

PERSONNEL MANUEL



Harvard University &
Harvard Union of Clerical and
Technical Workers

AFSCME, AFL-CIO
October 1, 2018 – September 30, 2021

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INTRODUCTION

PREAMBLE

1. This Manual was written jointly by members of HUCTW and University negotiating teams in the course of negotiating their first collective bargaining agreement, and amended consistent with their renewal of that Agreement.
2. This Manual is an adjunct to the basic Agreement. It is designed to provide guidelines, summaries of legal regulations, recommended processes, and relevant information to employees in the bargaining unit and to supervisors. It is not intended as a rigid rule book applicable to every situation and workplace in a highly diversified University with special and changing work circumstances.

The University and HUCTW share the view, elaborated in Article I of the Agreement on Staff Participation and Union-Management Partnership, that participation and creative problem-solving are basic features of the relationship. Issues that arise at the workplace are to be resolved in this spirit. Important issues involving individuals that cannot be resolved with supervision may then be referred to the local problem-solving teams.

The University and HUCTW also share the view that only the most significant issues or cases should be considered beyond the local problem-solving teams at the level of the University-HUCTW problem-solving group. Should any issue or case arising out of the administration of this Manual remain unresolved after these efforts to resolve a dispute, the matter may be referred to mediation. In the unlikely event the matter is unresolved after mediation, and a question is raised as to the appropriateness of arbitration, that issue will be reviewed and decided by the University Joint Council (UJC), and arbitration will follow only if the UJC determines that the matter is appropriate for arbitration. This UJC procedure for determining the appropriateness of arbitration shall not apply to the basic Agreement.

The parties prefer little or no arbitration, intending to resolve virtually all matters directly or on rare occasions by resort to mediation.

The parties agree that many paragraphs in the Manual govern matters that are clearly arbitrable, such as charges of specific discrimination, challenges to discipline, non-conformance with benefits and the like, while other sections are not arbitrable, such as those relating to University Human Resources Services, I.D. cards, University services available to employees, and others. The UJC is enabled to consider any question of arbitrability relating to the Manual in terms of a specific question rather than only in general terms.

3. This Manual, for employees covered by the HUCTW collective bargaining agreement, sets forth policies governing our work lives at Harvard. For all intents and purposes, any further mention of employees in this Manual refers to those employees covered by the collective bargaining agreement.
4. This Manual is dedicated to a strong commitment by the University and the HUCTW to our working relationships and to our work in support of the University's mission of excellence in research and teaching.
5. This Manual is yours. Use it and know it.
6. If you have questions concerning this Manual or the policies herein, speak with your supervisor or your local union organizer; or call your local Human Resources Office, the Office of Labor and Employee Relations at (617) 495-2786, or the HUCTW office at (617) 661-8289.
7. Consonant with the goals of both parties, the policies in this Manual are designed to encourage flexibility in the workplace.

MUTUAL RESPECT AND COOPERATION

Harvard University is committed to recognizing and acknowledging the dignity of its employees.

All members of the Harvard community are expected to regard and relate to one another within this spirit of dignity and to treat each other as they themselves would wish to be treated.

An attitude and atmosphere of mutual respect, cooperation and consideration fosters the best work environment.

Courtesy, kindness, and respect for others are part of a positive and productive working life. This includes being sensitive to the pressures, both on and off the job, that can affect a person's performance and sense of well-being.

FLEXIBILITY

A truly flexible work environment balances the needs of the individual and the operational needs of the work unit, department or school. Harvard University is a diverse institution where a wide variety of activities support its teaching and research. In order to support the many diverse activities of the University, a high degree of flexibility for supervisors and for employees is required.

For more information regarding flexible schedule options please see Agreement: Flexibility.

PAST PRACTICES

Employees and supervisors in the past have agreed to many different and particular workplace arrangements, including but not limited to flexible work schedules, working conditions, and the authorized use of University equipment (but not supplies) on personal time.

It is expected that such arrangements will continue subject to the understanding that such arrangements do not interfere with the operations of the department or unit. Any such arrangements, either existing or agreed upon in the future by the employee and the supervisor, may be changed by agreement between the employee and the supervisor, or by the supervisor in the absence of such agreement if the change is necessary to implement a significant departmental objective. If the proposed change will have a significant effect on the employee, every effort will be made to create a reasonable transition.

It is specifically understood that nothing shall require that such arrangements be the same in each department.

GENERAL EMPLOYMENT POLICIES

AFFIRMATIVE ACTION AND NON-DISCRIMINATION

Harvard University is an equal opportunity, affirmative action employer. In order to comply with the applicable federal and state laws, the University must meet specific posting and reporting requirements to make certain that there is no discrimination in the employment or treatment of qualified employees based on race, color, religion, sex, gender identity, age, national origin, disability, veteran status, or other protected status.

It is the desire of both parties that all employees be accorded fair, equitable, and open treatment. No employee should be discriminated against in the workplace because of her/his political beliefs, sexual orientation, happenstance of birth, medical history or status, parental status, or any other reason that is not reasonably related to job performance. All members of the Harvard community are expected to act in accordance with the spirit of this policy as well as the requirements of law.

SEXUAL HARASSMENT

Introduction

Sexual harassment is discriminatory and unlawful. It may cause personal anguish as well as career damage, and as an assault upon an individual's dignity, it is clearly inconsistent with the nature of an academic community.

The purpose of this policy is to prevent sexual harassment and offer an employee who experiences harassment a swift and secure means to end it.

Sexual harassment is a violation of University policy and of state and federal law. Sexual harassment in the workplace is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may take the form of lewd and suggestive looks or comments, sexually explicit or offensive publicly displayed pictures or magazines, or physical contact. Sexual harassment need not be intentional to violate this policy. Sexual harassment generally, although not always, occurs in circumstances where the harasser has some form of power or authority over the working life of the harassed. In assessing the existence of sexual harassment in a particular case, the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred, will be considered. The determination of conduct which violates this policy will be made from the facts, on a case-by-case basis.

Under the law, Harvard University is responsible for providing a work environment free of sexual harassment. The University may pursue any complaint of sexual harassment known to it in order to satisfy this legal obligation. The responsibility of the University in handling complaints of sexual harassment extends to complaints against students, other support staff members, faculty, supervisors, administrators, and any other members of the Harvard community.

Informal Counseling and Resolution

In most instances, informal discussion, mediation and problem resolution is best to resolve perceived instances of harassment. Problems are often easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. In order to maintain control over the progress of events, the employee may first wish to seek advice anonymously.

1. *Whom to Contact*

Problems and questions relating to sexual harassment may be discussed with:

- The counselors of the Employee Assistance Program, 1-877-327-4278;
- Local sexual harassment advisors, as described below;
- A union representative;
- An administrative representative, including a local human resources officer;

These individuals may be especially useful in advising and aiding the employee's own efforts to resolve a problem. Such help may involve coaching the employee in preparation for a conversation with the person causing the problem, or assisting the employee in writing a letter to that person describing the offending behavior and requesting that it stop. Alternatively, the employee may ask the counselor or representative to meet with the person causing the problem to seek a resolution.

2. *Confidentiality*

Throughout the Informal Resolution process, the individuals listed above will ordinarily hold information in confidence unless or until the initiating employee agrees that another party or parties must be informed to facilitate a solution.

3. *Protection of the Parties*

Throughout the Informal Resolution process and the Formal Review process described below, every effort will be made to protect the employee bringing the complaint from reprisals or retaliation and to protect the rights of the alleged harasser. Proven instances of retaliation or reprisal against the employee bringing the complaint constitute a violation of this policy and are subject to appropriate sanctions. Depending on the circumstances, it may be appropriate to relocate the employee bringing the complaint or to offer leave while resolution is sought.

Formal Review

Employees have the option of initiating a Formal Review of an allegation of sexual harassment, either initially or in the event that an Informal Resolution is not reached. The locally designated sexual harassment officer and a trained HUCTW representative will be assigned to review the case together.

1. *Confidentiality*

At each step of the Formal Review, the privacy of individuals involved shall be protected, insofar as possible. Both in fact-finding and in final resolution, every effort will be made to carry out all activities on a confidential basis.

2. *When to Initiate Formal Review*

Prompt reporting is strongly urged, as it is often difficult to trace the facts of an incident or incidents long after they have occurred.

3. *How to Initiate Formal Review*

An employee may initiate the Formal Review process by written request, describing the alleged harassment.

4. *The Formal Review Process*

A. Within ten days of receiving the written request for review, these two representatives (see above) will consult with the employee bringing the complaint (“the complainant”) and the alleged harasser (“the respondent”) and others, if appropriate, in order to determine the facts and the views of both parties. The University General Counsel’s Office may also be consulted.

B. Ordinarily within 60 calendar days, but in no case more than 90 calendar days from the date on which the Formal Review process was requested, the two designated representatives will conduct an inquiry and prepare a report, in confidence, summarizing the relevant evidence and including any recommended resolution to the complaint reached by consensus. The report will be sent to the Dean or Vice President (or her/his designee), the complainant and the respondent.

C. In the event that the recommended resolution is not satisfactory to the parties involved, the matter will be referred promptly to the University Problem Solving Team (UPST). The designated members of the UPST will determine the nature of the unresolved issues and conduct further inquiry as appropriate. The UPST will complete its consideration of the matter within 30 calendar days. The UPST in reviewing the matter will consult with the Dean or Vice President of the school or administrative unit and the General Counsel of the University.

D. If the recommended resolution of the UPST is not satisfactory to the parties involved, the matter will be referred promptly to a mediator in accordance with Article I of the HUCTW collective bargaining agreement.

5. *Notice of Resolution*

When resolution is reached, the complainant and the respondent will be notified in writing of the nature of that resolution and of corrective or remedial action, if any. The Dean or Vice President (or her/his designee) will be responsible for ensuring action consistent with the resolution is taken.

6. *Penalties*

The penalties for sexual harassment depend on the nature of the offense. Where the respondent is a student or faculty member, any sanction will be determined by the disciplinary process applicable to students or faculty. Sanctions may range from reprimand to dismissal.

UNIVERSITY POLICY ON NEPOTISM

The policy of the University is that all employment decisions should be made solely on the basis of qualifications.

1. It is inappropriate for employees to be in reporting relationships with immediate family or household members.
2. Employees should neither initiate nor participate in, directly or indirectly, decisions involving a direct benefit (initial employment or appointment, retention, promotion, salary, course or work assignments, research funds, leave of absence, etc.) to members of their immediate family or household.
3. For the purposes of this policy statement: immediate family includes husband and wife or equivalents, son and daughter (including stepchildren), parents, grandparents, grandchildren, father-in-law and mother-in-law, brother and sister (including stepbrother and stepsister), brother-in-law and sister-in-law, son-in-law and daughter-in-law. Household includes individuals regularly sharing the employee's residence.

UNIVERSITY NO SMOKING POLICY

The Massachusetts "Smoke-Free Workplace Law", effective July 5, 2004, requires that an employer provide a smoke-free environment for all employees in an enclosed workplace. Thus, the University has determined that smoking is not permitted anywhere at the University, including, but not limited to, all common work areas, elevators, hallways, University-owned or leased vehicles, restrooms, cafeterias or dining areas, employee lounges, conference and meeting rooms, and all other enclosed areas in the workplace. This policy applies to all employees, faculty and staff, consultants, contractors and visitors.

Complaints regarding the enforcement of the "No Smoking" policy should be handled through the local human resource office and in accordance with procedures established in each school or department. If an employee does not get satisfactory assistance in the handling of his or her complaint from (1) the department head and (2) the local human resource officer, the employee should direct concerns to the University's Office of Labor and Employee Relations, or Office of Environmental Health and Safety. Under the law, an employee may also file a complaint with the Commonwealth's Department of Public Health, a local board of health, or a local inspection department.

UNIVERSITY POLICY ON DRUGS AND ALCOHOL

This policy statement on drugs and alcohol is designed to address the University's concerns about substance abuse and to ensure that the Harvard community complies with the Federal Drug-Free Workplace Act of 1988 (the "Drug-Free Workplace Act") and the Drug-Free Schools and Communities Act Amendments of 1989 (the "Drug-Free Schools Act") (collectively, the "Acts").

Violations of laws relating to controlled substances or alcohol are prohibited in or on Harvard premises, in vehicles provided by Harvard, at any worksite or location at which University duties are being performed by Harvard staff members, or as part of any other Harvard activities. Common examples of controlled substances, as defined by law, are cocaine, marijuana, and heroin. To acquaint members of the Harvard community with the applicable laws, the University's Office of the General Counsel has prepared a description of local, state and federal laws concerning drugs and alcohol.

This policy applies to every Harvard staff member. Each Harvard faculty should have its own drug and alcohol policy with respect to students. In the absence of a separate student policy, this policy applies.

The University will take disciplinary action against violators, consistent with federal, state and local laws. Such disciplinary action may include requiring satisfactory participation in a substance abuse treatment, counseling or education program as a condition of reinstatement or continued employment with Harvard, suspension, termination of employment, and referral for prosecution.

Substance abuse is potentially harmful to health. Because of the considerable health risks involved in drug and alcohol use, resources are available to assist the Harvard community in understanding and dealing with drug and alcohol abuse problems. Harvard staff members can learn about the dangers of substance abuse and get information about treatment and counseling options available to the Harvard community through the Office of Health Promotion and Education of the University Health Services, the Employee Assistance Program (EAP) and other activities of the Office of Human Resources. These programs and offices are part of Harvard's ongoing efforts to maintain a drug-free workplace. Additionally, any member of the University community may use the University Health Services on an emergency basis at any time, day and night.

Finally, to ensure Harvard's compliance with the Drug-Free Workplace Act, any employee who is convicted of a violation of any criminal drug law occurring in the workplace must report that conviction to her/his immediate supervisor within five days. The Drug-Free Workplace Act makes strict compliance with this policy statement a condition of employment on all federal grants and contracts. Within ten days of learning of a drug conviction resulting from workplace activities of any individual engaged in work under grants or contracts funded by a federal agency, Harvard must notify the relevant funding agency that a violation of this policy statement has occurred.

SUPPORT OF PROFESSIONAL ACTIVITIES

Employees are compensated for the performance of work that supports the administration, teaching, and research functions of the University. In addition to administration, teaching, and research, the University encourages and permits faculty and administrators to perform other professional activities. These activities may result in support needs, which should be discussed before hire. Should the overall workload become burdensome, the affected employee should discuss the matter with her/his supervisor, local human resources officer, or union representative.

PERSONAL WORK

1. Performance of personal work or services by an employee for her/his supervisor is inconsistent with the employee's basic duties and responsibilities.
2. An employee cannot be required to perform personal work or services.
3. Refusal to do personal work will not be reflected on an employee's performance evaluation, future references, opportunities for promotion, or otherwise adversely affect the work relations

TRAVEL POLICY

The basic policy guiding travel expense reimbursement at Harvard is that the individual traveler should neither gain nor lose personal funds as a result of travel assignments and that these assignments should be planned so that their cost will not exceed budgetary limitations. Thus, each traveler is to be fully reimbursed for all necessary and reasonable expenses incurred in connection with travel on University business, but travelers should make efforts to keep their expenses to a sensible minimum. As funds to support travel expenses are limited by departmental and project budgets, potential travelers should not make commitments to travel or incur travel expenses without first assuring that the proposed trip is authorized by the appropriate Dean or department head.

For specific information about the state and federal laws that regulate compensation practices and policies for employees who are required to travel as part of their work assignment, please check with the local Human Resources office or the Office of Labor and Employee Relations.

INCLEMENT WEATHER POLICY

Given that employees commute to the workplace from varying distances, under differing circumstances, decisions regarding travel during adverse weather conditions need to be made on an individual basis. Employees are expected to make every effort to come to work consistent with safety and prudence. When a concern for safety makes travel inadvisable, a paid absence may be appropriate. Decisions as to when to travel should include Department of Public Works and State Police travel advisories for the Cambridge and Longwood areas as well as for those areas through which an employee travels. In cases where staffing is vital under most conditions, each unit should cooperatively formulate an appropriate policy for dealing with inclement weather which should be communicated in advance to each employee.

The University and HUCTW agree that it would be useful to clarify how the parties will apply the Inclement Weather Policy in the Personnel Manual, cited above, in instances where the University remains open in adverse weather conditions. It is expected that, when the University remains open in such circumstances, employees who do not report to the workplace due to concern for their safety will ordinarily be paid by accumulated vacation and/or personal leave. On a local level, and by mutual agreement between a staff member and supervisor, an employee may be paid through regular pay in some instances. In determining whether regular pay will be used, supervisors may consider factors such as the following: (1) Whether the employee's job duties may be performed at home, (2) Particular health concerns of the employee, (3) The availability of public transportation for that employee, (4) The geographic location of the employee, and (5) The geographic location of the workplace.

LAWS FOR MINORS

Applicable state and federal laws provide that employees under 18 years of age may not:

- Work more than 48 hours in one workweek;
- Work more than 9 hours in any 10-hour period;
- Work before 6 a.m. or after 10 p.m.;
- Receive less than 30 minutes for a meal period;
- Work more than 6 days out of 7;
- Work where radioactive materials are stored or handled;
- Work at oiling or cleaning hazardous machinery in motion.

FILLING A POSITION

TYPES OF EMPLOYMENT

Regular Employment

An employee who is hired to work regularly 17 ½ hours per week or more without limitation as to the length of employment will be placed on the regular payroll and will be entitled to University benefits if otherwise eligible. HUCTW will be notified on a regular basis of all new hires in the HUCTW bargaining unit.

HOURS OF WORK

Workweek

The normal full time workweek is 35 hours, Monday through Friday, 9 a.m.-5 p.m., with a one hour unpaid lunch. In some departments a regular workweek is 37 ½ or 40 hours.

UNPAID MEAL HOUR

1. Employees working six or more hours in any work day are entitled to a one-hour unpaid meal period. Employees are neither required to take such meal period nor can they be required to forgo it. Employees and supervisors should seek to accommodate their mutual needs in regard to meal periods. Employees cannot forgo the unpaid meal hour in order to accrue overtime or banked time without prior approval by her/his supervisor.
2. The scheduling of the meal hour will be worked out by mutual agreement between the supervisor and employee consistent with the needs of the workplace.
3. The unpaid meal hour can be used to create a flexible schedule when discussed and mutually agreed to in advance between the supervisor and employee.
4. The unpaid meal hour is separate from the common practice at Harvard of taking informal breaks during the work day.

Temporary (Temp) and Less Than Half-Time (LHT) Employment

Philosophy Statement

It is a fundamental ideal of the Harvard workplace that, although temporary (Temp) or less than half-time (LHT) staffing is a necessary employment vehicle at Harvard, the use of Temp and LHT workers should be exceptional and strictly limited, and never at the expense of regular benefited employment. In other words, everyone who does regular Harvard work on a regular basis deserves the benefits of regular employment status.

Temp and LHT employees are not included in the HUCTW bargaining unit. Temp and LHT employment is designed for situations where short term increases in workload or short term staffing shortages require a brief expansion in employment. Also, Temp and LHT employment may be appropriate where departments have ongoing, but minimal, staffing needs for which maintaining a regular position is not practically possible. For ongoing departmental staffing needs, a regular position should be established and in the case of temporary or short term projects or staffing needs, a term position is appropriate.

Temp and LHT Employment Policy

1. A Temp employee is one who is (a) hired to work for thirteen weeks or less; or (b) hired to replace a regular employee who is absent for a period of time, but who retains a right of reinstatement (see Exceptions below). Once the Temp position ends, that same employee may not be hired as a Temp or LHT again at the University within less than 8 months. An employee's time in this position over 13 weeks will be considered a violation of the Policy, unless it falls within one of the recognized exceptions (below) or with agreement of the Union.
2. A LHT employee is one who is hired to work 14 hours or less per week. Any instance of an employee working three or more weeks of over 14 hours per week as a LHT employee within a one year period (from date of hire) will be considered a violation of the Policy. LHT policy time limits as stated here do not apply to retirees receiving a Harvard University pension, and students of the University on the student payroll.
3. Exceptions: The Temp policy as stated here does not apply to:
 - (a) An employee hired in Temp status to fill in for a regular employee who:
 - is on short term disability;
 - is on a long term leave with a right of reinstatement;
 - is on any other negotiated leave with a right of reinstatement; or
 - is receiving approved Workers' Compensation payments.

However, if it is known that a regular employee will be absent from his or her job for six months or longer, that employee's position will be posted with term employee status.

- (b) Retirees receiving a Harvard University pension, who may work as a Temp indefinitely.
- (c) Students of the University on the student payroll.

4. Cycling between Temp and LHT: A Temp employee may be switched to LHT status once, and a LHT employee may be switched to Temp status once, but otherwise cycling between Temp and LHT status will be considered a violation of the Policy.
5. The following practices in Temp and LHT employment need to be actively discouraged. They may meet the letter, but certainly violate the spirit of our agreed upon policies:
 - Use of a number of LHTs in the same work function, none of whom works more than 14 hours per week, but whose combined hours exceed 14 hours per week
 - Use of a series of Temps working 17 ½ hours or more per week in the same work function, none of whom works more than 13 weeks, but whose combined employment exceeds 13 weeks
6. Remedy: If the Joint Committee on Contingent Work (JCCW) agrees upon a violation of the policy, the JCCW will notify local management and Human Resources of the violation. Management will be required to remove the Temp or LHT employee from the position, and the same employee may not be hired again as a Temp or LHT by the University within less than 8 months, unless the position falls under the listed exceptions.

Term Employees

Term employees who are on the regular support staff payroll and are hired for a specified period of time exceeding three months when the job is posted, are part of the bargaining unit. Term employee status should not continue beyond two years, and should be limited to situations where departments have a legitimate temporary staffing need. To be considered a term job, a position must be officially coded as such in University information systems. Harvard will provide HUCTW with a list of all term positions on a regular basis.

Where a Term position ends, a department or organizational unit continues to have an obligation to that person for a six-month period. During this time, the department or unit must: (a) make an offer of employment to such individual should the same job again become available, or (b) give strong preference to such an individual in filling any new job having similar duties and responsibilities, provided that the Term employee is qualified to perform the duties of the open job.

In acknowledgment of potential disagreement between the parties over the appropriate designation of a term job, HUCTW and the University agree to review and resolve any and all disputes. Expedited mediation to conclusion, as established in Article I for the parties' problem-solving process, shall be available for any unresolved disputes about the appropriateness of term designations.

Legitimate temporary staffing needs include positions with external funding or project work with a clearly-defined and time-bounded scope.

Temporary Agency Workers

Except under extraordinary circumstances, employees of temporary agencies, including agencies specially contracted with the University, should not work in the same Harvard department or role for more than three months. Such workers do not accrue University service credit for time worked at the University while employed through a temporary agency.

Dual Employment

Occasionally, the University may employ a person in more than one department on compatible work schedules. When this occurs, one of the departments (generally the one that first employs the person, or the one that employs the person for the greater portion of her/his working hours) is considered the employee's "home" department. The employee appears on that department's payroll, and the appropriate amount of salary is charged on the regular payroll to each relevant department account. Any Payroll Authorization or Change of Status form should specify in detail the job titles, salary rates, and scheduled hours (or time status) applicable to each position held.

Under exceptional circumstances, an employee may work in one non-exempt position *and* an exempt position. Generally, this should be a very temporary situation. In all cases, it should be discussed with Labor and Employee Relations in Harvard Human Resources in advance of making an employment offer. If either or both of the positions held by the employee are in the HUCTW bargaining unit, s/he is covered by the overtime pay provisions of the HUCTW contract. S/he is entitled to time and one-half pay for all hours worked over forty in a workweek. Any questions concerning these procedures should be directed to the local human resources office.

Student Employment

The Union recognizes the University's right to employ students for the purposes of financial aid, education, research, and training. The University will not employ students as a pretext for purposefully weakening the Union or discriminating against union members. Only Harvard University students who concurrently hold positions within the bargaining unit are covered by the collective bargaining agreement.

LISTING AND ADVERTISING A POSITION OPENING

All HUCTW bargaining unit positions shall be listed on Harvard's recruitment and employment website. Such openings will be available for immediate viewing by Harvard employees as soon as it is determined that an opening exists and has been approved by the local school or unit. These positions will be available to internal Harvard employees for ten business days before being posted on the external Harvard web site.

In addition, local Human Resource offices and administrative units are encouraged to display current job postings during the internal review period.

Openings in entry-level positions in grades 47 to 49, are not subject to the same internal ten day waiting period and may be filled immediately by the hiring department, keeping in mind the Affirmative Action goals and commitments of the department and the University.

COMPLETING THE EMPLOYMENT PROCESS

Once an individual accepts a job offer, s/he must complete certain forms and documents in order to be placed on the payroll. These documents, as well as other records, must be retained by the University for the time period required by law.

1. *Working Papers for Minors*
Persons under the age of 18, in order to comply with Massachusetts law, must secure a work certificate from the Office of the Superintendent of Schools in the community in which they live.
2. *I-9 Form*
The Federal Immigration Reform and Control Act of 1986 requires all employers to verify the identity and employment authorization of every person hired after November 6, 1986. Employees must complete the Employment Eligibility Form (Form I-9) within 72 hours of their start date. Employees who are unable to secure documentation should contact their local human resources office.
3. *State and Federal Taxes*
Most new employees complete withholding statements in their hiring departments; these forms are forwarded to the Financial Systems Office. New employees who are not U.S. citizens or who do not hold permanent

immigration visas should contact University Financial Services at (617) 496-6800 1033 Massachusetts Avenue, Cambridge in order to receive counseling on the proper tax treatment.

4. *Social Security*

A new employee must present a Social Security number at the time of employment or immediately thereafter. Employees are covered by Social Security, except those who have, in the past, elected not to be covered and those not eligible under the law. Social Security taxes are deducted from each paycheck from the first day of employment as required by law.

5. *Records Required by Law*

The U.S. Department of Labor requires the employer's records to show the following for all *non-exempt* employees:

- A. Time and day of week on which the employee's workweek begins;
- B. Home address;
- C. Date of birth if under 19;
- D. Occupation in which employed;
- E. Regular rate of pay and basis on which wages are paid;
- F. Total daily or weekly straight-time earnings or wages;
- G. Total premium pay for overtime hours (weekly overtime excess compensation);
- H. Total additions to, or deductions from, wages paid each pay period;
- I. Total wages paid each pay period;
- J. Date of payment and the pay period covered by payments;
- K. Hours worked each workday and total hours worked each workweek.

Item "A" is standard throughout the University. Items "B" through "E" are currently kept in the University Human Resources Office records for salaried and hourly employees, and on casual vouchers for casual employees. Items "F" through "J" are kept on the standard Financial Systems payroll records.

NOTE: Item "K" will be kept by the employee's department. To prevent misunderstandings relative to actual time worked during any given period, the employee's regular work schedule should be recorded, and a specific record should be kept of any deviations from this regular schedule. Federal law requires that this record be retained by the office keeping the record for a period of three years from the day of the workweek which it covers.

PRIOR SERVICE CREDIT

The prior service credit described in this section does not apply to the Flexible Benefits Plan or the Staff Pension Plans. Credited service for these plans is specifically described in those plan documents and remains unchanged.

1. Prior service credit will be calculated by the method described below. Prior service credit does not apply to previously cashed-out benefits such as severance, pension and vacation pay.
2. Service credit pertains to benefits that require minimum periods of service.
3. Once an employee completes one year of uninterrupted regular employment, that year and all subsequent periods of regular employment, regardless of breaks, shall be counted toward prior service credit (subject to the guidelines in No. 5 below). All benefits that require a minimum number of years of continuous service will be available to those with the same minimum number of years of prior service.
4. Employees returning within two years following a layoff from the University, employees who leave the University for less than 30 days, and employees returning from a military leave of absence will receive credit not only for their prior service but for their time away from the University as well. Service earned in casual employment immediately prior to regular employment is also counted toward prior service credit as described in the Types of Employment section in this Manual.

5. Prior service and previously accrued sick days will be credited in full after the employee has completed the Orientation and Review Period for the job in which he or she has been rehired. No more than 24 accrued sick days (2 years' worth) can be carried over from prior service.
6. Employees may upon request have their prior service history reviewed. For an employee with breaks in service prior to July 1, 1989, the evaluation of prior service will depend on the availability of records verifying dates of service.
7. Employees should review their employment history and verify all benefits, including unused sick days, with their local Human Resources Office before leaving the employment of the University.

POLICIES FOR NEW EMPLOYEES

ORIENTATION AND REVIEW PERIOD

1. The three month period following date of hire is a time for the employee and the supervisor to determine whether there is a good fit between the job needs and the employee.
2. Certain standards of performance and conduct must be maintained by all University employees.
3. To help ensure the success of new hires, regular and effective communication between supervisor and employees is essential. During this period they should meet regularly to review expectations and performance. If problems arise, the parties should contact the local Human Resources Officer and the union representative well before the end of the three month period. If within this three month period the employee and/or the supervisor decide the employee and the position are incompatible, then either party can terminate the relationship.
4. Extension of the three month period is possible only under extraordinary circumstances and only by agreement between the Office of Labor and Employee Relations and an HUCTW representative.
5. If the problem has been such that placement in another position would be appropriate, the employee should be counseled to contact her/his area Human Resources Officer and/or the Labor and Employee Relations Department of Harvard Human Resources to initiate procedures to begin a new job search.
6. The review process described above replaces the Disciplinary Process described in this Manual.

TRANSFERS

To be eligible to transfer, an employee must have been in her/his current position for at least six months on the regular payroll and be meeting current job standards.

Transfer candidates will receive preference when the decision to hire is between equally qualified internal and external candidates bearing in mind considerations of affirmative action.

All transfer candidates will receive timely and appropriate information and appropriate feedback on a decision not to interview or not to hire.

I.D. CARDS

I.D. cards are issued to all staff members. Local Human Resource Officers can direct new staff members to the nearest location to have their photograph taken. If an employee's I.D. card is lost or stolen, s/he must report this to the I.D. office and the card will be replaced immediately.

I.D. cards are used for library privileges, discounts at the Harvard University Press, membership in the Harvard Cooperative Society, use of the Harvard University Housing Office, and other services that require proof of Harvard employment. They are not transferable to other individuals under any circumstances.

Certain departments, for security purposes or other reasons, may have established procedures for employee identification that differ from the standard I.D. cards. Employees hired in these areas will be informed of what is required by their supervisors.

BENEFITS ENROLLMENT AND APPEAL

BENEFITS ENROLLMENT

To be covered by the available benefit plans, employees must fill out the necessary forms:

1. A benefits package is mailed to the employee at their home address. If the employee does not receive a package within their first week of employment, they should contact the Benefits Office.
2. Employees must select and enroll in the plan of their choice within 30 calendar days of their date of hire. Most plans have a limited enrollment period.
3. Individuals failing to enroll in health plans will be charged directly for any services rendered at University Health Services.

APPEAL PROCEDURES

An employee who believes s/he has been adversely affected by a misinterpretation or misapplication of the provision(s) of a University benefit plan may request a review by the University Benefits Committee. The request for review should be submitted to the Director of Benefit Programs for appropriate handling.

UNIVERSITY RECORD KEEPING

ACCESS TO PERSONNEL FILES

In keeping with the letter and the spirit of the law:

1. Personnel File is defined to include those files which are kept by the Office of Human Resources (“University File”), the employing department or school, and the office for which the employee works (including supervisors’ working files) to the extent that they may be used in connection with an employee’s employment.
2. No other files may be used by the University to affect the employment status of an employee.
3. The only people who have automatic access to any employee’s Personnel Files are (1) those whose job it is to maintain and keep up the files; (2) the employee; and (3) a designee of the employee. In addition, the Office of the General Counsel will have access to any file of an employee on a need-to-know basis. Other University representatives may have access on a need-to-know basis. The employee affected will be notified when access is requested for other than routine functions of the Office of Human Resources, supervisor, or local human resources office.
4. Personnel Files are confidential and those who have access must respect that confidentiality.
5. Every employee has the right to see her/his file upon request and to know where those files are kept and by whom. Written request is needed to obtain copies. Advance notice is not necessary.
6. The request to see a Personnel File will be kept confidential.

7. No material reflecting on an employee's performance or conduct will be placed in that employee's file without her/his knowledge.
8. Material will be removed from an employee's file when mutually agreed upon by the employee and the employer.
9. Employees have the right to add an explanation to any material in their files.
10. Employees have the right to place letters of recommendation or any other relevant material in their files.
11. The Office of Human Resources is authorized to verify only job titles, social security number, and dates of employment. Except where release of material is required by law, employees must authorize the release of any further material from their Personnel Files.
12. Material from an employee's Personnel File will be available to hiring managers and will transfer with that employee from one department to another. Every new file may contain the contents of the University File.
13. Employees are therefore encouraged to copy and retain material that may be of future use should they transfer within or leave the University. In the case of transfer, an employee may insert any such material into her/his new file at the new location.
14. Files are kept by individual departments for at least three years after an employee leaves that department. Some departments may keep files longer. The University Files are retained indefinitely.
15. Written explanations shall be provided upon request for any coded material that appears in an employee's file.
16. The University may take appropriate action to meet its responsibilities in connection with criminal investigations.

CHANGE OF PERSONAL INFORMATION/STATUS

An employee should notify her/his supervisor of any change in name, home address, home telephone number, marital status, tax withholding, or address to which a paycheck is to be sent, and fill out all necessary forms.

The University will notify the Union, in a timely fashion, of any changes in an employee's name, address, work location, or job title.

PAID TIME OFF

VACATION

Vacation Time Accrual

1. Each full-time employee accrues vacation time at the rate of 1 ¼ days per month of completed service (or 15 days per year), up to a maximum total of 30 days.

Note: For purposes of calculation, a person who begins work before the 16th of the month is entitled to a full month's credit toward vacation; a person who begins work on or after the 16th of the month does not receive vacation credit for that calendar month.

2. A new employee begins accruing vacation immediately, but generally no vacation may be taken until the Orientation and Review Period has been completed.
3. Employees are encouraged to take earned vacation leave. Normally, no accrual is allowed beyond the stated maximum. On rare occasions, the following written exceptions may be granted:

- A. When an employee requests, and the department agrees, an employee can bank vacation time for a specific future use;
 - B. When an employee is asked, and agrees, to defer taking some or all of her/his vacation because of the work requirements of the department;
4. A part time employee accrues vacation time on a prorated basis, in proportion to the percent of time worked. Vacation time accrues in hours and should be tracked in hours. For example, an employee regularly working 17 ½ hours a week (or 50 % of a full time, 35 hour week) accrues 50 % of the number of paid vacation hours that a full time employee would accrue. (See Agreement: Vacation, Sick and Personal Time Accrual Chart.)
 5. Vacation time does not accrue while an employee is on a leave of absence without pay, but the period of leave does not count as a break in service when calculating the amount of service required for extra vacation.
 6. When an employee transfers from one department to another, the previous department is responsible for covering the cost of all accrued vacation not yet taken at the time of transfer, including arrangements for vacation time banked beyond the maximum. Any new arrangements on the use of the total banked time should be reached by mutual agreement with the new department. Employees should know that in the case of transfer, banked vacation time is not a factor in any hiring decision.
 7. Upon termination of employment for any reason, an employee will be paid for any vacation accrued but not taken, unless special arrangements are made. Employees will not be paid for any time accrued beyond the maximum allowable total, except when prior arrangements have been made.

NOTE: For purposes of calculation, a person who ends work before the 16th of the month does not earn vacation credit for that month; a person who ends work on or after the 16th of the month is entitled to a full month's credit toward vacation.

Longer Service Employees and Special Vacation Benefits

To recognize and reward longer service given by an employee to Harvard, vacation time is earned at a higher rate, and the maximum total accrual increases.

1. For employees who have accrued five or more years of service credit, the monthly vacation accrual rate increases upon the employee's anniversary date from 1 ¼ days per month of service (a total of 15 days per year) to 1 ⅔ days per month of service (a total of 20 days per year). The maximum accrual increases from 30 days to 40 days. A part-time employee accrues vacation time on a prorated basis in proportion to the percent of time worked. Vacation time accrues in hours and should be tracked in hours.
2. In addition, all longer service employees receive extra vacation according to the following schedule:

Years of Service Completed	Additional Vacation Time
15 years	5 days
20 years	10 days
25 years	20 days
30 years	25 days
35 years	30 days
40 years	35 days
45 years	40 days
50 years	45 days

- A. This extra vacation time is granted once each fifth year of service, and unlike regular vacation, is not granted on an accrual basis. Therefore this time must be used within the following 5-year period or it will be forfeited. A part-time employee is granted vacation time on a prorated basis in proportion to the percent of time worked. Vacation time is granted in hours and should be tracked in hours. (See Agreement: Vacation, Sick and Personal Time Accrual Chart.)

- B. When scheduling vacation, longer service employees should indicate whether the time to be used will be taken from their accrued bank or from extra vacation time.
 - C. Pay in lieu of this extra vacation will be granted if the employee retires or terminates prior to using it; or if departmental work and scheduling requirements would be better served by pay in lieu of extra time off, and the employee agrees to this alternative.
3. **Vacation Days to Tax Deferred Account.** Employees with at least ten (10) years of service will be given the option of cashing out accumulated vacation days for the exclusive purpose of depositing such funds into a Tax Deferred Account (TDA) according to the following schedule:

Years of Service Completed	Vacation Time
10 years	5 days
15 years	10 days
20 years	15 days
25 years	20 days
30 years	20 days
35 years	20 days
40 years	20 days
45 years	20 days
50 years	20 days

Those eligible to participate in the program will be notified in the calendar year preceding their anniversary. Information about how to participate in the program will be sent out to all eligible staff. For more information, contact the Benefits Office at (617) 496-4001 or the HUCTW office at (617) 661-8289.

Scheduling

Employees will begin discussion of their vacation scheduling with their supervisors as far in advance as possible. In scheduling vacations every effort will be made to accommodate the desires of the employee in the context of the needs of the workplace.

SICK PAY

Introduction

The University and the Union share a common concern for the work that needs to be done and the well-being of those who perform the work. Thus, it is expected that each employee comes to work when their health circumstances permit, and remains away when it does not. Therefore, the parties have agreed that union members will earn and accrue paid sick days that they may use to provide protection against loss of pay due to absences from work necessitated by illness or injury.

Sick Time Accrual

1. Each employee accrues sick days at the rate of one day per month of completed service. Accrued days that are not used are “banked” for future use up to a total of 130 working days. For purposes of calculation, a person who begins work before the 16th of the month is entitled to a full month’s credit toward sick time; a person who begins work on or after the 16th of the month does not earn sick pay credit for that particular month.
2. A part-time employee accrues sick pay on a prorated basis, i.e., in proportion to the percent of time worked during the accrual period. Sick time is granted in hours and should be tracked in hours. For example, an employee who may be regularly working 17½ hours a week (or 50% of a full-time, 35-hour week) accrues 50% of the number of sick day hours that a full-time employee would accrue. (See Agreement: Vacation, Sick and Personal Time Accrual Chart.)
3. An employee will not be paid for any accrued sick days that have not been used.

4. Sick days do not accrue while an employee is on a leave of absence without pay, but the time spent on any leave that is less than a year in duration is counted as prior service. (See Manual: Short Term Disability.)
5. An employee who is sick on a holiday receives regular holiday pay for that day, and the day is not subtracted from the total number of sick days they are entitled to.
6. If an illness or injury effectively prevents the use of part or all of a vacation period, an employee who has accrued sick pay is entitled to have the period of time during which they are ill charged to sick pay rather than to vacation pay. Ordinarily, an employee should notify their supervisor as soon as possible when this occurs.

Use of Sick Time

Harvard's sick day plan has been designed to provide protection against loss of pay due to absences from work necessitated by illness or injury. Sick days may be used for the following:

1. Employee: When an employee's illness or injury prevents them from reporting to and performing their job duties.
2. Dependents: An employee may use up to twelve sick days a year for the care of ill dependents. For the purposes of this agreement, dependent is defined as: child (including a court-appointed guardianship relationship), parents/parents-in-law, spouse/domestic partner.
3. Appointments: If an employee must schedule a medical or dental appointment during working hours, it should be scheduled by mutual agreement with the supervisor. The employee can use accrued sick days or make up the time.

When Medical Evidence May Be Required

1. Ordinarily, an employee is responsible for making a judgment about returning to work after illness. An employee absent from work based on medical advice may be required to present medical evidence of their ability to return to work.
2. When an illness or injury prevents the use of part or all of a vacation period and that time is charged to sick pay rather than to vacation pay.
3. Ordinarily, there will be no penalties for needing to take accrued sick days. An employee's misuse or abuse of sick time may also be addressed through the disciplinary process and/or problem solving.
4. In the event of ongoing excessive absenteeism medical evidence may be required.

Related Policies

Refer to Index: Short term disability; Workers Compensation; Family Medical Leave, Maternity Leave, Prior Service Credit. (See Agreement and Manual.)

HOLIDAYS AND PERSONAL TIME

Regularly Scheduled Holidays and Personal Time

Holidays regularly observed by the University and for which employees receive paid time off are:

- New Year's Day
- Martin Luther King's Birthday (3rd Monday in January)

President's Day (3rd Monday in February)
 Memorial Day (Last Monday in May)
 Independence Day
 Labor Day (1st Monday in September)
 Columbus Day (2nd Monday in October)
 Veteran's Day
 Thanksgiving (4th Thursday in November)
 Friday after Thanksgiving
 One-half of the working day before Christmas
 Christmas Day

- A. A recognized holiday which falls on a Saturday will normally be observed on the preceding Friday. A holiday which falls on a Sunday will be observed on the following Monday.
- B. A holiday which occurs during a vacation period shall be considered a paid holiday and will not be charged as a vacation day.
- C. A holiday which occurs during the period an employee is out sick with pay shall be considered a paid holiday and will not be charged as a sick day.
- D. If a holiday occurs on a Monday immediately preceding a Tuesday on which an employee returns from a leave of absence or a summer layoff, the employee is entitled to the holiday pay.
- E. An employee whose employment terminates for any reason is not entitled to pay for any holiday observed after her/his last day of work, unless the holiday is observed on the last day of the workweek and the employee works the first four days of the workweek.

Winter Recess

Winter Recess and Holiday Schedule December 2018-January 2019

Monday December 24	Tuesday December 25	Wednesday December 26	Thursday December 27	Friday December 28	Monday December 31	Tuesday January 1
1/2 day holiday (observed)	Holiday (observed)	Paid Recess	Paid Recess	Paid Recess	Paid Recess	Holiday (observed)

Winter Recess and Holiday Schedule December 2019-January 2020

Tuesday December 24	Wednesday December 25	Thursday December 26	Friday December 27	Monday December 30	Tuesday December 31	Wednesday January 1
1/2 day holiday (observed)	Holiday (observed)	Paid Recess	Paid Recess	Paid Recess	Paid Recess	Holiday (observed)

Winter Recess and Holiday Schedule December 2020-January 2021

Thursday December 24	Friday December 25	Monday December 28	Tuesday December 29	Wednesday December 30	Thursday December 31	Friday January 1
1/2 day holiday	Holiday	Paid Recess	Paid Recess	Paid Recess	Paid Recess	Holiday

For calendar year **2018**, paid winter recess time has been granted to staff members to be utilized on December, **26, 27, 28, and 31**.

For calendar year **2019**, paid winter recess time has been granted to staff members to be utilized on December, **26, 27, 30 and 31**.

For calendar year **2020**, paid winter recess time has been granted to staff members to be utilized on December, **28, 29, 30 and 31**.

Essential personnel who may be required to work on the days specified above as “paid recess” may take those days of personal time off at another time consistent with the provisions of the personnel manual.

Holiday Pay

1. Part Time Employees

- A. If a holiday falls on a day that a part time employee is normally scheduled to work, s/he will be paid as usual for her/his regularly scheduled hours for that day off.
- B. If a holiday falls on a day that a part time employee is not normally scheduled to work, s/he will bank the number of pro-rated holiday hours, based on her/his part time schedule (one fifth of the regularly scheduled weekly hours). For example, an employee who works half time (17 ½ hours per week) will bank a half day (3 ½ hours) for that holiday.
- C. Employees with flexible schedules and their supervisors should establish a set default schedule for holiday weeks for the purpose of calculating holiday pay and/or time banked.
- D. If a part time employee is required to work one of the three extra paid recess days during the Winter Recess, s/he will bank her/his regular number of hours for that day.

2. Full Time Employees with Flexible Schedules

- A. If a holiday falls on a day that an employee with a flexible schedule is normally scheduled for work, s/he will be paid as usual for her/his regularly scheduled hours for that day off.
- B. If a holiday falls on a day that a full time employee with a flexible schedule is not normally scheduled to work, s/he will bank the equivalent of one day, calculated as one fifth of her/his regularly scheduled weekly hours.

3. Working on a Holiday

Employees who are required to work on the date a holiday is observed or the actual date of the holiday (e.g., January 1st for New Year’s Day, July 4th for Independence Day, November 11th for Veteran’s Day or December 25th for Christmas) should be compensated for the loss of the holiday. All employees who are required to work on a holiday (observed or actual) will be paid at the rate of time and one half for the hours worked on that day. The employee will also have the choice of an additional day off with pay or an additional day’s pay. The value of the day will be calculated at one fifth the total regular weekly hours. If the employee chooses to take this time as a floating holiday, the time will be taken within the academic year (July 1 - June 30) and be agreed to with the supervisor. Employees who work on both the observed and actual date of the same holiday will only be compensated for the loss of one holiday. For example, an employee who works on both Sunday, December 25th (actual Christmas Holiday) and Monday, December 26th (observed Christmas Holiday) will only be compensated for the loss of one holiday based on the language above.

Personal Days

Each January 1st the University grants three personal days off with pay to employees. These days may be taken at the discretion of the employee, where possible by agreement with the supervisor. Because personal days do not accrue from year to year, they must be taken prior to the beginning of the next calendar year. Employees leaving the

University will not be paid for their unused personal days. Normally, new employees must complete the Orientation and Review Period before using any personal days.

Employees acquire personal days on a prorated basis according to their date of hire as follows:

- 3 personal days if first day of work is prior to **April 1**
- 2 personal days if first day of work is between **April 1 and June 30**
- 1 personal day if first day of work is between **July 1 and September 30**
- 0 personal days if first day of work is **October 1 or after**

Part time employees also acquire personal days on a prorated basis, in proportion to the percent of time worked. (See Agreement: Vacation, Sick and Personal Time Accrual Chart.)

Religious Observances

The University will reasonably accommodate an employee's request for time off for Sabbath or religious holy days of the employee, provided, however, that any employee intending to be absent from work when so required by his or her religion shall notify the University not less than ten days in advance of each such absence and that any such absence from work shall, whenever practicable in the judgment of the University, be made up by an equivalent amount of time at some other mutually convenient time. The employee may choose to have time off charged to vacation or personal time or taken without pay. "Reasonable accommodation," as used herein, shall mean such accommodation to an employee's religious observance or practice as shall not cause undue hardship in the conduct of the "business" of the University.

BREAK TIME

Recognizing Commitment to Workplace Needs:

Break time, both structured and unstructured, already exists in many places.

Break time, structured or unstructured, should be available to employees.

RELEASE TIME

1. *Release Time for Coursework and Professional Development*
Release time provisions to attend classes are outlined in Education and Career Development of the Agreement, which describes the Tuition Assistance Plan and the Harvard Academy of Workforce Education.(See Agreement Article III, Education and Career Development)
2. *Bridge to Learning and Literacy*
The Harvard Bridge to Learning and Literacy is a worker education program for hourly employees at Harvard University. Release time for Bridge Program participants will follow established Bridge Program requirements. More information is available on their website.
3. *Release Time for Union Leaders*
See Agreement: Side Letter re Time Allocation.
4. *Release Time to Vote*
A regular employee must be given time off with pay, if such time off is necessary in order for him/her to vote. Normally such time off is not necessary because the period of time the polls are open extends beyond most normal work schedules.
5. *Release Time for Retirement-Oriented Development*
Employees who have completed 10 or more years of service and who are at least 60 years of age may be granted time off with pay for the purpose of pursuing retirement-oriented development if, in the opinion of the supervisor, staffing and workload permit. The purpose of the time off is to allow the employee, in the years immediately preceding planned retirement, to participate in volunteer activities or other specific developmental

programs (for example, a vocational or second career skills development), which will facilitate planning for later age. Such time off normally will not exceed 3 hours per week and will require a letter from the employee to her/his supervisor detailing the activity. If release time is granted, a supervisor may require evidence of employee participation. Time off for an activity of unspecified duration (e.g., on-going volunteer work) is subject to quarterly review in terms of department needs and appropriate pre-retirement transition.

PAID LEAVES OF ABSENCE

The following paid leaves will be available for the purposes specified. The use of these leaves will ordinarily require advance agreement on the terms with the supervisor.

Bereavement Leave

An employee may be absent with pay for up to three days when called for by a death in the immediate family or household. The University recognizes that this will not be adequate in all cases and, in circumstances of logistical difficulty or severe emotional distress, a longer paid absence will be appropriate. For the purpose of this policy statement: (1) immediate family includes husband and wife; son and daughter (including stepchildren), grandchild, son-in-law, and daughter-in-law; parent (including stepparent), grandparent, father-in-law, and mother-in-law; and brother and sister (including stepbrother and stepsister), brother-in-law, and sister-in-law; and (2) household includes individuals regularly sharing the employee's residence. A paid absence may be appropriate for mourning the death of a person whose relationship is not defined in the above statement but whose impact is comparable to that of the immediate family.

Jury Duty

An employee will receive her/his regular salary while serving on jury duty.

Court Leave

An employee will be given time off with pay if s/he is required to appear in court as a witness, or in special circumstances, where it becomes necessary or unavoidable for the employee to be in court as a party to the action. While a leave is not ordinarily granted to an employee who chooses to initiate a court action, a leave will be provided when, after a discussion with the supervisor and/or local human resources officer, all agree that a leave is necessary.

Annual Military Reserve Training

A regular employee who is required to participate in two weeks annual training as part of a military service program will be paid the difference between her/his regular salary and the pay s/he receives for the reserve training. Time off for such training is not considered vacation time.

Emergency Leaves

It is recognized that, due to emergencies or other unforeseen circumstances, brief absences from the workplace are sometimes necessary. When such an absence is not covered by other paid time such as sick days, personal days, or vacation, release time may be appropriate.

UNPAID LEAVES OF ABSENCE

Introduction

1. Leaves are a temporary absence from the payroll for more than 30 days.
2. Terms and conditions of all leaves must be agreed to in writing by the employee and her/his supervisor or department head in advance of the leave, and must be consistent with the policies in this section.

3. The terms of the leave agreement should be documented using the Leave of Absence Payroll Form and an accompanying letter or leave of absence agreement form signed by both parties. Copies of this documentation should be provided to the employee and put on file at the Office of Human Resources.
4. The leave agreement must include the length of leave and conditions of reemployment. Any agreement must be signed by the administrative head of the largest unit involved in the rehiring agreement, or her/his designee.
5. It is strongly recommended that the employee and the supervisor or department head consult a union representative and a local human resources officer, respectively, for information and options before finalizing any leave agreement.
6. Paid employment while on leave is permitted subject to the provisions of Section 3 under Long Term Personal or Career Development Leave and can include contingent employment at the University as well as other forms of unbenefited employment outside of Harvard.
7. Eligibility for vacation and sick pay does not accrue while an employee is on a leave of absence without pay. Vacation and sick days do accrue when an employee is away from work on accrued sick or vacation time before an unpaid leave begins.
8. An employee may remain a member of the Medical Program, Dental Plan, Group Life Insurance, and Long Term Disability Plan during a leave of absence. The employee is responsible for premium payments during the leave unless participation is waived at the beginning of the leave.
9. Under the Staff Pension Plans, an employee continues to earn pension credit during a leave of absence, provided s/he returns to work and the total credited service, excluding the leave period, is equal to at least 5 years. Questions may be referred to the Benefits Office (617) 496-4001.
10. An unpaid leave of absence is counted as prior service for all other benefits that have a minimum service requirement, such as tuition assistance, disability coverage, and the amount of service required for extra vacation.
11. If an employee fails to return to work as scheduled and does not obtain an extension of the leave, employment will be terminated.
12. Ordinarily, a leave of absence will not be available to an employee who has not completed the Orientation and Review Period.

Short Term Personal Leave

1. A leave of 31 to 90 days shall be available to employees unless it is inconsistent with the work needs of the department. Such a leave will not be unreasonably denied.
2. This leave is appropriate for an employee to address personal needs and may be available on a seasonal basis.
3. The employee will be automatically reinstated in her/his job upon return from the leave, unless the parties have otherwise agreed in writing.

Long Term Personal or Career Development Leave

1. Long term leaves of at least three months and up to one year are available to any employee with five or more years of prior service to the University. Such leave will not be unreasonably denied.
2. This type of leave is intended to give employees the opportunity to explore or expand interests related or unrelated to their present work at the University with the assumption that they will return to employment at the University.

3. While on leave an employee is not ordinarily permitted to work in a position with benefits, unless agreed to in advance. Such employment may be grounds for denial of a leave or written notice of termination of a leave in progress.
4. A long term leave agreement will ordinarily include either a guarantee of reemployment in the same job or preferential hiring for any similar open position in the unit upon return from the leave.
5. Extension of a long term leave for an additional period of time up to one year is available to an employee with five or more years of service, subject to review and agreement. An extension will not be unreasonably denied.

MILITARY LEAVE

Harvard University grants leaves of absence and extends reemployment rights to qualified employees engaged in military service in accordance with applicable law. Employees who enter active duty, on either a voluntary or involuntary basis, as members of the armed forces (Army, Navy, Air Force, Marines and Coast Guard) including the Reserves, the Army and Air National Guards and the commissioned corps of the Public Health Service, and any other person designated by the President are given protection under USERRA (Uniformed Services Employment and Reemployment Rights Act).

Employees covered by USERRA and any other applicable state or federal laws are protected from employment discrimination for seeking to serve or serving in the uniformed services. The University is obligated to grant military leaves of absence to employees who qualify under USERRA and to treat service members on leave in the same way other employees on unpaid leaves are treated.

For specific information and questions about benefits coverage during military leave, contact the Benefits Office (617) 496-4001. General policy and procedural questions should be directed to the local human resources office or the Office of Labor and Employee Relations (617) 495-2786.

ADDITIONAL COMPENSATION

OTHER INCREASES

Salary increases, other than regularly scheduled as outlined in the Agreement, may be granted at any time, subject to policy and approval requirements established by local units and the University. At a minimum, proposed increases must be discussed with and approved by the local personnel office responsible for the area.

OVERTIME AND COMPENSATORY TIME

Every non-exempt employee who works beyond her/his regularly scheduled hours has a right, guaranteed by law, to be appropriately compensated for extra time worked.

1. In calculating hours worked for overtime purposes, all hours “paid” are considered hours “worked.” That is, extra hours worked in a week where a paid absence also occurs (a holiday, sick day, vacation, etc.) are compensated according to overtime policy. There is one exception: Comp time hours “paid” are not considered hours “worked.”
2. Occasions may arise which necessitate unanticipated overtime work. Employees should try to accommodate such needs of the workplace, but should not be required to do so if they have a prior conflicting commitment which they cannot reasonably alter. If such instances become routine, the situation should be evaluated and discussed by the employee’s supervisor.
3. Employees are not expected to work overtime beyond the occasions referred to in paragraph 2 (above) unless it is part of their job description, understood by them before hiring, or agreed to in the event of a reasonable need for change in the job.

4. Refusal to work any overtime that is not part of an employee's job description will not be reflected in an employee's overall performance evaluation.
5. Some offices at Harvard regularly provide their employees with opportunities to work overtime. Where such overtime work is not specialized and calls on the generic abilities of any of the employees in the office, all employees in that office should have equitable access to such overtime, if they so desire.
6. Ordinarily, overtime arrangements will be authorized in advance by the supervisor.
7. Harvard's workweek begins Sunday at 12:01 a.m. and ends the following Saturday at midnight. *The following overtime compensation requirements apply:*
 - A. *Overtime for Hours Over 40.* An employee who works over 40 hours during a particular workweek must be paid time and one-half the regular hourly rate for all hours worked over 40 hours in that workweek.
 - B. *Overtime for Hours under 40 and Use of Compensatory Time.* An employee who works more hours than her/his regular schedule but not more than 40 hours during a particular workweek may either:
 - be paid straight time (regular hourly rate) for these additional hours,

Or

 - assign to him/herself the right to receive compensation for these hours at a future date by banking these hours in a non-interest-bearing compensatory time off account for future use as paid time off. While the time off should be arranged with the supervisor, employees may request the financial compensation at any time. Employees will not be able to accrue more than 40 unused compensatory hours, and although these hours may be carried over from year to year, they must be paid out at termination and will ordinarily be paid out at the time of transfer to another position.

EXTRA COMPENSATION

1. Extra compensation is defined as an unusual, nonrecurring, or extraordinary payment for Harvard work which falls beyond an employee's regular job assignment.
2. Work for which extra compensation may be appropriate includes, but is not limited to:

Work not performed for the employee's primary employing unit.

Such work shall not interfere with the employee's regular responsibilities and shall be performed outside the employee's regular work schedule. Compensation for this work is to be negotiated between the employee and the departmental representative requesting the work. All hours over 40 must be paid at 1 ½ times the employee's straight time rate for the workweek.

Work occasioned by the absence of a supervisor or co-worker.

Ordinarily, extra compensation should be paid for such work when it is anticipated that work will be performed for more than 20 work days when covering for a co-worker or for more than 7 days when covering for a supervisor. Extra compensation for such duties assigned for shorter periods of time may be considered. Extra compensation will be set at a negotiated rate appropriate to the work performed.

3. Extra compensation is not appropriate if additional duties become a permanent part of an employee's regular job. A job review and possible change in job description, grade, or rate of compensation may be appropriate.

SHIFT DIFFERENTIAL

Where an employee is regularly required to work a scheduled evening, night or weekend shift, a shift differential is appropriate. Shift differential for part of a regular shift is also appropriate. To receive differential pay, the employee must work at least the first full hour of the higher paid shift. For example, if someone is regularly scheduled to work a Tuesday through Saturday slot, s/he would receive the differential for the Saturday hours worked; someone who is scheduled to work a 3:00 p.m. - 11:00 p.m. shift would receive the differential for the hours worked after 5:00 p.m. The premium or differential portion of the hourly rate should be identified separately from the base pay. Flexible work schedules arranged at the employee's request do not require differential pay. Any disagreement will be resolved by the University and Union Administrators of the Agreement.

The negotiated standard is set forth in full in the Memorandum of Understanding that is annexed at the back of the Agreement; however, the key elements of the negotiated standard are as follows:

1. Where an employee has a fixed and regular schedule and is regularly required to work scheduled evening, night and/or weekend hours, a shift differential is appropriate for those hours worked, or where an employee covers for fixed and regularly scheduled hours that are eligible for a shift differential. However, a shift differential is not appropriate for flexible work schedules arranged at an employee's request;
2. A shift differential is appropriate where an employee is regularly scheduled to work more than one full hour after 5 p.m.
3. The differential rate is to be paid for all eligible evening, night and weekend hours worked during the period of December 5, 2018 through September 30, 2021 as follows:
 - December 5, 2018 \$1.75/hr
 - October 1, 2019 \$1.80/hr
 - October 1, 2020 \$1.85/hr

Meal Allowance

Employees will be entitled to receive a cash meal allowance of \$12.00 (\$14.00 effective October 1, 2019) if they are required to work two or more hours in addition to their normally scheduled full-time workday, or if they are required to work for at least four hours on a weekend or a holiday (outside of their normal work schedule). The hours need not be contiguous. Meal allowance is not intended for situations where staff members, working at events, partake in meals served.

ON CALL

An employee is "on call" when, either through prior agreement or because of her/his job description, s/he is required to be available for specific time periods to report to work outside her/his regularly scheduled hours.

Regular on-call work will be included in the job description. If on-call status is added to an existing job, the policy on flexibility will apply. A job review may be appropriate. Distribution of on-call work will be determined locally.

An appropriate policy governing on-call work will be established locally by the dean or other appropriate administrator. Compensation will include a combination of on-call response pay for each instance equal to a minimum of one-half of the affected employee's regular full day's pay, and either a mutually determined flat rate or an appropriate hourly rate for all hours scheduled as on-call status.

An employee who is not on call by agreement or job description, yet is asked to come to work outside her/his normal schedule, is not subject to the on-call policy and should instead investigate the overtime policy.

FAMILY BENEFITS

MATERNITY AND PARENTAL LEAVES

Introduction

A 13-week leave period is provided for birth and adoptive parents with assurance of return to the same position. (See Agreement: Article XII.)

Additional leave will be considered if requested by an employee who is becoming a parent of either a natural or an adopted child. This additional period of leave is intended to cover whatever time off is necessary immediately preceding and/or following the child's arrival.

The duration of the absence, not including vacation time used, shall not exceed the period of prior employment, up to a maximum of one year. Return to work at a date prior to the leave's expiration date shall be discussed in advance with the supervisor, and may be arranged as staffing and workload permit.

An employee may request a leave of absence relating to the needs of her/his child(ren).

Maternity Leave

The employee's 13 week leave period begins with the birth of the child. A birth mother is entitled to 13 weeks leave, which is covered by a combination of the following:

- 8 weeks of Short Term Disability (STD),
- 4 weeks of Parental Leave,
- 1 week of accrued time (vacation, personal, compensatory bank, or sick [if eligible]).

STD pays 100% for employees with 7 or more years of service, and 70% for those with less than 7 years of service. STD pay may not be supplemented by other accrued time. For Parental Leave pay provisions see below.

Parental Leave

Birth and Adoptive Parents are eligible for 13 weeks of job-protected leave following birth or adoption. An eligible employee may choose one of these options:

- *Birth and Adoptive Parents*
Birth and adoptive parents are eligible for 4 weeks of paid Parental Leave.

The 4 weeks will be paid at 100% salary for staff with over 7 years of service. For staff with less than 7 years of service, salary will be paid at a rate of 70% and can be supplemented with vacation, personal, or compensatory bank time. Sick time may not be used to supplement parental leave.

For the remainder of the 13 weeks, the parent may use vacation, personal leave, compensatory bank time or unpaid time.

OR

- *Birth Fathers and Adoptive Parents*
A woman adopting a child, or a man becoming a father of either a natural or an adopted child, is eligible for one week of paid leave (at 100% salary) provided for in Article XII of the Agreement, and may use accrued vacation time, personal leave or compensatory bank time (if desired) and/or unpaid time for the remainder of the 13 week leave.
- *Special Considerations*
Under exceptional circumstances (such as premature birth) the paid parental leave may be taken after the 13 weeks following the child's birth.

Family and Medical Leave Act

The University complies with the Family and Medical Leave Act and shall respond to all requests for leave to (i) care for a newborn, a newly adopted or a newly placed foster child, (ii) care for a child, spouse, or parent who has a serious health condition, (iii) deal with an employee's own serious health condition, or (iv) deal with any other condition covered by the Family and Medical Leave Act of 1993, in a manner consistent with the provisions of the Act.

Family Sick Leave Policy
See Manual, under Sick Pay

OFFICE OF WORK/LIFE

The University offers a variety of information and programs to help employees balance their personal and work life. For information, call or write the Office of Work/Life 124 Mt Auburn Street, 3rd Floor South. Information about current programs and workshops can also be found on their web site: http://harvie.harvard.edu/Work_Life_Balance.

DISABILITY PROGRAMS

SHORT TERM DISABILITY

Harvard University has implemented a short term disability salary replacement program effective as of July 1, 1989. Following a 10 consecutive working day waiting period per disability, an employee with a disability is eligible to receive compensation equal to 70% of the employee's base rate of pay until the employee has been absent for a maximum period of 6 months in any 12 month period. After an employee has completed 7 full years of service, and such employee is necessarily away from work at least 10 consecutive working days, the employee is eligible to receive short term disability compensation equal to 100 % of an employee's base rate of pay for up to 6 months in any 12 month period. In addition to the 10 consecutive working day waiting period, employees are required to spend down sick leave banks to 40 days - but use no more than 25 sick days during any one disability leave - before the benefit can be used. In any case, an employee's accumulated sick time may be used to satisfy the waiting period requirement. In addition, medical certification will be required, and medical re-certifications are required every 60 days. The University may require employees on short term disability to participate in an independent medical examination. No benefits will be paid for absence due to work-related injury covered by Workers' Compensation. An employee is automatically covered by this program at no cost to the employee.

The University and HUCTW have agreed that the interests of both the University and the employees are better served through sound administration of the Short Term Disability Program. In this regard the parties have pledged their support of a strong program of claims administration which provides for timely processing of benefits to employees who are unable to work due to disability and which facilitates their return to work at the earliest time through appropriate case management.

In addition the University and HUCTW encourage the use of temporary modified work or light duty programs which will assist employees in returning to the work community by providing modification of duties or in some cases work schedules consistent with recommendations from attending health care providers in order to achieve full recovery within a reasonable time frame. A program which appropriately integrates short term disability benefits with modified work schedules will be developed by mutual agreement between the University and HUCTW in consultation with University Disability Services.

LONG TERM DISABILITY PLAN

Staff members who are on a regular payroll and working at least 17 ½ hours a week, or earning at least \$15,000 per year are eligible for Long Term Disability coverage. Staff members will pay a premium based on salary. Application to participate in the Long Term Disability Plan must be made within 30 days of employment or notification of initial eligibility, if later. Otherwise, applications can be filed only during the annual open election period. Late entrants will be required to provide evidence of good health and receive approval for coverage unless they enroll due to a qualified family status change. Specific plan benefits are contained in the Long Term Disability Plan documents.

Plan benefits are as follows:

1. Six months after the onset of total disability, a staff member is eligible to receive a monthly payment equal to 60% of salary in effect as of the onset of disability, reduced by deductible income as defined in the Plan.
2. Continued participation in Harvard's group life insurance, health, and dental plans if the staff member had elected coverage and was enrolled in those plans at the onset of total disability. Employee contributions will continue for medical and dental plans during their period of disability; and
3. Continued pension credit based on full salary in effect at onset of total disability.
4. Income continuation during the first six months of disability is provided through sick pay and short term disability programs. Long Term Disability Plan payments will generally continue to the end of disability or the staff member's Social Security Retirement Date (SSNRA), whichever occurs first. Some participants whose disability begins after age 61 may be covered past SSNRA, but should refer to the Maximum Benefit Period Schedule in the Plan.
5. The benefit is administered by a third party administrator. Applications for Long Term Disability Plan benefits must be made on the administrator's claim form which may be obtained from the Benefits Office.
6. In order for a staff member to be eligible for benefits under the Long Term Disability Plan, s/he must be an employee of Harvard University and covered under the plan at the onset of total disability. Staff members have up to 90 days after the end of the benefit waiting period to provide proof of loss of income. If a staff member cannot do so, they must give it to the third party administrator as soon as reasonably possible, but not later than one year after that 90-day period. If proof of loss is filed outside these time limits, the claim will be denied. A staff member's claim for and/or eligibility for Long Term Disability Plan benefits does not affect any decision or policy regarding whether her/his position remains open during any absence on account of disability.

WORKERS' COMPENSATION

Work-Related Injuries

1. An injury or illness sustained by an employee while on the job should be reported immediately to her/his supervisor. Supervisors must submit an Accident Report form to the workers' compensation administrator.
2. An injured employee may seek treatment from her/his regular physician, a local health clinic or a local emergency room when appropriate. S/he may also be seen at University Health Services (UHS). The UHS treatment facilities are:
 - **For 24-hour care:**
 - Cambridge campus:
University Health Services, Richard A. and Susan F. Smith Campus Center (617) 495-5711
 - **For treatment during business hours only:**
 - UHS Law School Clinic, Pound Hall Basement (617) 495-4414
 - UHS Longwood Area Clinic, 275 Longwood Avenue (617) 432-1370
3. The Massachusetts Workers' Compensation Act covers the following payments in accordance with established schedules for all eligible employees who are injured while on the job:
 - A. Weekly compensation for lost time while out on disability;
 - B. Specific compensation for loss of function and/or bodily disfigurement;
 - C. Payment of medical, surgical, and hospital expenses.
4. In addition, an employee on the regular payroll who is absent from work because of a bona fide work-related injury is paid a supplemental amount so that s/he receives a total payment equal to full salary for up to a

maximum of three weeks of absence, and three-fourths salary for such period thereafter as the University may consider appropriate under the circumstances of the particular case.

5. Salary payments, or any other compensation attributable to a work-related injury, must be approved in advance by the Workers' Compensation Administrator. Payments required by statute are made by voucher with no deduction of withholding taxes, and mailed directly to the employee's home. Payments not required by statute are paid through the regular payroll and are designated "Industrial Accident Supplemental Pay."
6. Sick pay may not be used in lieu of work-related injury pay during the absence.
7. Reserve funds have been established to cover costs to the University that result from work-related injuries of regular employees.
8. If an employee has questions concerning Workers' Compensation, s/he should call the Workers' Compensation Administrator.

PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES

Harvard University is committed to providing equal and integrated access for qualified persons with disabilities to academic, social, cultural, and recreational programs at the University. This resolve is grounded not only in the law, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, but also in Harvard's own commitment to the inclusion of all members of its community.

University Disability Services serves as a University-wide resource for all members of the Harvard community. University Disability Services is responsible for ensuring access for all qualified persons with disabilities, serving as a resource for information and problem-solving on disability issues, and educating and raising awareness in the Harvard community. To resolve disability issues involving staff members, University Disability Services may work in collaboration with local human resource offices, the Office of Labor and Employee Relations and HUCTW.

LONGER SERVICE BENEFITS

A key resource of the University is the experience and expertise of its longer service employees. To help recognize and reward this dedicated service, a number of the University's benefit programs, such as vacations and sick leave, are designed around length of service. Additionally, longer service is recognized formally through the following steps:

1. Following the completion of 15 years of service an employee's identification card is recoded for longer services, which entitles the holder to the use of, or discounts for, a number of University facilities and activities. These now include:
 - *Tuition Assistance* – Each term longer service employees will be eligible to take, free of charge, one course at Harvard and a second course at normal TAP cost. For full details of the TAP policy, see Agreement: Article III.
 - *Harvard Medical School Health Letter* – A free subscription to the monthly publication is available to longer service employees. Longer service staff members must submit a subscription card to receive the publication. Subscription cards available at the Benefits Office.
 - *Athletic Membership* – Employee's ID card is automatically activated for free access to the Malkin Center, Blodgett Pool and Hemenway Gym every year. Some recreation classes may require additional fees. Free towel service is also included.
 - *Museum Membership Plan* – Longer service employees may join one of 7 Harvard museums or the Arnold Arboretum at a greatly reduced rate each year.

- *Loeb Drama Admissions* – 12 vouchers, good for half- price admission to any Loeb or American Repertory Theatre performance. The VIP Voucher book is available at the Benefits Office.
 - *Faculty Club* – Longer service employees who have not previously belonged to the Harvard Faculty Club are now eligible for free membership. Longer service staff members activate their membership by filling out an application obtained at the Faculty Club or by calling (617) 495-5758.
2. Additionally, in the year following the employee’s completion of the above service, and at 5 year intervals thereafter, s/he is granted extra vacation. (See Manual: Vacation.)

HEALTH AND SAFETY

Flexible and creative approaches to problem solving can reduce risks and stress and promote safe practices. Many health and safety questions may be resolvable through training, job restructuring, flexible scheduling, development of new techniques, or the elimination of certain tasks. These avenues should be pursued in creating mutually agreeable solutions.

Local Health and Safety Committees

The Agreement provides for the establishment of Environmental Health and Safety Committees, which will include members chosen from the bargaining unit. All members of these Health and Safety Committees are Safety Representatives. Committee members will receive training appropriate to the nature of the health and safety issues likely to be encountered in their area. The role of the Representatives will include:

With area administrators, Safety Representatives will participate in the development and implementation of local training and educational programs and maintain an atmosphere conducive to the raising of questions and cooperative resolution of concerns.

At the request of employees or supervisors, Safety Representatives should have the opportunity to be present in the investigation of accidents or potentially unsafe conditions. In accordance with established policies and practices, Safety Representatives should have access to buildings and areas. As legally permissible, accident reports and test results should be made available.

With area administrators, Safety Representatives will develop the protocols to be followed when an employee feels that an operation or task s/he has been asked to perform is or may be placing her/him in danger. Such protocols will detail procedures for:

- Immediate suspension of the task;
- Solicitation of expert advice;
- Involvement of Safety Representative if requested by employee or supervisor;
- Resumption of work.

Health and Safety Committees may deal with some or all of the following issues and should use these policies as guidelines:

1. ***Building Security***

The security of people and property requires the active involvement and cooperation of all the occupants in a building. The development of appropriate security policies and practices is the responsibility of the building manager. Such policies will be formulated and implemented with the involvement of the building occupants and security experts.

2. ***Workplace Technology***

By their nature, some tasks produce an electronic record of productivity: for example, the entry of newly-received books into a database, or the entry of invoices into a computer system for payment. Employees should be informed at the time of hire or at the time of its introduction if such electronic monitoring exists

and its relationship, if any, to performance evaluation. Employees have a right to review and discuss such information as it pertains to their own work.

3. *Workplace Equipment*

Personal and workplace equipment necessary for the safe performance of work will be provided by the University: for example, safety shoes, protective eyewear, glasses required for the use of computers when regular prescription glasses are not appropriate. For more information about obtaining an evaluation and \$100 toward the purchase of computer glasses, please see University Health Services, Eye Clinic (617) 495-2056. Such equipment will be provided in accordance with procedures to be established by the department of Environmental Health and Safety in consultation with the University-wide Health and Safety Committee, and will include verification of need and designation of appropriate sources of the equipment. Employees are required to use such safety equipment as indicated.

4. *Workplace and Workstation Evaluations*

Workplace and workstation evaluations should be provided by the University upon the request of employees and supervisors. If an employee believes that the nature of the work or workplace is causing health-related problems, such evaluations should involve experts such as occupational health specialists and/or occupational therapists. The University will make every reasonable effort to incorporate currently accepted ergonomic practices and guidelines into new and existing workplace and workstation designs.

5. *Work Scheduling*

Variations in repetitive work, timely breaks, and special exercises are recognized as among the practices that contribute to a safe, healthy and productive workplace. Supervisors and employees are encouraged to incorporate such practices in work schedules.

EMPLOYEE PERFORMANCE, COACHING, AND DISCIPLINARY PROCESS

This section of the manual applies only to employees who have successfully completed their Orientation and Review Period. Staff still in their Orientation and Review Period should refer to that section of the Personnel Manual.

Introduction

Each employee is expected to meet certain expectations in job performance and conduct. Situations may arise in which these expectations are not being met and additional guidance may be appropriate. The purpose of this section is to outline for supervisors and employees the process for addressing performance issues.

In these situations, the supervisor should work with the employee to help improve the employee's performance or conduct, applying the principles below. These principles describe a progressive process, beginning with informal coaching and discussions, but potentially escalating to more formal disciplinary steps if the employee's performance or conduct has not improved.

Each step of the progressive process below should be used to attempt to seek resolution of the issues. The employee should be given a reasonable opportunity to improve and meet the specified expectations after each step, and escalation to a more serious disciplinary step should only be made if there has been no such improvement and should not be taken lightly. If managers or employees have questions about the process, they should consult human resources or HUCTW.

General Principles

(1) Informal Coaching and Discussion

If a supervisor has concerns about an employee's performance or conduct, the supervisor should clearly identify those concerns and attempt to assist the employee in meeting the specified expectations through timely conversation and coaching.

Initiating direct, open communication as soon as problems or concerns are identified may help supervisors and employees resolve most concerns informally before they escalate to more serious disciplinary issues.

(2) Progressive Disciplinary Process

No disciplinary action should be taken without just cause and all discipline should be issued in a timely manner. The parties agree that the concept of progressive discipline will apply as described below.

Progressive discipline is a system of graduated levels of discipline. The goal of progressive discipline is to provide the employee with the opportunity to improve their performance or conduct to a level that meets the required expectations.

It is recommended that the employee consult with the union and that the supervisor consult with local human resources at the start of, and throughout, the disciplinary process.

Advance notice should be given of formal disciplinary meetings to give both the employee and the manager a reasonable time to prepare.

- ***Verbal Warning:*** After the informal conversation and coaching, if a supervisor still feels the employee is not meeting expectations, the supervisor should issue a verbal warning.

In order to issue a verbal warning, the supervisor should hold a meeting with the employee where the parties review the history of the problem, outline possible solutions, and discuss the potential for further disciplinary consequences if the problem persists.

The supervisor will create a written record of this meeting, including the date, participants, and the content of the discussion, and will provide a copy to the employee. This record should also indicate that the meeting served as a “verbal warning.”

- ***Written Warnings:*** If the supervisor still has concerns about the employee not meeting expectations and the employee has already received a verbal warning, a formal written warning or warnings should be issued.

A written warning should describe the supervisor’s concerns, including examples, if applicable, and will be accompanied by a meeting similar to the one described above, under “Verbal Warning.”

- ***Final Written Warning:*** The final written warning is typically the last step in progressive discipline before termination. The final warning should be issued when the supervisor still has concerns about the employee not meeting expectations, is contemplating termination and the employee has already received a verbal and written warning(s). The final written warning should be accompanied by a discussion reviewing the supervisor’s concerns, in which the possibility of termination is made clear.
- ***Termination:*** Termination should only be considered after all other avenues have been thoroughly explored. A possible intermediate step between a final written warning and termination might be suspension with or without pay.

The steps of progressive discipline are meant to apply to most issues involving an employee’s performance or conduct issues. However, the parties recognize that there may be situations in which the supervisor should repeat a step or steps because there are mitigating circumstances (e.g., the seriousness of the offense or substandard performance, the employee has a long record of good service, there is a significant amount of time since the last issue, etc.). There may also be situations in which the supervisor may bypass a step or steps in cases of extreme misconduct (e.g., theft, physical assault, or other similarly egregious circumstances).

(3) Other Issues Related to Discipline

Problem Solving: At any time during the progressive process above, the employee may utilize the problem solving process set forth in the Agreement between HUCTW and the University.

Union Representation: Employees have a right to have a union representative during any part of the disciplinary process. If an employee has any questions regarding their right to union representation during any meeting, they are encouraged to consult with their local HUCTW representative.

Employee Personnel Files: All documents and records reflecting discipline issued by the Employer to the employee are required to be kept as part of the employee's personnel file. Copies of such documents must be provided to the employee in a timely manner and the employee shall have an opportunity to respond in writing. The employee's written response shall also be kept in the employee's personnel file. (For more information on employee personnel files, see section titled "University Record Keeping" in the Personnel Manual). At any time during the process at which a resolution agreeable to all parties is reached, all pertinent written records in an employee's personnel file shall be removed, retained, or revised in a manner consistent with the resolution.

LAYOFFS AND WORK SECURITY

Introduction

Harvard employees play an indispensable role in the work of the University. The University recognizes each employee as an integral and valued member of the Harvard community and has a commitment to provide stable and secure jobs within that community. The University and Union acknowledge the importance of developing and maintaining a working relationship that encourages ongoing, thoughtful conversations about operational priorities. Job elimination should not be viewed as a common practice in departmental reorganizations or other administrative changes, and every effort should be made to ensure the security of employment. In cases when the University is required to make layoff decisions, length of service shall be the deciding factor absent demonstrable differences in job function, qualifications, abilities, and documented performance. The University's basic right to lay off or eliminate jobs is recognized.

Union-Management Discussions

When considering a layoff or possible job elimination, a unit will notify HUCTW of the need to discuss the contemplated changes. The consultation process is one of mutual respect and participation, and both parties are expected to make a good faith effort to ensure confidentiality and to use the information disclosed to each other judiciously. During the discussion period, HUCTW may ask management to provide certain pieces of information that could be helpful in evaluating alternatives to layoffs. HUCTW and the affected employee groups will together have an opportunity to fully review the reasoning, as well as to offer alternative ways of accomplishing the desired operational objectives. Both parties will strive to conclude the discussion period as efficiently and expeditiously as possible. In any event, layoff notification to an affected employee will be made in the first instance solely by the local human resources office and/or supervisor. Even in situations when a unit or department is considering a restructuring that will not result in layoff or job elimination but may potentially affect the terms and conditions of employment of union members (including decisions to outsource services), the unit will discuss the contemplated changes with HUCTW.

Guiding Principles

The University and the Union will keep the following guiding principles in mind when considering layoffs.

1. It is not appropriate to use a layoff / job elimination as a substitute for performance management or as a pretext for discharge or the elimination of an HUCTW bargaining unit job.
2. Every effort should be made to ensure the security of employment. To that end, the University and Union encourage the use of attrition and voluntary layoffs in place of job elimination where possible.
3. With the goal of preserving continued HUCTW staff employment, use of LHT and temp workers will be reviewed by the Union and the University prior to the elimination of any HUCTW position

Term Positions

1. The provisions of this section do not apply to Term Employees as defined in the section of this Manual entitled Types of Employment, unless the employee is laid off before the end of the period specified at the time of hire. If the employee continues in a Term position for more than two years, the provisions of this section do apply.

2. A department or organizational unit laying off any employee continues to have an obligation to that person for the two-year period following the layoff. During this time, the department or unit must: (a) make an offer of employment to such an individual should the same job again become available, or (b) give strong preference to such an individual in filling any new job having similar duties and responsibilities, provided that the laid-off employee is qualified to perform the duties of the open job.

Notification

1. The University will promptly inform all affected employees of any impending layoff / job elimination. In the case of grant-funded jobs, the expected duration of funding will ordinarily be communicated at the time of hire and updated when necessary.
2. No layoff / job elimination can take place without a written notice of at least sixty days except in the case of grant-funded jobs. In the case of an unexpected loss in grant funding, written notice will be given at least thirty days before the layoff / job elimination.

Work Security and Harvard Job Searches

For additional information, please see Agreement: Work Security

1. Based on their history of proven contributions, laid-off staff members will be given hiring preference over outside candidates, including employees from temporary agencies, for any vacant job for which they are qualified. In an effort to facilitate placement, the Human Resources office of any hiring school or department to which a laid-off employee has applied will interview that laid-off employee in a timely manner and will provide feedback regarding the laid-off employee to the assigned Case Manager for the purposes of advising the laid-off employee. All HUCTW layoff candidates will receive timely responses to job applications. Moreover, all staff facing layoff or on work security shall have access to free training at the University's Center for Workplace Development.
2. If an employee on layoff status is being considered and will be hired to fill a comparable or higher position in another department, the posting requirements may be waived.

Case Management

1. A Case Manager will be assigned to work with an employee facing layoff as soon as possible and preferably at the start of the notification period. The case manager will be paired with a union representative to assist the employee. The case manager may be the local human resources officer, a representative of Central HHR, the employee's manager, or other designated management representative, or a combination of the above. This team will be assigned during the notification period and will continue to work with the affected employee through Work Security pay and benefit continuation. (See Work Security and Benefit Continuation below.) Continuation of pay and benefits will be reviewed and a determination made on a monthly basis. At the earliest feasible time during the layoff notice period, a case conference may be held to: review the personnel files, assess the placement potential of the laid-off employee and possible alternatives to work security if appropriate; develop the range of appropriate positions and/or job families for which the employee should apply; and determine an appropriate case management plan. The case conference will include the assigned case manager, the local human resources officer (if different), the assigned union representative and the employee facing layoff, and may include the University and Union Central Case Managers.
2. The Case Manager will work with the employee to develop a transition plan that may include such elements as retraining, informational interviews and/or career counseling and development.
3. At the earliest feasible time, but in no event less than thirty days from the layoff, the Case Manager should begin to explore transfer opportunities as desired by the employee facing layoff / job elimination, with a view toward placing the employee in a comparable open position with the University as soon as possible. The Case Manager will assist the employee in identifying and applying for appropriate openings at the University. The Case Manager will also contact departments with openings in support of the employee's priority candidacy.

4. It is recommended that at the close of the first month of Work Security, the case manager and the employee prepare a report for the Work Security Coordinators which should include a summary of case management activities, including advocacy calls to hiring schools and departments (by the case manager and others), target jobs, a sample resume and cover letter, skill-building plans (if applicable), and a plan to maximize job search activity for the remainder of the Work Security period.
5. The employee facing layoff/job elimination is expected to participate actively in all phases of the job search.
6. The University and HUCTW will continue their Joint Work Security Program oversight with a Union-Management pair, to provide the following University-wide services:
 - Serve as a “clearinghouse” of available job information & University resources
 - Provide additional resources for longer service employees
 - Maintain best practice guidelines for case managers
 - Coordinate regular employment related trainings, e.g., resume workshops, interviewing skills
 - Develop and maintain template for appropriate job families/positions to which to apply
 - Develop and maintain roster of possible case managers (Non-HR)
 - Participate on Joint Work Security Committee
 - Oversee development of a system for communicating with all hiring supervisors, at the time of job posting, about work security commitments and qualified work security candidates
 - Establish a mechanism for collecting information from hiring supervisors about hiring decisions involving work security candidates

Work Security Pay and Benefit Continuation

1. Continuation of full pay and benefits (which includes accrual of sick and vacation time) may be extended for up to three months from the official layoff date. Pay / benefit continuation decisions will be made jointly by the local human resources officer and the union representative. If disagreements arise, the parties can appeal to the Joint Committee on Work Security or Labor and Employee Relations and HUCTW. Where appropriate, as outlined in Article II of the Agreement, a case manager may refer an individual situation to the Joint Work Security Committee to consider additional extension of wages and benefits.
2. An employee’s entitlement to these work security benefits is contingent on that employee’s active participation in all phases of the job search process, both during and after the notice period. An active job search shall include making all reasonable efforts to apply for all relevant positions within the University, as well as maintaining an active job search outside of the University.
3. An employee does not work at her/his former position during the time when she/he is receiving extended pay and benefit continuation.

Severance Payment

1. Severance pay is calculated at the rate of one week per year of service, with a minimum of one week. After fifteen years of service, severance pay is calculated at the rate of two weeks per year of service. Calculation of severance takes into consideration all years of service. For employees who have worked both full-time and part-time while at Harvard, severance will reflect the amount of time worked full-time and part-time (prorated.) For example, if an employee has worked ten years (the first eight full-time and the last two half-time) the severance payout would be calculated at one week of full-time pay for eight weeks and two (pro-rated) half-weeks of pay for two weeks.
2. A dean or department head may authorize additional severance pay because of special circumstances.
3. If the laid-off employee again becomes a regular employee of the University within two years of the layoff date, the following policy applies: If the number of weeks the person is not employed by the University is less than the number of weeks of severance pay received, the amount of severance overpayment shall be repaid to the University.

Other Layoff Related Information

1. Laid off employees are eligible to purchase 52 weeks of health and dental coverage at 1 ½ times the regular group rate for Harvard University staff and to purchase additional health and dental coverage beyond 52 weeks at such cost and for such periods of time as they may be entitled to under applicable law.
2. Employees facing layoff/job elimination should contact their local human resources representative for information on benefits continuation.
3. To file for unemployment compensation, an employee should complete a Separation Notice form for the Massachusetts Division of Employment Security. Forms are available at any local unemployment office.
4. If the person again becomes a regular employee of the University within two years, prior service shall be included when computing service for benefit purposes.

UNIVERSITY SERVICES AND FACILITIES

Services

1. Credit Union

The Harvard University Employees' Credit Union (HUECU) is a cooperative organization operated by Harvard employees for their mutual financial assistance. All employees and members of their families are eligible to join. The Credit Union is chartered by the Commonwealth of Massachusetts, and its activities are supervised by the Commissioner of Banks. All savings (shares) are insured in full under Massachusetts law. More information about the Harvard University Employees' Credit Union is available on their website.

2. Harvard Outings & Innings

Harvard Outings & Innings is an organization promoting recreational, cultural, and social activities for all members of the Harvard community including concerts, group tickets to sporting and cultural events, and informal, special-interest classes. More information is available on their website.

3. Transportation Services

- **Parking** – Applications for, and distribution of, parking permits are handled by the Parking Office. Information can be found on their website.
- **Passenger Transportation Services** – University Transportation Services provides a variety of convenient services to the Harvard community, free of charge to staff, faculty and students.
- **Longwood Area Shuttle Bus** – A shuttle bus between the Harvard Longwood Area and Harvard Yard operates at regular intervals.
- **Harvard Shuttle Bus** – The Harvard Shuttle Bus operates around the Harvard community in Cambridge and Allston.
- **Shuttle Van Services** – The Shuttle Van Service is intended for persons, who, because of mobility impairment or medical condition, find it difficult or impossible to use the Harvard Shuttle Bus. Transportation is door to door within the Cambridge and Allston campuses. Rides in the van are by appointment only.
- **Evening Shuttle Van** – The Evening Shuttle Van is designed to provide safe transportation throughout the Cambridge and Allston campuses, available on demand between 7 p.m. and 3 a.m. nightly; summer schedule 7 p.m. to 12 a.m.

More information about on-campus parking, shuttle services, commuting options and transportation services for individuals with disabilities can be found on the Harvard transportation and parking website.

4. Safety Escort Service

The Harvard University Campus Escort Program (HUCEP) is a campus safety program which provides walking escorts to students, faculty and staff seven nights a week during the academic year and covers the Yard, River, and Quad areas. Escorts respond to both calls for service through the HUCEP hotline and by being flagged down by those in need of an escort. The hours of operation for HUCEP are 10:30 p.m.-2:00 a.m., Sunday through Wednesday, and 10:30 p.m. - 3:00 a.m. Thursday through Saturday.

The Longwood campus has a walking escort service available 24 hours a day at HMS/HSDM. Call and request a security guard to escort you to your car or the nearest MBTA stop. It is advisable to phone a few minutes ahead.

5. *MBTA Pass Program*

All Harvard employees are eligible to participate in the MBTA Pass Program. The University offers a discount program for employees. Passes are available for purchase on line on a pre-tax basis via payroll deduction. HUCTW members are eligible for a 50% University subsidy on all T-passes. To register for online purchasing, and for more information, go to the Commuter Choice website.

6. *University Housing Office*

The Harvard University Housing Office, located on the 8th Floor, Richard A. and Susan F. Smith Campus Center, Suite 807, maintains current information on housing, both on-campus and off-campus. Information available to members of the University community is available on their web site.

Staff on the Longwood campus may contact the Manager's office at Vanderbilt Hall. Listed there are rooms, apartments, and houses, located primarily in Newton, Brookline, and other areas near the Longwood campus. More information is available on their website.

Facilities

1. *Libraries*

The privilege of using most University library facilities, including some borrowing privileges, is available to employees on the regular payroll. Employee I.D. cards serve as library cards. For additional information, call the Library Privileges Desk, Widener Library, or individual faculty or department libraries.

2. *Museums*

A staff member's I.D. card gains him/her free admission to all Harvard museums.

3. *Harvard Cooperative Society ("The Coop")*

All staff members of the University are eligible to join the Coop, a book and general merchandise store founded as a student cooperative in 1882. Although the Society has no official relationship with the University, it is governed by 11 student and 11 faculty and alumni directors, and its basic purpose is to serve the academic community. For information about membership and special promotions, visit their website.

4. *Center for Wellness*

University Health Services through the Center for Wellness offers a variety of health-enhancement programs focusing on physical fitness, nutrition, and stress management. Program offerings are designed to develop basic skills and provide training and support for the realization of personal health goals. Classes and workshops are scheduled on a regular basis. For more information, call the Center for Wellness at Harvard University Health Services. Information about current programs is also available on their website.

5. *Athletic Facilities*

The University will provide for a nominal cost, athletic membership to employees in the bargaining unit for use of specified facilities within schedules and regulations established by the Athletics Department. Current information about schedules and current programs is available on their website.

LOCAL HUMAN RESOURCES AREA OFFICES - <http://hr.harvard.edu/local-human-resources-offices>

HUCTW OFFICE

The HUCTW office is located at 15 Mount Auburn Street, Cambridge, MA 02138. General phone number: (617) 661-8289, fax number is: (617) 661-9617, website: <http://www.huctw.org>, and email: huctw.info@huctw.org.

EMPLOYEE ASSISTANCE PROGRAM

It has long been recognized that members of Harvard's large and varied community encounter personal problems. Harvard has an Employee Assistance Program (EAP) which offers free and confidential help with personal, family, and work-related concerns 24 hours a day, 7 days a week.

1. *Counseling*

Services available 24 hours a day in over a dozen different languages. Counselors are available 8:30 a.m. to 6:00 p.m. Monday-Friday. Crisis support is available at the same number, 24 hours a day, 7 days a week.

2. *Help Available Anywhere*

The program has a broad network of resources, both locally and across the country.

3. *Services Available*

- Mental-health problems, including anxiety, depression, and substance abuse
- Work stress and crises such as conflict, diversity issues, and the illness or death of a coworker
- Legal and financial questions about such things as wills, divorce, and debt
- Family issues involving relationships, parenting, alternative families, and grief
- Elder-care, adoption, and child-care questions and referral requests
- Management consultations about staff dynamics, performance problems, and special needs

4. *Voluntary Use and Confidentiality*

Harvard faculty, employees and members of their immediate families are encouraged to use the Employee Assistance Program, or other sources of help on their own initiative. Participation by any individual is completely voluntary, and all services provided are completely confidential. Use of the service does not jeopardize nor enhance one's University employment security or career advancement. Participation in the program is confidential and not known to anyone without the person's written permission.

