

**Assessment of the Relationship between
YALE UNIVERSITY and HERE LOCALS 34 & 35
Restructuring Associates Inc.**

Restructuring Associates Inc. (RAI) interviewed more than 100 members of the Yale community in October and November 2001. Interviewees included nearly every Executive Board member from HERE Locals 34 and 35, local Presidents Laura Smith and Bob Proto, and International President John Wilhelm. RAI interviewed managers, Masters, and Deans representing a broad cross-section of University schools and departments. Labor Relations managers and their senior staff were interviewed. In addition, we interviewed key members of Yale administration, including President Richard Levin, Provost Alison Richard, and VP for Administration and Finance Bob Culver. The mayor of New Haven, a Yale trustee, and a New Haven community leader were also interviewed.

The “Observations” section of this report contains a candid description of what was shared with us by the interviewees. The “Recommendations” section highlights the critical issues that need immediate attention and must ultimately be resolved if this initiative is to be both successful and sustainable. Our purpose in this second section is to make sure that the parties do not gloss over the critical issues that must be confronted.

Observations

Consistently, interviewees described a highly adversarial and dysfunctional relationship, non-productive at its best, but often destructive, and ultimately, demoralizing for both union and management.

1. Employees describe what they perceive as a caste system at Yale. Those not directly involved in intellectual or pedagogical pursuits feel consigned to an underclass. Many managers feel that they, too, are under-appreciated. Employees have almost no input into discussions and decisions that directly affect their work. It was alleged that most managers do not regularly communicate with them or keep employees apprised of departmental goals and plans. Because of this disconnect, the endowment is viewed by some employees as a bottomless money pit, while employees are denied the tools and opportunities to fully contribute.

Repeatedly in the assessment interviews, union members expressed their loyalty to the Yale institution. They understand their role as suppliers to, and enablers of, academic life at Yale. Unfortunately, existing management systems, policies and practices have marginalized their services, disincanting and often preventing them from contributing to Yale’s growth and improvement.

- “Yale is an elitist institution with disdain for working people.”
- “Yale’s ethos of excellence stops at the academic door.”

- “I want to scream, ‘This is what I do, ask me! I can help you do it better!’”
 - “There is very little vertical mixing. Inclusivity, involvement, democracy are foreign to worklife at Yale.”
 - “Collaborative decision-making, even its mildest form, would be met with an uproar.”
2. Some employees believe that training and development of managers is practically non-existent. In the absence of a performance management system with meaningful standards, evaluations seldom occur, and accountability is diffused. There appears to be no shortage of managers, but a dearth of effective management or leadership. Nonetheless, interviewees frequently cited random examples of highly capable managers who excelled in spite of the prevailing culture.
 - “We’re treated like children. Is it any wonder that after a while you begin to behave like a child?”
 - “After a couple of years here, you just get through the day.”
 - “Given the nature of this institution and its 300 years of existence, employees cannot be motivated out of fear; therefore, leadership is an imperative.”
 3. Yale is described as deferring its investment in human capital, much as it did ten years ago with its physical plant. Employees claim that they are frequently denied training and development opportunities, resulting in hiring from the outside rather than promoting from within. Managers are not accountable for the development of their employees. Employees noted that perverse incentives exist which serve to minimize training “cost” and encourage hiring from the outside.
 4. Many interviewees described an apathetic and disengaged workforce. Numerous examples were cited of employees “gaming” the system, malingering, and disappearing for extended periods. Both managers and union leaders were faulted. Union leaders believed managers were unwilling to confront problem employees, and that when they did, they botched the job by failing to follow the contract. Managers blamed the union for defending even the most egregious behavior of its members while taking political refuge behind the duty of fair representation.
 - “When managers don’t manage, workers don’t work.”
 - “Dispirited managers are happy to get four hours per day of work from their employees.”
 - “Our union leadership is lazy and politically insecure. They prefer to hide in the tall grass and snipe at management.”
 5. Problem solving is an oxymoron in both contract administration and contract negotiations. The grievance system is rights-based, legalistic and highly contentious. Many grievances linger in the system for interminable periods; most get settled short of arbitration. Few get *solved*.

Contract negotiations are exercises in power played out on a community stage. The University is relatively impervious to strikes or the withdrawal of employee services. Instead, union power is derived by attacking Yale's reputation. Doing so effectively requires forming alliances with others and expanding the battleground beyond the bargaining table and the campus itself. An unfortunate by-product of these methods is the collateral damage done to New Haven's economic development efforts.

During the life of the collective bargaining agreement, fora for surfacing issues and concerns and joint problem solving do not exist.

- “This process is a bunch of nonsense because the union has not bought in. Fundamentally, the union does not subscribe to the view that a partnership would serve their institutional interests. Instead, they see an opportunity just to leverage the University's interests for achieving some immediate gain or breakthrough in their organizing efforts. If appeased, we'll be confronted with a never-ending set of hostage holding as a condition for maintaining their cooperation.”
 - “Bargaining is a charade, all theatrics.”
 - “Until '96, the University's bargaining tactics could best be characterized as dither, bluster, and fold.”
 - “We expend huge amounts of negative energy to acquire allies in the community who will come to our aid when the next war with the University erupts.”
 - “To get out of the union ghetto, you must first make a scene.”
 - “We need a moratorium on mud-slinging and using the media to spin our positions.”
6. The University is perceived to be anti-union. Its labor strategy was described as somewhere between union containment and union avoidance, although the management official making this statement hastened to add that the union earned it by virtue of their behavior – “intimidation, harassment, and mob techniques.”

A number of examples were cited to support the anti-union allegation:

- The “vicious anti-union campaign” waged against Local 34's organizing efforts.
- The “hard-ball tactics” used by management in the '96 negotiations.
- Emphasizing to new employees their Beck rights.
- The awarding of work in new buildings and expanding arenas to outside contractors.
- By-passing union leadership and communicating directly with union-represented employees.
- Knowingly failing to honor the collective bargaining agreement.

As a result, union preservation and growth has become a major concern. Locals 34 and 35 believe that the University is engaging in a purposeful strategy of union

containment that will surely result in a relative decline in union strength even as the University continues to expand. This fear contributes significantly to the union's desire to expand its base by organizing the unorganized.

- “The University accepts unionism as a thought proposition but quietly whispers, ‘but not on my property.’”
- “The University has great difficulty in expressing its regard for its unionized employees and the unions that represent them.”

7. Bargaining issues frequently mentioned include:

- a) Pensions.
- b) Wages, especially for occupations currently below market, and management's desire to use financial incentives to motivate employees.
- c) Advancement and promotion opportunities.
- d) Subcontracting, particularly in new buildings. Subcontracting includes concern about outward migration of jobs to the hospital (e.g., billing services).
- e) Narrow job descriptions and inflexible contract language that encourages outsourcing.
- f) Improving performance – quality, service and productivity.
- g) Growing the union/union security.
- h) Addressing the medical school's need to compete with private practices.
- i) A more effective issue resolution, problem-solving process.

8. There exists a palpable sense of pride in employees and managers alike in being a part of such a renowned institution. Many expressed their hope and belief that Yale's non-academic work environment could also become the envy of other universities. A number of key union and university leaders stated their desire to close this chapter in Yale's union-management relations and to pursue a less adversarial relationship and a more productive work environment.

- “I'm tired of fighting.”
- “A New World order is within our grasp.”
- “Yale could leap-frog its competitors and become the benchmark employer.”

Everyone we spoke with on the subject of community relations and economic development cited the enormous synergy that would flow from a combined union-University initiative.

- “The union could be a great ally in the community.”
- “Consider what could be accomplished if you combined the awesome resources of the University with 4,000 ambassadors who were daily living in, interacting with, and contributing to the economic and social welfare of New Haven.”
- “Together, we could have a huge impact on the non-working lives of our employees and that of the New Haven community at large.”

Recommendations

In our view there exists an exceptional opportunity not only to establish a less-contentious labor relationship, but also to create a results-oriented partnership that yields measurable improvements to both parties and to the New Haven community.

However, three matters require immediate attention:

1. Some understanding as to how current organizing efforts will be conducted and how the union's long-term need to grow its business will be addressed.
2. A shared view that the end goal of this initiative is substantial, sustained performance improvement that will require a profound change in the way the University manages its non-academic workforce and the union's role in representing it. A university that prides itself on developing critical thinking capabilities in its undergraduates could reap tremendous benefits from managing its own employees as if they were capable of independent thought. Yale needs the input of custodians and clericals as well as that of students, faculty and managers if it is going to find creative solutions to the problems inherent in growing and operating a \$1.4 billion university. Union and management could initiate a comprehensive redesign of the way Yale manages – the way it communicates, plans, makes decisions, trains, promotes, and rewards – its employees. This must be a systemic change clearly focused on specific goals in support of the University's larger mission. The end product could be a lasting partnership producing tangible results for employees, their union, the University, and the New Haven community.
3. An agreement that the forthcoming bargaining round be fully utilized to leverage this change strategy. A non-traditional, problem-solving process needs to be jointly designed and implemented and charged with finding solutions to many of the issues raised in this report. By way of example, joint subcommittees could be formed, jointly trained and facilitated, and charged with making consensus recommendations around the following issues:
 - a. Training, development and promotional opportunities for employees and managers.
 - b. Engaging and involving employees in how their work is done.
 - c. Developing a joint vision and strategic plan for the union-management partnership.
 - d. Improving performance, quality, service, and productivity.
 - e. Expanding membership opportunities for the bargaining units.

Other problem-solving subgroups could be formed around issues specific to their departments. The process could involve a large number of key participants in an experience that would vividly demonstrate the power of partnering to achieve results.

If the next bargaining round were conducted in a traditional manner, with all its associated behavioral trappings, a great opportunity would be missed and the residual negative climate would make the launch of a new relationship highly unlikely.