contractors—to include its storied but contentious sociocultural, economic, and legalistic histories. The intersection between the worlds of labor and transportation are then illuminated to reveal how each has historically wounded vulnerable populations (e.g., minorities and women), how policy interventions have attempted to remedy these ills, and how the 92 year-old Davis-Bacon Act maintains its relevancy by establishing protections for these vulnerable

workers in ways both ironic to and meaningful for the law's original intent. Using public records retrieved from 28 state Departments of Transportation covering the ten years (2010-2019) following the American Recovery and Reinvestment Act (ARRA) of 2009 and a total of 26,903 highway and bridge construction firms, the paper then performs a macro-level negative binominal regression of state- and year-level federally-funded employment panel data, violation data, and subnational policy characteristics to identify the scope and severity to which specific groups of vulnerable construction workers have been affected by violations of the Davis-Bacon Act (1931). The findings reveal strong relationships between the number of noncompliant firms and the vulnerable workers they employ, especially those that identify as Asian, Pacific Islander, or Native Hawaiian. The paper concludes with a discussion of how to better triangulate the predictors of federal prevailing wage noncompliance amongst firms funded by the Federal Highway Administration (FHWA), how to improve implementation to prevent the Davis-Bacon Act from returning to its potentially discriminatory origins, and how even misaligned data collection methods between interagency regulators may put these employees at risk.

### **Problem Statement**

In a few words, the Davis-Bacon Act (1931) is a prevailing wage provision applicable in all states and D.C. for every contract in excess of \$2,000 which constructs, alters, or repairs public buildings, public works—both partially and fully—funded or supported by the federal government, or to which the federal government (or D.C.) is a party, that require, involve, or employ mechanics or laborers (Wage and Hour Division, 2009). As \$2,000 is akin to 'decimal dust' in construction pricing, Davis-Bacon applies to most federal projects with the exception of emergencies in which the Act is suspended

(e.g., Hurricane Katrina in 2005). The American Recovery and Reinvestment Act (“ARRA”) of 2009 resulted in a rapid expansion of new and existing projects requiring Davis-Bacon prevailing wages, including 40 new programs—7 of them newly created by the ARRA—accounting for up to \$102 Billion of the \$309 Billion appropriation (Government Accountability Office, 2011). However, the Wage and Hour Division (herein referred to as “WHD”) was facing historic challenges with full-time equivalent (FTE) staff and investigators decreasing 20% and 23% between 2000 and 2008 (Mayer, 2011). This oversight deficit had several catalysts: with hundreds or thousands of construction projects operating simultaneously during the fair-weathered months, there simply isn’t enough compliance staff to audit or train all the contractors—and asking for a budget increase to further regulate businesses is a political hazard; Short (2021) argues that a “generation of deregulation, neoliberal regulatory reform, anti-statist political rhetoric, and expanding executive control over regulators in the US” leaves “agencies resource-starved, captured by regulated industry, and managed [politically],” resulting in “increasingly weak and politicized bureaucracies” (p.654) both incapable and unwilling to enforce regulations. Accounting for underenforcement and underreporting, the U.S. Department of Labor still collected over \$322 million in back wage payments in FY2019 and \$1.4 billion in back wage payments over the last 5 years (Wage and Hour Division, 2021). Of that \$322 million collected in FY19, \$84,397,053 was from Federal contracts (approximately 26%): an increase of 31% from FY18 to FY19. Despite the revealing financial data compiled by the Department of Labor, there has yet to be a comprehensive examination of the scope, depth, and impact of contractor noncompliance with the Davis-

Bacon Act which reveals how noncompliance—a vague, hyper-bureaucratic, and impersonal accusation—affects employees themselves.

### **Literature Review**

Anecdotes reveal a litany of different ways to steal wages from employees: just take the workers contracted to replace classroom doors at a piece rate (i.e., by units produced) for example, whose employing firm turned this by-unit method of payment into a way to forego the workers' hourly state prevailing wages and overtime, resulting in \$877,876.64 in back wages owed to 10 employees (California Department of Industrial Relations, 2012; Meixell & Eisenbrey, 2014). Lee and Smith (2019) synopsise the causes of wage theft as: insufficient enforcement, with six states lacking a single minimum wage investigator (Levine, 2016); employers' assumption that workers will not make claims for fear of retaliation; inadequate understanding of workers' rights, complaint procedures, or employer recordkeeping; and decreased liability through "fissuring" (i.e., decentralizing) the workplace through outsourcing and contracting. At the federal level, where public works projects carry multimillion dollar price tags, require extended completion timeframes, and use multiple levels of sub-contracted workers, wage theft is even less discoverable. At the state and local level, wage theft "disproportionately impacts low-wage workers in certain industries," including construction; results of a national study found that 50% of day laborers working "a variety of temporary jobs in construction, landscaping, or cleaning services [...] had experienced wage theft in just the prior two months" and that the majority of affected employees were "young people, those with less formal education, women, and workers of color" (Lee & Smith, 2019, p. 768). Whether vulnerable employees are being swindled unknowingly or have been coerced, federal

regulators press that workers fully comprehend their employment rights. But even when those rights *are* known—as David Weil (2018), scholar and administrator of the Wage and Hour Division from 2014-2017, laments—“workers, particularly those who are vulnerable and more likely to be subjected to violations of the law [are] more commonly reluctant to exercise those rights because of fear of reprisal or, in worst-case scenarios, dismissal” (p. 9). While the posters required to be conspicuously posted at construction sites under 29 CFR § 5.5(a)(1) (Davis-Bacon and Related Acts Provisions and Procedures, 1983) and FHWA-1273 §IV(1)(a)—including “Employee Rights Under the Davis-Bacon Act” (in English and Spanish)—outline both employee rights and the wage rates themselves, this enforcement measure still places the burden of Davis-Bacon wage theft on the employees and not their federally-funded, state-contracted employers whom conduct their daily administrative business from offices (not the field) with minimal regulatory oversight of their internal procedures or external compliance.

### The Davis-Bacon Act

To eliminate opportunities for pay inequity and a “race to the bottom” in transportation contracting—i.e., the private construction market circumventing vendor competition predicated on paying the lowest wage possible—prevailing wage laws like the Davis-Bacon Act (1931) were enabled to combat Depression-era “wage slashing on federal construction projects by requiring that contractors match local rates” (MacLaury, n.d.). Part of this ‘wage slashing’ that the Davis-Bacon Act intended to correct resulted from “transporting workers from lower-paying areas to bypass local workers who would demand a higher wage” (Mayer, 2011, p. 67-68). This nonagenarian has been met with contemporary resistance among proponents of free-market enterprise and small

government, blaming the Act for inflated labor costs, decreased competition, and purported hinderances to economic growth (Gleason, 2020).

Even more recently, critics have used the law's questionable *sociocultural* origins as a Jim Crow-era policy discriminating against non-unionized (i.e. nonwhite) workers as an unconventional platform for its repeal (Frantz, 1994). This line of argument harkens to the legal constitutionalist concept of *discriminatory taint*, in which a past (T1) policy recognized as being legitimately discriminatory serves as the predecessor or progenitor to a contemporary, facially neutral (T2) policy—*tainting* and impugning the latter—where an objective and ascertainable relationship can be identified (Murray, 2021). While this phenomenon is predominately reserved for two separate policies, Murray (2021) acknowledges that a policy's change over time can likewise 'cloak' malintent, in incrementalist fashion (Lindblom, 1959), which would lend this point to discussions about Davis-Bacon. In an example of policy diffusion (Berry & Berry, 2014), a wave of states repealed their state-level prevailing wage laws or "Little Davis Bacon Acts" in the wake of Utah's 1981 repeal, which resulted in improved firm turnover but resulted in several interrelated negative externalities: a decrease in wages; decline in union membership; decline in apprenticeship training (i.e., skills); and generally creating "market failures in training and benefit payments" (Azari et al., 1993, p. 2), which caused workers to leave their construction careers. Oklahoma's state-level prevailing wage law or "Little Davis Bacon Act" was struck down as unconstitutional in 1995 on the premise that the state prevailing wage law delegated authority to the U.S. Department of Labor rather than the elected state labor commissioner for the purpose of setting prevailing wages without establishing a standard for exercising that determination (Greiner, 1995),

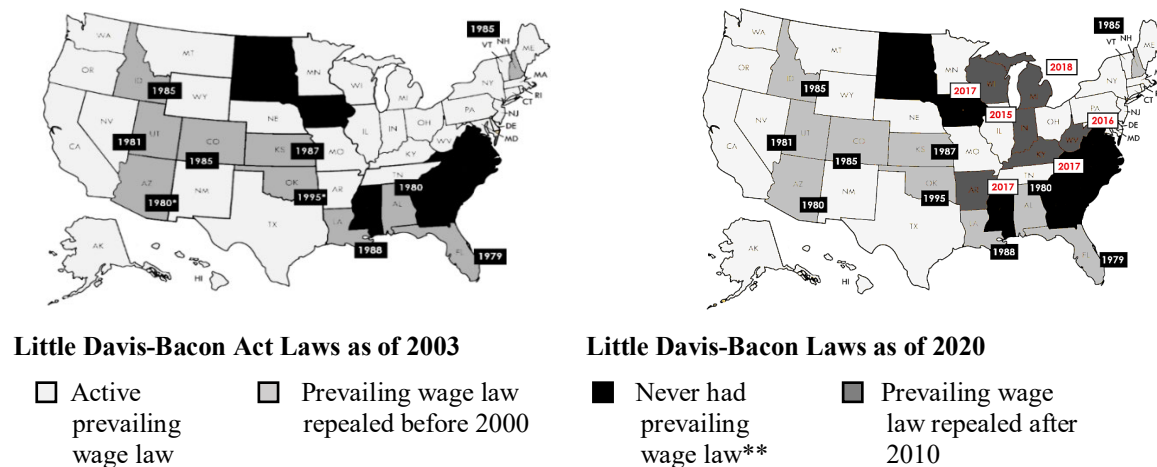
but neither Oklahoma’s nor any other state’s law explicitly was repealed on the basis of discrimination. In the last decade, there has been a renewed interest in repealing state prevailing wage laws (Figure 1), most likely under the same premises: to bolster competition, deregulate the construction market, and presumably lower construction costs. However, states may come to find that hasty, politicized policy changes have unintended consequences: in 2020, the Midwest Economic Policy Institute (MEPI) revealed that Wisconsin’s prevailing wage repeal decreased the salary of construction workers by 6% (controlling for education and age) in concurrence with Philips et al.’s (1995) findings; neighboring Minnesota and Illinois with sustained Little Davis-Bacon laws saw a 2% decrease combined during the same study period (Vasquez, 2020). However, remarks made by Kessler and Katz (1999)—that little research has been conducted on state prevailing wage laws that controls for fixed state-level conditions, or the impact of state prevailing wages on minority workers in construction—remains true, despite an ongoing epidemic of prevailing wage theft at the federal level.

Despite some states’ repeal of each Little Davis Bacon Act during the study period (2010-2019), the federal (“big”) Davis-Bacon Act has survived and remains salient—but the relationship between state-level repeals and noncompliant firms may reveal whether de-emphasizing policy has a direct effect on the participant industries it affects. Those arguing unsuccessfully—and attempting repeatedly—to dismantle Davis-Bacon at the federal level on the basis of its racially-motivated origins serve as an example of Murray’s (2021) “cases where a court might not find taint judicially actionable,” but “political actors [still] deploy it” in order to “justify ostensibly purgative policy” (p. 1198). In the law’s defense, labor unions have also integrated race and



ethnicity into their argument, declaring that “Davis-Bacon Is Not Racist, and We Need to Protect It” (Schlittner, 2017). Although the Davis-Bacon Act’s origins are not ideal, its contemporary implementation has positive spillovers for the nonwhite laborers saturating the market: economic stability and protection in an industry alluring to hard workers, nontraditional or vocational learners, and prospective employees looking for in-demand skills, high salaries, or even re-entry into the workforce. It appears that Davis-Bacon’s advocates take what Murray (2021) describes as the Court’s *temporally minimalist* approach: applying conventional scrutiny to the law as it exists and functions now, notwithstanding its origins—but without deeming them irrelevant, either. Therefore, Davis-Bacon may serve not only as a unique case of potential discriminatory taint in which the policy’s near-century of applicability has inevitably resulted to iterations in the policy’s character, but that “taint can coexist with genuinely pure-hearted [contemporary] decisionmakers” (Murray, 2021, p. 1197).

**H1: There will be an inverse relationship between presence of a state-level prevailing wage law (or "Little Davis-Bacon Act") and the number of noncompliant firms.**



\* Prevailing wage law invalidated by court decision

\*\* Virginia prevailing wage law enacted in 2021

**Figure 1.1. Map of state prevailing wage laws (“Little Davis Bacon Acts”)**

Not only is the Davis-Bacon Act a hot topic for debate, it is also difficult to enforce on the contracts it applies to: where the U.S. Department of Labor, Wage and Hour Division has authority over employers, it lacks the jurisdiction to control vertical partners at the federal level and their funded pass-through and sub-recipients in state governments. Rather, the Federal Highway Administration (“FHWA”)—in combination with the contracting state departments of transportation (DOTs)—is responsible for cross-monitoring the prime transportation contractors’ compliance with not only their own regulations but others’ as well, which must go through *additional* layers as they pass from prime- to sub- and sub-subcontractors. Therefore, the Wage and Hour Division still relies on a combination of blind trust and formal complaints from FHWA contractors, either independently or through the state or federal DOT.

Wage theft is a symptom of organizational culture diseased with corruption, “[causing] broad and lasting harm to society [as well as] financial and emotional harm to workers, high-road employers, and labor markets” (p. 757)—as argued by Fritz-Mauer

(2021)—and these imbalances are only “amplified when a person is economically or socially vulnerable, which explains why wage theft is more pronounced among the working poor, undocumented immigrants, non-unionized employees, women, and minorities” (p. 779-780). As legalistic and bureaucratic “noncompliance” might sound, the contravention of prevailing wage laws that make up “the actual cases of labor violations [known as] ‘wage theft’ in the US,” range “from blatant retaliation against workers for lodging a complaint, to obstruction of Wage and Hour Division investigations, to failure to pay overtime due to intentional misclassification of workers as independent contractors [leave] janitors, cable installers, carpenters, housekeepers, home care workers, or distribution workers [going without] the basic wages and overtime they had earned,” which in low-wage industries could equate “to losing several months of earnings and in some cases much more” (Weil, 2018, p. 3). With workers disincentivized to self-report by the very real threat of losing their jobs—with one study finding “43% of workers who had actually complained about a workplace issue in the previous 12 months [experiencing] some form of employer or supervisor retaliation” (Weil, 2018, p. 9)—contractors covered by the Davis-Bacon Act can manipulate governments’ deficient capacity for monitoring; lackluster incentives to comply; the insufficient penalties; and the low probability of being caught (Weil, 2005; Ashenfelter & Smith, 1979; Greiner, 1982; Chang & Erlich, 1985; Yaniv, 2001), all which contribute to an environment that systematizes the profitability of wrongdoing through deception or coercion.

Schneider and Ingram’s (1993) theory of socially-constructed target populations provides context for race- or ethnicity-based Davis-Bacon violations: employers targeting low-power, negatively-constructed groups of “deviants”—e.g. vulnerable workers with

scarce employment rights, little to no financial or legal resources, and families to feed—rely on this construction to rationalize decisions which oversubscribe burdens to this group, discouraging their democratic participation, limiting their mobilization, or otherwise punishing them. This “deviance” is constructed through the racially-biased depictions of labor issues (e.g., “taking our jobs”). These social constructions prevail in the “guestworker”-friendly construction industry, since 74.7% of H-2B Visa-permitted (or simply “H-2B”) applicants—nonimmigrant, noncitizen workers approved to perform temporary nonagricultural work in the U.S, as defined by the Wage and Hour Division (n.d.)—were from Mexico as of 2020, according to the U.S. Department of Homeland Security, Citizenship and Immigration Services (2020). These H-2B workers were owed \$12.5 million alone that year, and are consistently owed the most back wages of any other H-2B industry (Wage and Hour Division, 2021). Ethnic minorities are more likely to endure hinderances to career advancement, adverse occupational health outcomes including depressive symptoms, lower earnings, and poor family dynamics as a result of at-work experiences; Black and Hispanic workers in construction are especially likely to be hired into lower positions or into industries with risk of serious illness and lethal/non-lethal injury, including both accidents and those caused by peers (i.e., assault); and minorities may experience intentional worsening of social and cultural work conditions by hostile coworkers and superiors (Lyu et al., 2018; Landsbergis et al., 2012; Alleyne, 2004; Raver & Nishii, 2010; Loomis & Richardson, 1998; Shannon, et al. 2009). Overall, exposures to physical and social hazards are more often experienced any kind of minority—including being female (Barbeau et al., 2007).

More than 75% of workers experiencing wage theft are U.S. citizens, yet the incidences affecting unnaturalized and foreign-born workers are even higher (Lee & Smith, 2019). Rendered vulnerable by their socioeconomic status as a temporary hire, nonwhite workers are also uniquely impacted by institutional structures, trends, and perceptions that leave them at risk. For workers with intersectional identity traits such as undocumented women (especially women of color), prospects are even more grim: female undocumented workers had a 47.4% rate of minimum wage violations compared to both their male undocumented counterparts at 29.5% and 16.1% for U.S.-born female workers (Lee & Smith, 2019)—all of which are unacceptable numbers. Together, these indicators—minorities making up  $\frac{3}{4}$  of all H-2B recipients; H-2B recipients experiencing the most wage violations; in an industry in which they make up 40% of the workforce; while exhibiting characteristics which research has shown to elicit disparate treatment from this industry—reveal a clear problem: the potential for Davis-Bacon prevailing wage discrimination (intentional marginalization) for vulnerable workers on the bases of their race, ethnicity, sex, language proficiency, and real or assumed immigration status.

**H2: The number of vulnerable workers (i.e., minorities and women) will have a positive relationship with the number of noncompliant firms.**

**H3: The number of vulnerable workers (i.e., minorities and women) on FHWA-funded projects will have a greater impact on the number of noncompliant firms than that of White workers of either sex.**

## Transportation

Transportation is unique in its juxtaposed roles as “an opportunity for advancement [and] a way to obtain social mobility” yet “a means of separation [...] and a form of destruction of minority neighborhoods” (Brenman, 2007, p. 11). As ‘white flight’ flourished mid-century, inner-city minority relegation resulted in spatial mismatch (Kain, 1992), further systematizing cyclical poverty through hiring practices such as placing minorities only into unskilled labor. In an attempt to provide restitution for past tribulations and counter “transportation [as] a tool of social policy, removal, and repression” (Brenman, 2007, p. 9), the nondiscrimination-based Disadvantaged Business Enterprise program (hereafter referred to as the "DBE Program") was enacted in 1982 to be administered by the U.S. Department of Transportation for the purpose of “engaging women, veterans and minority and small business owners in the transportation industry as contractors and skilled workers” (Stemley, 2018, p. 22). Each state’s mandatory DBE Program—and its various subnational iterations like Minority Business Enterprises (MBE) and Women’s Business Enterprises (WBE)—aims to correct biased opportunism in contract award systems by removing barriers to entry (increasing the social capacity of businesses), and improving the firms’ tools and competence—or “create a level playing field” as remarked in its statutory objectives in 49 CFR § 26.1 (Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, 2013)—to promote their current as well as future competitive edge after ‘graduating’ the program. The program mandates that 10% of all federal infrastructure funds for projects go to firms owned in majority (over 51%) by a person meeting the U.S. DOT or Small Business Administration definition of ‘disadvantaged’ to

include women and all minorities, as well as those who have experienced chronic, biased, negative, and evidenced hinderances to economic advancement based on a ‘distinguishing feature’ under 13 CFR § 124.103 (Eligibility Requirements for Participation in the 8(a) Business Development Program, 1998) rooted in a protected class under the Civil Rights Act.

The effect of DBE requirements on project costs as well as bid preference policies and participation are highly disputed (Marion, 2009; Leef, 2010; Desilva et al., 2012; Duncan, 2015), with some scholars attributing elevated cost to not just Davis-Bacon requirements but to minority-owned business utilization (Fraundorf et al., 1984). Both the DBE program and Davis-Bacon Act exemplify a trade-off between economic efficiency and market liberty for the benefits of increased social equity and welfare, which serve as the positive externalities of disadvantaged firm entrepreneurship (Marion, 2009) and prevailing wages for minority workers in this ‘policy paradox’ (Stone, 2012). And like the criticisms made against the Davis-Bacon Act, the DBE program faces relentless opposition by construction firms, threatening the intentional, systematic employment of diverse workers (Carrington & Troske, 1998) with a “racially tinged form of individualism [fueling] opposition to racial programs,” perhaps “to a far greater extent than opposition to other government efforts” (Feldman & Huddy, 2005, p. 168). As a result, women- and minority-owned firms—like the vulnerable workers they employ—are particularly susceptible to discriminatory practices, including wage theft and other defrauding schemes, such as gambits run by nonminority “front” companies: businesses posing as eligible disadvantaged firms for the purposes of application and formal registry with the state to steal bid proposals (Carrington & Troske, 1998; Fregetto, 1999; Luo,

2002; Quanji et al., 2017; Marion, 2009). Fain (2017) proposes that minority workers may avoid wage discrimination by potentially forming their own firm to provide refuge for other victimized workers—but this is only possible for firms with the capital resources for improved social mobility, reiterating the purpose of the DBE program and Davis-Bacon wages simultaneously.

**H4: The number of disadvantaged businesses (DBEs) registered under NAICS code 237310 (trades that comprise Highway, Street, and Bridge Construction) will correspond to an increase with the number of firms out of compliance.**

#### Politicization

The Davis-Bacon Act stirs controversy among conservatives because it defies one of government’s commandments: to keep spending as low as possible (Bazos, 2007). Republicans and fiscally conservative moderates that represent industrialized areas are likely to support wage increases to prevent their workforces from “voting with their feet” in lower-wage, right-to-work states (Levin-Waldman, 1998) rather than supporting these policies on the premises of worker protections, treatment, and equitable wage distribution. In the states that have repealed their “Little Davis Bacon Acts” since 2010, all six states were under Republican leadership (i.e., Wisconsin, Michigan, Indiana, Kentucky, Arkansas, and West Virginia), and all repeals occurred during a Republican presidential administration (Trump). But the results “are not pretty”—the repealing states have yet to demonstrate the proclaimed savings to taxpayers—and “as one Indiana Republican lawmaker put it, “we got rid of prevailing wage and, so far, it hasn’t saved us a penny” [which was] ultimately confirmed by the Indiana Department of Labor” (Manzo, 2023). In a strange twist of events, Virginia—one of eight states that never had a



state-level prevailing wage law—enacted a “Little Davis Bacon Act” effective July 2022. Compared to the market orientation behind recent repeals, Virginia’s enactment is in part *socially* motivated, as it supports the “increased protection of workers’ rights,” ensuring “that impacted workers are paid wages commensurate with their skills and training,” to “close the wage gap,” under the belief of the One Fairfax initiative that “trade workers who build our county buildings and capital projects should have the opportunity to join the middle class” (Fairfax County, n.d.). Unsurprisingly, this law was passed during a two-year Democratic trifecta under term-limited Governor Raph Northam’s administration, creating a policy window (Kingdon, 1984). Ultimately, the federal Davis-Bacon Act remains unrepealed because of its ardent political supporters (Freeman, 1996; Fields & Kanbur, 2007), who see the legislation as a means for “[eliminating] the portions of occupational wage differences due to discrimination” (Hundley, 1993, p. 319). The legislative history of the unrepealed federal Davis-Bacon Act, as well as the repeals and ratifications of state-level “Little Davis Bacon Acts,” supports a party-line preference between the Act’s economic and social emphases—the latter potentially offering more saliency than the former (Allen, 1983), but the former concern for market liberties receiving stronger and more frequent policy change by Republicans.

**H5: The number of per-state, per-year Republican governorships will increase the number of noncompliant firms.**

## Funding

Firms in violation of the Davis-Bacon Act are often doing so in response to a simple cost-benefit analysis: the anticipated profit gained from the theft is weighed against the law's poor enforcement, low probability of detection, and leniency of sanctions, all three of which are insufficient compliance mechanisms (Hallett, 2018; Ashenfelter & Smith, 1979). Noncompliant firms may chalk up paying for penalties, fines, settlements, and court judgments if caught to simply 'the price of doing business,' especially when those penalties are low and the profit they stand to gain—either by paying less than the cash value of the services performed by workers or settling for less in back wages than they would have spent complying—is high (Zatz, 2008; Hallett, 2008; Pandya, 2011). Transportation agencies already facing “higher risk premiums and inflated bids, excessive returns for the private sector, and creation of improper financial obligation for the agency" (Ashuri & Mostaan, 2015, p. 4) must then shoulder the cost of the noncompliance.

For federally-funded transportation projects—in which the 28 states involved in the study received \$220,471,890,000 of taxpayer funds from the FHWA between 2010 and 2019—wage theft presents a true threat to the public interest; fraud, waste, and abuse (FWA) of public monies warrants an examination of whether this per-state spending by the FHWA has an effect on the number of firms with Davis-Bacon violations. Employer rationale for wage theft as identified by Hallett (2018) is a great match for transportation contracting: low-skill, low-wage industries (e.g., construction); in which there is a large difference between market and minimum wages (e.g., Davis-Bacon); when employers cannot cut labor costs by increasing efficiency due to their reliance on non-automatable

manual labor (e.g. skilled trades-workers). While the relationship between noncompliance and the availability or level of funding is undetermined, studies have shown that noncompliance *is* related to higher wages, which may tempt rationally self-interested, profit-maximizing firms that “don't want to share profits with their employees”—perhaps choosing not see their “minority or female workers as human beings [with] the same needs and desires as they” (Bobo, p. 50, 2014; Clemens & Strain, 2020; Hallett, 2018).

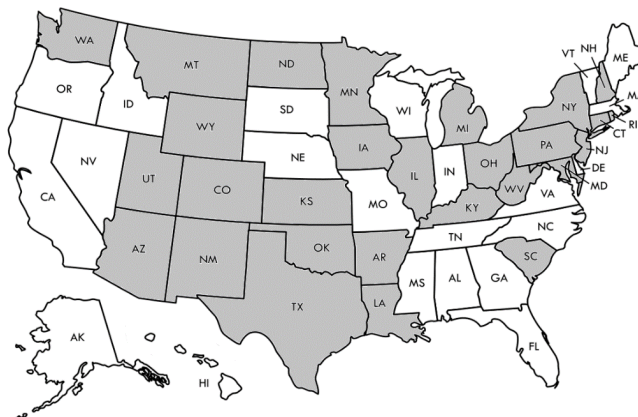
**H6: The number of dollars budgeted for projects per-state, per-year by the FHWA will correspond to an increase in the number of noncompliant firms.**

### **Methodology**

Data for this study was retrieved via public records request to 49 state Departments of Transportation (with Idaho serving as the exception to avoid a conflict of interest) and included contract data containing; a list of all federally-funded (FHWA) state construction contracts for the years 2010-2019 (or the ten years between the passage of ARRA in 2009 and the COVID-19 pandemic beginning in 2020); the trade name and/or legal name of the prime and subcontractors and the contract amount (in dollars) on each federally-funded project meeting this description; and form FHWA-1392 (Federal-Aid Highway Construction Contractors EEO Report) for each of these years. The 28 states selected for the study were chosen according to the quality of their supplied information (i.e., completeness, legibility, response time, access), the financial affordability of performing the records search—ranging from free to thousands of dollars—gubernatorial party, and geographical dispersion, with the latter two

characteristics as evenly balanced and dispersed as feasible (Figure 2). Data for disadvantaged businesses was retrieved from the public-facing state DOT portals and limited to NAICS Code 237310 (i.e., trades encompassing Highway, Street, and Bridge Construction) for even representation between states; historical Davis-Bacon violations were retrieved online through the U.S. Department of Labor Data Enforcement site; and supplementary industry demographic data as well as population data were similarly retrieved through the Bureau of Labor Statistics Geographic Profile of Employment data and the U.S. Census Bureau. These data sources were then delineated into per-state, year-level tabulations, with interagency data cross-referenced to confirm which state-reported firms matched the U.S. Department of Labor's list of firms with Davis-Bacon violations to create a list of noncompliant firms (as opposed to firms without a reported violation, which does not necessarily imply compliance). Together, these data provide a holistic interpretation of 26,903 FHWA-funded, private sector highway and bridge construction and construction-adjacent firms. A full list of variables and their descriptions is available in a frequency table in Appendix A.

## Analysis



Highlighted states: Arizona (AZ), Arkansas (AR), Colorado (CO), Connecticut (CT), Illinois (IL), Iowa (IA), Kansas (KA), Kentucky (KY), Louisiana (LA), Maryland (MD), Michigan (MI), Minnesota (MN), Montana (MT), New Hampshire (NH), New Jersey (NJ), New Mexico (NM), New York (NY), North Dakota (ND), Ohio (OH), Oklahoma (OK), Pennsylvania (PA), Rhode Island (RI), South Carolina (SC), Texas (TX), Utah (UT), Washington (WA), West Virginia (WV), Wyoming (WY)

**Figure 1.2. The 28 states selected for study (shaded)**

Because the cross-sectional count data collected demonstrated a presumed overdispersion to the low end of the distribution, a negative binomial regression with an estimated parameters and robust coefficients was performed using SPSS. The negative binomial regression approach not only models panel data in a format most allegiant to reality by accounting for chronological changes and the variations between states, but is also thematically apt for this study given its frequent use in transportation studies for the purposes of isolating explanatory variables to make predictions in safety events, such as the contributing nonbehavioral road conditions (e.g. rainfall, speed, grade); accident frequency (Chengye & Ranjitkar, 2013); accidents occurring at specific or unique features of a road environment like an intersection approach (Poch & Mannering, 1996), and changes in the condition of bridges (Madanat & Ibrahim, 1995). Since negative binomial models can benefit from using all available data in exchange for possibly

misattributing causal influence to temporally implausible phenomena (Arnold & Long, 2019), state- and year-level fixed effects were included as nominal variables to control for unobserved influences. As the relationship between vulnerable populations employed on federally-funded projects and the number of noncompliant firms (the sole dependent variable) is the primary concern, independent variables representing the voluntary demographic information for employees making up the construction industry as a whole as well as the subset working on FHWA-funded projects take up the majority of the model.

**Table 1.1. Negative binomial regression of state data**

Negative Binomial Regression Predicting the Number of Noncompliant Firms by State Characteristic, 2010-2019

Parameter	Coefficient	Std. Error
DV: Number of Noncompliant Firms		
Number of DBEs	.002	(.0014)
Governor Political Party	.272*	(.1532)
LDB Status (Y/N)	-.086	(.1745)
FHWA Dollars Per Year	-.000000001**	(.0000000003)

\*p≤0.10, \*\*p≤0.05, \*\*\*p≤0.01

N=127 due to listwise deletion.

Constant is omitted and robust standard errors are used.

Scale (1) fixed at the displayed value.

Fixed effects at the state and year level

These variables include male and female White, African-American/Black, Hispanic/Latino(/a), and Asian workers as reported by the U.S. Department of Labor, and the same groups with the addition of Indigenous/Native American/Alaska Native and Pacific Islander/Native Hawaiian as captured by the U.S. Department of Transportation—and this distinction in data classification turned out to be of critical importance. Neither agency collected data pertaining to other protected characteristics, such as gender, sexual orientation, nationality, or religious affiliation (or “creed”).

## Results

The variables pertaining to the presence of a “Little Davis Bacon Act,” number of certified DBEs, and gubernatorial partnership per-state, per-year were signed as expected (i.e., inverse, positive, positive), but were not significantly different from zero (.621, .124, .076); the results do not provide support H1, H3, and H4. While the relationship between the per-state, per-year funding provided by FHWA to the state Departments of Transportation for executing these contracts (p-value .010) is statistically significant, its direction (negative) nullifies H5: although the amount is negligible, the number contractors out of compliance decreases by .000000007 per FHWA-funded dollar (Table 1.1.).

The multidirectional relationships with workers of color working on federally-funded projects with the number of noncompliant construction and construction-adjacent firms was surprisingly strong (Table 1.2.). The beta coefficients of the continuous independent predictor variables and their associated p-values present that with each Asian female (.037) and male identifying as being Pacific Islander or Native Hawaiian (<.001) on FHWA-funded projects, the number of noncompliant firms increases by .013 and .011; but with every Asian male (.001), Hispanic/Latina female (<.001), and female workers identifying as being Pacific Islander or Native Hawaiian (<.001) working on the same projects, the number of noncompliant firms decreases by .010, .008, and .016 per-state, per-year, holding all other variables constant. While not all groups considered ‘vulnerable’ have a positive relationship with the number of noncompliant contractors, what partial evidence exists to support H2 is very powerful.

**Table 1.2. Negative binomial regression of worker data**

Negative Binomial Regression Predicting the Number of Noncompliant Firms by Worker

Race/Ethnicity and Sex as Compared to Industry (2010-2019)

	Parameter	Coefficient	Std. Error
DV: Number of Noncompliant Firms			
Industry	Males	-.00000673	(.00000564)
	Females	-.00000607	(.00000576)
	White/Caucasian	.00001578*	(.00000941)
	African American/Black	.00000119	(.00000120)
	Asian	-.00000225*	(.00000135)
	Hispanic or Latino(/a)	-.00000046	(.00000046)
Employed on FHWA Projects	White Males	-.00005902	(.00006360)
	White Females	.001	(.0007)
	Black Males	.000	(.0004)
	Black Females	.001	(.0018)
	Hispanic/Latino Males	-.00001283	(.00004618)
	Hispanic/Latina Females	-.008***	(.0018)
	Asian Males	-.010***	(.0030)
	Asian Females	.013**	(.0063)
	Indigenous/Native American or Alaska Native Males	.002*	(.0012)
	Indigenous/Native American or Alaska Native Females	.001	(.0064)
	Pacific Islander or Native Hawaiian Males	.011***	(.0016)
	Pacific Islander or Native Hawaiian Females	-.016***	(.0026)

\*p≤0.10, \*\*p≤0.05, \*\*\*p≤0.01

N=127 due to listwise deletion.

Constant is omitted and robust standard errors are used.

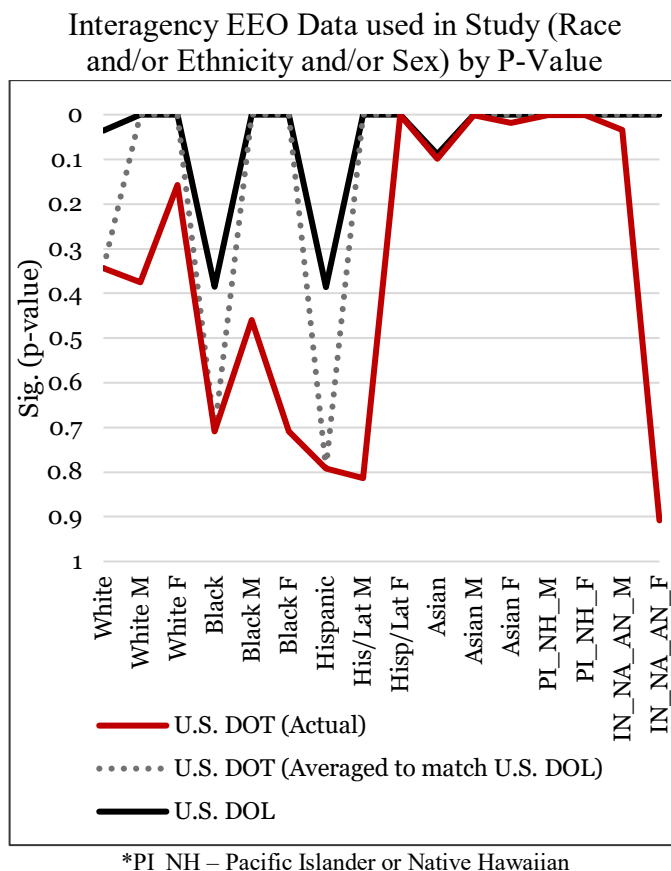
Scale (1) fixed at the displayed value.

Fixed effects at the state (State) and year (Year) level

The relationships between racial/ethnic groups or workers by sex in all of the construction industry with the number of firms noncompliant with the Davis-Bacon Act were not significantly different from zero, which was expected—as this law only applies to federally-funded or assisted projects—but nonetheless isolates these effects to the subset of vulnerable workers on government contracts specifically. While lacking strength, the p-values corresponding to White .353 (male) and .204 (female) workers



carrying more significance than those of Black workers (male or female, .364 and .606), Hispanic/Latino male workers (.781), or Indigenous/Native American or Alaska



**Figure 1.3. Differences in data collected by the U.S. DOL and U.S. DOT**

Native female workers (.908) at the industry level—but not that of male workers identifying as the same (Indigenous/Native American or Alaska Native males, .079)—was unexpected. As a result, only *some* non-White workers had more significant relationships with the number of noncompliant firms than White workers of either sex, so there is only partial support for H3.

## Discussion

That there was a stark difference between the observable effect among self-identified Asian workers and the workers identifying as Pacific Islander or Native Hawaiian illustrates the need for standardized measurement for collecting and/or reporting EEO data amongst horizontal agencies like the U.S. Departments of Transportation and Labor. The use of two categories by former's subagent Federal Highway Administration (FHWA) compared to only one—the umbrella term *Asian*—used by the Bureau of Labor Statistics may have revealed disparate treatment more pronounced in a small but critical subset of a larger population. This phenomenon is confirmed in the literature: while Asian American and Pacific Islander (AAPI) communities both face active discrimination by employers—especially AAPI women, who earned less than White men in all but one of the 44 states (Hegewisch & Mariano, 2021)—the combination of these two “very different pan-national and pan-ethnic entities” is “solely a US phenomenon, and its use in US public policy, mass media, and social activism circles has been both vexed and publicly contested by Hawaiian activists”—which FHWA then incorrectly lumps in with Pacific Islanders—“for more than fifty years” (Hall, 2015, p. 728).

This clumping makes the census category of Asian American ‘statistically problematic’ (Wu, 2011) and Pacific Islanders ‘statistically invisible.’ Hall (2015) mirrors this result exactly, concluding that “statistical disaggregation actually [reveals] is that financially and educationally successful subsets and other communities disproportionately impoverished and under-resourced, all within the category Asian American, and therefore statistics using the category need further levels of analysis to

ensure that the underrepresented do not disappear in the aggregated data” (p. 732-733). Because the U.S. Census Bureau (also within the U.S. Department of Labor) uses the same categories as the FHWA (but *not* the BLS), interagency or vertical revision of measurements may be as useful as intra-agency collaboration to revisit these categories. While it may not be possible to capture every origin group in the U.S. workforce—Pew Research Center (2021) reports at least 6 under the umbrella of Asian Americans—resources should be provided to both monitor and assist underrepresented populations in the construction industry.

In the same vein: the current methods of capturing EEO data covering ‘gender’—binarized as “male” or “female” in this study per public records—must be updated to not only reflect statutory changes but to further identify incidences of discrimination. The U.S. Departments of Transportation and Labor should consider collecting gender identity and sexual orientation data when safe and practicable to reflect the formal protection of these classes under Title VII of the Civil Rights Act as issued by the Supreme Court ruling in *Bostock v. Clayton County* that took place in June 2020 (U.S. Equal Employment Opportunity Commission, 2021). Very few if any studies address gender in either the transportation (Walsh, 2007; de Madariaga, 2013) nor construction industries, and those that do frequently conflate gender with sex (Johnson et al., 1999; Shrethsa et al., 2020; Hegewisch & O’Farrell, 2015; Hersch, 1998; Institute for Women’s Policy Research, 2019; Goldberg et al., 2004). To be fair, the empirical methods for evaluating sex, sexual orientation, and gender identity are still being developed throughout the academe (National Academies of Sciences, Engineering, and Medicine, 2022). Denissen & Saguy (2014) provide an exemplary study of the intersectional challenges faced by

nonbinary or queer and non-heterosexual workers in the skilled construction trades, who must strategically manipulate their identities as “threats” to the cis- and hetero-gendered on jobsites akin to “bastions of white male supremacy” (Bilginsoy, 2005), where both men and women—straight and gay—are targets of sexist and anti-gay harassment (Paap, 2006).

Regulators responsible for the creation and implementation of protective policies must remain sensitive to the needs of target populations: needs that translate into inclusive measures, both for collecting data on vulnerable workers and their experience and for this data’s use to inform existing and future anti-discriminatory practices—without entire groups going unaccounted for, unseen, and unheard depending on who is doing the collecting (Figure 3). For even one of the hypotheses in this study to be confirmed attests to the severity that noncompliance with the Davis-Bacon Act can have on the vulnerable workers the U.S. Departments of Labor and Transportation aspire to protect. Careful attention should not only be paid to business with characteristics identified by Weil (2005), such as large federally-funded contractors with ‘fissured’ levels of subcontracting or franchising within highly competitive, thin markets—which have the resources to comply but choose not to—as well as the small- to average-sized firms that receive less funding (like in H5) but may also suffer from a lack of training or technical assistance. Vigilance towards other red flags for noncompliant behaviors, including firms’ turnover rate (high exit and entry); failure to penalize on first violation; and failure to stay in business for more than two years (Weil, 2018) could help regulators to proactively identify the conditions under which prevailing wage violations are most likely to take place for preemptive assistance.

To make more efficient and effective organizational change while providing more tailored technical assistance to contractors, changes to the methodology for *wage setting* activities and statutory definitions have been suggested, incorporated, and continually revised as a part of the Davis-Bacon Act’s iterative policy development (Government Accountability Office, 2011; Smith, 2022)—development that has steered it from its own discriminatory taint—but this only brings us back to the preoccupation with economic rather than social foci. To better serve the employees this policy affects, state and federal partners may benefit from utilizing a systematic means for internal and external program development akin to the DBE Goal Setting Methodology, which requires that each state use the DBE Program’s foundational regulations in 49 CFR to perform multi-tiered analyses and projections—with public participation—to determine goals for the following three fiscal years, guiding program implementation and its intergovernmental implementors to provide a discrimination-free transportation market for contractors (Federal Highway Administration, 2009).

### Limitations and Opportunities

While Davis-Bacon violations as captured by the U.S. Department of Labor, Wage and Hour Division are an imperfect measure of ‘compliance’—which itself is not a dichotomized concept in practice—they provide a legitimized source of data understood to be underreported. This underreporting was evident in the Michigan Department of Transportation’s (MDOT) response to a public records request, in which staff volunteered their FHWA-1494 forms (Semi-Annual Labor Compliance Enforcement Support) for the study period. While the U.S. Department of Labor report data listed 19 of Michigan’s FHWA-funded prime contractors and 30 subcontractors as having Davis-Bacon Act

violations, MDOT reported a total of 303 prime contractors and 192 subcontractors with the same: an increase of 176% and 146%. Without a means ascertain this level of noncompliance from the 27 other states, Weil's (2005) argument about prevailing wage violations thriving in underenforcement (Clemens & Strain, 2020) is shrouded in presentiment. MDOT's exceptionally precise detection of Davis-Bacon violations—capturing anywhere from tens of thousands of back wages owed down to mere pocket change—urges further research in per-state monitoring and enforcement methodologies.

Additional unanswered questions from this study that are also deserving of additional extrapolation include the relationship between Davis-Bacon violations and other organizational phenomena, public or private; Davis-Bacon violations on other forms of public works projects contracted through other entities; the impact of other labor policy violations—e.g., Fair Labor Standards Act, Copeland Act, The McNamara-O'Hara Service Contract Act, Occupational Safety and Health Act—on vulnerable workers; studies performed other low-wage high-violation industries (e.g., food service, agriculture, healthcare, retail); normalized corruption, intersectoral ethics, and whistleblowing; and of course, qualitative research—the most authentic representation subjects' lived experiences.

### **Conclusion**

This paper ties multiple loose threads scattered about the literature by connecting the vague, bureaucratic, and ominous notion of “noncompliance” to the lived experiences of vulnerable workers at a time when the Biden Administration's \$240 Billion in infrastructure improvements (Dimand, 2021) appropriated through the Bipartisan Infrastructure Law will be predominately paid out in Davis-Bacon covered labor. Those

invested in the future of both Davis-Bacon and the workers it is purported to protect must ask whether the most contemporary form of this policy (T2) “acts upon, or operates within, the world in the same way,” as its former iterations (T1): we must “ask whether an intertemporal policy relationship’s characteristics demonstrate the kind of distinctive continuity that the law often treats as relevant to responsibility” (Murray, 2021, p. 1219). Davis-Bacon retains the same function, continuity, and institutional responsibility in *letter*, but if its implementation enables a culture complicit with corporate corruption and the discrimination, is the policy ‘tainted’ in *spirit*? Its implementors should do best not to see this policy ironically return full circle to being subversively biased, especially when it is stewarded through Civil Rights offices with the credence of other anti-racist and anti-sexist EEO measures.

Foremost, regulators must understand wage theft as an institutional, macro-level social problem that requires a *public* response, as governmental bodies—in this case, two agencies regulating the same construction projects—have both the resources to support reform and the evidence to tackle the growing epidemic of wage theft within the broader scope of workplace injustices: restitution cannot be left up to most vulnerable of private individuals (Fritz-Mauer, 2021). However, it is important to remember that not all noncompliance is malicious; many “employers do not fully understand the requirements under the law,” so “approaching [these questions] means recognizing differences in employer compliance driven by industry structure and practice, ownership structure, geography, competitive dynamics, and specific company history.” (Weil, 2018, p. 7). Work by regulators in both research and outreach strategies may improve the enforcement of prevailing wage compliance amongst private-sector construction

contractors more so “than issuing a dry, dense, and legalistic guidance document,” or hurling impersonal and bureaucratic accusations of noncompliance without providing technical assistance or collaborative opportunities, such as engaging “stakeholders in developing a handbook that [reflects] detailed input from those who most needed the information” (Weil, 2018, p. 7-8) and creating resources crafted around regulations, feedback, *and* projections like the DBE Goal-Setting Methodology. The findings of this research are intended to assist regulators within the federal and subnational transportation agencies—as well as construction contractors attempting to self-regulate—in the ongoing implementation of federally-funded infrastructure projects in a manner that sustains quality relationships with contracted firms, thwarts corruption, and enforces a brand of stewardship which protects both the public interest and vulnerable workers from wage theft, preventing a woeful and tainted paradox in which vulnerable workers build the infrastructure system whose upkeep marginalizes them.



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## Appendix A

**Table A.1. Descriptive statistics**

Variables	Description	Mean	SD	Min.	Max.
<b><i>Dependent Variable (1)</i></b>					
Noncompliant Contractors	FHWA-funded sub- and prime contractors with at least one Davis-Bacon Act violation	3.24	2.95	1	16
<b><i>Independent Variables (24)</i></b>					
StateCode	Two-digit Census code per state	28.21	13.982	3	51
Year*	Year of violation, 2010-2019	2014	1050 23:48:54	00:00:09 (2010-2019)	
Industry_Male	Total number of males in national industry/year	299,261.69	317,160.93	15,288	1,805,685
Industry_Female	Total number of females in national industry/year	22293.1	27788.05	373	186795
Industry_White	White workers (male and female) in national industry/year	189275.76	210869.77	19788	1232847
Industry_Black	Black workers (male and female) in national industry/year	83629.51	88950.59	147	401660
Industry_Asian	Asian workers (male and female) in national industry/year	42046.34	61544.31	139	397089
Industry_HispLat	Hisp/Lat workers (male and female) in national industry/year	316735.2	327122.75	238	1949538
Employed_WhiteM	White males employed on FHWA-funded projects/year	2764.08	2344.29	137	14879
Employed_WhiteF	White females employed on FHWA-funded projects/year	250.77	223.13	4	1194
Employed_BlackM	Black males employed on FHWA-funded projects/year	263.47	363.62	0	2769

<i>Independent Variables (24) Cont.</i>					
Employed_BlackF	Black females employed on FHWA-funded projects/year	21.37	38.81	0	428
Employed_HispM	Number of Hispanic/Latino males employed on FHWA-funded projects/year	1208.08	2901.73	4	16564
Employed_HispF	Number of Hispanic/Latina employed on FHWA-funded projects/year	30.32	61.94	0	425
Employed_AsianM	Number of Asian males employed on FHWA-funded projects/year	18.19	8.52	0	185
Employed_AsianF	Number of Asian females employed on FHWA-funded projects/year	3.36	8.52	0	85
Employed_Ind_NA_M	Number of Indigenous, Native American, or Alaska Native males employed on FHWA-funded projects/year	69.02	81.28	0	562
Employed_Ind_NA_F	Number of Indigenous, Native American, or Alaska Native females employed on FHWA-funded projects/year	10.05	13.04	0	72
Employed_PI_NH_M	Number of Pacific Islander or Native Hawaiian males employed on FHWA-funded projects/year	17.48	56.3	0	590
Employed_PI_NH_F	Number of Pacific Islander or Native Hawaiian females employed on FHWA-funded projects/year	6.25	36.83	0	482
Number_DBE	Number of DOT-certified disadvantaged business enterprises per state/year	96.73	75.78	23	321

<i>Independent Variables (24) Cont.</i>					
Governor_Party	Political party of Governor per state/year	0.55357	0.498012	0	1
LDB_Status	Presence or absence of state-level prevailing wage law ("Little Davis Bacon Act")	0.63571	0.482091	0	1
FHWA_DollarsYear	Number of FHWA dollars paid to contracts per state/year	\$787.4 Million	\$626.4 Million	\$564,487	\$29 Million

\*All years in the study depict calendar year (written 01/01/YYYY), as opposed to state (SFY) or federal fiscal years (FFY)

CHAPTER TWO: LIP (PUBLIC) SERVICE? PSM AND CSR IN FEDERAL  
CONTRACTORS' ORGANIZATIONAL MISSION STATEMENTS

### Abstract

The expectation of company answerability to customers under the premise of corporate social responsibility (CSR) gets complicated when that customer is a government agency. With the purposes of public sector work portrayed as antithetical to that of business—even down to individual-level traits like public service motivation (PSM)—private sector entities which provide public services (e.g., government contractors) may be attempting to serve two masters. To address problems afflicting the public-private interface, this paper performs a qualitative content analysis of 4,580 mission statements—a popular vehicle for communicating organizational values both public and private—from construction and construction-adjacent firms contracted between 2010-2019 through 28 state Departments of Transportation, funded by the Federal Highway Administration (FHWA). Using the firms' compliance with the contractually-required Davis Bacon Act (1931) as a case, this study uses codes derived from Perry's (1996) and Turker's (2009) canonical scales for PSM and CSR to determine whether the mission statements of noncompliant firms are more closely affiliated with CSR than with PSM, using McCarthy et al.'s (2022) innovative study of the same constructs as a framework. The results reinforce McCarthy et al.'s (2022) findings connecting PSM, CSR, and organizational commitment, and affirmatively answer the concern for noncompliant firms' orientation while providing critical insights as to how and through which concepts both PSM and CSR manifest in the firm missions. The results promote the underexplored mutuality between historically hackneyed public and private philosophies, and how overlapping prosocial interests can be nurtured by external regulators and internal figures through transformational leadership (TFL) for more



effective organizational-level solutions between intersectoral partners, both in construction and beyond.

### **Introduction**

When the products and services of both government and corporations are so thoroughly integrated into the daily lives of the public, the philosophies which guide these entities' performance—and more importantly, their behavior—*matter* to consumers, stakeholders, and taxpayers. While public agencies have a history of indifference towards financial pressures and market-driven service delivery (Meyer & Zucker, 1989), the private sector—on the other hand—seems to be drifting more and more towards prioritizing the *public interest* which has conventionally been associated with government work. Corporate social responsibility and interrelated initiatives like environment, social, and corporate governance (ESG) are growing in popularity, with multiple articles in popular publications like *Forbes* predicting the trends' next developments—e.g., job purposing, tying responsible initiatives to return on investment (ROI), convergence between diversity, equity, and inclusion (DEI) and employee volunteerism, increased opportunity for underrepresented groups, data-driven impact measurement—as well as its nurturance through organizational mission (Hessekiel, 2023; Segal, 2022; Todd-Ryan, 2022). While the attention is often dolloped onto the biggest companies, corporate social responsibility (CSR)—and organizational mission, as a vehicle—are critical at all company sizes in the private sector, just as public service motivation (PSM) is studied at all levels of government.

The more prevalent CSR becomes, the more the normative expectations of internal and external stakeholders shift, and the more that clients anticipate that these

strategies will be aligned with their goals in procuring companies' products or services (Watts et al., 2015) regardless of industry. However, what happens when that customer is a government agency, with a mission supposedly juxtaposed to that of the private sector? Which of these dogmas, then, do private-sector companies providing public services—government contractors—subscribe to in the work they perform? The contracted firms of the construction industry are just as likely as any other private entity to feel trapped between the expectations of multiple philosophies; to form cooperative relationships with regulators, or to rebel against them. This potentially misaligned relationship is further complicated by the public sector's obligation to appropriately spend taxpayer funding. As construction- and construction-adjacent contractor noncompliance with the Davis-Bacon Act (1931)—a complicated but anticipated prevailing wage requirement for many federally-funded public works projects—is a form of fraud committed against a firm's own employees, this poor behavior can serve as a basis on which to measure whether contractors are practicing what their mission statements preach.

This paper provides a qualitative inquiry conversing with McCarthy et al.'s (2022) new survey of accounting staff among quasi-public/private state-owned enterprises providing public utilities as a framework, further defining the authors' novel conceptual boundaries of PSM and CSR with a focus on noncompliance rather than the need for “a more committed workforce in pursuit of shared stakeholder objectives” (McCarthy et al., 2022, p. 6), although these are both organizational-level issues. To determine whether the mission statement language of noncompliant Federal Highway Administration-funded, subnational highway and bridge construction and construction-adjacent firms is more closely associated with CSR concepts than with PSM, this paper

performs a content analysis of 4,580 organizational mission statements using NVivo, honing in on McCarthy et al.'s (2022) identification of mission as a means of connecting these traditionally micro- and meso-level concepts by directly tying employee perception, motivation, and behavior to their organizations' values—which, in this paper—are espoused on firms' public-facing websites. The structure of this paper includes a contextual literature review of both public service motivation and corporate social responsibility, as well as an elucidation of the theoretical and empirical premises for using mission statements in meso-level research. Mission statement applicability to and use by the construction industry is introduced as a case, followed by a Text Search Query of concepts coded from Perry's (1996) and Turker's (2009) canonical PSM and CSR scales as McCarthy et al. (2022) surveyed in their structural equation modeling, contributing to the growing body of research on government contractors with a study grounded in how they rhetorically represent *themselves*.

This paper not only answers Bartkus and Glassman's (2008) call for research on if and how organizations “walk the talk,” but also makes contributions in several other theoretical and methodological areas: satisfying the need for novel study populations, for which construction workers are rarely considered; intersectoral theoretical research of the public-private interface, where PSM and CSR do not appear in the same environment (Abdelmoteleb & Saha, 2018); and practitioner-focused inquiry intended to produce applicable and practicable logic for the stakeholders involved in the study based on its findings. Methodological innovations include the utilization of recorded instances of noncompliance rather than depictions of noncompliance using theoretical modeling of planned behavior, empirical presumptions, hypothetical vignettes (Barnett & Vaicys,

2000; Rothwell & Baldwin, 2006) or relying on self-reported compliance, which risks impaired reliability and validity due to social desirability effects.

The findings of this meso-level inquiry identify similarities between corporate social responsibility and public service motivation which are not found in either the private nor public literatures, and provide context for McCarthy et al.'s (2022) findings connecting PSM, CSR, and levels of employee organizational commitment among externally regulated public service-providing private sector organizations. Above all, this paper seeks to connect contractor mission to behavior—in theory and in practice—by identifying real or perceived misalignment between intersectoral philosophies and goals; providing useful information as to how, where, and why public and private entities collide; and how this collision may be leveraged for future research as well as to improve actual regulatory relationships and—ideally—firm compliance.

### **Literature Review**

While rooted in decades-old concepts, the popular implementations of corporate social responsibility and New Public Management in the 1980s-90s set the stage for subsequent decades' public-private activities, both as partners and in parlay. Springing from neoliberalist ideals, New Public Management (NPM) emerged as a reform movement within the public sector premised on 'running government like a business' (Box, 1999), while corporate social responsibility (CSR) became a tool, philosophy, and phenomenon within the private sector encompassing a range of responsible business activities—including environmental, prosocial, philanthropic, economic, and voluntary dimensions—often self-regulated or attached to reporting and performance indicators (Hack et al., 2014; Dahlsrund, 2008). While associated closely with Thatcher and

Reagan's synchronous administrations in the United Kingdom and the United States—sharing a similar focus on shifting the role of government to shrink the Keynesian welfare state (Steurer, 2010)—NPM's popularity in the U.K. and New Zealand (Hood, 1991) soon crossed the pond and was branded as Osborne and Gaebler's (1992) bestselling *Reinventing Government* in the United States. Meanwhile, the popularity of stateside CSR spread to institutionalization in many European countries (Maignan & Ferrell, 2000; Argandoña & von Weltzien Hoivik, 2009; Moon, 2005; Gonzalez & Martinez, 2004).

The recommendations from New Public Management's "reinvention laboratories" quickly spread by policy diffusion throughout all levels of government (Berry & Berry, 1990). As a result, fiscal conservatism paired with deregulation, decentralization, downsizing, and outsourcing forced governments to do more with less. As their work—especially at the federal level—became increasingly tied to outputs through the Government Performance and Results Act of 1993 (Kravchuk & Schack, 1996; Weiss & Piderit, 1999), public management scholars and practitioners began adopting the adage to 'define agency mission' as a cornerstone of achieving the desired paragon of narrowed and measurable government work (Weiss & Piderit, 1999; Altshuler, 1996; Senge, 1990; Behn, 1991; Wilson, 1989; Osborne & Plastrik 1997). Osborne and Gaebler (1992) preached the advantages of mission-driven over rule-driven government: improved efficiency, efficacy, innovation, flexibility, and morale—all traits frequently attributed to the private sector. 'Mission' soon became imperative to (and required of) large bureaucracies in response to public sector fragmentation into smaller and—more importantly—higher-performing organizations (e.g., special districts). However, George et al. (2018) argue that as traditional private sector priorities driven by "NPM reforms

[became] more prominent in [an] organization's mission," managers were becoming "more motivated by those business-like organizational goals [while] lower-level employees [were] more driven by the social and nurturing goals of the organization" (p. 17-18; Vigoda-Gadot, 2008), creating hierarchical value incongruence within public agencies themselves. Internal incongruence was further complicated by partnering with other sectors for the provision of services as third-party utilization skyrocketed, giving way from government to *governance* (Peters, 2001). But decades later, in the contemporary space of corporatized governments and community-oriented corporations, how 'incongruent' are *business-like goals* and *social and nurturing goals*, really?

#### Corporate Social Responsibility and Public Service Motivation

Little research has been done comparing public service motivation (PSM) and corporate social responsibility (CSR) in the same context or environment, most likely because these are recognized and have been measured as micro- and meso-level constructs. There is no denying that the motivations of individuals and the philosophies adopted by corporations are measured and interpreted differently, especially when the attributes of these individuals and organizations—and even sectors—have been binarized in the public and private canons, reinforcing their difference rather than identifying and exploring the way theories intersect. However, McCarthy et al. (2022) argue that integrative, comparative studies of PSM and CSR aren't misaligned at all: because employees identify with and form affective relationships with their workplaces—developing a sense of in-group membership that underlies individuals' sense of purpose and becomes a part of their identity through socialization—employee motives (i.e., PSM) and organizational objectives (i.e., CSR) exemplify value congruence (or the problematic

lack thereof) influencing workers' level of organizational commitment (Kristof, 1996; Brammer et al, 2007). The micro-meso relationship between PSM and CSR specifically may be unique in that these concepts are also studied inversely through analyses of publicness (Bozeman & Bretschneider, 1994; Nutt & Backoff, 1993; Rainey, 2011), an organizational-level concept with a rich history in public administration (Bozeman, 1987), and through the emerging study of "micro-CSR" (Gond et al., 2017; Rupp & Mallory, 2015)—or CSR measured at the individual level. The relationship between employee PSM and employer CSR therefore functions as an example of what "fits" under the premise of person-organization fit among private sector organizations providing a public service—and the challenging roles they must fulfill. While more direct comparisons between publicness with CSR and micro-CSR with PSM would 'level' research in this area, there remains a deficit in measurement tools for publicness and micro-CSR with the recognizability, operability, and empirical generalizability present in the canonical, foundational scales developed by Perry (1996) and Turker (2009), which have undergone dozens of iterative developments to inform research like McCarthy et al.'s (2022) which carves a path for PSM and CSR to undergo testing together for the first time.

In the context of corporate social responsibility (CSR), 'business' goals and 'social and nurturing'—prosocial—goals may obscure conventional definitions of *public* and *private* to the point of theoretical mimicry. The concept of CSR is intimidating to 'old guard' public agencies: it functions as "voluntary" behavioral self-regulation existing beyond hierarchical legal frameworks (McWilliams & Siegel, 2001; Steurer, 2010), which may be interpreted as usurping governmental legitimacy, redefining the public

interest and how it will be served (Reich, 2007), attempting to correct for government failure (Weyzig, 2009), and generally governing without government (Utting, 2005; Zadek, 2004; Steurer, 2013). This line of argument has only resulted in a stalemate between pressures to regulate CSR (Osuji, 2011), *deregulate* CSR (Henderson, 2001), or permit self-regulating CSR (Utting, 2007). A more optimistic interpretation of CSR involves its mediating role “as a cultural aspect, accounting for specific norms and values that shape [an] organization” (Besieux et al., 2018, p. 260), containing emphases on both internal and external responsibility, not limited to the ethical behavior and regulatory compliance, stewardship of the environment, and philanthropy (Turker, 2009; McDaniel, 2021). CSR offers the public sector supplemental complements to existing ‘hard’ business regulations (Steurer, 2013). Albareda et al. (2007) explain how a CSR agenda has been formally integrated in EU-15 governments to improve their strategic management for uncertainty; create environments more sympathetic to facilitating partnerships with corporations; and incentivize compliant behaviors in 3-P arrangements (Lepoutre et al., 2004; Fox et al., 2002; Bell & Hindmoor, 2012).

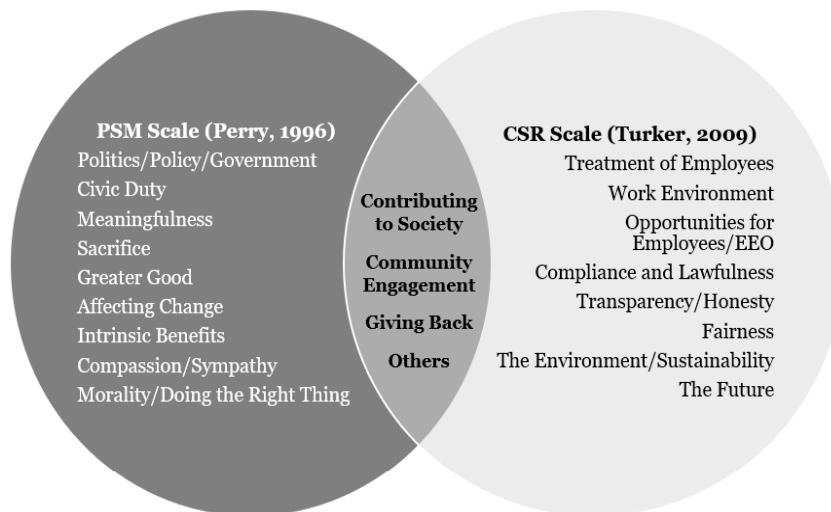
CSR is thought to be cultivated in organizations from the top-down (“trickle down”), bottom-up (“trickle up”), or even “trickle round”—horizontally, amongst employees—not just internally but between intersectoral partners (Kolk et al., 2010). Like public service motivation, “CSR aims to increase the quality of life for people within or outside the firm” (Thorpe-Jones et al., 2010, p. 566)—the primary difference between the two concepts (and elephant in the room) being the priority of maintaining a competitive edge and firm profitability in the private sector (Hopkins, 2003; Branco & Rodrigues, 2006; Ma, 2009; Saeidi et al, 2015; Garay & Font, 2012; Abdelkareem &



Mady, 2022; Houghton et al., 2009). However, scholars interpret the international rise of CSR as an indication that “the private sector has embraced the sharing of public responsibilities” (Steurer, 2013, p. 391) and is clearly testing their conceptual boundaries with traditional publicness by shifting from economic to social, cultural, and environmental foci (McCarthy et al., 2022; Kelly & Alam, 2008), exchanging the potential impact to short-term profit margins for community benefits which ‘bring society in,’ as Perry (2000) contended.

CSR and PSM share a striking number of similarities in how these constructs are defined, measured, and evaluated. Many of the studies in public service motivation performed by Perry (1996, 1997, 2000; Perry & Porter, 1982; Perry & Wise, 1990; Perry & Hondeghem, 2008; Perry & Vandenabeele, 2015) and his contemporary PSM scholars in public administration (e.g., Brewer et al., 2000; Romzek, 1990; Houston, 2000, 2006; Coursey & Pandey, 2007; DeHart-Davis et al., 2006; Gabris & Simo, 1995; Moynihan & Pandey, 2007; Jurkiewicz et al., 1998; Vandenabeele, 2007, 2008) are mirrored in the arc of theory development for corporate social responsibility literature, including its depiction in frameworks, models, and typologies (Sethi, 1975; Geva, 2008; O’Riordan & Fairbrass, 2008; Schwartz & Carroll, 2003; Lee, 2008; Wells, 2002); analyses of CSR’s influence on attractiveness to prospective employees (Albinger & Freeman, 2000; Turban & Greening, 1996; Greening & Turban, 2000; Backhaus et al., 2002); employees’ interpretation of CSR and its impact on organizational commitment (Turker, 2009); CSR’s antecedents and determinants (Maignan et al., 1999; Stanwick & Stanwick, 1998); how CSR is reflected in and by organizational characteristics, culture, and activities, both standalone (Cook & Wall, 1980; Viswesvaran et al., 1998; Trebeck, 2008) and in

networked relationships (Bhattacharya et al., 2009). There have been many investigations as to CSR's impact on financial performance (Johnson, 2003; Pava & Krausz, 1996; Orlitzky et al., 2003; McGuire et al., 1988) and recently, social and environmental (Parkinson, 2003) performance, with cases in favor (Mintzberg, 1983), opposed (Henderson, 2001), or just pointing out contradictions (Margolis & Walsh, 2003). Just as public service motivation has been referred to by several different names—e.g., public service ethos (Rayner et al., 2012), civic duty (Buchanan, 1975)—CSR is likewise referred to with a range of value-oriented names, such “as initiatives for ethical business, sustainability, corporate responsibility, corporate citizenship, or corporate accountability” (Weyzig, 2009, p. 418; Utting, 2005).



**Figure 2.1. Venn diagram of PSM-CSR conceptual boundaries**

Studies of PSM's mediating effect on outcomes (Bellé, 2013; Vandenabeele et al., 2014) find a partner in evaluations of CSR on corporate social performance (CSP) (Doh & Guay, 2006; Jones, 1995). Some definitions of CSR could even be mistaken for PSM entirely, such as being described as a shared belief system that emphasizes doing the right thing, including actions that support the well-being of social, environmental, and even

governmental corporate stakeholders (Hoi et al., 2013; Kreps et al., 1996), with CSR's public interest orientation not only bolstering firms' civic image, and "not necessarily [for] profit and [an] increase of shareholder value," but instead for "altruistic or public-spirited" (Osuji, 2011, p. 35; Vogel, 2005) purposes in its 'pure' form.

At its heart, the intertwining of PSM and CSR rests on the concepts' mutual interest in prosocial contributions to others (Figure 1). This conceptual overlap has caught the attention of both governmental and corporate scholars seeking to identify this relationship in practice, including Andersen et al. (2011) who find that private physiotherapists display comparable levels of PSM as their public counterparts, and that private sector firms are providing their employees with positions that intentionally engage their desire to provide a public service (Andersen & Kjeldsen, 2013). Private sector employees who volunteer may be motivated by charity, community development, and 'giving back' to society for intrinsic benefits (Thompson & Bono, 1993; Dolnicar & Randle, 2007; Clary et al., 1998; Houghton et al., 2009), sounding more and more like three of Perry's (1996) four narrowed dimensions for PSM: public interest, self-sacrifice, and compassion. Given Frederickson and Hart's (1985) depiction of PSM as "the patriotism of benevolence," arguments that firms' malfeasance is unpatriotic (Hoi et al., 2013) strike ever closer to the—supposedly idiosyncratic—heart of civil servants. These studies support Perry, Hondeghem, and Wise's (2010) argument to "not assert that PSM is uniquely found in government organizations:" it is instead "grounded in the tasks of public service provision" (p. 682) which have been increasingly shared across sectors.

### Mission Statements

An organizations' way of espousing these values—whether traditionally public or private—is with a mission statement. Public sector scholars recognize the proliferation of mission statements in corporate practice, but stop to reflect on the many “mission statements [...] found on the walls and in the publications of public agencies” (Weiss & Piderit, 1999, p. 193; Ehrenhalt, 1997) as well. Contemporary mission statements, however, are primarily communicated via organizations' websites (Bart, 2001; Bartkus et al., 2002; Williams, 2008). Mission statements provide a means for communicating a set of managerial or organizational objectives or beliefs to both internal and external stakeholders, which can be either strategic or cultural (Hirota et al., 2010). Mission statements provide a rich data source for meso-level research due to their intent to represent the entirety of the organization using a collective voice, rather than the perspectives of individual employees (micro) or the industry (macro). These small staples of organizational culture serve as a tenet of strategic management/planning, gauging performance, and meeting organizational goals (Taiwo & Lawal, 2016); communicating daily operations (Mullane, 2002); and what an organization *is* and *does*, for *whom*, and *why* through the presentation of organizational causes and motives. These statements perform as unique expressions of core values providing first-order justifications for an organization's existence (Rigby, 1994). According to Blodgett et al. (2011), a mission statement may also serve to describe the needs an organization was created to fill and provide a basis for evaluating the performance of the organization or its programs. A *powerful* mission statement will also attract donors, volunteers, and community involvement; help the organization and its stakeholders to verify progress; provide

direction when adaptation is required; prevent “drift;” serve as a behavioral foundation during times of conflict; and act as a tool for resource allocation (Blodgett et al., 2011). Mission statements may identify and build relationships between stakeholders and the mission, extrapolate on products, services, and customers, distinguish the decisions and duties that relate to the mission, outline key objectives, and provide a sort of deontological ‘anchoring’ (Bartkus & Glassman, 2008; Hofstetter & Harpaz, 2015; Law & Breznik, 2018). Much of mission statement research is notoriously prescriptive, but potentially helpful in determining not only what an organization’s mission should do, but also *be*: instructive, infusing, communicative, forward-thinking, positive, unambiguous, realistic, operational, inspirational, and informative; not too abstract nor too intellectual; and either concise, emotional, or both (Taiwo & Lawal, 2016; Blodgett et al., 2011). While the fastidiousness of these compounded expectations is flummoxing, it is clear that mission statements, “once viewed as ‘simple statements of purpose’ [have] ‘evolved into public disclosures of organizations’ promises to external constituencies regarding firms’ commitments to stakeholders” (Bartkus & Glassman, 2008, p. 208; Blair-Loy et al., 2011, p. 429), ranging in their complexity and meaning, from copy-pasted conformity to completely soliloquized.

While their critics exist, it is possible mission statements are more than just a rhetorical device used for impression management. Researchers have identified direct relationships between mission statements and organizational performance (Bart & Baetz, 1998), down to the effect of including specific words or phrases: Bartkus and Glassman (2008) found that firms that included *diversity* in their mission statements had less diversity concerns, while those that did not—conversely—had more. The scholars

attribute this difference in findings to the former organizations' focus on diversity as part of their day-to-day directives, since—as a value—*diversity* didn't describe the organizations' products, services, goals, or stakeholders. Mission statements make frequent reference to *employees* as a key stakeholder, but scholars question what this reference really means when it comes to employee-directed practices, such as maintaining an environment that fosters work-life balance (Blair-Loy et al., 2011), or whether the mention of employees—or any other stakeholder group—translates to stakeholder management activities at all (Bartkus & Glassman, 2008). Overall, the expectations created from making a public declaration like a mission statement are believed to create enough normative pressure to keep organizations accountable and their conduct consistent (Basdeo et al., 2006; Weiss & Piderit, 1999; Bart, 1997; Bartkus et al., 2002; Stone, 1996). But 'shout-outs' alone aren't intended to guide decision-making, as things can get messy when a mission statement is conflated for a managerial tool—a mission statement performing beyond its intended means—since “organizational goals often serve primarily as rationales for existence rather than as technical directives” (Suchman, 1995, p. 588; Bartkus & Glassman, 2008, p. 210). Mission statement efficacy hinges on a clear, shared sense of purpose among organizational members (Denton, 2001), evidenced by improved mission performance when leadership spends time with the mission's implementors (Jing et al., 2014)—akin to street-level bureaucrats (Pressman & Wildavsky, 1984)—and when employees interact with their mission's beneficiaries (Grant, 2012; McDaniel, 2021). But this kind of intraorganizational harmonization is rare, and can become even more fragmented when a mission statement becomes legally required of an organization—as is the case with many public and

nonprofit entities—as a basis for developing their goals, practices, and services (Weiss & Piderit, 1999).

Therefore, mission statements are not universally celebrated. Organizations may reject the concept on the bases of normative restrictiveness or the imposition of internalized commitments the statements convey, creating “a barrier to organizational change” that may catalyze “a series of ‘cascading effects’ that increase the chance of organizational mortality” (Blair-Loy et al., 2011, p. 443; Hannan et al., 2003). While this is clearly a hyperbolic, slippery-slope argument, a simpler explanation would be firms’ resistance to (over)regulation. Methods of enforcing CSR are met with similar pushback: in interviews with Chiveralls et al. (2011), Australian construction workers feared that “legislating CSR would threaten the economic survival of their companies, by restricting their ability to vary participation in CSR according to affordability and viability, as determined by their current financial capacity and stage of business development” (p. 1277). An operationally-inhibitory mission statement may have different effects on an organization than one that is poorly designed: if priorities are confusing, the organization may experience negative impacts to performance (Weiss & Piderit, 1999). Likewise, others have argued that mission statements may backfire if too narrow (David, 1989; Pearce & David 1987) or are drafted by leadership without the input of rank-and-file employees who then receive the mission as a mandate (McDaniel, 2021). As a result, it may be argued that an organization is better off not developing a mission unless the top-level managers can commit both operationally and philosophically to accomplish it (Ireland & Hitt, 1992).

Worse than a dysfunctional or absent mission statement may be a rose-colored one. Much attention has been paid to the connection between mission statements and organizational practices, including the adherence to principles the missions express—especially if tied to CSR or stakeholder commitments (Amato & Amato, 2002; Bartkus & Glassman, 2008; Cheney et al., 2004; Wright, 2002). Understandably, stakeholders expect for a mission statement to be an accurate representation of the organization, but such self-reporting may not always be accurate (Waddock & Smith, 2000; Wright, 2002), since “[firms] with a poor record of stakeholder management [are] not likely to boast about it” (Bartkus & Glassman, 2008, p. 210). If organizations with a history of poor or contradictory performance—such as noncompliant contractors—spared from regulators’ debarment sanctions wish to stay in business, common sense would dictate that these businesses conceal their wrongdoings to ensure their survival. However, these businesses’ rosy online impressions may provide a false appearance of conforming to the normative ideals of their mission statements (Suchman, 1995), making the statements not only symbolic, but a display of cynical and self-serving claims of righteousness (Meyer & Rowan, 1977; Ashforth & Gibbs, 1990). Indeed, mission misrepresentation or juxtaposed organizational values and actions can result in criticism, penalties, or litigation: researchers point to high-profile cases such as HealthSouth’s prioritization of both integrity and trust (Plender, 2003) and Enron’s mission stressing the “importance of integrity, respect, and communication” (Bartkus & Glassman, 2008, p. 207). Both of these firms’ laundry lists of crimes resulted in widespread regulatory changes. While mission statement research is quite popular, studies like Bartkus and Glassman’s (2008) which seek to align mission statements with organizations’ actions—especially negative



activities like crimes—are understudied, potentially due to deception, controversy, or the unavailability or access to verifiable, public data.

### Construction

Many construction firms' websites tout their affiliation with, certification by, or any other relationship with state or federal government agencies, which may spring from the notion that intersectoral partnerships enhance corporate image or firms' brand reputation at the organizational level (Kolk et al., 2010). Construction firm stereotypes are often contradictory to CSR goals—e.g., environmentally destructive, physically dangerous, morally questionable, hyper-masculine, overtly White, and financially secretive—or completely opposite to CSR: an industry “fraudulent,” “corrupt,” and “socially irresponsible” (Lingard et al., 2009, p. 378), described “by outsiders and in the media, as being populated by a bunch of “cowboys,” with no regard for the law” (Chiveralls et al., 2011, p. 1273). Misunderstandings between public agencies and contracted construction firms are likely to sprout over mission misalignment or goal incongruence; while disagreements about mutual goals are identified as a problem that occurs in the early stages of partnership (Kolk et al., 2010; Berger et al., 2004; Selsky & Parker, 2005), public agency juggling of dozens of short-term transportation projects—and the network of construction contractors and sub- (or sub-sub-) contractors performing them—makes this a near-constant problem, since there is little time or resources available to discuss (or enforce) ‘mission’ outside of the pre-construction meeting. However, unfavorable generalizations don't give this industry enough credit for either the critical work these firms perform on behalf of the taxpayers nor the progress they have made towards developing sustainable and ethical practices. Thorpe-Jones et al. (2010)

recognize that the implementation of CSR principles “has become an integrated, if unregulated backdrop to which most companies do business, and construction companies are no exception” (p. 564): not only is “the impact that construction activity has on society, the environment, employment and the economy [...] colossal” (p. 567), “contractors and consulting firms [are] seeing a newfound benefit of socially responsible reporting as more stakeholders are increasingly demanding ethical construction” (p. 570).

### **Methodology**

Data for this qualitative content analysis was retrieved from a random sample of the U.S. Department of Transportation, Federal Highway Administration (FHWA)-funded construction and construction-adjacent firms used in the macro-level study of Davis-Bacon noncompliance and vulnerable workers elsewhere in this dissertation, whose total population of contractors across 28 states performing work between 2010-2019—the years following the American Recovery and Reinvestment Act (ARRA) infrastructure bill—equaled 26,903 firms. For the purposes of this paper, those FHWA-funded subnational highway and bridge construction- and construction-adjacent contractors whose firms appeared on the U.S. Department of Labor’s Enforcement Data, Wage and Hour Compliance Action Data (U.S. Department of Labor, n.d.) repository as having at least one Davis-Bacon Act violation during the study period (2010-2019) are considered to be out of compliance (“noncompliant”); contractors not found on the violation report are considered to be in compliance (“compliant”), albeit notoriously under-detected: while collecting the data, it was discovered that the Wage and Hour Division listed 49 FHWA-funded Michigan firms with Davis-Bacon violations between 2010-2019, but the Michigan Department of Transportation found 495 firms out of

compliance during this time period. 20% of the 28 states' population of applicable compliant contractors (5,277 firms) were chosen randomly. Given the small comparative size of the noncompliant group (489 firms), 100% of these companies were pursued. Manual retrieval of the 4,580 mission statements required visiting 9,606 company websites between October and December 2022, as not all firms displayed a mission statement (labeled as "mission" or otherwise).

With 4,115 of the 5,277 sampled compliant firms and 465 of the 489 noncompliant (total) firms displaying public-facing mission statements on their company websites, mission statements were more prevalent among noncompliant firms at a rate of 95 percent to 78 percent. However, only 891 of the 4,580 statements collected referred explicitly to "mission," revealing important insights as to how qualitative mission statement data is generally collected. While the manual retrieval of mission statements was time consuming, developing a script for automated processing may have missed many nuances discovered during the collection process: those without the word "mission" were identified through either the targeted reading of firms' websites for the unique articulations of their philosophy, core values, intentions, beliefs, or other elements characteristic of mission statements—or by statements prefaced with synonymic expressions of "mission" (Table 2.1.). These *mission-less* mission statements are mirrored in the literature, sometimes exactly—references "to [firms'] 'credo,' 'core values,' 'corporate philosophy,' [...] or 'guiding principles' (Blair-Loy et al., 2011, p. 429)—and are given the same weight and consideration as statements using the word "mission" in the research genre (Amato & Amato, 2002; Bartkus & Glassman, 2008;

Fairhurst et al., 1997; Jones & Kahaner, 2011; Williams, 2008). Mission statements (or their synonymic siblings) were also located by appearance when dissimilar to

**Table 2.1. Variations in the phrase “Our Mission” on Firms’ Websites**

Variations	
Our corporate strategy	Our aim
Our corporate stewardship	Our commitment
Our brand promise	Our objective
Our responsibility	Our purpose
Our philosophy	Our guarantee
Our purpose	Our manifesto
Our approach	Our pledge
Our attitude	Our ambition
Our corporate ideology	Our focus
Our ethos	Our aim
Our conviction	Our goal
Our promise	Our advantage
Our company policy	Our role
Our capabilities	Our intention
Our ambition	Our standard
Our endeavor	Our creed
Our foundation	Our credo
Our passion	Our niche
Our guiding principles	Our ideal
Our mantra	Our dedication
Our company statement	Our modus operandi

surrounding text (i.e., emboldened, italicized, capitalized, or by color) or could be located randomly, mid-sentence. During collection, mission statements were manipulated insofar as to preserve meaning and prevent erroneous or repetitive phrases—along with products and services offered by a majority of the firms, like ‘trucking,’ or ‘asphalt’—from affecting the content analysis; proper nouns were also removed (e.g., State names, businesses’ names, and those of individuals).

### Coding

This study utilized a novel, deductive (a priori) coding frame consisting of terms and short phrases representing the concepts tested in Turker’s (2009) and Perry’s (1996) CSR and PSM measurement scales. Related Likert items were compounded to prevent

duplication (e.g., Turker's three items all concerning *future generations*) and while some were removed for being inapplicable, irrelevant, or out of scope to the mission statements, resulting in a simplified and more manageable scales of 16 out of 24 PSM items (67% of original) and 26 of 42 CSR items (61% of original). To create the codes, each Likert item went through a process of selective reduction to narrow its core foci, in one (for simpler questions) or more terms (for more complex or double-barreled Likert items): many of Turker's CSR measurements—e.g., “Our company supports employees who want to acquire additional education”—could be coded in one representative word (e.g., *education*), but many of Perry's PSM measurements—e.g., “Much of what I do is for a cause bigger than myself”—required multiple words or phrases (e.g., *causes, bigger, greater good, benefit*) to locate this concept in the mission statements. Some items such as, “The management of our company is primarily concerned with employees' needs and wants” (Turker) couldn't be located among the mission statements using the terms “needs” and “wants,” and therefore required a much broader code—*employees*—and whittling of the results (518 for compliant firm mission statements) down to those references reflecting these needs and wants instead (44), such as employee feelings and perceptions (e.g., happiness, safety), as well as managerial activities concerned with employees (e.g., providing support, resources, protection, empowerment, security, stability, or fulfillment).

Because this study uses private sector firms' mission statement data, adaptations were made to Perry's Likert items representing the PSM dimension for an attraction to public policy or policymaking to include the selection of codes both authentic to the original question's intent to determine survey participants' interests in government and

policy (coded *politics, political, policy*) as well as new codes oriented towards working *with* the public sector rather than *in* it (coded *government, municipal, regulators, state, federal*). However, all other codes were selected to prioritize construct validity: for Likert scale items like “Doing well financially is definitely more important to me than doing good deeds” measuring PSM, the word *profit* was selected, but all references (62 results among compliant firm statements) were cleaned to ensure that Perry’s intention to measure intrinsic motivation (inverse direction) was heeded (4 results) displayed in the table below (Table 2.2.). A codebook and table of per-item examples of coded mission statements are available in Appendices A and B.

**Table 2.2. Two-item example of coding results (Cont. in Appendix B)**

PSM and CSR scale item coding of FHWA-funded firm mission statements		
Scale	Question/Likert Item	Examples (References, in fragments)
PSM	Doing well financially is definitely more important to me than doing good deeds. (Inverse)	...cared <b>more about clients than profits.</b> to focus on customers... ...significant projects. <b>putting safety before profits.</b> maintain our clients’ trust through...
CSR	Our company implements flexible policies to provide a good work & life balance for its employees.	...and by building an excellent <b>work-life</b> culture and workplace environment, Leave... ...culture that promotes personal development, <b>work/life balance</b> , and celebrating TEAM success...

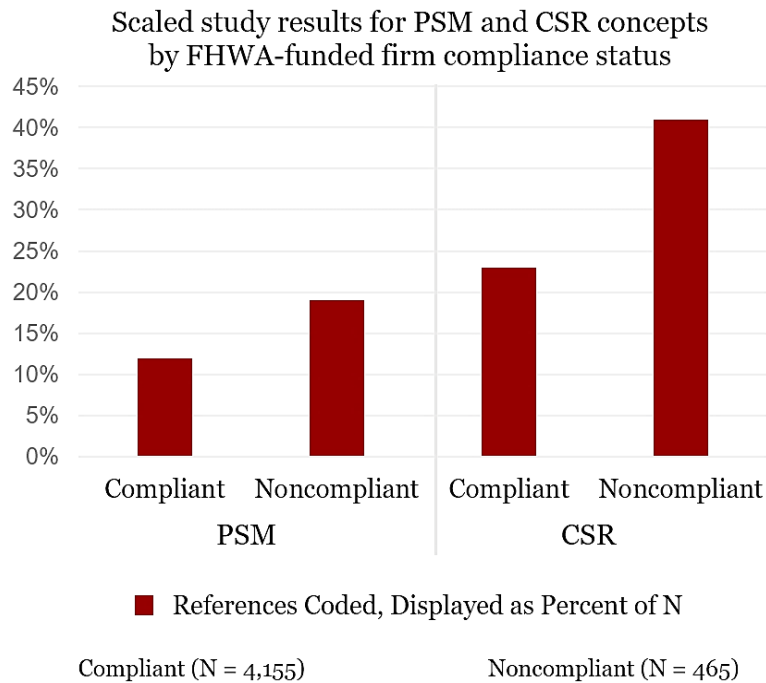
[Coding data located on in Table 2.3. on Page 84]

**Table 2.3. Results of Coded Concepts compliant and noncompliant FHWA-funded firms**

PSM Concepts (Perry, 1996)	Number of References Coded in Mission Statements		CSR Concepts (Turker, 2009)	Number of References Coded in Mission Statements	
	Compliant #/4,155	Noncompliant %/465		Compliant #/4,155	Noncompliant %/465
Likert item (abbreviated)	28	.67	Likert item (abbreviated)	15	.36
Politics, Politicians, Public Policy	97	2.3	Indirect benefits to employee lives	9	.22
Community	15	.36	Reasonable salary for quality of life	35	.84
Engagement/Interest	100	2.4	Safe and healthy work environment	17	.41
Unselfish contribution to community	11	.26	Support employee continuing education	14	.34
Public service as civic duty + duty>self	19	.46	Opportunities for skill development	14	.34
Importance of meaningful public service	4	.09	Encouraging skill/career development	3	.07
Best for whole community > self	19	.46	Work-life balance	44	1.1
Financial success > good deeds (inverse)	19	.46	Management focus employee needs	36	.87
Causes bigger than oneself	3	.07	Equal opportunity to all employees	128	3.1
Reward of unpaid service	59	1.4	Providing high quality products	37	.90
Making a difference	15	.36	Product/company compliance	11	.26
Give back more than you get	13	.31	Transparent information to customers	11	.26
Sacrifices for good of society	27	.65	Legal requirements and behavior	94	2.3
Risk personal loss to help others	17	.41	Importance of customer satisfaction	46	1.1
Community interdependence	33	.81	Trustworthy and respected company	38	.91
Inspired to help less fortunate	32	.77	Prioritize/cooperate social responsibility	30	.72
Concern for welfare of strangers	492	11.78	Contribute to need/well-being of society	33	.85
Total	89	19.38	Create employment opportunities/jobs	46	1.1
			Honesty in business dealing	41	.99
			Ethical competition	55	1.3
			Avoids unfair market/fair to employees	86	2.1
			Environmental impact, protection	8	.2
			R&D for society of the future	32	.77
			Target and invest in future generations	6	.14
			Monetary giving to charity/philanthropy	3	.07
			Employees to donate and volunteer	892	23.42
			Total	191	41.46

## Results

While the coded references representing PSM and CSR concepts as measured in Perry's (1996) and Turker's (2009) scales performed well in this study, the diminutive results among the noncompliant firms' mission statements proved difficult for validity and reliability tests (Table 2.3.). However, data visualizations with scaled results—



**Figure 2.2. Bar chart of scaled results**

mitigating the disproportionate sample sizes—still provide a basic and useful means for answering this study's overall research question (Figure 2): PSM and CSR concepts were referenced in 492 (12%) and 892 (23%) of all compliant firms' mission statements, but the number of both PSM and CSR concepts referenced in the noncompliant firms' statements were higher than those of the compliant firms when adjusted for scale at approximately 19% and 42% of all statements. The number of noncompliant firm statements referencing CSR concepts (191 out of 465) was by far the highest of all four categories, providing preliminary support for the relationship between noncompliant



firms' mission statements with CSR. However, the surprising difference of the noncompliant firms' references to PSM concepts at nearly 8 percentage points above their compliant counterparts indicates that more research is needed to confirm that these effects aren't attributable simply on the basis of relative sample size. Clustered bar charts in Figures 3.a and 3.b provide a more nuanced per-concept representation of the data:

Concepts in Compliant and Noncompliant Firm Mission Statements by Number of References, Mirrored to Scale for Sample Size

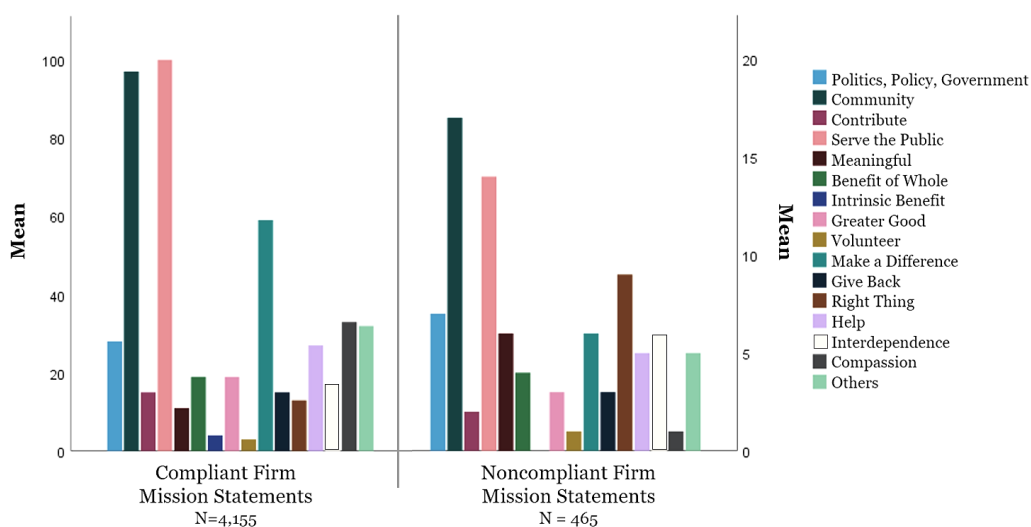


Figure 2.3. Clustered bar chart (PSM concepts in mission statements)

Concepts in Compliant and Noncompliant Firm Mission Statements by Number of References, Mirrored to Scale for Sample Size

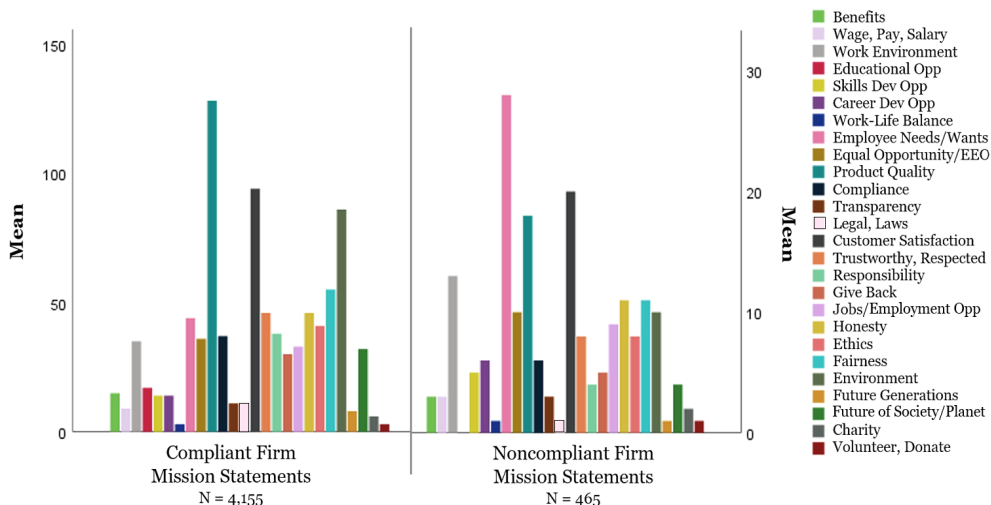


Figure 2.4. Clustered bar chart (CSR concepts in mission statements)

When each of Perry's and Turker's measurement constructs are isolated and scaled for comparison, the data presented reveals a much more useful narrative reflecting the firms' public and private priorities, goals, and overall desired corporate image in their own words. Notable differences include the number of compliant firm statements referencing making a difference, serving the public, and expressing compassion toward others—three major tenets of PSM—but more noncompliant firms' than compliant firms' statements referencing meaningful, purposeful, or important work as well as *doing the right thing*. This latter finding specifically reiterates Bartkus & Glassman's (2008) depiction of unrepresentative mission statements 'covering' firms' true behavior; noncompliant firms that publicly embrace morality may even be taking this one step further by using hyperbolic rhetoric as a smokescreen akin to an 'angel shift' narrative strategy (Shanahan et al., 2011). Unsurprisingly, the noncompliant statements did not reference making profitability a second-order priority, nor did they reference providing educational opportunities: self-interested firms may not be willing to support employees' continuing education for fear of commensurate salary increases, as even trades-workers like pipelayers and electricians can expect to earn an additional \$300,000 over their lifetime by obtaining an Associate's degree (Carnevale et al., 2011). Interestingly, these firms also made substantially more references to Turker's CSR measurement for meeting *employee needs and wants* in their mission statements, running antithetically to their violations of the Davis-Bacon Act. That is, unless these firms aren't considering their skilled trades-workers as 'employees' like their in-office staff members, which would explain this phenomenon but is an inherently suspect opinion. Compliant firm statements were more likely to emphasize the quality of firm's products and connect the

environment to their mission. However, many concepts were negligibly different or were directly comparable between the compliant and noncompliant firm mission statements, such as those mentioning customer satisfaction.

### **Discussion**

The results of this study concerning noncompliant firms' value orientation coincide with McCarthy et al.'s (2022) findings for their dependent variable—level of organizational commitment—in that “organisation CSR values have a more significant impact on organisational commitment than individual PSM” (p. 18). Given the wide margin of noncompliant firms incorporating CSR concepts in their mission statements compared to either the CSR concepts espoused in compliant firm statements or either group of firms' foci on PSM concepts, real CSR—not just statements *implying* CSR—may prove key to remedying compliance outcomes. However, McCarthy et al. (2022) continue on to say that there is “some degree of interaction between many of the PSM dimensions and the level of corporate social consciousness” (p. 18) and even though “CSR values espoused by a public service organisation are the most significant factors in determining [employee] organisational commitment” (p. 20), staff PSM also plays a significant role in improving organizational commitment depending on the dimension of PSM most identified with. And clearly—in the overall results but especially in the per-concept comparison—these firms also identify with PSM, with measurements for *servicing the public* and *engaging community* prevailing above all others in the statements of both compliant as well as noncompliant firms. Together with compliant firms' references to *making a difference* and noncompliant firms' mentions of *doing the right thing* (taken at face value)—or even their comparable inclusion of well-being and care for *others*—

reinforce McCarthy et al.'s (2022) discovery that the “mediated relationship of both compassion and attraction to public service are found to be moderated by perceived external-CSR” despite a lack of “significant moderating influence on the mediated relationship between [Perry’s dimension of] commitment to public values and organisational commitment” (p. 19).

Therefore, however small the effect may be, private sector firms providing public services do identify with PSM—even a few certain concepts or dimensions—in addition to CSR, but may not want to ‘cross the line’ to publicness perhaps for fear of losing their organizational identity that keeps them competitive. Instead, some kind of chimeric philosophy in which individual PSM and organizational CSR are aligned or combined may improve firms’ compliance, especially for private companies expected—through virtue of their government contracts and public funding—to meet “objectives [which] include a credible commitment to the advancement of key internal (employee) and external (wider public, environment) stakeholder interests” (McCarthy et al., 2022, p. 20-21) that are atypical of the private sector at large.

So, what does this imply in the ‘real world?’ Mission statements, at their core, convey strategic intent (Baetz & Bart, 1996). There are obvious, fundamental reasons why these firms—regardless of compliance status or the extent to which they affiliate with Turker’s (2009) measurements—would espouse more CSR values in their mission statements: their private sector purpose, and the fact that mission statements convey aspirations at the organizational-level. But the sheer *number* of mission statements identifying with PSM or CSR tenets—and exactly which of Perry’s (1996) and Turker’s (2009) measurements are more frequent—provides important information for the parties

involved in intersectoral regulatory relationships. Regulators should first attempt to understand which values—at the individual level, as evidenced through PSM, and the organizational level, as evidenced through CSR—are prioritized by the firms they regulate (through their missions or other forms of communication). If firms with a history of Davis-Bacon noncompliance truly intend to *do the right thing*, concern themselves with *employee needs and wants*, and provide a healthy and safe *work environment* as they have stated in their missions, these firms should be provided with the resources available to fulfill these PSM- and CSR-oriented objectives that they clearly wish to represent their company but which their past behavior has negated.

Since Turker (2009) herself was unable to find the same relationship between organizational commitment and externally-focused CSR toward government than that identified with other external entities (i.e., customers, stakeholders), firms may treat government (and potentially their requirements, by proxy) differently than they do other parties in the network of service provision. If regulators expect private firms to steward public values, which McCarthy et al. (2022) do not find significant in solving organizational-level issues; exhibit public service motivation, which has yet to be evaluated at length in the private sector and may feel contradictory to firms' rationally self-interested priorities; or to share regulators' interpretation of publicness, which is unlikely to be intuitive based on their organizations' purpose (especially in the construction industry, which does not provide an 'inherently governmental' service) *without a dialogue*, the alignment of CSR with PSM—rather than PSM with CSR—is unlikely to materialize. Therefore, the concepts evidenced in this study as measured by the coding of traditional scales must be identified and nurtured first and foremost to

produce a shared mission valence that treats compliance as a first-order priority and not an afterthought. This is especially critical when most

**Table 2.4. Philanthropy supported either physically (labor) or financially by FHWA-funded construction firms**

Charities	
AGC Charities	Make-a-Wish
Empty Bowls	March of Dimes
Salvation Army	YMCA
American Heart Assoc.	Boys and Girls Club
Toys for Tots	Habitat for Humanity
American Cancer Society	United Way
Ronald McDonald House	Red Cross
Wounded Warriors	Helping a Hero
Be An Angel	Susan G. Komen
American Cancer Assoc.	Lions Clubs
Light the Night Walk	Alzheimer's Association
Children's Miracle Net.	Wreaths Across America
JADE Foundation	Music Forward Foundation
Cystic Fibrosis Foundation	Special Olympics
National MS Society	Goodwill
Big Brothers Big Sisters	Leukemia & Lymphoma
Packages From Home	AIDS Foundation
Marathon for a Better Life	Tour de Cure
Social Initiatives	
LGBTQIA2S+ programs	Black Lives Matter
Military Job Match	Second Chance
BIPOC-owned businesses	Autism Society
Career Gear	ACE Mentor Program
Movember	Youthworks
Healing Hands	Grow a Row
The ARC	Diversity Initiative
Sexual/Domestic Violence	Suicide prevention
Family Promise	Smart Heroes
Local Causes or Chapters	
Holiday parades	Community fundraisers
Vocational rehabilitation	Food Pantries
Youth team sports	Churches
Scholarships	Rescue Missions
Animal Shelters	Boy/Girl Scout chapters
Volunteer Fire	Boys and Girls Club
Local Veteran assistance	4-H
Hospitals	Visual/performing arts
Newspapers in Education	Public television
Soup kitchens	Assisted living and hospice
Friends of the Library	Coats for Kids chapters
Disaster recovery	Rotary Club
Literacy volunteers	Preservation/Conservation
Construction	Adopt-A-Highway
Teacher supply drives	Community colleges

of the victims of wage theft come from vulnerable (i.e., female and minority) worker populations (Morgenson & Cavazuti, 2021), making firms' noncompliance morally, ethically, and *philosophically* repugnant.

### Philanthropy

Visits to the construction firms' websites revealed a wholesome surprise worth including in this study: frequent charitable donations, community support activities, and skills-based volunteering. Since community involvement, engagement, and contributions; giving back; and caring for others are foci shared between PSM and CSR conceptually, some emphasis on the firms' contributions to their communities was anticipated in their mission statements. But the number of firms and number of causes to which firms gave their money, time, and energy was extremely encouraging (Table 2.4.). While government spending of taxpayer money is notoriously rulebound, the ability for contractors to give these earned funds to whomever they choose is a privilege only the private sector can (literally) afford. Because PSM—as noted by multiple scholars—is premised on work that is instrumental to others and society, rather than an autonomous form of motivation related to activity (Jensen & Bro, 2018; Perry et al., 2010), it could be argued that the examples of contractor altruism in Table 2.4. constitute another means for demonstrating PSM as well. The philanthropic activities of government contractors could provide a new area of research in the public-private organizational interface or related disciplines.

### Limitations and Opportunities

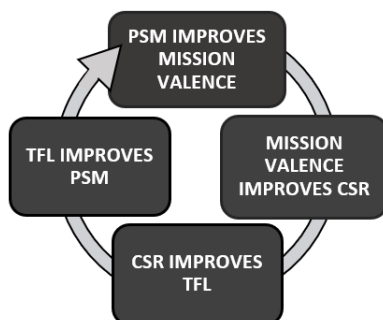
While the coded results from NVivo were rigorously processed to ensure that the references of each coded word reflected the Perry's and Turker's measurement intent, the

mission statements were not analyzed by a secondary coder. Not only would this study benefit from more evenly and normally distributed sampling, but this additional data would remove barriers to validity and reliability testing, reduce the need for scaling, and would necessitate additional coders based on size alone. It is important to note that the absence of a term or concept from the mission statements is not conducive to its level of importance to either the relevant theory or the organizations themselves. Limitations concerned with the potential for misunderstanding or misrepresentation could be mediated in future studies by using qualitative methods that privilege deeper comprehension—interviews and focus groups where meaning is less likely to be misconstrued—or ethnographic approaches. The discrepancy in time must also be noted: the study period of 2010-2019 and data collection timeframe in late 2022 resulted in many of the firms since dissolving, going bankrupt, proprietors sadly passing away, or other reasons for businesses to shutter. For both good reasons and bad, many of the firms may have undergone significant changes during this time period; a “real time” analysis may avoid this issue and capture organizations’ missions at the time that issues like noncompliance arise, such as the case with the Enron scandal referred to earlier in this text. Other limitations include the manual retrieval of information requiring extensive time, and the foundational premise of qualitative research being more explorative than empirical. However, the comparative technique used in this study which a) relies on canonical theory informing qualitative methods to b) converse directly with new empirical literature with the goal of c) solving organization-level issues like noncompliance could be extended to a range of research interests in the social sciences in which theory and practice may be misaligned.



## Transformational Leadership

A major area of future research includes the role of transformational leadership (TLF), which may provide organization-level solutions for organization-level problems. Transformational leadership (TLF) appeared repeatedly in both the corporate social responsibility and public service motivation literatures, lauded by both public sector scholars (See Bellé, 2013; Caillier, 2014; Krogsgaard et al., 2014; Kuipers et al., 2014; Jacobsen & Andersen, 2015; Kroll & Vogel, 2014; Moynihan et al., 2014; Moynihan et al. 2012; Oberfield, 2014; Paarlberg & Lavigna, 2010; Pandey et al., 2016; Park & Rainey, 2008; Vandenabeele, 2014; Vigoda-Gadot & Beerli, 2012) and those focused on the private sector, including CSR (See Alrowwad et al., 2017; Avolio & Bass 1995; Bass, 1990, 1999; Grant, 2012; Groves & Larocca, 2011; Ireland & Hitt, 1992; Jung & Sosik, 2002; Kolk et al., 2010; Tuan, 2012; Vera & Crossan, 2004; Waldman et al, 2004). Based on claims made in the literature, transformational



**Figure 2.5. Conceptual cycle of PSM, CSR, and TFL**

leadership, public service motivation, corporate social responsibility, and mission may form an interrelated, conceptual cycle (Figure 4) in which PSM is related to higher levels of mission valence (George et al., 2018; Caillier, 2015; Wright & Pandey 2010, 2011); a shared set of organizational and ethical values, along with commitment and

emotional attachment to the firm reflects higher CSR values (McCarthy et al., 2022; Brammer et al., 2007; Hudson et al., 2017; Rupp et al., 2006); perceived CSR values have a positive relationship with TFL (Besieux et al., 2018); and transformational leaders validate the mission of employees to serve the public and self-conceptualization, improving their existing PSM (Im et al., 2016). Because this study helps to demonstrate that the private sector, its extant CSR literature, and its entities (via mission statements) are not without public interest, just as the public sector—especially a *Reinvented* government—is not without rational- or self-interest, concepts like TFL may be an underutilized, intersectoral, mediating or moderating variable for studying other organizational outcomes much in the way that PSM or CSR are often operationalized (Besieux et al., 2018; Im et al., 2016). McCarthy et al. (2022) argue that if management—trusted to be the (de facto) transformational leaders within an organization—is unable to align employee motivation with organizational objectives, “a sense of breach in the psychological contract and a reduced level of organisational commitment” (p. 21) may result. But when it comes to government contractors, the inability to align public service motivation with corporate social responsibility may lead to a *literal* breach of contract through noncompliant behaviors, either by misunderstanding regulatory instruction or intent (public-private information asymmetry) or intentional fraud (a very damaging consequence of value incongruence through the blatant abuse of taxpayer funding). While PSM and CSR have been studied separately with relation to mission valence, employee perception of “the values that underpin their organisation’s mission and decision-making” is just as critical: organizational values can’t always be assumed or presumed by sector, and McCarthy et al. (2022) promote a

shift in the research to “instead focus more upon employee perceptions of their organisation’s values” (p. 23). Pivoting from the traditional use of PSM and CSR as mediating and moderating variables in public-private research, new individual-level or organizational-level phenomena for identifying correlational or causal relationships—such as TFL—could aid in producing mutually-valent research capable of improving the outcomes of public-private partnerships, among other intersectoral arrangements (e.g., private-nonprofit).

### **Conclusion**

While organizational mission functions to mobilize on the basis of collective identity (Eccles et al., 1992), contractors teetering on the public-private precipice may feel their identities are diffuse or fragmented by conflicting expectations and philosophies. Yet, this may be a good thing: documented instances of mixed motives and actions among private organizations disrupt archetypal and stereotypical assumptions made by public administration scholars about the private sector, which are quite bold for a field suffering from a long history of ‘identity crises’ (Waldo, 1968; Reyes, 1979; Rutgers, 1998; Hafer, 2016).

It is clear that statements alone are inconsequential: mission must be infused into organizational culture (Trevino & Nelson, 2004). The results of this study support PSM *or* CSR as a potential “vehicle for enacting” prosocial initiatives at the organizational level “in a way which is more likely to be accepted within the [construction] industry” (Thorpe-Jones et al., 2010, p. 570). CSR and PSM—as conceptualized by Perry (1996) and Turker (2009) and canonized in the public and private administrations literatures—*together* are not just worthy of testing in the same environment as McCarthy et al. (2022)

have innovated, but occur simultaneously and in unpredictable, nuanced ways within public-service providing private-sector organizations. This study contributes to a growing body of evidence demonstrating if, how, and in what ways private entities may both have a role in inspiring public values—real, Other-regarding interests not for subversive purposes—perhaps under a pseudonymous CSR, and how espoused CSR valued (or PSM, for that matter) can either illustrate organizations’ intent to ‘do good’ or cover firms that have ‘gone bad.’ More research is needed to determine the ways in which either (or both) of these assertions are true. But as the presumed sole mission of profitability vanishes from the overarching definition of success among private organizations in favor of prosocial, sustainable practices (Ali et al., 2010), it is becoming clear that anyone still drawing a line in the sand between the public and private sectors need only wait a few hours for the tide to come in.

As to whether firms ‘walk the talk,’ the answer is unclear: noncompliant firms’ mission statements are overwhelmingly more affiliated with CSR than with PSM, but both compliant and noncompliant firms exhibit PSM and CSR in their mission statements to some extent (and in different ways, as evidenced when these overarching concepts are isolated into their individual measurements). Yet, the elevated levels of both concepts among *noncompliant* in particular firms raises questions and begs further research. If anything, this study rebuts the walk-talk question with another: *Whose* talk are they walking? Bartkus and Glassman (2008) argue that “there are specific policy-related reasons that some social issues are woven into company mission statements,” including the likelihood for “various groups and the government [to] scrutinize firm performance in these areas, [therefore] if the firm has internal guidelines that would oppose positive

actions in these areas, the logical and credible course is "avoid the talk"—not mentioning an issue when performance is poor” (p. 215). However, this gives little credit to firms’ intent to serve the public, continuously improve, and learn as an organization, because “if they learn to walk the talk, then the talk itself will have set them on the path to better results” (Weiss & Piderit, 1999, p. 221). There are very real, tangible, and feasible means of increasing prosocial behaviors in a way that mutually benefits both regulators and their firms, such as “business incentives [and] other means of soft-regulation;” the “clarification and simplification of existing legislation to improve compliance” by communicating governmental intent and the *publicness* of the Davis-Bacon Act; and “informal initiatives designed to capitalise on the preference for informal CSR practices, [such as] improved education around the concept of CSR [and/or PSM] a focus on the role of small business champions” (Chiveralls et al., 2011, p. 1272-1273) in lieu of overregulation. Businesses are not static, and regulators should focus on providing firms with the tools they need to fulfill their prosocial missions and recover the trust of vulnerable workers harmed purposefully or accidentally by Davis-Bacon noncompliance. As many of the contractors’ websites state: “the road to success is always under construction.”

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**Appendix A**

**Table A.2. Codebook**

Codebook for PSM (Perry, 1996) and CSR (Turker, 2009) Scales		
Area	Question/Likert Item	Code(s)*
PSM	<ul style="list-style-type: none"> <li>Politics is a dirty word.</li> <li>I don't care much for politicians.</li> <li>The give and take of public policy making doesn't appeal to me.</li> </ul>	Politics; Political; Policy; Municipal; Government; Regulators; Federal
PSM	<ul style="list-style-type: none"> <li>It is hard for me to get intensely interested in what is going on in my community.</li> </ul>	Interest; Active; Community
PSM	<ul style="list-style-type: none"> <li>I unselfishly contribute to my community.</li> </ul>	Selfless; Contribute
PSM	<ul style="list-style-type: none"> <li>I consider public service my civic duty.</li> <li>I believe in putting duty before self.</li> </ul>	Duty; Public; Serve
PSM	<ul style="list-style-type: none"> <li>Meaningful public service is very important to me.</li> </ul>	Meaningful; Purposeful; Important
PSM	<ul style="list-style-type: none"> <li>I would prefer seeing public officials do what is best for the whole community even if it harmed my interests.</li> </ul>	(Put) First; Everyone
PSM	<ul style="list-style-type: none"> <li>Doing well financially is definitely more important to me than doing good deeds.</li> </ul>	Profit (Inverse)
PSM	<ul style="list-style-type: none"> <li>Much of what I do is for a cause bigger than myself.</li> </ul>	Causes; Bigger; Greater good; Benefit
PSM	<ul style="list-style-type: none"> <li>Making a difference in society means more to me than personal achievements.</li> </ul>	Make a difference; Good (citizen)
PSM	<ul style="list-style-type: none"> <li>I am prepared to make enormous sacrifices for the good of society.</li> </ul>	Do the right thing
PSM	<ul style="list-style-type: none"> <li>I am one of those rare people who would risk personal loss to help someone else.</li> <li>It is difficult for me to contain my feelings when I see people in distress.</li> </ul>	Help; Rescue; Disaster; Care
PSM	<ul style="list-style-type: none"> <li>I am often reminded by daily events how dependent we are on one another.</li> </ul>	One another; Fellow; Neighbor; Depend
PSM	<ul style="list-style-type: none"> <li>I have little compassion for people in need who are unwilling to take the first step to help themselves.</li> <li>I am rarely moved by the plight of the underprivileged.</li> </ul>	In need; Compassion; Kind; Understanding; Less fortunate
PSM	<ul style="list-style-type: none"> <li>I seldom think about the welfare of people I don't know personally.</li> </ul>	Welfare; Well-being; Others; Care

Area	Question/Likert Item (Cont.)	Code(s)*
Both	<ul style="list-style-type: none"> <li>• PSM: Serving other citizens would give me a good feeling even if no one paid me for it.</li> <li>• CSR: Our company encourages its employees to participate in voluntarily activities.</li> </ul>	Donate; Volunteer
Both	<ul style="list-style-type: none"> <li>• PSM: I think people should give back to society more than they get from it.</li> <li>• CSR: Our company contributes to campaigns and projects that promote the well-being of the society.</li> </ul>	Give Back
CSR	<ul style="list-style-type: none"> <li>• Our company provides a wide range of indirect benefits to improve the quality of employees' lives.</li> </ul>	Benefits
CSR	<ul style="list-style-type: none"> <li>• The employees in our company receive a reasonable salary to maintain an acceptable quality of life.</li> </ul>	Wage; Compensation; Pay; Quality of life
CSR	<ul style="list-style-type: none"> <li>• Our company policies provide a safe and healthy working environment to all its employees.</li> </ul>	Work Environment
CSR	<ul style="list-style-type: none"> <li>• Our company supports employees who want to acquire additional education.</li> </ul>	Education
CSR	<ul style="list-style-type: none"> <li>• There are sufficient numbers of opportunities to develop my skills in my current job.</li> </ul>	Skill
CSR	<ul style="list-style-type: none"> <li>• Our company policies encourage the employees to develop their skills and careers.</li> </ul>	Career
CSR	<ul style="list-style-type: none"> <li>• Our company implements flexible policies to provide a good work &amp; life balance for its employees.</li> </ul>	Work-life
CSR	<ul style="list-style-type: none"> <li>• The management of our company is primarily concerned with employees' needs and wants.</li> </ul>	Employee
CSR	<ul style="list-style-type: none"> <li>• I believe that our company provides equal opportunities to all its employees.</li> </ul>	Equal opportunity; Diversity
CSR	<ul style="list-style-type: none"> <li>• One of the main principles of our company is to provide high-quality products to its customers.</li> </ul>	Products
CSR	<ul style="list-style-type: none"> <li>• Our products comply with the national and international standards.</li> <li>• Our company complies with legal regulations completely and promptly.</li> </ul>	Compliance
CSR	<ul style="list-style-type: none"> <li>• Our company provides full and accurate information about its products to its customers.</li> </ul>	Transparency
CSR	<ul style="list-style-type: none"> <li>• Our company respects consumer rights beyond the legal requirements.</li> <li>• Our company acts legally on all matters.</li> </ul>	Legal; law(s)
CSR	<ul style="list-style-type: none"> <li>• Customer satisfaction is highly important for our company.</li> </ul>	Customer Satisfaction

Area	Question/Likert Item (Cont.)	Code(s)*
CSR	<ul style="list-style-type: none"> <li>• Our company is known as a respected and trustworthy company.</li> </ul>	Trusted; trustworthy; Respected
CSR	<ul style="list-style-type: none"> <li>• Our company emphasizes the importance of its social responsibilities to the society.</li> <li>• Our company cooperates with its competitors in social responsibility projects.</li> </ul>	Responsibility
CSR	<ul style="list-style-type: none"> <li>• Our company contributes to schools, hospitals, and parks according to the needs of the society.</li> </ul>	Contribute
CSR	<ul style="list-style-type: none"> <li>• Our company endeavors to create employment opportunities.</li> </ul>	Employment opportunity; jobs
CSR	<ul style="list-style-type: none"> <li>• Our company's main principle is honesty in every business dealing.</li> </ul>	Honest(y)
CSR	<ul style="list-style-type: none"> <li>• Our company competes with its rivals in an ethical framework.</li> </ul>	Ethics
CSR	<ul style="list-style-type: none"> <li>• Our company always avoids unfair competition.</li> <li>• The managerial decisions related with the employees are usually fair.</li> </ul>	Fair
CSR	<ul style="list-style-type: none"> <li>• Our company implements special programs to minimize its negative impact on the natural environment.</li> <li>• Our company participates in activities which aim to protect and improve the quality of the natural environment.</li> <li>• Our company has the necessary equipment to reduce its negative environmental impact.</li> <li>• Our company makes well-planned investments to avoid environmental degradation.</li> </ul>	Environment
CSR	<ul style="list-style-type: none"> <li>• Our company targets sustainable growth which considers future generations.</li> <li>• Our company makes investment to create a better life for future generations.</li> <li>• Our company makes investments to create employment opportunities for future generations.</li> </ul>	Future Generations
CSR	<ul style="list-style-type: none"> <li>• Our company conducts research &amp; development projects to improve the well-being of society in the future.</li> </ul>	Future; Society
CSR	<ul style="list-style-type: none"> <li>• Our company makes sufficient monetary contributions to charities.</li> </ul>	Charity
<p>*Terms searched at the Exact word (Level 1), Stemmed words (Level 2), or Synonyms (Level 3) in NVivo</p>		

Table A.2. Continued  
Removed Likert items (out of scope, irrelevant, or not applicable to mission statements):

PSM	CSR
<ul style="list-style-type: none"><li>• Most social programs are too vital to do without.</li><li>• There are few public programs that I wholeheartedly support.</li><li>• To me, patriotism includes seeing to the welfare of others.</li></ul>	<ul style="list-style-type: none"><li>• Our company always pays its taxes on a regular and continuing basis.</li><li>• Our company is responsive to the complaints of its customers.</li><li>• Our company considers every warning of nongovernmental organizations.</li><li>• Our company supports nongovernmental organizations working in problematic areas.</li><li>• Our company tries to help the government in solving social problems.</li><li>• The guarantee extension of our products is the most advantageous choice in the market.</li></ul>

**Appendix B**

**Table B.1. Examples of coding**

Examples of PSM and CSR scale item coding of FHWA-funded firm mission statements		
Scale	Question/Likert Item	Examples (References, in fragments)
PSM	<ul style="list-style-type: none"> <li>Politics is a dirty word.</li> <li>I don't care much for politicians.</li> <li>The give and take of public policy making doesn't appeal to me.</li> </ul>	<p>...some of the thorniest <b>public policy</b> and environmental issues...</p> <p>...Our knowledge of <b>government policies and procedures</b> and experience with...</p>
PSM	It is hard for me to get intensely interested in what is going on in my community.	<p>...our <b>involvement in our community's cultural and social programs</b>, and...</p> <p>...While <b>listening to the community's</b> needs, we uphold our industry's...</p>
PSM	I unselfishly contribute to my community.	<p>...Being good corporate citizens by <b>contributing to the community</b> we serve...</p> <p>...honesty and integrity, respect, <b>selfless service</b>, teamwork, practical solutions...</p>
PSM	<ul style="list-style-type: none"> <li>I consider public service my civic duty.</li> <li>I believe in putting duty before self.</li> </ul>	<p>...We believe it is our <b>duty</b> to contribute to the greater...</p> <p>...of our work <b>servicing the public</b>. to continuous quality improvement through...</p>
PSM	Meaningful public service is very important to me.	<p>...our clients and communities. making <b>meaningful contributions to the world</b> through...</p> <p>...The solutions we develop address <b>important societal challenges</b> around resilience, places...</p>
PSM	I would prefer seeing public officials do what is best for the whole community even if it harmed my interests.	<p>...outstanding service. to put <b>people first, no matter the cost</b>. Relying...</p> <p>...to the optimum <b>benefit of everyone</b> involved. Safety: to make sure...</p>
PSM	Doing well financially is definitely more important to me than doing good deeds. (Inverse)	<p>...cared <b>more about clients than profits</b>. to focus on customers and...</p> <p>...significant projects. <b>putting safety before profits</b>. maintain our clients' trust through...</p>
PSM	Much of what I do is for a cause bigger than myself.	<p>...better our communities and endures <b>beyond ourselves</b>...</p> <p>...join something <b>bigger</b>. Commitment, teamwork, strength...</p>
PSM	Making a difference in society means more to me than personal achievements.	<p>...the state. philosophy is to <b>make a positive difference</b> on the...</p> <p>...all that we do to <b>make a difference</b> in our communities...</p>
Scale	Question/Likert Item	Examples (References, in fragments)
PSM	I am prepared to make enormous sacrifices for the good of society.	...Others First, <b>Whatever it Takes</b> ...



		...always strive to <b>do the right thing, even if it is not the easy thing...</b>
PSM	<ul style="list-style-type: none"> <li>I am one of those rare people who would risk personal loss to help someone else.</li> <li>It is difficult for me to contain my feelings when I see people in distress.</li> </ul>	<p>...we offer in order to <b>help as many people as possible...</b></p> <p>...and unplanned down time...to <b>help those in need</b> by getting...</p>
PSM	I am often reminded by daily events how dependent we are on one another.	<p>...inspiring communities together. Integrity: <b>TAKING CARE OF EACH OTHER UNITES US...</b></p> <p>...promoting the <b>success of our neighbors</b> by offering cost-effective, professional...</p>
PSM	<ul style="list-style-type: none"> <li>I have little compassion for people in need who are unwilling to take the first step to help themselves.</li> <li>I am rarely moved by the plight of the underprivileged.</li> </ul>	<p>...our environmental impact, <b>supporting the less fortunate</b>, social responsibility, and safety...</p> <p>...Helping these people with our <b>compassion</b>, discretion, and ability to...</p>
PSM	I seldom think about the welfare of people I don't know personally.	<p>...a genuine <b>concern for the well-being of others</b>, including our...</p> <p>...love our work, <b>live for others, lead with heart...</b></p>
Both	<ul style="list-style-type: none"> <li>PSM: Serving other citizens would give me a good feeling even if no one paid me for it.</li> <li>CSR: Our company encourages its employees to participate in voluntarily activities.</li> </ul>	<p>...Give back to our community through donations and constructing projects <b>at no cost...</b></p> <p>...our community, working with to <b>donate our expertise</b> to those in...</p>
Both	<ul style="list-style-type: none"> <li>PSM: I think people should give back to society more than they get from it.</li> <li>CSR: Our company contributes to campaigns and projects that promote the well-being of the society.</li> </ul>	<p>...We feel <b>strongly about giving back</b>, lending a hand, and...</p> <p>...hard work and <b>insist upon giving back</b> to the surrounding communities...</p>
CSR	Our company provides a wide range of indirect benefits to improve the quality of employees' lives.	<p>...and thoughtful employer offering <b>excellent benefits</b>, culture and opportunity to those...</p> <p>...its employees by offering many <b>benefits</b> not typical to the construction...</p>
CSR	The employees in our company receive a reasonable salary to maintain an acceptable quality of life.	<p>...work and <b>income</b> for our employees, their families, and the company...</p> <p>...by creating job security, fair <b>compensation</b>, safe working conditions and an...</p>
Scale	Question/Likert Item	Examples (References, in fragments)
CSR	Our company policies provide a safe and healthy working environment to all its employees.	<p>...providing a <b>healthy and safe work environment</b> for them. Education and training...</p> <p>...<b>safe, sustainable, inclusive, and inspiring environment...</b></p>

CSR	Our company supports employees who want to acquire additional education.	...new technologies and <b>encourage continuing educations</b> for both our staff and... ...labor, offering training and <b>continuing education</b> to prepare our employees on...
CSR	There are sufficient numbers of opportunities to develop my skills in my current job.	...our employees to <b>nurture their skills</b> and professional growth in order... ...By celebrating and <b>investing in skills</b> , we seek to provide exceptional...
CSR	Our company policies encourage the employees to develop their skills and careers.	...people by providing opportunities for <b>career</b> and life path enrichment... ...commitment to our employees for <b>career</b> and personal growth, commitment to...
CSR	Our company implements flexible policies to provide a good work & life balance for its employees.	...and by building an excellent <b>work-life</b> culture and workplace environment, Leave... ...culture that promotes personal development, <b>work/life balance</b> , and celebrating TEAM success...
CSR	The management of our company is primarily concerned with employees' needs and wants.	...aligns the goals <b>of the employees</b> with the goals of the... ...Genuine concern for our <b>employees and their development, happiness</b> and...
CSR	I believe that our company provides equal opportunities to all its employees.	...everyone fairly and give <b>equal opportunity</b> based on abilities, performance, talents... ...education, empowerment in a <b>equal opportunity</b> affirmative action workplace...
CSR	One of the main principles of our company is to provide high-quality products to its customers.	...Dedicated to providing <b>quality</b> construction products and services to our customers... ...commitment to delivering <b>high-quality</b> products in a professional and timely...
CSR	<ul style="list-style-type: none"> <li>• Our products comply with the national and international standards.</li> <li>• Our company complies with legal regulations completely and promptly.</li> </ul>	...maintain the highest standards of <b>compliance</b> in the industry... ...mission: to provide an <b>In-Compliance</b> Quality Project that is customized...
Scale	Question/Likert Item	Examples (References, in fragments)
CSR	Our company provides full and accurate information about its products to its customers.	...on <b>sharing knowledge, experience, and transparency</b> throughout and beyond the services... ...appeal that you desire. <b>Accountability, Transparency, Customer</b> Commitment...
CSR	<ul style="list-style-type: none"> <li>• Our company respects consumer rights beyond the legal requirements.</li> </ul>	...within the <b>framework of applicable laws</b> and regulations. No matter what...

	<ul style="list-style-type: none"> <li>• Our company acts legally on all matters.</li> </ul>	...Guidelines in an ethical and <b>legal</b> atmosphere, where mutual trust and...
CSR	Customer satisfaction is highly important for our company.	...done. <b>Our primary focus is customer satisfaction</b> and employee happiness, and from...  ... <b>Our goal is 100% customer satisfaction</b> and we strive to bring...
CSR	Our company is known as a respected and trustworthy company.	...a <b>trustworthy and respectable</b> concrete paving company...  ...remain one of the most <b>respected and trusted</b> vertically integrated, privately...
CSR	<ul style="list-style-type: none"> <li>• Our company emphasizes the importance of its social responsibilities to the society.</li> <li>• Our company cooperates with its competitors in social responsibility projects.</li> </ul>	...supporting the less fortunate, <b>social responsibility</b> , and safety of the people...  ...challenges. <b>social responsibility</b> : community, environment, diversity, inclusion, integrity, grit, collaboration...
CSR	Our company contributes to schools, hospitals, and parks according to the needs of the society.	...always improve our abilities and <b>contributing</b> towards public improvements and the... ...the communities we live in, <b>contributing</b> our best solutions to every...
CSR	Our company endeavors to create employment opportunities.	...and who benefit from local <b>job creation</b> and economic development in...  ...provide a safe and rewarding <b>employment opportunities</b> to the public. Quality work...
CSR	Our company's main principle is honesty in every business dealing.	...and maintaining integrity, fairness and <b>honesty</b> with our customers and business...  ...supply chain excellence and an <b>honest</b> handshake. plan and execute ever...
CSR	Our company competes with its rivals in an ethical framework.	...trade experience. Pursue fair and <b>ethical</b> negotiations where everyone wins...  ...of proper business etiquette and <b>ethics</b> . With the Preferred family on...
CSR	<ul style="list-style-type: none"> <li>• Our company always avoids unfair competition.</li> <li>• The managerial decisions related with the employees are usually fair.</li> </ul>	...regarded by our employees as <b>fair</b> , approachable, and rewarding. To be...  ...market area through professionalism and <b>fairness</b> . Build a reputation for top...
Scale	Question/Likert Item	Examples (References, in fragments)
CSR	<ul style="list-style-type: none"> <li>• Our company implements special programs to minimize its negative impact on the natural environment.</li> <li>• Our company participates in activities which aim to protect and improve the quality of the natural environment.</li> </ul>	... <b>minimizes it's impacts on the environment</b> and the neighboring public. To...  ...quality work while <b>protecting the surrounding environment</b> , natural resources, and the...

	<ul style="list-style-type: none"> <li>• Our company has the necessary equipment to reduce its negative environmental impact.</li> <li>• Our company makes well-planned investments to avoid environmental degradation.</li> </ul>	
CSR	<ul style="list-style-type: none"> <li>• Our company targets sustainable growth which considers future generations.</li> <li>• Our company makes investment to create a better life for future generations.</li> <li>• Our company makes investments to create employment opportunities for future generations.</li> </ul>	<p>...this earth, as well as <b>future generations</b>, and it is our responsibility...</p> <p>...to build our business for <b>future generations</b>...</p>
CSR	<p>Our company conducts research &amp; development projects to improve the well-being of society in the future.</p>	<p>...Finding Solutions for a Sustainable <b>Future</b>. We look forward to connecting...</p> <p>...experiences and look towards the <b>future</b> by continually <u>innovating, implementing</u> emerging...</p>
CSR	<p>Our company makes sufficient monetary contributions to charities.</p>	<p>...employee initiatives support 30+ different <b>charities</b> and local events each year...</p> <p>...sharing our success with worthy <b>charitable</b> causes; Grow our business through...</p>

CHAPTER THREE: BRIDGING THE MOTIVATIONAL SCHISM OF  
INTERSECTORAL COMPLIANCE IN CONSTRUCTION

### Abstract

Can contractors ‘serve two masters’ in public-private partnerships? It could be argued that their noncompliance, as unethical behavior, prevents their ability to serve either. Using a framework by Jolley (2008) concerning whether the public service motivation (PSM) of private sector contractors which provide public services can protect the public interest, this paper uses violations of the Davis-Bacon Act—i.e., prevailing wage theft by employers—as a case to test this premise among employees of the federally-funded construction- and construction-adjacent transportation firms performing work from 2010-2019. With 160 participants’ demographic and opinion survey data responding to Perry’s (1996) four-dimension, 24 Likert-item scale, this paper performs logistic regression modeling to determine not only the presence of PSM among these employees, but if those with more collective PSM are more likely to comply with the Davis-Bacon Act. While little evidence is found to support these hypotheses, one item corresponding to employees’ Other-regarding sympathy achieves prominence as the sole significant variable even when subjected to a host of conditions. Implications for this finding are discussed at length, as well as the benefits and drawbacks of using charitable survey incentives with this audience. The paper concludes with lessons on how this PSM is presented, is measured—or not—by traditional research methods, and how it may be cultivated within firms to bridge private employee’s motives: from a desire to provide and be recognized for providing a public service, to the public interest, and finally to noncompliance—providing a hopeful path toward healing fractured and distrusting intersectoral relationships.

## Introduction

Noncompliance is a topic most people avoid, which only adds to the concept's perceived mystery, banality, hyper-bureaucratization, and its many undetected forms: from misplaced reports to methodical crimes. But the secrecy cloaking the underpayment of skilled trades workers in public infrastructure doesn't diminish its presence—or its malfeasance. To determine whether this kind of noncompliance—failure to adhere to the contractual prevailing wage requirements under the Davis-Bacon Act (1931)—can be alleviated by public service motivation (PSM), surveys were issued to employees from construction and construction-adjacent firms contracted through 28 state Departments of Transportation (DOTs) which performed work on Federal Highway Administration (FHWA)-funded contracts between 2010-2019. This paper uses a theoretical framework proposed by Jolley (2008) to establish the connection between the behaviors and intentions of private sector entities providing public services (i.e., government contractors) and presence of their PSM; to revisit a growing trend within the public administration literature concerning the relationship between public service motivation and unethical conduct; and to introduce Davis-Bacon noncompliance as a just one example of this unethical behavior, explaining its conceptual, microeconomic, philosophical, and regulatory foundations.

The melded results of the two identical Qualtrics surveys—incentivized by participants' choice of charitable donation and analyzed using logistic regression—are presented, modeling 160 participants' demographic and opinion data. While scant evidence of employees' collective PSM—as measured by Perry's (1996) classic 4-dimension, 24-item Likert scale—was reached to substantiate hypotheses, a finding

concerning employees' Other-regarding sympathy may shed light on which factors positively or negatively affect their firms' compliance, as "a company is only as good as its people." The paper concludes with a depiction of how and why PSM (including compassion and sympathy) might be manifested and managed in the cultures of private-sector contractors providing public services—reiterating Jolley's (2008) assertion that these firms differ from the private sector at large—and suggests that new perspectives be adopted to alleviate some of the hostility and misunderstanding between intersectoral partners that may contribute to noncompliance.

### **Literature Review**

Heralded by Perry and Wise (1990), public service motivation has historically been described as an exhibition of (or tool to curate) ethical behavior, including activities indicative of or conducive to altruism, philanthropy, volunteerism/giving, selflessness, and other pro-social characteristics (Coursey et al., 2011; Brewer & Selden, 1998; Gans-Morse et al., 2019). Public service motivation is canonized as a psychological, emotional, philosophical, and ontological signature of government work, distinguishable even from "sister" fields like economics and political science (Perry & Vandenabeele, 2015). In the last 30 years, public service motivation research has maintained saliency with the rise of third-party and collaborative governance, trusting many government services to non-governmental hands; concerns persist that mission orientation is lost in translation (Savas, 2000; Sclar, 2000; Hefetz & Warner, 2004; Hood, 2002; Kettl, 1997) when public services are stewarded by more entrepreneurial partners in the private sector (Osborne & Gaebler, 1992). Yet, those who self-select into a government career aren't intrinsically ascetic: public service motivation isn't mutually exclusive of extrinsic needs and desires,



but simply understood to be less conditioned on pay, promotion, status, or prestige (Houston, 2000; Jurkiewicz et al., 1998). From an organizational perspective, public service motivation is a valuable tool which can be both cultivated and activated by management, which improves organizational commitment and citizenship behavior (Kim, 2005); elevates job performance, satisfaction, and retention; and both contributions to as well as benefits from transformational leadership, particularly when ‘giving back’ to the public is realized (Pedersen, 2015; Naff & Crum, 1999; Crewson, 1997; Bellé, 2014). However, Jolley (2008) criticizes existing PSM research—particularly comparative studies between sectors—as both too broad and too speculative. While revealing quality insights into how employees self-conceptualize, the oversaturation of research on the public-private employee distinction produces few recommendations or practicable findings that improve neither sector’s unique conditions nor their mutual “wicked problems” (Head & Alford, 2015). Of these wicked problems, Jolley (2008) is apt to be concerned with those jeopardizing the public interest, as its threats are frequently tied to multiple forms of governmental and political corruption (Santoro & Kumar, 2018) and whistle-blowing, especially among employees with high PSM (Brewer & Selden, 1998).

Jolley’s (2008) proposed framework is one of few—if not the only—which explicitly examines the effects and implications of public service motivation among the subset of private sector government contractors providing public services who are expected to ‘serve two masters’ with conflicting priorities. Jolley (2008) provides a thorough examination of the extant public and private sector literatures like most scholars that perform intersectoral—especially *comparative* intersectoral—research, but concludes that the simple public-private distinctions resulting from much of this research are not

worthwhile for examining PSM (Perry, 2000): broad, sweeping generalizations in the PSM literature are a major shortcoming not only because they unfairly ‘Other’ the private sector, but also due to their lack of narrow focus required for practitioners to implement their findings. While this paper focuses less on measuring PSM through the proposed variables Jolley identifies—i.e., the complexity of job tasks, number of contractors competing in real or artificial markets or monopolies, and the presence of contracting regimes—this study adheres thematically and epistemologically to Jolley’s conclusion that PSM among public service providing private sector contractors can serve as a mitigating factor in protecting the public interest, and this is accomplished through evaluations of PSM within public-service providing private-sector firms. As a case, this study chooses federally-funded, state-contracted construction- and construction-adjacent firms—performing work on or related to roads, bridges, and other transportation infrastructure used by the public—as an example of Jolley’s public-service providing private-sector entities in foci; and uses these firms’ noncompliance with the Davis-Bacon Act—intentional or accidental underpayment of prevailing wages or “wage theft” of taxpayer funds—as a dependent variable exemplary of unethical behavior which opposes the public interest.

#### Public Service Motivation and Ethical Conduct

Literature concerning the relationship between public service motivation and ethical conduct is still nascent, and research designs assessing the relationship between employee PSM and actual, evidenced misconduct—as opposed to measures of behavioral intent or willingness to transgress—are largely absent. The earliest mentions of this conceptual linkage, such as Brewer and Selden’s (1998) study identifying federal

employee whistleblowing with PSM compared to competing theories, were indirect, and results of subsequent investigations have been contradictory: scholars have produced findings identifying the relationship between self-reported PSM and ethical intent (Caillier, 2017; Christensen & Wright, 2018; Wright et al., 2016) while just as many experimental and quasi-experimental designs have refuted relationships between prosocial interventions and ethical behavior or intent (Olsen et al., 2019; Wright & Christensen, 2021). Like many of these inquiries, Gans-Morse et al. (2019) use a series of games to test whether participants with high PSM were less likely to engage in these unethical behaviors, but found that the behaviors themselves are context-dependent. Studies have addressed multiple perspectives of ethics dimensions and PSM outcomes: Ripoll, with Breugh (2019) and with Ballart (2020), and Kwon (2014) focus on ethical judgement; Wright et al. (2016) assess ethical intention; and Christensen and Wright (2018) research ethical behavior. Some have taken to studying the “dark side” of PSM itself—including its many interpretations creating justification for malintent and employees’ *ends* justifying their *means*—leading some to argue that espousing PSM isn’t enough to deliver on the promise of doing good by everyone (Schott & Ritz, 2018).

Yet, scholars have rarely addressed real-world moral and ethical scenarios impacting the daily lives of public employees, private employees, or the publics they serve. Perhaps it’s because ‘noncompliance’ evokes images of highly-bureaucratic, legalistic and regulatory disagreements over *paperwork* that the subject has been overlooked as neither a threat to the public interest nor as a concept potentially related to public service motivation. But many such violations stray well beyond contractual disputes into crimes, creating victims, perpetrators, accomplices, and witnesses out of

participants in regulatory relationships. Noncompliance with the Davis-Bacon Act (1931), a prevailing wage provision applicable in all states and D.C. for every contract in excess of \$2,000 which constructs, performs alterations to, or repairs (including painting and decorating) public buildings, public works, or federally-funded or supported—in whole or in part—buildings and works, to which the federal government or the District of Columbia is a party, and which require, involve, or employ various classes of mechanics or laborers (WH Publication 1246, 2009; 29 CFR § 5) is just one such example. In layman’s terms, it’s sending the workers who risk (and sadly lose) their lives to build the infrastructure necessary for the rest of us to ‘get around’ home with less pay than they are legally owed (e.g., wage theft, a form of fraud)—which is stipulated down to the *cent* in each contract’s Wage Determination—by misclassifying employees by trade or by work type (e.g., “1099” independent contractors), refusing to pay overtime, skimming, or withholding wages altogether, which quickly snowballs into embezzlement, laundering, forging certified payroll, or other cover-ups using ‘creative accounting.’ It is clearly unethical, and falls squarely into this developing area of research.

Empirical applications of public service motivation among non-governmental—especially private sector—actors have also been scant. Studies that do attempt to measure private sector workers’ public service motivation perform this research comparatively, if only to prove that public sector workers demonstrate higher levels of PSM than their private counterparts (Steijn, 2008). Yet in practice, private firms are encouraging employees to engage the desire to provide a public service (Andersen & Kjeldsen, 2013); Piatak and Holt (2021) argue that with the rise “of corporate social responsibility, social enterprise, and paid volunteer service hours, people [are finding] ways to fulfill their

PSM in opportunities that were unimaginable decades ago” (p. 4)—note that these areas are usually attributed to the private sector. Public administration content has slowly integrated into business administration curricula to legitimize public management and incentivize working in government (Williamson et al., 2011), actualizing the evolving theories of PSM as a dynamic and intersectoral concept and invalidating its use as a defining characteristic separating public and private work (Gabris & Simo, 1995; Vandenaabeele, 2007; Brewer & Selden, 1998). Since “working for a for-profit company,” regardless of industry or function, is no longer recognized as binarized determinant of self-interest or indicative that “someone has no desire to serve the public interest” (Piatak & Holt, 2021, p. 4), this conceptual expansion might entail that the private-sector companies providing public services of Jolley’s (2008) interest may be more likely to exhibit PSM.

For private-sector employees, attempting to meet public sector goals and demands for compliance with one hand, as well as to maintain profitability with the other—or ‘serving two masters’—may feel particularly fatiguing and diminish the perceived need or desire to comply with regulators. Gray and Silbey (2014) “propose that differential patterns of transaction among the actors in regulatory relationships influence how organizational actors [...] interpret [...] human conduits of legal regulation;” regulators are perceived as either threats, allies, or obstacles—and the opinions held by a firm’s employees may “[have] an effect on and may predict organizational compliance” (p. 99). When regulators are perceived as threats or obstacles, firms go under or around them, attempting to decipher program requirements or redesign service delivery on their own and risking sanctions as a consequence (Keeler, 2013; Brown et al., 2006). Because they

are a part of (adjacent to) but not considered to be *within* government, there may be a lack of ‘internalized values’ or normative allegiance to regulators among public-service providing contractors, making compliance feel like a loss of independence or imposed inferiority, and provoking rebellion. In their frustration, some firms forgo bidding on government contracts entirely, sacrificing lucrative opportunities to avoid what they see as paternalism, prescriptivism, and punishment as a primary means of enforcement (Levi, 1997; MacManus, 1991; Strickhouser & Wright, 2015; Praeger, 1994) chalked up to “regulatory unreasonableness” (Bardach & Kagan, 1983). In fact, Lipsky (2010) argues that it is “the controls, performance measures, and agency review procedures imposed on private agencies by public authorities,” which “have become increasingly rigorous [that tend] to drive out whatever differences in the treatment of clients attributable to public or private status that might at one time have prevailed” (p. 216). Practitioners must understand that contractors may feel embarrassed, vulnerable, or worried they will look incompetent if they ask for clarification, despite the fact that government values may not ‘translate’ through the legalistic jargon in contracts (Wood, 2007; Denhardt, 1993).

Yet, it is voluntary compliance—a form of self-regulation—or “extra-role compliance” (DeCaro, 2019) that remains ideal among public administration scholars (May, 2005). The concept of going “beyond compliance”—a trend emerging from private sector initiatives, including corporate social responsibility (CSR)—is premised on not just meeting, but exceeding minimum standards voluntarily (Gunningham et al., 2004; Hopkins, 2007; Almond & Syfert, 1996). Employee desire to proactively self-regulate their behavior or environment may be the result of organizational socialization, or simply a matter of social or moral identity characteristics that encourage and reinforce

normative, ethical conduct that reflects and engrains self-conceptualization—i.e., PSM—which in turn, moderates context-specific behaviors (Perry & Vandenabeele, 2008; Ripoll, 2018; Gans-Morse et al., 2021). From this perspective, compliance with regulators may exemplify humanistic rational choice premised on employees’ fundamental, intrinsic needs, invalidating traditional rational choice assumptions (DeCaro, 2019). But when PSM and/or the inclination to comply with regulators is understood as *socialized* phenomena, these normative behaviors aren’t implicit, leading to debates over PSM’s instability and malleability (Piatak & Holt, 2021; Van Witteloostuijn et al., 2017; Wright et al., 2017; Ward, 2014)—which may be especially impressionable when values such as profitability, competition, and other economic priorities are introduced.

### Compliance Sensemaking

Compliance is often categorized by the actions or beliefs of the regulated, such as interactive compliance (Sigler & Murphy, 1991), fearful (avoidant) compliance, or superficial (exploitative) compliance (Siddiki et al., 2019); moral/ideological compliance (McGraw & Scholz, 1991); and perceived obligation stemming from opinions of regulatory legitimacy (Tyler, 1990), as well as by behavior, such as Mitchell’s (2007) “treaty-induced compliance, coincidental compliance, [and] good faith non-compliance,” with “intentional non-compliance” (p. 895)—also known as malicious compliance—at the darkest (and most controversial) end of the spectrum. The complexity of rationales behind firms’ compliance or noncompliance has provided an empirical reservoir of studies seeking to typologize and taxonomize a premise that the layperson might summarize as “not doing what you’re told,” with reasons in favor including calculated

(e.g., cost-benefit), and social or normative motives (Burby & Paterson, 1993) springing from moral duty, principles, civic duty, virtue (Schwartz & Orleans, 1967), or conscience (Grasmik & Bursik, 1990); characteristics and capacities of members of the target population, including business model, knowledge of the rules, and capacity to comply; respect for the regulator; and deterrence factors, including risk of violations being reported, risk (and selection for) inspection and detection, and the risk and severity of sanctions (Winter & May, 2001). Noncompliance isn't normally summed up in as many words, with reasons including: ineffective incentives and sanctions; monitoring problems (difficulty, expense); resource deficiency (contractors willing but unable); issues with autonomy, independence, and control; information asymmetry; and attitude problems (Weaver, 2009).

Top-down, fear-based deterrence models are considered reliable to induce compliance (May, 2005) but are clearly not cooperative, being met with ire from proponents of trust-based relational approaches that symbolically 'replace contracts with handshakes' (Adler, 2001; Lambright, 2008). After all, partnerships "can't work without trust," which "depends on people's confidence that others will obey rules [...] and that a strong authority will enforce [them on] contracts" (Stone, 2012, p.77). But when authorities become overbearing in their enforcement—even in response to a mistake—and default to prosecutorial responses, they risk "the compliance trap:" a loss of "political support for the moral seriousness of the law [they] must enforce" (Parker, 2006, p. 591). In contrast to noncompliant behaviors "typically driven by greed and self interest, employees with higher PSM [are expected to] not only put a higher priority on helping others but also place a lower value on their own self-interest and personal benefits"



(Christensen & Wright, 2018, p. 1; Wright et al., 2016). Trust, like compliance, and like public service motivation, is therefore something that can be cultivated or activated under certain conditions (Perry & Vandenberg, 2015; Perry & Hondeghem, 2008; Pedersen, 2015; Meyer-Sahling et al., 2019), leading scholars to conclude that “self-reported PSM can predict, if not influence, ethical intention” (Wright & Christensen, 2021, p. 8).

But if opinions of regulators, self-interest, and ethical intent are all unique to the individual, how does a micro-level concept like public service motivation become associated with meso-level phenomena like compliance? The simplest answer lies in compliance or noncompliance—used here dichotomously, although this is a schematization—being attributed to the whole of a firm by means of *corporate* or *juridical personhood*, in which an organization (e.g., a corporation, a government entity, or some other assembly) is recognized as a fictitious person—rather than one or more natural persons constituting that organization—primarily for legal and bureaucratic purposes, in which the organization has rights distinct from that of its owners: a controversial practice dating back to the nineteenth century or earlier (Piety, 2015). The organization—in this case, construction- and construction-adjacent private firms providing public services—represents the activities of individual employees synecdochally. While studies tend to analyze effects of organization-level phenomena on employees, research looking at the inverse relationship—the ways and means employees impact organizations—illustrates the perspective taken here: that public service motivation affects firm compliance, as the firm’s status synecdochally represents the misbehaviors of one or more (i.e., collective) employees. Scholars have identified the impact of employee intrapreneurship—autonomous, empowered, risk-taking behaviors

and innovation from within an organization—on organizational survival (Falola, 2018), and how employee involvement impacts firm performance (Rangus & Slavec, 2017) in the private-sector literature, and this premise exemplifies the activities of street-level bureaucrats whose “separate discretionary and unsanctioned behaviors add up to patterned agency behavior overall” (Lipsky, 2010, p. 220). Therefore, it might be argued that the presence and level of individual or collective public service motivation among employees is not only tangentially related to their firm’s organizational culture, but serves as a direct impetus or impediment to employees’ willingness to act in ways unbecoming of PSM values—like intentionally underpaying workers in Davis-Bacon trades (i.e., committing fraud)—which is considered noncompliance on behalf of the whole firm.

**H1: An increase in employees’ collective PSM is associated with the probability of firm compliance with the Davis-Bacon Act.**

Despite consistent phenomenological studies of public service motivation and regulatory compliance, the two are rarely if ever studied in the same research environment—and certainly not with public-service-providing private contractors, as Jolley’s (2008) framework exemplifies. Acknowledging that PSM can (and does) exist in the private sector (Perry & Hondeghem, 2008), scholars have asked if PSM depends more on what you do than where you do it (Andersen et al., 2011) with many arguing the former (Steinhaus & Perry, 1996; Buelens & Van den Broeck, 2007). How then, in what ways, and why should the compliance behaviors of public sector employees providing public services and private sector employees providing the same services differ?

This research considers these questions using a research population that is both understudied and whose work is regarded by its regulators as a ‘low-wage, high-violation’ industry; although construction is not the industry with the most violations or affected employees, this industry takes first place in the amount of backwages due, including \$36,068,080—of taxpayer money withheld by employers—from violations occurring in FFY 2021 alone construction (U.S. Department of Labor, n.d.). Because only a small portion of contractors are found to be out of compliance with the Davis-Bacon Act—hundreds (or even tens) of violations compared to the thousands of contractors in each state—there logically must be something afoot among the violators. If federal contractors legitimately believe, for example, that they “should take seriously their obligations to employ individuals with disabilities,” but also “should not be forced to waste time and resources collecting unnecessary data in an effort to reach an arbitrary goal” (Ebner et al., 2015, p. 2) as established by the federal (funding) agency, what socioeconomic, political, behavioral, psychological, or professional motivations divide those that adhere to the former versus the latter? And what makes good firms ‘go bad?’ This research fills a serious knowledge deficit for regulators, who by the nature of their power differential over the contracted firms—potentially causing coerced answers— are unlikely and unable to receive reliable data about firms’ motivations for wrongdoing (if ethically permitted to conduct this research to begin with).

#### An Adaptation of Perry’s Scales

While Perry (1996) used a confirmatory factor analysis as a linear model to ascertain whether his 35-item original scale items would load onto his 6 interrelated, pre-identified dimensions, this produced disconfirmation requiring respecification. The result

was a 24-item, four-dimension scale that is used in this survey. Contemporary applications of Perry's (1996) aging canonical scale are widely supported in the literature. In their review of 323 publications published between 1990—the year of Perry and Wise's most canonical PSM publication—and 2014, Ritz et al. (2016) discovered 182 studies assessing between one and six of Perry's original dimensions, with another 64 studies including one or more of Perry's original scale items within those dimensions. Yet, “only four studies focus exclusively on private sector respondents and there are virtually no data from [...] government contractors” (p.19; Pfiffner, 1999)—and the public service motivation of *construction* contractors is near-mystery. Testing Perry's (1996) dimensions and scale items among a new population of state and federal government construction and construction-adjacent prime and sub-contractors; using logistic regression—as opposed to confirmatory factor analysis—with Perry's 24-item scale functioning as explanatory independent variables; and introducing actual—not self-reported—compliance as dependent variables for making causal inferences over “self-reported measures of ethical conduct that are subject to social desirability bias or hypothetical vignettes about unethical behaviors” (Gans-Morse et al., 2019, p. 37) will provide predictive, theoretical contributions to the study of both public and private sector employee behavior.

Because “past research has found that PSM increases ethical behavior and decision-making [but] these studies have relied on cross-sectional studies and self-reported ethical intentions (Wright, et al., 2016),” unable to “make strong causal arguments [...] fully control for alternative explanations of the differences between individuals with higher and lower PSM [or] link PSM to actual ethical behavior”

(Christensen & Wright, 2018, p. 1), using data that not only dispels self-reporting but upgrades measuring intent to *behavior* may prove particularly insightful. In sum, this study addresses the PSM-contractor research shortcomings and inapplicability identified by Jolley (2008), adheres to Perry's (1996) intent for his scale to be used as an interdisciplinary tool, and conciliates Ritz et al.'s (2016) concerns for the direction of causality between public service motivation and other concepts, the need for externally-valid longitudinal research designs, and the lack of diversity among the measurement instruments "needed to expand and clarify public service motivation's conceptual boundaries and map its relationship to other key variables" (p. 24).

### Incentivization

Survey recipients were informed that for every response received, a \$1.00 donation would be made to one charity of the respondent's choice out of the three causes managed by the Association of General Contractors (AGC). With 89 chartered chapter affiliates supporting over 27,000 member firms, the AGC is the oldest and largest construction trade body in the U.S. (Association of General Contractors, n.d.): a household name to which a majority of the research population spiritedly commits. The AGC Charities is a 14 year-old 501(c)3 organizations administered by AGC members, offering a range of construction-focused assistance (Association of General Contractors, n.d.). Providing a philanthropic incentive rather than a direct monetary benefit to participants is intended to elicit the firms' missions and secure trust through in-group membership while avoiding the ethical conflict of knowingly rewarding employees of firms with wage violations.

## Methodology

Data for this study consisted of a 20% sample from a list of 28 states' FHWA-funded compliant construction and construction-adjacent firms (e.g., without a reported Davis-Bacon Act violation)—later increased to all firms in Wyoming, West Virginia, and Washington to improve the survey response rate—and 100% of the 28 states' 489 noncompliant firms, given their comparative size difference. Sampling was performed using Excel's random number function, after which each firm's company website was visited and firms' contact information collected until the per-state quota of firms was met. When available, multiple staff email addresses were collected per company, compensating for employee and providing an opportunity to survey a wider range of role-based employee perspectives. As not every firm website had contact information viable for a survey, a total of 9,606 websites were visited between October and December 2022. A total of 12,153 employee email addresses representing the sample of compliant firms and 1,454 employee email addresses for all noncompliant firms were retrieved, resulting in a total participant pool of 13,607 employees from FHWA-funded compliant construction and construction-adjacent firms. The diversity and hierarchy of some job titles was known and contributed to the selection of participants and retrieval of their contact information, but no other employee characteristics could be deduced from the data collected.

### Survey

Two identical Qualtrics surveys were sent to the 13,607 employee email addresses in January 2023. Each survey consisted of: four demographic questions corresponding to the independent variables for job title/position, race or ethnicity, gender, and political

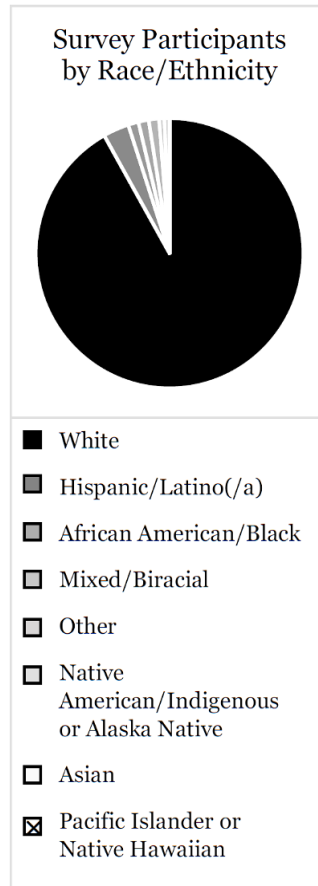
party affiliation; Perry's (1996) twenty-four Likert-type questions each serving as an independent variable; and one multiple choice question for the participants' choice of industry-specific charitable incentive (Appendix A) for a total of 28 independent variables and 1 unrelated concluding question to process the incentive. Because Perry's (1996) original questions were grouped thematically by his four identified PSM dimensions—attraction to public policymaking, compassion, civic duty, and self-sacrifice—the 24 Likert items were randomized to reduce any 'leading' effect which may result from their original, sequential framing.

### Analysis

Despite the anticipated low participation rate risking an overfit model, logistic regression was selected as the most appropriate analytical technique for measuring the effect of many categorical independent variables on a binary, dichotomous dependent categorical variable: non-/compliance (Stoltzfus, 2011). The logistic regression was performed using Stata.

Five items were reverse coded (*scf1*, *ccd1*, *cmp6*, *cmp7*, and *cmp8*, indicated by “\_R” in Table 3.1.) to prevent negatively-worded (i.e., inversely coded) from cancelling out those that were positive, ensuring all of the variables go in the same direction. The survey data was cleaned only to remove answers that were abandoned at any point before reaching the PSM scale items (<20 surveys) and those that were completed as a joke, such as one participant listing their race/ethnicity, gender, *and* political affiliation as a “brand new Cat 325 Excavator,” with every Likert scale item answered with “Strongly Disagree.” Other write-in answers that were unique but in-scope—with a legitimately-

answered survey, in full or in part—were included, though these participants were few to begin with (<5 surveys).



**Figure 3.1. Homogeneity of responses for Race/Ethnicity variable**

The effects captured through the use of dummy variables required further refinement of the model. Dummy variables were first deployed for the variables representing gender, race/ethnicity, political affiliation, and job title/position, but the responses from two demographic questions were too homogenous to be processed by the logistic regression model. When dummy variables were deployed to isolate the categories, this led to a ‘Dummy Variable Trap’ in which some race/ethnicity predictors and job title/position predictors were multicollinear within their own variables and were omitted from the model, while nearly all others not omitted on this basis were removed



due to either perfect prediction with the dependent variable causing (quasi-) complete separation. This process left only the largest categories within each of these variables behind in the full model: the 50% of participants in executive job positions, and the 92% of participants identifying as White/Caucasian (Figure 1). While the latter characteristic is representative of the 83-97% White construction industry (Bureau of Labor Statistics, 2023), the limitations posed by the race/ethnicity variable and job title/position variables ultimately prevented a deeper understanding of vulnerable worker opinion as intended, so these were therefore removed. The dummied variables for gender and political affiliation performed as predicted.

[Table 3.1. on Page 159]

Table 3.1. Logistic Regression in Stata

Logistic Regression									
Log likelihood = -55.24486		Number of obs = 160		Prob > chi2 = 0.9513		LR chi2(31) = 17.64		Pseudo R2 = 0.1377	
DV:	Item Description	Odds Ratio	Std. Error	z	P >  z	[95% conf. interval]			
Compliance						Lower	Upper		
Gender	*Female	1.710497	1.120031	0.82	0.412	.4739763	6.172884		
Political Affiliation	*Democrat	.9023049	.7847061	-0.12	0.906	.1640931	4.961539		
	*Independent	2.817248	2.275296	1.28	0.200	.578587	13.71771		
	*Libertarian	.1298952	.1607894	-1.65	0.099	.01148	1.469752		
	*Other	.8682451	.9900638	-0.12	0.901	.0928995	8.114677		
Attraction to Policymakin	app1	.8675569	.2560045	-0.48	0.630	.4865413	1.54695		
	app2	.8729757	.2649878	-0.45	0.654	.4815306	1.582634		
	app3	.7510476	.2543399	-0.85	0.398	.3867326	1.45856		
Civic Duty	ccd2	1.117331	.5588428	0.22	0.824	.4192236	2.977952		
	ccd3	.9066818	.3373051	-0.26	0.792	.4373103	1.879837		
	ccd4	.9492651	.4034227	-0.12	0.902	.4127055	2.183407		
	ccd5	1.280456	.5595282	0.57	0.572	.5437639	3.01522		
Self-Sacrifice	scf1_R	1.671033	.7900098	1.09	0.277	.6615531	4.220902		
	scf2	.8242596	.3415895	-0.47	0.641	.3658552	1.85703		
	scf3	.9860387	.4888272	-0.03	0.977	.3731746	2.605409		
	scf4	.9202442	.3859273	-0.20	0.843	.4045112	2.093513		
	scf5	.9943093	.3969242	-0.01	0.989	.4547003	2.174291		
	scf7	.8436194	.3463163	-0.41	0.679	.3773269	1.886146		
	scf8	1.03135	.3813573	0.08	0.933	.4996448	2.128878		
Compassion	cmp1	1.520108	.5192703	1.23	0.220	.7782217	2.969243		
	cmp2	.8228615	.277385	-0.58	0.563	.4249995	1.593181		
	cmp3	1.047561	.412644	0.12	0.906	.4840418	2.267125		
	cmp4	2.860877	1.264345	2.38	<b>0.017</b>	1.203142	6.802707		
	cmp5	1.140749	.5255819	0.29	0.775	.4623944	2.814282		
	cmp6_R	1.326504	.493264	0.76	0.447	.6400108	2.749351		
	cmp7_R	.8042364	.2493604	-0.70	0.482	.4379871	1.476747		
	cmp8_R	.9340606	.3909986	-0.16	0.871	.4112078	2.121723		
Constant		1.901976	5.249597	0.23	0.816	.0085079	425.1923		

(Political Affiliation) \*Republican omitted (m-1); (Gender) \*Male omitted (m-1); (PSM) ccd1\_R omitted because of collinearity; scf6 omitted because of collinearity  
\*Dummy variable

## Results

The survey results offer a handful of salient points, but the low number of participants (n=160; 138 employees of compliant firms, 22 from noncompliant firms) make them difficult to generalize to government contractors performing other public services. What *can* be concluded based on the present responses is that employees of FHWA-funded construction and construction-adjacent firms in particular may not identify with public service motivation—at least, not by these measures.

Of the 4-dimension, 24-item PSM Likert items devised by Perry (1996) and tested here on an entirely new audience, the results are likewise underwhelming with the exception of one silver lining. Because only one value of Perry's (1996) scale was significant—with multiple items even signed negatively—there is too little evidence to fully support for H1: only 1 of 28 survey items demonstrate a significant relationship between employee PSM and likelihood of firm compliance with the Davis-Bacon Act. However, little does not mean *none*; the strength (p-value .016) and direction (positive) of item *cmp4* concerning whether employees feel “moved by the plight of the underprivileged” is of high interest. For every employee that identifies with Other-regarding sympathy (*cmp4*) within Perry's (1996) compassion subdimension, the odds of firm compliance (versus noncompliance) increase by a factor 2.861. To ensure that the significance of item *cmp4* as depicted in the full model was not an effect isolated to a specific group of participants, additional logistic regressions were performed to compare how the performance of *cmp4* changed under different conditions, such as when demographic variables were added or removed (Table 3.2.).

In all 13 logistic regression models run, *cmp4* is the sole statistically significant item, appearing to be uncorrelated with employee political affiliation or gender. For the employees of compliant firms to identify specially and only with this variable is very unexpected, considering this survey not only features all four of Perry's (1996) original PSM dimensions, but also concerns other traits and preferences which have been identified as PSM antecedents or typically coincide with higher levels of other-regarding sympathy—such as being female (Ricucci, 2018; Perry et al., 2008), a minority, or a Democrat (Piatak & Holt, 2021)—that were not significant. Why would this tenet of compassion—a historical crux of PSM research—stand alone in forming a relationship with firm compliance, and among construction workers no less?

**Table 3.2. Isolating Other-regarding sympathy (I.V. *cmp4*)**

Logistic regression results for <i>cmp4</i> across alternative models								
Demographic Variables in Model	Covariates included in model	Cmp4 Odds ratio	Std. Error	z	P >  z	[95% conf. interval]		
						Upper Bound	Lower Bound	
Yes	All (Table 3.1.)	2.860877	1.264345	2.38	<b>0.017</b>	1.203142	6.802707	
	All – *Gender	2.733039	.4352771	2.31	<b>0.021</b>	.1522866	1.858542	
	All – *Political Aff.	2.13765	.3877573	1.96	<b>0.050</b>	-.0002831	1.519698	
	**Male only	2.222553	.8631857	2.06	<b>0.040</b>	1.038164	4.758151	
	**Female only	2.222553	.8631857	2.06	<b>0.040</b>	1.038164	4.758151	
	**Republican only	2.15841	.8368897	1.98	<b>0.047</b>	1.009471	4.615025	
	**Democrat only	2.15841	.8368897	1.98	<b>0.047</b>	1.009471	4.615025	
	**Independent only	2.334668	.9422168	2.10	<b>0.036</b>	1.058523	5.149321	
	**Libertarian only	2.597322	1.09089	2.27	<b>0.023</b>	1.140292	5.916098	
	**Green Party only	2.136771	.8249001	1.97	<b>0.049</b>	1.002656	4.553698	
	*Political Aff. only	2.723892	.433999	2.31	<b>0.021</b>	.1514394	1.852684	
	*Gender only	2.222553	.3883757	2.06	<b>0.040</b>	.0374542	1.559859	
No	PSM items only	2.160353	.3863755	1.99	<b>0.046</b>	.0129897	1.527554	

\*Dummy variable (all values)

\*\*Individual values from extracted from dummy variable

### Donations to Charities

The survey incentive received mixed results. While the survey itself had an extremely low participation rate, a large majority of those that *did* participate completed the final question—requiring participants to choose a preferred charity from the three options available—at a rate of 88% (Table 3). Survey attrition resulted in more participant responses than incentives selected, potentially due to either the survey’s length (i.e., dropping out before the last question) or desire not to contribute to the available causes (i.e., dropping out at the last question, having completed all other parts of the survey).

**Table 3.3. Survey responses and incentive results**

Incentivization Outcome	Compliant	Noncompliant	Total
Survey responses	121/138	20/22	141/160
Funds raised for AGC Charity: Operation Opening Doors Project			\$ 74
Funds raised for AGC Charity: AGC in the Community			\$ 50
Funds raised for AGC Charity: AGC Assistance Programs			\$ 17
Total			\$ 141

### **Discussion**

Perry’s (1996) PSM dimension of Compassion (identified in this study by 8 items beginning with *cmp*) “specifically describes the degree to which participants identify with the needs and suffering of others” (Schott & Ritz, 2018, p. 2). Why item *cmp4* was received a much different response than *cmp1-3* or *cmp5-8* is unknown. Liu et al.’s (2014) argument that the unidimensionality of Perry’s (1996) original portrayal of Compassion warrants additional complexity as a two sub-dimensional construct at a minimum provides a useful suggestion towards ‘breaking down’ this dimension into its component parts for more precise measurement among this population and others. For now, a possible interpretation of this finding—the employees of federally-funded DOT

construction contractors potentially gravitating towards Other-regarding sympathy, and its affective influence on Davis-Bacon compliance—speaks to Jolley’s (2008) proposition about contracting regimes. These close, interdependent relationships between firms and their contracting agencies (Smith, 1996; Kettl, 1993) may function to socialize the contracted firms to inculcating specific desirable behavioral norms, “leading them to share a form of public service motivation” (Jolley, 2008, p.10) which can be developed in tandem by contractors and public managers towards their shared values (Dicke & Ott, 2002) like compliance. Jolley refers to this process as private contractors “[becoming] "governmentalized" to the extent they share the organization’s goals” (2008, p. 10). While other scholars support the idea of public managers using PSM to influence organizational behavior (Bozeman & Su, 2015; Prebble, 2016; Wright & Grant, 2010; Wright & Christensen, 2021), private sector firms may scoff at both the idea of ‘governmentalization’ or the inculcation of values by outgroup members.

Increasing ethical behavior within public sector organizations requires the support of incentive systems and organizational culture (Barfort et al., 2019; Hanna & Wang, 2017; Wright & Christensen, 2021), which overlap with best practices identified for improving compliance, such as utilizing interorganizational (Friedland & Alford, 1991) and intraorganizational (Jackall, 1988) institutional logics already embodied in normative or material practices contextualizing behavior (Thornton & Ocasio, 2008; Gray & Silbey, 2014). What happens then, when compassion is not only emphasized normatively and culturally, but strategically integrated into employee development, capitalized in service provision, or even considered in the evaluative criteria for hiring? McCarthy et al. (2022) argue that ultimately, “compassion [as a tenet of PSM] is based on identification

motives” which reinforce “an individual’s organisational commitment to, or concern for, the needs of specific individuals and groups,” therefore “employees with higher levels of compassion are expected to bond with others and their organisation when they feel there is a sense of oneness in serving an identified group, such as the public,” creating a “greater person-organisation fit when they feel the organisation acts with social responsibility towards external stakeholders (customers and society)” (p. 14; Kim et al., 2013; Kim, 2018). Is there a reason why can’t these functions can’t be nurtured by the employees of public-service providing private firms, who—as this study’s findings show—might be mutually motivated to comply by appeals to ‘the plight of the underprivileged’ (as measured by *cmp4*)?

Jolley (2008) asserts generalizations made about government contractors from public-private studies not only create selection bias, but discount the idea that motivational differences exist between private sector contractors performing public sector functions and the private sector at large. While lacking strength, the potential that employees’ sympathy—both at the state and federal level—may improve compliance outcomes with the Davis-Bacon Act throws a wrench in stereotypical depictions of both the private sector and—more surprisingly—the construction industry, raising questions about the motivations of government contractors that need to be explored further. Based on additional observations made during the data collection and survey process, highway and bridge construction contractors are not exempt from Jolley’s (2008) conceptualization of a ‘revolving door’ within government contracting—in which public sector employees bring their socialized norms and public service motivation to the private sector—which increases PSM in the private sector: several of the federal construction

firms were owned by former members of the Peace Corps, former state and federal employees, and many are Veteran-owned or make it part of their mission to employ veterans. During the survey period, an employee of an infrastructure services firm from Missouri expressed an opinion which echoed these sentiments further:

Contractors and [subcontractors] are in a precarious position at the intersection of business [and] politics, and are pretty browbeaten to never show too much affinity one way, or in any direction, on those two dimensions. [...] The label “public servant” [is appropriate to extend] to the contractors, engineers, and materials supply firms that make civic life possible [...] after all, they’re contributing as much [as] or more [than] direct government employees. [...] Government agencies don't trust the contractors (and have good reasons for that, as unfortunate as it is) and the contractors don't trust the government agencies (and also, unfortunately, have good reasons). [...] Whether recognition as a public servant can be a tool to heal the gap, or an outcome of another source of healing is beyond me, but I continue to have enormous concern about [...] this antagonistic dynamic between servicers and receivers of services.

When the concept of expanding the label of ‘public servant’ to contractors was proposed to a major federal agency doing a tour of small business development centers, it was met with a surprising level of *underappreciation* “from everyone involved.” Public-service providing private firms should take comfort in knowing that this phenomenon has been documented in the literature; Lipsky (2010) echoes that “every public program administered by private organizations under contract is in essence a government program,” and while “the contracting regime has facilitated the growth and greater flexibility of the public sector [...] these developments are rarely treated as public



achievements [of] government, acknowledged by the sector, or claimed by public officials” despite transforming the private sector “into what amounts to an arm of government” (p. 216). To disregard even the concept to share the *label* of “public”—a cost-free sentiment that might denote the shared accountability and mutual recognition between public-private partners—only reinforces existing distrust by carving arbitrary conceptual boundaries through gatekeeping. With all of this in consideration, the limited significant findings in this study may not indicate an *absence* of public service motivation among the survey populations so much as it implies that PSM may not be captured among these employees, organizations, industry, or even sector in a *traditional* way.

As middle managers may receive more employee support for organizational change than that initiated by top managers (Heyden et al., 2017), these staff may be key to radically reshaping the ethical behavior of their street-level employees “by establishing a clear mission and mechanisms to dispel it within organization and set goals for individuals “leaving no doubt about the [firm’s] highest priorities” (Lipsky, 2010, 227). In fact, strategic leaders can (and should) be identified and utilized throughout the firm for their capability to effectively coach and mentor, but in doing so must “rely as much on their emotional intelligence (Goleman, 1998) as on their rationality” (Brady & Walsh, 2007, p. 4): this emotional intelligence can steer organizations with “a vague, or fuzzy, ill-defined purpose” away from blind “rule-following behaviour [as] a prominent coordination mechanism” (p. 7), but “these rules must match the requirements of the organisation: it is not simply a matter of any rule will do” (p. 6; Hayek, 1973). In firms’ push to row and “rush to steer” on contracts, “are [they] forgetting who owns the boat” (Denhardt & Denhardt, 2000, 549)? Because the literal and normative rules outlining

public and private work may be confusing or contradictory for the employees of private sector firms providing public services, leaders would do well to incorporate stewardship of the public interest and public funds into their missions or charters if they continue to perform work on behalf of the government—if not, what will make the private-sector firms providing public services stand out from the private sector at large (Jolley, 2008)? Because PSM has been linked to improved organizational citizenship behavior independent of sector (Ingrams, 2020); ethical behavior, even amongst employees considered less traditionally ‘professionalized;’ and employee support for some forms of regulation, increased minimum wages, and transportation funding—making “the public service ethos to help others [...] boundaryless” (Piatak & Holt, 2021, p. 4)—there is no reason why PSM couldn’t be found in this audience of construction contractors, even if it isn’t now—or not by these measurements. Firm leadership, regardless of role, can help employees translate their sympathy ‘for plight of the underprivileged’—as captured in *cmp4*—to public service, and shepherd that public *service* into an understanding of their role in protecting the public *interest*.

### Limitations and Opportunities

Several factors influenced the survey results, including a low participation rate, uneven compliant and noncompliant survey populations, and an ineffective—albeit conscientious—incentive. Some of these limitations may be mitigated in future research by dispersing the survey through a reputable source to participants rather than ‘cold calling’ from an email list, which was often interpreted as spam or a cyberattack; surveying a smaller population where the comparative group sizes are naturally proportional and/or artificially evened through randomization; and using an incentive that

offers a prize with random selection that also avoids knowingly or purposefully awarding noncompliant participants, such as a lottery-based system. A second limitation of measuring a meso-level phenomenon—Davis-Bacon noncompliance, which is attributed to an entire organization and not a person (although it may be the choice of one individual) unlike other forms of crime—from the micro-level is the issue of representation: because the survey invitation was sent to a work email address, recipients may have declined to participate to avoid speaking on behalf of their employer or out of fear for their employer’s retaliation or reputation, despite the study intent to measure personal opinion, with survey items phrased at the individual level. While legal and bureaucratic systems may uphold *juridical personhood* for procedural purposes, conflating the activities of individuals with that of organizations should be handled with caution in research; corporations are not people, despite what Mitt Romney has famously argued (Strauss, 2012).

While this survey is applicable to those perpetuating Davis-Bacon Act violations—e.g., employees whose tasks involve the companies’ finances, especially payroll—the workers actually affected by these violations were not surveyed due to unique barriers to this population that may prevent additional research. As Davis-Bacon wages are only applicable to skilled trades workers such as laborers, carpenters, masons, painters, and heavy equipment operators, these employees are not only likely to be temporary or seasonal, but also technologically inaccessible by email or phone and physically inaccessible due to their dangerous worksite locations in or adjacent to vehicular traffic. If a researcher is able to gain access, communication itself may also be a problem: construction has one of the largest language skills gaps and highest reliance on

employees with foreign language skills of any industry (American Council on the Teaching of Foreign Languages, 2019); and Hispanic employees may be unwilling to communicate with a person they presume to be affiliated with the government—whether because of past discriminatory action by their employer, or the fear of deportation—regardless of their documentation status (Arcury et al., 2014; Escamilla et al., 2017). Qualitative methods of engaging construction laborers—especially those from vulnerable populations, including women and minorities—with trust- and safety-based interventions would provide a more holistic analysis of compliance with the Davis-Bacon Act, including both top-down and bottom-up, ex-ante and ex-post evaluations of policy impact.

Areas of further research based on this model and premises are expansive. As the “boundaries between sectors and differences in the location of the functions of government” (Perry et al., 2010, p. 682) continue to blur, new intra- and intersectoral arrangements for delivering public services arise with problems both new and old, all requiring data-driven solutions. New perspectives are needed to revitalize research in an area many might consider to be humdrum; studies of noncompliance would benefit from ethnographic approaches like Pérezts and Picard’s (2011) work in the ethics of performative regulation, as well as contemporary epistemological or ontological inquiries such as contractor-focused interpretivism. A host of micro- and meso-level phenomena could be tested as mediating and moderating determinants of noncompliance, using real—not presumed or hypothetical—compliance reports from sources that release substantial, reputable, and accessible violation data, such as the many executive subagencies of the U.S. Departments of Labor, Agriculture, Justice, and Transportation,

or from independent agencies like the Environmental Protection Agency or Federal Communications Commission—among others. Other applicable research populations include Jolley’s (2008) interest in *co-producers* from the private and public sector both perform a public service within one jurisdiction, or employees from industries that customarily experience other influences to workplace motivation like emotional labor, which has similarly experienced conceptual expansion across industries and more recently, sectors (Erickson & Ritter, 2001; Hsieh et al., 2012). Lastly, the use of charitable incentives as either a recruitment tool or as part of a methodological design (e.g., priming effects, independent or dependent variable) among different populations, industries, or sectors may prove useful for providing game-theoretic insights or supporting causes in need—a win-win.

### **Conclusion**

How does intention become behavior? Scholars have argued that interventions such as reflection and self-persuasion to prime benevolence may have an effect on behavioral intentions, behavioral outcomes (Arieli et al., 2014; Bellé, 2013), and public service outcomes (Pedersen, 2015), but this would be difficult to encourage voluntarily; even public employees with high PSM may leave due to excessive red tape (Quratulain & Kahn, 2015; Schott & Ritz, 2018). Jolley (2008) asserts that these contracting regimes must adopt “a set of values that promote all aspects of the public interest,” which is a critical factor in determining privatization, since “private contractors [must be able to serve] the public interest (not only efficiency and cost-savings)”—and to fail at the former just reinforces stereotypes about the private sector “assumed (and documented in the literature)” (p. 8). Just because “profit-maximization [is] easier to monitor than a goal

of advancing the public interest” (Elhauge, 2005, p. 734) doesn’t mean that contractors aren’t philosophically relegated to the former or concerned with the latter—and while the public sector literature is devoid of this concept, the private sector literature concerning corporate social responsibility is not: and the two are alike in menagerie of ways as illustrated elsewhere in this dissertation. What prosocial motivation is there, regardless of how it is identified or what it is name, must be nurtured to prevent and repair unethical behavior like Davis-Bacon noncompliance. In the private sector, “preventing from public service demotivation may be more effective than stimulating PSM” (Schott & Ritz, 2018, p. 12) by any other name.

Regardless of the absent glimmer of mutuality which may connect the employees working for public service providing contractors with their public sector counterparts as Jolley (2008) implores, this study demonstrates overwhelmingly that the collective PSM of employees working for DOT construction- and construction-adjacent contractors is not attributable to their firms’ compliance or noncompliance with the Davis-Bacon Act save for one variable. Yet, these conclusions still have implications for regulators. More scholars have shown interest in how private and public sector employees are dissimilar than how they are alike, and nary have the words “public servant” been used to describe to a private sector employee. But recognizing private sector entities for the public service they provide—and *proud* to provide—is a start; instead of using inflammatory rhetoric that villainizes a target population using a “devil-shift” tactic (Shanahan et al., 2011; Sabatier et al., 1987), the possible Other-regarding sympathy evidenced here can in turn be exercised by regulators towards the firms to reveal the true causes for compliance and its inverse, if not measured effectively through tools like Perry’s (1996) scales.

A ‘regulator responsiveness’ catering to contractors’ feelings—including distrust, confusion, and the anxiety of market pressures out of scope for compliance officials—or other demanding “situational imperatives” (Wilson, 1989) have been called for in the literature (Weber & Wasielesk, 2013; Parker, 2006; Ayres & Braithwaite, 1992; Gray & Silbey, 2014). Ruhnka and Boerstler (1998) are in consensus that incentives for compliance should not be wholly positive or wholly negative, especially since contractors’ inability to comply might simply be mistaken as their unwillingness to, signaling the need for additional research towards “understanding the ways in which the regulated think and make decisions about compliance [as] a condition for designing effective regulatory enforcement systems” (Winter & May, 2001, p. 675). For example, the Davis-Bacon violations—even those made intentionally—reported early in the study period (2010-2019) require a different approach when the financial duress placed on businesses during the Great Recession is taken into account. This does not in any way justify contractor malfeasance, but it may assist in bridging intersectoral perspectives and priorities required to codevelop certifiably successful corrective action plans that both remedy and reduce regulatory recidivism. If Jolley (2008) is correct in concluding that PSM exists among public-service providing private sector contractors—a premise this to which this study provides just a glimmer of corroboration—then we must *continue* “measuring public service motivation [as just] one method of determining if these contracting regimes can promote the public interest” (p. 8), not only to improve the breadth and depth of new public-private scholarship, but to restore the legitimacy of intersectoral partnerships like those tarnished by—but not irredeemable from—noncompliance with the Davis-Bacon Act.

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## Appendix A

**Table A.3. Survey**

Dimension	Var	Question	Answer Choices or Scale
Job/position title	jpos	What is your job title?	[open answer]
Race/ethnicity	race	What racial or ethnic group best describes you?	<ul style="list-style-type: none"> <li>• Asian</li> <li>• African-American / Black</li> <li>• Caucasian/White</li> <li>• Hispanic/Latino</li> <li>• Native American or Indigenous</li> <li>• Pacific Islander or Native Hawaiian</li> <li>• Mixed/Biracial</li> <li>• Other: _____</li> </ul>
Gender	gend	What is your gender?	<ul style="list-style-type: none"> <li>• Female</li> <li>• Male</li> <li>• Not Listed: _____</li> </ul>
Political Affiliation	pid	With which political party do you most identify?	<ul style="list-style-type: none"> <li>• Republican</li> <li>• Democrat</li> <li>• Independent</li> <li>• Libertarian</li> <li>• Green Party</li> <li>• Other: _____</li> </ul>
From Perry's (1996) Measuring public service motivation: An assessment of construct reliability and validity *Questions are in the order they appear to participants, not in their original (Perry's) order*			
Self-Sacrifice	scf5	I think people should give back to society more than they get from it.	Strongly Disagree < Strongly Agree
Civic Duty	ccd5	I would prefer seeing public officials do what is best for the whole community even if it harmed my interests.	Strongly Disagree < Strongly Agree
Compassion	cmp2	Most social programs are too vital to do without.	Strongly Disagree < Strongly Agree
Attraction to Public Policymaking	app1	Politics is a dirty word.	Strongly Disagree < Strongly Agree
Attraction to Public Policymaking	app2	The give and take of public policy making doesn't appeal to me.	Strongly Disagree < Strongly Agree
Compassion	cmp1	It is difficult for me to contain my feelings when I see people in distress.	Strongly Disagree < Strongly Agree
Civic Duty	ccd4	Meaningful public service is very important to me.	Strongly Disagree < Strongly Agree
Self-Sacrifice	scf8	I believe in putting duty before self.	Strongly Disagree < Strongly Agree
Attraction to Public Policymaking	app3	I don't care much for politicians.	Strongly Disagree < Strongly Agree
Civic Duty	ccd1	It is hard for me to get intensely interested in what is going on in my community.	Strongly Disagree < Strongly Agree

From Perry's (1996) Measuring public service motivation: An assessment of construct reliability and validity *Questions are in the order they appear to participants, not in their original (Perry's) order*			
Compassion	cmp7	There are few public programs that I wholeheartedly support.	Strongly Disagree < Strongly Agree
Compassion	cmp5	To me, patriotism includes seeing to the welfare of others.	Strongly Disagree < Strongly Agree
Compassion	cmp4	I am rarely moved by the plight of the underprivileged.	Strongly Disagree < Strongly Agree
Civic Duty	scf6	I am prepared to make enormous sacrifices for the good of society.	Strongly Disagree < Strongly Agree
Self-Sacrifice	scf7	I am one of those rare people who would risk personal loss to help someone else.	Strongly Disagree < Strongly Agree
Self-Sacrifice	scf1	Doing well financially is definitely more important to me than doing good deeds.	Strongly Disagree < Strongly Agree
Civic Duty	ccd3	I consider public service my civic duty.	Strongly Disagree < Strongly Agree
Compassion	cmp6	I have little compassion for people in need who are unwilling to take the first step to help themselves.	Strongly Disagree < Strongly Agree
Self-Sacrifice	scf2	Much of what I do is for a cause bigger than myself.	Strongly Disagree < Strongly Agree
Self-Sacrifice	scf4	Making a difference in society means more to me than personal achievements.	Strongly Disagree < Strongly Agree
Compassion	cmp3	I am often reminded by daily events how dependent we are on one another.	Strongly Disagree < Strongly Agree
Civic Duty	ccd2	I unselfishly contribute to my community.	Strongly Disagree < Strongly Agree
Self-Sacrifice	scf3	Serving other citizens would give me a good feeling even if no one paid me for it.	Strongly Disagree < Strongly Agree
Compassion	cmp8	I seldom think about the welfare of people I don't know personally.	Strongly Disagree < Strongly Agree
Donation	-	Which Association of General Contractors (AGC) Charity would you like us to donate to?	<ul style="list-style-type: none"> <li>• AGC Operation Opening Doors</li> <li>• AGC in the Community</li> <li>• AGC Assistance Programs</li> </ul>

## Appendix B



**Table B.2. Frequency table with independent demographic variables and dependent variable**

Variables		Description	Freq	%	Cum.
<b>Dependent Variable</b>					
Compliance	Noncompliant	At least one violation of the Davis-Bacon Act between 2010-2019	22	13.75	13.75
	Compliant	No reported violation of the Davis-Bacon Act from 2010-2019	138	86.25	100
<b>Independent Variables (Demographic)</b>					
Gender	*Male	Dummy variable for male (cis) employees	118	73.75	73.75
	*Female	Dummy variable for female (cis) employees	42	26.25	100
Political Affiliation	* Republican	Dummy variable for Republican employees	86	53.75	53.75
	* Democrat	Dummy variable for Democratic employees	21	13.13	66.68
	* Independent	Dummy variable for Independent employees	37	23.13	90
	* Libertarian	Dummy variable for Libertarian employees	7	4.38	94.38
	* Green Party	Dummy variable for Green Party employees	0	0	0
	* Other	Dummy variable for employees affiliated with unlisted political parties or unaffiliated	9	5.63	100

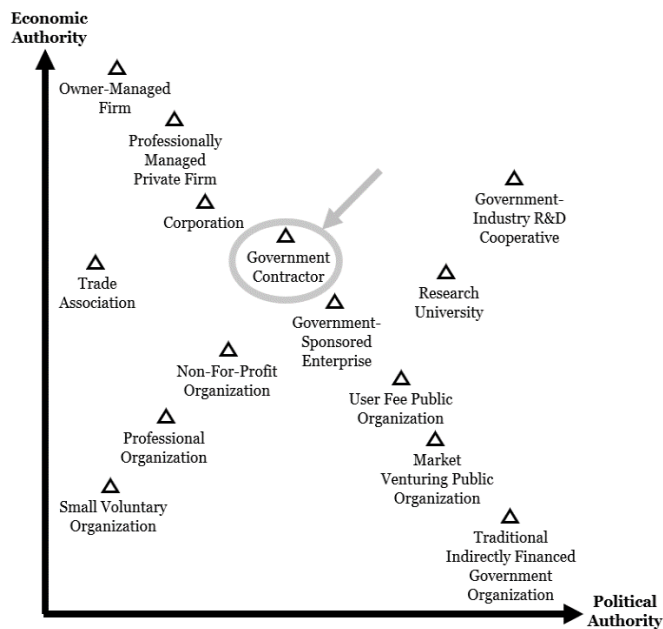
**Table B.3. Frequency table: Likert scale independent variables**

<b>Independent Variables (PSM)</b>								
			<b>Likert scale:</b>					
			Skip	1	2	3	4	5
Dimension #1: Attraction to Pub. Policy	app1	'Politics' a dirty word	0	9	44	66	24	17
	app2	'Give and take' of politics unappealing	0	4	53	45	50	8
	app3	Dislike of or indifference to politicians	12	1	18	41	61	27
Dimension #2: Civic Duty/Public Interest	ccd1_R	Intensity of interest in community activity	12	9	25	29	80	14
	ccd2	Unselfish contributions to community	16	0	11	52	71	10
	ccd3	Public service as civic duty	16	7	22	53	55	7
	ccd4	Meaningfulness of public service	0	3	11	28	91	27
	ccd5	Good for the whole vs. good for oneself	0	2	7	33	98	20
Dimension #3: Self- Sacrifice	scf1_R	Financial success vs. doing good deeds	12	0	10	54	77	7
	scf2	Participation in 'causes bigger than' oneself	16	1	17	52	65	9
	scf3	Intrinsic reward for unpaid service to others	16	1	6	21	101	15
	scf4	Making societal impact vs. personal success	16	5	28	47	56	8
	scf5	Giving back more than they get from society	0	1	8	41	85	25
	scf6	Ability to make sacrifices for good of society	12	8	34	77	25	4
	scf7	Risk personal loss to help others	12	1	15	56	68	8
	scf8	Putting duty before self	0	3	7	30	100	20
Dimension #4: Compassion	cmp1	Feelings when seeing a person in distress	0	3	25	48	78	6
	cmp2	Vitalness of social programs	0	17	58	37	41	7
	cmp3	Perception of community interdependence	16	5	16	37	71	15
	cmp4	Stirred by the plight of the underprivileged	12	15	75	37	18	3
	cmp5	The welfare of others as patriotism	12	5	8	32	88	15
	cmp6_R	Helping those unwilling to help themselves	16	31	52	30	27	4
				<b>Likert scale:</b>				
	cmp7_R	Level of support for public programs	12	14	64	28	37	5
	cmp8_R	Consideration for strangers' welfare	16	2	20	34	79	9

## SUMMARY

In response to the overarching research question—do firms that *feel* like government *comply* with government—the outlook is hazy. Just as the character of private sector organizations and their employees is best not left to assumption, so too are construction- and construction-adjacent firm and employee interests, experiences, and motives unique and largely ungeneralizable.

It is clear that FHWA-funded firms occupy space that is simultaneously public and private, but to what extent this is understood by—or what this means



**Figure 4.** Bozeman's (1987) publicness grid with contractor callout

to—the firms is unknown. Bozeman (1987)<sup>1</sup> was an early proponent of just how public private sector entities could be, positioning government contractors like a keystone balancing economic and political (public) authorities (Figure 4). Arguably, they are still in gridlocked decades later, evidenced by private firms’ behavior demonstrating a misunderstanding or blatant disregard of public expectations or requirements and lingering outgroup hostility to the very governments that fund them. If anything, the rise of CSR saturating daily life—you can’t turn on TV without seeing a company advertising for how their product will save the planet—and *voluntary publicness* of the private sector just makes those instances of noncompliance which virulently affect the public interest worse by comparison.

But it is still not “enough to determine that public organizations (by some conception) differ in their behaviors from private organizations [...] some explanation of just how the publicness of organizations affects their behavior is a requirement for significant advances in theory” (p. 40) as Bozeman (1987) argued. Much more research is needed in the public-private interface under the premise that many “disagree on the relevance of the profit motive as a distinction between public and private organizations” and that “few organizations, public or private, are driven solely by profit motives” (Bozeman, 1987, p. 48). By his conception—and by many of the findings produced herein—these firms are more or less (and for better or worse) public.

Key takeaways from this text include:

- A means for collecting and using public records for both quantitative and qualitative approaches to public and private sector research questions

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<sup>1</sup> Bozeman, B. (1987). *All Organizations Are Public: Bridging Public and Private Organizational Theories*. San Francisco: Jossey-Bass.

- The benefits of using actual violation data to research noncompliance as opposed to hypotheticals, vignettes, or self-reported compliance
- The Davis-Bacon Act's uncomfortable origins and evolution from an economic policy to a sociocultural tool
- A strong relationship identified between the number of noncompliant firms and employees identifying as Asian, Pacific Islander, or Native Hawaiian
- Gaps identified in how regulatory agencies tasked with collaborative enforcement collect data on vulnerable workers
- Benefits to standardizing data collection to prevent discrimination occurring among sub-populations which may be missed otherwise
- Rationale for expanding data collection to other vulnerable populations with characteristics protected under the Civil Rights Act (e.g., on the bases of gender identification and sexual orientation)
- The need for a policy and program development tool for Davis-Bacon akin to the FHWA's DBE Goal Setting Methodology
- The ways in which corporate social responsibility (CSR) than public service motivation (PSM) overlap, and implications for their combined emphasis
- The identification of noncompliant firm mission statements reflecting more corporate social responsibility (CSR) than public service motivation (PSM) concepts

- Improved understanding of which values are espoused by compliant and noncompliant firms through their mission statements, which may reflect their goals as an organization
- The potential benefits of incorporating mutual organizational-level concepts among intersectoral partners to solve problems, like transformational leadership (TFL)
- How and why noncompliance occurs in government contracting
- The discovery that employees of construction- and construction-adjacent firms may not identify with PSM, but
- There is a strong relationship between compassion—specifically Other-regarding sympathy—and firm compliance worthy of encouragement
- And lastly, why incentivizing survey participation with philanthropy—providing an opportunity to perform solution-oriented research while making a contribution to charity—is rewarding for everyone involved, regardless of survey outcome

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These findings may provide a starting point for regulators, their private sector partners in the field, or both—as well as those who research them—to prevent Davis-Bacon noncompliance and remedy its effects. There is much more to learn about the public and private entities coming together on 3P contracts, but more importantly, these entities should be learning more about each other. In a *Reinvented*<sup>2</sup> world, this has never

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<sup>2</sup> Osborne, D., & Gaebler, T. (1992). *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. Reading, MA: Addison-Wesley.

been easier: when approximately three quarters of PSM research uses public sector data<sup>3</sup>, and with so many public services being provided by the private sector—public and private data may be one in the same.

Just because an employee or their firm—as surveyed or espoused through communication like a mission statement—do not identify with public service motivation, does not mean that they don't wish to *serve the public* (in the sense traditionally measured by Perry (1996)<sup>4</sup> or by any other public sector literature). Private employees want to be recognized for the contributions they and their companies make towards American infrastructure, especially when it is their boots and jackhammers on the ground and not the government's. New research supporting intersectoral relationships, new framing of partners' mutual concerns, and new forms of communicating these perspectives frankly and safely between parties will always pay off—and when it comes to Davis-Bacon, perhaps even literally, especially for vulnerable workers.

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<sup>3</sup> Ritz, A., Brewer, G.A., & Neumann, O. (2016). Public service motivation: A systematic literature review and outlook. *Public Administration Review*, 76(3): 414-426.

<sup>4</sup> Perry, J.L. (1996). Measuring public service motivation: An assessment of construct reliability and validity. *Journal of Public Administration Research and Theory*, 6: 5-22.