



1/4/24



Expectati	, ,	7:30	
•		:30	Check-In
	ons 8	3:00	Negotiated Change Within and
8:30 Stakehold	ler Bargaining Game		Across Organizations
9:30 Adjourn	8	8:45	Simulation: The Unit-Based
			Team Meeting
2:00 Interest-E	ased Bargaining	L 0:15	Break
Principles		L 0:30	Assumption Wrangling in Health
3:00 Simulatio	n: The Angry Surgeon		Care Organizations
4:30 Break	1	L 1:00	Open Forum on AI and Health Care
4:45 Workplac	e Conflict Resolution		Negotiations
Principles		1:15	Concluding Comments
•		1:15	Lunch





The Bargaining Game Simulation

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Stakeholder Bargaining Game Simulation

- Form teams of 2-3 people
- Sit in clusters of 4 teams
- Review the score sheet handout
- Goal: Bargain for as much as you can
- Note: Pay careful attention to the rules of the game

Interest-Based Bargaining Principles







Positions and Interests Here are two statements -- which is positional and which is interest-based? Statement A: We are implementing a new quality initiative and we expect that the union and its members to fully participate. Statement B: We are implementing a new quality initiative, which is aligned with overall quality objectives. We know that the workforce is essential to any quality initiative – so we need the union's full participation. What can we do to work together on this issue?

What do you notice when you compare the statements?

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Convert positional statements to interest-based ones

Physician Practice Leader:

• We are pulling from this hospital – we can do better on our own or with a different affiliation.

Medical Society Representative:

• This is our line in the sand on the scope of practice – we will not go over this line.

Nursing Union Representative:

• We demand minimum staffing ratios to ensure quality of care.









The Angry Surgeon

- You will be randomly assigned one of two roles.
- Prepare with people who have the same role.
- Round 1 will be an illustration of how not to handle this traditional, positional bargaining.
- Round 2 will be an illustration of how to do so, using interest-based tools and methods.
- For this round, you will be randomly paired with another person who has the opposite role.
- If you finish early, see if there is anything more you can identify that would make you both better off.

Background Data and Root Cause: What data or history is relevant to review on this issue? What are the root causes of the issue?					
Surgeon's Interests: What are the surgeon's core concerns or interests on this issue?	CFO's Interests: What are the CFO's core concerns or interests on this issue?	Patient's Interests: What are patient's core concerns or interests on this issue?			
• • •	• • • •	· · · ·			
Options: What are some options to co	bonsider on this issue – especially mutual g	jains options?			













Applying Interest-Based Principles In small groups: Select a forum or location in your organization or broad ecosystem Examples: Surgical unit, Medical Ethics Review Board, Pre-ad Testing unit, State Certification Body, etc. Describe a common interaction that is highly positional

- Describe a change process that would shift the interactions to be more interest-based
- Be prepared to share your thoughts







Go Back to the Positions and Interest

Statements

Here are the same two statements from before – which strategies – forcing and fostering are involved in each?

Statement A: We are implementing a new quality initiative and we expect that the union and its members to fully participate.

Statement B: We are implementing a new quality initiative, which is aligned with overall quality objectives. We know that the workforce is essential to any quality initiative – so we need the union's full participation. What can we do to work together on this issue?













Union' s Interests	Management' s Interests		
 A uniform attendance monitoring process for all local members Improved attendance is important to the bottom line performance of the company Improved attendance to reduce impact on workers who are present What ever monitoring plan is developed, should take into account social demographics, age, type of work (physical impact on individuals) Preserve what is valued about the attendance guidelines Making sure any agreement reached is utilized 	 Improve attendance performance Improved ability to plan – increased stability in operations Productivity Reduce the cost of sick absences Not see deterioration of attendance levels achieved in the gas operations Preserve what is valued about the approach in the gas operations Concern that the guidelines are vague (for example, language on frequency over six months) Potential issues around the mixing of FMLA hours under the guidelines Concern about variation in the application of the guidelines 		
Sample Framing for Tentative Agreement:			
In this negotiations the company and the union indicate their mutual agreement in having a fair, consistent and effective attendance monitoring policy. It is mutually understood that absenteeism impacts negatively on the economic performance of the company and imposes a burden on the employees who are at work. It is also mutually understood that any attendance monitoring process must be implemented and administered in consistent and appropriate ways. Particular attention has been given in this negotiations to establishing good attendance behaviors from the very beginning of an individual's employment relationship. Also, attention was given to ensuring appropriate distinctions between absence under the terms of the Family Medical Leave Act (FMLA) and other absences. In crafting the following policy, the company and the union reviewed the provisions of the existing policies and practices			

5 W's &	How			-
	Who	What	When	
	Where	Why	How	
	Completed by:	Date Completed/revised:	Use back of sheet for additional details on the "how"	38

5 W's & How example: Sample on Health Care and Benefits Agreement

Who:

- DTE/UWUA Local 223 Union and management bargaining committees and members of the Leadership LMC
- Members of the Health Care and Benefits Joint Implementation Team (Joint Benefits Committee)
- Health and benefits implementation champions and subject matter experts
- Appropriate LMCs and CURBs, and other relevant forums
- Representatives of providers and contractors providing benefits services to DTE
- Segments of the workforce involved in or affected by specific health and benefit
- initiatives
 Plan participants

implemented

Where:

- Meetings of Health Care and Benefits Joint Implementation Team (Joint Benefits Committee) at Local 223 or DTE facilities Training and development sessions for
- Committee members and other relevant individuals at appropriate locations Briefings, training and other activities in respective Business and Bargaining Units where benefits initiatives are being

Completed by: Rich Mata and Rick Lueders Date Completed/revised: 1/13/05

What:

A Health Care and Benefits Joint Implementation Team (Joint Benefits Committee) serving as an ongoing joint forum, acting in an advisory capacity, to promote the health and welfare of the workforce through all available initiatives, including:

- Investigating matters pertaining to the cost effective and efficient delivery of the contractually agreed upon health care coverage;
- Evaluating the success of health care carrier and provider efforts to meet performance standards;
- Exploring and recommending alternative health and welfare delivery systems, programs for cost containment and quality assurance;
- Reviewing and analyzing appropriate information to determine trends in health care and prescription drug programs; and,
- Analyzing and recommending effective member communication vehicles for health and welfare and retirement benefit choices and options.

Why:

Manage benefit costs; ensure effective implementation of disease management, disability case management, wellness and other initiatives; and identify new opportunities for mutual improvement through verifiable data, employee education and joint action

When:

- The Joint Benefits Committee will meet on company time and will meet at least on a quarterly basis or as needed based on co-chair agreement
- Scheduled working sessions prior to the awarding of contracts or changing contracts with health care and benefits providers
- Scheduled working sessions prior to open enrollment periods and other relevant communications to the workforce on benefits matters
- Review of utilization and other relevant data on at least an annual basis

How:

- The JIT will first establish a Shared Vision (this 5Ws & How document - the "Desired State") and Charter for the Joint Implementation Team; then it will examine the "Current State" and "Delta State" milestones, using a "Managed Change" methodology; the JIT will use an interest-based approach to any negotiated or policy issues that emerge
- Ensure joint implementation and "PDCA" (Plan, Do, Check, Adjust) support, with periodic review by the Joint Bargaining Committee Oversight Process
- Standardized Committee operations keyed to set annual timing for benefits events
 Employee feedback mechanisms to assess satisfi
 - Employee feedback mechanisms to assess satisfaction and utilization experience

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Work Group Process Used in 2007 UAW-Ford Negotiations Start Up: Confirm working group membership, meeting logistics and establish simplified charter Scope: Use charter to identify issues to be addressed by the working group what is and is not "in scope" **Potential Standardized Process:** Opening and Shared Vision: Define the issue, including opening 1. statements and resolutions, and develop a shared vision of success Joint Data Collection: Jointly assemble, prepare and analyze 2 background data Analyze Underlying Interests: Analyze the interests of Labor, 3. Management and other Stakeholders - what is at stake for each Generate Options: Brainstorm options, particularly options that build 4. on the data and the identified interests Negotiate Agreements: Where appropriate, negotiate agreements or 5. potential elements of agreements 6. Main Table Calibration: Provide periodic updates and a final report to the main table INSIDE THE Anticipate Implementation: Anticipate implementation, including ford - UAW 7. recommended communication/training plans and sustainment TRANSFORMATION Calibration: Schedule periodic main table reports TAL EVENTS IN VALUING

In 1951 George Taylor warned . . .



... the successful use of collective bargaining was dependent upon union and the management voluntarily giving reasonable weight to the broad public interest.... A general "ganging up on the consumer" would be incompatible with the development of collective bargaining as a socially desirable institution."

George Taylor, "National Labor Policy," in the Annals of the American Academy of Political and Social Science, 247 (March, 1951): 185-194.

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Article 24: San Juan Unified School District

The District and the Association agree to take responsibility and be held accountable for the improvement of the quality of teaching and learning which represents an expanded role in public education. It is in the best interest of the San Juan Schools that the District and the Association cooperatively engage in activities and communication which demonstrate mutual respect for all stakeholders and results in the improvement of student achievement through development of common goals, a cooperative, trusting environment and teamwork. It is the [parties'] belief that actively and constructively involving all relevant stakeholders contributes significantly toward achieving these goals.

Shared responsibility and accountability for results are at the core of a continuous improvement model. Joint responsibility for student success means that educators share in celebrating what works and share in identifying together areas that are not working and are in need of improvement.

Coalition of Unions and K-P Value compass



Expectations 8:30 Stakeholder Bargaining Game 9:30 Adjourn 2:00 Interest-Based Bargaining Principles 3:00 Simulation: The Angry Surgeon 4:30 Break 4:45 Workplace Conflict Resolution Principles		Friday		Saturday
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4:45 Workplace Conflict Resolution Principles 11:00 Open Forum on Al and Health Care Negotiations	3:00	•	10:30	
4:45 Workplace Conflict Resolution Care Negotiations	4:30	Break	11:00	Open Forum on AI and Health
Principies	4:45	•		•
5:15 Collective Negotiations 11:15 Concluding Comments		Principles	11:15	Concluding Comments
	6:15	Dinner		Lunch

Negotiated Change Within and Across Organizations

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Example: HR							
Role	Sample Activities	Sample Competencies					
Regulator/ Enforcer	EEO, OSHA, ADA, Collective Bargaining Contract	Legal/technical Detail oriented Risk adverse					
Service Provider	Benefits, Recruiting, Compensation, Technical training	Procedure oriented Consistent					
Change Agent	Champion for effective Work Groups, OD, Culture change	Innovative/flexible Proactive Risk taking					
dapted from Jan Klein,"The Evolution of HR Professionals fre hange Agents in Strategic Partnership for High Performance,"							

Example: Finance							
	Role	Sample Activities	Sample Competencies				
	Regulator/ Enforcer	Adherence to generally accepted accounting standards	Legal/technical Detail oriented Risk adverse				
	Service Provider	Providing daily, weekly, monthly, quarterly and annual reports	Procedure oriented Consistent				
	Change Agent	Implementing balanced scorecards across the enterprise	Innovative/flexible Proactive Risk taking				
	Adapted from Jan Klein, "The Evolution of HR Professionals from Traditional Managers to Change Agents in Strategic Partnership for High Performance," Work In America Institute 1995						

Example: Information Technology							
Γ	Role		Sample Activities		Sample Competencies		
	Regulator/ Enforcer		Maintaining common information systems standards		Legal/technical Detail oriented Risk adverse		
	Service Provider		Ensuring 24 hour IT support and backup systems		Procedure oriented Consistent		
	Change Agent		Implementing a unified voice-over IP communications system		Innovative/flexible Proactive Risk taking		
	Adapted from Jan Klein, "The Evolution of HR Professionals from Traditional Managers to Change Agents in Strategic Partnership for High Performance," Work In America Institute 1995 52						











Coalition of Unions and K-P Value compass





argets for Te	am Developr	nent		
	sed teams are	•	•	
80 percent of	teams rated high	performing (Lev	ei 4 or 5) as of L	Jecember 2019
Level 1	Level 2	Level 3	Level 4	Level 5
Level 1 Pre-Team Climate	Level 2 Foundational	Level 3 Transitional	Level 4 Operational	
Pre-Team				Level 5 High-Performing Full collaboration
Pre-Team Climate	Foundational	Transitional	Operational	High-Performing
Pre-Team Climate Learning	Foundational Establishing	Transitional Demonstrating	Operational Joint	High-Performing



Collaboration Across Domains

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"The next time you attend a meeting, ...[t]une your ears to listen for assumptions about human behavior, whether they relate to an individual, a particular group, or people in general."

-- Douglas McGregor, The Human Side of Enterprise, 1960 (chapter 1, p. 9)



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Sample "From" and "To" Assumptions

From:

- "People need to be monitored and controlled to ensure they do their best at work."
- "Problems are to be contained and resolved within your span of control"
- "Experts and professionals should lead operational decisions since they are accountable for the outcomes."

To:

- "People have an intrinsic commitment to do their best at work"
- "Problems are to made visible and shared as early as possible to draw in needed resources."
- "Front-line workers have unique knowledge and expertise that should be fully integrated into operational decisions."

,	Assumptions Wrangling						
	In the medical ecosystem:						
	Step 1: From/to (state the current assumption and the aspirational alternative)						
	Step 2: Force Field (what are the forces driving and restraining change?)						
	Step 3: Indicators (if the assumption begins to shift, how will you know?)						
	Step 4: Action recommendations						
	 What will you personally do over the next 18 months that would help shift the assumption? 						
	 What could happen in the next 18 months more broadly in your relevant ecosystem that would lower barriers or reinforce drivers? 						
	Motivation: Accelerate progress on culture change challenges Everyone talks about culture we will be doing something about it! 						

	Assumption Wrangling Worksheet						
Assumptions	From:	То:					
Force Field	Restraining Forces: • • • •	Driving Forces: • • • •					
Indicators Actions	• • • • Personal:	Ecosystem:					
Actions	•	Ecosystem: •					

Open Forum on Al and Health Care Negotiations