

## **Preamble and Article I – revised July 1, 2010**

### **PREAMBLE**

#### *Transition*

On May 17, 1988, the clerical and technical staff of Harvard University voted by majority to recognize the Harvard Union of Clerical and Technical Workers as their collective workplace voice. In his statement of November 4, 1988, President Derek Bok said, “We will commence a new chapter in our relations with the Harvard Union of Clerical and Technical Workers. I will work to make this relationship as constructive and harmonious as possible.” Kris Rondeau and Marie Manna, in their letter of November 7, 1988, for HUCTW, stated, “We are looking forward to building a cooperative and constructive relationship between the Union and the administration.” The parties agreed to begin their relationship with a 60-day period of transition meetings, with the assistance of a neutral facilitator, to get acquainted, to explore mutual priorities and philosophies, to share all relevant statistical information, and to plan negotiations. The joint Transition Team recognized the opportunity of developing a cooperative problem-solving relationship between the parties and affirmed a commitment to create new patterns of relations.

#### *“Understanding”*

On February 13, 1989, as a prelude to negotiations, the Transition Team issued the following “Understanding”:

We have learned, during the transition, that we share numerous hopes and concerns. It is our common purpose, through the framework of this Understanding, to work together to advance the long-term role of Harvard University as a premier center of learning, research and teaching. It is commonly understood that Harvard has come to be governed, in the broadest sense of the term, through a cooperative process among governing boards and administrators, faculty, students and alumni, in which each plays a role. This Understanding welcomes the support staff in libraries, in laboratories, and in academic and administrative offices and centers, represented by HUCTW, as a valued and essential participant in this process.

We have also learned that we agree about the value of decentralization. The creation of knowledge and its dissemination through scholarship and teaching are decentralized at Harvard, with responsibility distributed to the various faculties and in turn to academic groups, libraries, museums and laboratories. We can agree that some matters affecting the support staff and their work environment need to be consistent across the University, while other questions are better left to joint discussion in the separate and diversified units and departments. Indeed, it is our common view that insofar as it is practical and equitable, constructive relations in the individual workplace are to be encouraged as the focus of problem-solving.

Finally, we have learned that we share a commitment to the processes of reasoned discourse in resolving problems and issues that may arise within separate departments and units, as well as in contract negotiations and University-wide problem-solving. We agree to listen to each other persistently and pay careful attention to relevant facts and concerns from all corners. We further dedicate ourselves to training and developing these problem-solving skills in the administrators and supervisors of the University and in the officers and representatives of HUCTW.

In sum, we have learned that we can begin to agree on principles and standards which can apply well and reasonably to every part of this diverse and historic institution. We are optimistic about a future which continues in that vein.

## **ARTICLE I – Staff Participation and Union-Management Partnership**

### **INTRODUCTION**

Harvard University and the Harvard Union of Clerical and Technical Workers are jointly committed to staff participation as a means of advancing Harvard's long term role as a premier center of learning and research.

Moreover, the University and HUCTW are dedicated to increasing awareness in the University community concerning collaborative efforts, including continuously creating new patterns of relations that improve the working environment and strengthen the delivery of services to the University community. While fostering greater success and achievement of the University's mission of excellence, we aim to raise the level of engagement of employees, acknowledging the contribution of each employee. The parties agree that union-management partnership is fundamental to the strength of their relationship and Agreement.

The University and HUCTW have agreed to the following basic understandings of all union-management initiatives:

- Employee participation through joint activity and joint union-management structures strengthen organizational performance and operations
- Joint efforts benefit the University and its employees best when carried out in a spirit of trust and cooperation, with open communication and attempts at consensus on matters under discussion
- An integral part of consensus building is the joint identification and objective evaluation of information and facts relevant to issues being discussed
- Dedication to developing the culture and skills necessary for working collaboratively is essential for effective, sustainable joint activity

In order to best achieve our collective goals, the University and HUCTW have created opportunities for employee participation and problem solving on several levels, that recognize where strategic and operational decisions are made.

- Academic and administrative unit level: Conversations which are specific to a school, department or unit should take place within a Joint Council, Joint Sub-unit or Collaborative Work Design structure
- University level: Conversations which affect the entire community will take place at the University Joint Council, the Joint Governance Coordinating Committee or subject-based University Joint Committees
- Individual level: Conversations involving an individual problem occur within the Individual Problem Resolution structure including, if necessary, the Regional Problem Solving Team (s) and University Problem Solving Team

By way of affiliation with a joint group, whether at the University level or the local level, a participant is part of the larger organization of union-management collaboration at the University. The JGCC acts as a conduit for all levels of participation.

### **LOCAL JOINT STRUCTURES**

#### *Introduction*

Together, we acknowledge that engaged participation by employees in the workplace can make a significant difference in organizational performance and the quality of the work environment. To achieve our greatest collective potential, it is important to create structures for employee participation at a variety of levels, including: school/ unit level and at the functional or departmental level. At Harvard, as a result of the decentralized nature of the organization, each school and administrative unit has a distinctive culture including a diversity of perspectives, issues and questions pertinent to its particular work environment. Therefore, there are mechanisms for employee participation that accommodate the unique needs of each school or unit and its staff, while at the same time being consistent with the aims and goals of the University and HUCTW's union-management partnership.

While Joint Councils have served as the main forum for staff participation in the workplace, due to differences in size, organization and geographic locations, other local mechanisms for participation have been developed over the years, and a department or school may elect to utilize a variety of joint approaches to address the particular operational and staff needs of their local area.

The parties agree on the need for flexibility in the continuous development of joint projects and structures. Where appropriate working groups may be jointly developed on an ad hoc basis of limited time duration, or upon demonstrated need as a standing sub-unit Joint Council. All local joint structures and working groups are observant of the basic understandings, principles and operational practices described herein.

## **JOINT COUNCILS**

### *Goals and Responsibilities*

The primary structure for local employee participation is the Joint Council (JC). The JC is a forum for discussing all workplace matters or issues of operational importance to the local unit that have a significant impact on staff. Such discussions may include an evaluation of current policies, as well as consideration of proposed changes in policies or in workforce arrangements affecting staff. Additionally, JCs are encouraged to align, where appropriate, with issues of University and departmental priority or across schools and units, to expand the effectiveness of their collaborative efforts. Individual problems which arise will not be addressed by the JC but will be handled under the Problem Resolution procedure described below under Individual Problem Resolution. However, Problem Solving Teams may find a recurrent problem within a specific school or administrative unit; in this case, policy aspects of such matters will be referred to the JGCC, who may in turn refer them to the local JC.

It is agreed that the JC will not have the authority to pursue any action that has the effect of amending or contravening a specific provision of the Agreement between the University and HUCTW. It is agreed further that a consensus recommendation adopted by a JC and accepted by the Dean or Vice President (or other designated administrator) will not be regarded as a precedent elsewhere in the University unless it has been reviewed and approved for wider application by the University Joint Council described below.

### *Structure*

The JC for each school or administrative department will consist of an equal number of union and management representatives of that school or administrative department. HUCTW will appoint or otherwise select representatives of the union membership. The school or administrative department will appoint members including faculty, administrators, supervisors and other staff as appropriate.

The number of members from the bargaining unit and the University will be determined by the Union and the Dean or Vice President (or other designated administrator), to achieve a balanced representation of the various constituencies within the work community.

Each school and administrative department will establish at least one JC. However, because of differences in size, organization or geographic locations and in order to locate joint activity as close as possible to shared organizational challenges, schools and departments are encouraged to consider establishing sub-unit JCs to address operational and staff needs. Sub-unit JCs will be in addition to the JC of the school or department. School or department JCs should play an important role in supporting and coordinating sub-unit JCs.

The University and HUCTW recognize the important contribution JC co-chairs and members make to the union-management relationship at Harvard. In addition to the planning of agendas, and the scheduling and facilitation of meetings, it is the responsibility of the co-chairs to represent the overarching principles of the Harvard/HUCTW partnership. Co-chairs are expected to establish routines of regular communications with the Dean and other designated senior officers of their local unit, as well as with the Harvard/HUCTW partnership.

General members contribute to the agenda, participate in discussions, interact with local staff and make suggestions for JC initiatives. In addition, members support and contribute to the implementation of

projects and events. In order to actively and effectively participate, members are expected to take on other roles as needed and participate in JC sub-committees as time allows.

## **OTHER LOCAL JOINT STRUCTURES**

The following are other structures for local staff participation:

- Sub-unit Joint Councils to locate opportunities for staff participation as close to the operational area as possible
- Work Redesign Projects to improve the ways managers and staff work together through innovative workplace changes that enhance the commitment, involvement and performance of the workforce
- Ad hoc working groups to take up projects that address operational, function-based or other issues affecting staff

### Support for Local Joint Structures

There are three key resources available to all local joint groups: the Joint Governance Coordinating Committee, the Joint Activity and Training Fund, as well as release time allocated for participation in joint initiatives. Resources are further described in University Structures under the JGCC section, pg #.

## **UNIVERSITY-LEVEL JOINT STRUCTURES**

### *Introduction*

Together, we believe there are matters of University-wide significance that a joint union-management structure can address to strengthen the organizational performance and mission of the University. To achieve this goal, the University and HUCTW have created several forums to address and support areas of mutual interests:

- University Joint Council (UJC) for ongoing structured discussions at the leadership level
- Joint Governance Coordinating Committee (JGCC) to provide oversight and support of the union-management partnership and joint initiatives throughout the University
- University-level Joint Committees to address in a timely manner University-wide subject matter policies and issues of mutual concern.

## **UNIVERSITY JOINT COUNCIL**

### *Goals and Responsibility*

The UJC is intended to create an opportunity for discussion allowing for the exchange and sharing of information and perspectives, and exploring data and trends together, regarding University-wide matters or initiatives. The UJC promotes communication and transparency within a joint union-management partnership structure regarding matters of significance at the University. To ensure this, the UJC mutually reviews and identifies areas of union-management collaboration on a University level, including opportunities for innovation and joint learning, working closely with the JGCC to sponsor these efforts University-wide.

### *Structure*

The UJC is composed of an equal number of University and HUCTW representatives. Membership consists of individuals from University leadership groups such as vice presidents, administrative deans, and faculty, as well as a similar number from HUCTW leadership. In addition, the University and the Union each designate one member to serve as co-chairs. The UJC meets regularly to discuss projects of mutual interest and may appoint working groups to support University-wide joint union-management initiatives. The UJC also coordinates closely with the JGCC through communications regarding local Joint Council and University-wide Joint Committee activities. The UJC, furthermore, uses the information gathered by the JGCC to supplement topics for discussion and further exploration by joint union-management structures.

## **JOINT GOVERNANCE COORDINATING COMMITTEE**

### *Goals and Responsibilities*

The University and HUCTW share a commitment to the concept of Union-Management partnership and believe that it is fundamental to the strength of the parties' relationship and Agreement. In order to ensure that these partnership efforts remain strong and in fact continue to grow, the University and HUCTW created the Joint Governance Coordinating Committee (JGCC).

The JGCC is dedicated to increasing the visibility and effectiveness of union-management collaborations, building University-wide awareness of the benefits of joint work, as well as fostering greater success and achievement through the support, assessment, communication and documentation of joint initiatives.

The JGCC is charged with oversight of the parties' joint committees, joint councils and problem solving teams. To this end, the JGCC will be responsible for the following:

- Ensuring that these groups are accountable to the University Joint Council (UJC) by meeting and hearing reports regularly from the joint committees, joint councils and the UPST and RPSTs
- Overseeing the administration of the Joint Activity and Training Fund
- Identifying and coordinating appropriate trainings and development opportunities for joint groups
- Providing support for joint groups facing challenges, including offering assistance in exploring alternate solutions
- Coordinating University-wide gatherings of joint councils, joint committees, UPST/RPST teams and joint co-chairs to enhance information sharing and collaboration
- Ensuring that records are maintained on RPST and UPST problem-solving activity, joint committee and joint council initiatives
- Coordinating reports summarizing joint activities (joint committees, joint councils, UPST/RPSTs and UJC) for University and Union leadership
- Identifying and developing strategies to communicate to the University and Union leadership, as well as the University community on joint activities, including the creation and maintenance of a UJC/JGCC website

In addition, the JGCC is charged with independent joint initiatives which include the following:

- Developing a framework for Collaborative Work Design initiatives across the University, including but not limited to developing and implementing Intact Team Training for managers and staff and the use of the Resource Guide for Creating and Sustaining a Collaborative Work Environment for education and training
- Improving communication, incentives and accessibility around wellness and health promotion programs and services at the University
- Identifying and developing ways to improve the financial health and literacy of the HUCTW membership, including through education and counseling related to financial planning

#### *Membership and Administration*

The JGCC is composed of an equal number of University and HUCTW representatives including those from the Office of Labor Relations and HUCTW leadership who are also members of the UJC. In addition, the JGCC will be staffed by a full-time Union-Management pair to support its work and initiatives. The Union-Management pair will be responsible for the following:

- Administering the Joint Activity and Training Fund
- Working with the joint committees, joint councils and UPST/RPSTs to coordinate trainings and gatherings
- Working with the joint committees, joint councils and UPST/RPSTs to ensure regular reporting by them
- Coordinating and setting agendas for JGCC meetings
- Coordinating UJC action-item follow up
- Producing reports summarizing joint activities as listed above
- Conducting background research in connection with JGCC independent initiatives

## **JOINT ACTIVITY AND TRAINING FUND**

The University and the HUCTW share a commitment to joint union-management activity and training for members of joint councils, problem solving teams, joint committees and others as well as a commitment to exploring issues of workplace design. Activities which foster a joint group's and/or Harvard/HUCTW's joint goals and objectives may be eligible for funding; requests for funds must be made jointly. Funding for such joint activities and training shall be provided from the agreed-upon total Joint Funds amount. Funds not utilized in any fiscal year shall be carried over to the next fiscal year.

### **TIME ALLOCATION**

The parties agree that the activities of the Joint Councils, Joint Committees and Problem Solving Teams will require a reasonable time away from other work duties. Scheduling will be mutually agreed upon between the employee and supervisor and will reflect an appropriate balance of all work commitments.

It is agreed that up to 4 hours of release time per month will be granted for joint participants. Due to the nature of co-chair responsibilities, it is further acknowledged that an additional two hours per month may be necessary to best support our joint processes.

It is recognized that the amount of time needed for the RPST will vary from one school or administrative unit to another and also from one month to another, dependent upon the type of problems or issues which may arise. The parties accept the principle that the number of RPST participants will be adjusted to prevent an unreasonable burden being placed on any given employee or work unit. In extraordinary circumstances requiring unusual time commitments, the University and Union will review the situation and alter the number of members serving on the RPST or determine another appropriate solution.

### **JOINT COMMITTEES**

The University and HUCTW have agreed to create a number of subject-based, University-level Joint Committees, allowing for regular union-management collaboration on matters of mutual concern. As expressed in their ongoing support for the work of these Joint Committees, the parties share a commitment to continuous and productive joint activity in policy areas where circumstances change and issues arise frequently. Please refer to each committee's relevant article for more information.

- Academy of Workforce Education (Article III)
- Joint Committee on the Bargaining Unit (Side Letter re: Bargaining Unit Questions)
- Joint Committee on Housing and Transportation (Article XIII)
- Joint Working Group on Life-Cycle Programs (Article X)
- Joint Work Security Committee (Article II)
- University Joint Reclassification Committee (Article XI)
- University Problem Solving Team (Article I)

### **Support for Joint Committees**

There are three key resources available to Joint Committees: the Joint Governance Coordinating Committee, the Joint Activity and Training Fund as well as release time allocated for participation in joint initiatives. Resources are further described in University Structures under the JGCC section, pg #.

### **INDIVIDUAL PROBLEM RESOLUTION**

#### *Introduction*

We acknowledge that individual workplace problems will arise at Harvard University and that a fair and constructive approach should be established to address such matters promptly. Problems should be dealt with in an expeditious manner and should be processed through the problem resolution procedure without unnecessary delay. We agree that the following principles will apply:

- Workplace problems are best solved at the local level.
- Consensus building is often the most effective approach to problem-solving.
- Open communication is essential to achieving consensus in problem resolution.

- Individuals serving in the problem resolution process must be skilled and trained .
- Participants in the problem resolution process will respect the privacy of the individual involved and will treat the issues in a confidential manner.
- The process of problem resolution is intended to be flexible and should encourage the use of all resources appropriate to the specific issues.
- The structure should encourage employees to seek resolution of individual work-related problems.
- The process outlined in the following problem resolution procedure may be modified by mutual agreement of the members of the local problem-solving group for a specific situation because of extraordinary circumstances.
- When agreement is reached in resolving a workplace problem, any corrective action required will be taken promptly.
- The individual employee whose problem is being reviewed shall be given an opportunity to be heard at each level of the problem resolution procedure. Such opportunity shall also be provided to other persons directly involved in the problem.

#### *Employee-Supervisor Discussions*

In the event an employee covered by the collective bargaining agreement experiences a problem in the workplace, every effort should be made to address and resolve the matter through direct and forthright communication between the affected employee and the immediate supervisor and/or other appropriate management personnel.

In the event an employee and supervisor are unable to resolve the problem, they should request assistance from authorized representatives of HUCTW and the local personnel office to work together in developing a fair and reasonable solution to the problem. The objective of this support is to facilitate the problem-solving process between the employee and the supervisor.

In the event a satisfactory solution to the problem is not reached, the employee, the employer, or the Union may continue the process by requesting a review of the situation with the Regional Problem Solving Team. Individuals should request RPST problem solving within 30 days of the incident/problem.

#### *Regional Problem Solving Team*

The Regional Problem Solving Team (RPST) is an important element in the resolution process. Every effort should be made to reach a satisfactory solution, and it is expected that few problems will remain unresolved at this level.

The RPST will consist of an equal number of qualified representatives selected by the University Problem Solving Team (UPST) from a pool suggested by the Union, schools and departments.

It is recognized that an integral part of consensus building is the identification and objective evaluation of information and facts relevant to an issue being discussed. This joint endeavor will be carried out by two members of the RPST, one representative of the Union and one representative of the University. The RPST should be encouraged to seek additional resources as necessary and appropriate in addressing a specific problem. An appropriate summary of the proceedings should be kept by the RPST.

In the event consensus cannot be reached within the RPST, the unresolved individual problem will be referred promptly to the University Problem Solving Team. Normally, a party seeking further review of a problem should notify the UPST within ten days of the completion of the RPST process.

#### *University Problem Solving Team*

In support of the RPST, the Union and the University will provide a University Problem Solving Team (UPST) of experienced participants. The membership of the UPST will consist of an equal number of representatives from the Union and the University whose primary responsibility will be to the UPST.

The function of this group will be to oversee the problem solving process as a whole at the University, to augment the work of the RPST and to support the concept of local problem solving. Designated members of the UPST will confer with the RPST to determine the nature of the unresolved issue. They may conduct

appropriate inquiries to assist in the resolution of the issue by consensus. The UPST will prepare a summary of its activities in each case. Normally, UPST cases should be completed within 45 days of the referral. (Note: Some cases may last longer for specific reasons.)

*Mediation to Final Conclusion*

If the problem remains unresolved after all these efforts have been exhausted, the Union or the University may request the assistance of a mediator acceptable to both parties to the Agreement. The objective of the mediator will be to seek a fair and equitable solution which takes into account the needs of the employee and the University.

The mediator may make recommendations for the resolution of the problem and, if a consensus is still not reached, will make a final decision. However, the mediator will have no authority to make a final decision on any matter which does not involve the interpretation or application of the terms of the Agreement including the provisions of the Manual determined to be arbitrable.

The University and the Union will work closely with the mediator in this process, and all reasonable resources will be made available.