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**Meeting notes for Meet and Confer 7/21/21**

**MAPE attendees:** Megan Benage (chair), Jed Becher, Nicholas Snavely, Kristi Coughlon, Harland Hiemstra, Monica Weber, Martha Vickery, speakers Bill McKibbin and Vaughn Snook, DNR Fisheries, and MAPE business agent Dan Engelhart

**DNR management attendees:** Assistant Commissioner Barb Naramore; Denise Legato, HR director; Adam Browning, Dave Olfelt (guest attendee from Fish and Wildlife)

Megan went over spreadsheet of items

Conflict resolution request – on agenda

DEI – on agenda

Org health team – there is a lot in this – with pandemic and shutdown planning – one of the reasons Meet and Confer has been postponed until July. Denise said there will be opportunities to have input into the organizational health, but “no opportunity for direct input.” Joint labor-management meeting could be started to discuss what’s going on with OHT.

Megan – would labor meetings would be an opportunity for MAPE to bring issues to the table, is that correct?

Denise said the way the OHT is structured does not accommodate direct contribution from labor – there will be mechanisms for other input

Megan asked if this means there would be other things like surveys to participate in? Maybe something like the telework project where we could fit in our input.

Megan asked how do people feel about that, or should we be talking in separate meeting.

Dave Olfelt logged into the meeting for a few minutes to say a few things about it.

Megan said Meet and Confer has discussed this topic several times in the past. There is a document to be used for a timeline (attached). Meet and confer is asking for a date and timeline for completion of this request. Managers in fisheries have been in these jobs for quite some time with a promise of reallocation which has not happened (document outlines the chronology). Seems there were miscommunications that occurred.

Megan introduced Bill and Vaughn to discuss the issue of assistant area fisheries position.

Bill McKibbin, assistant area fisheries supervisor in the Glenwood area office (and also been doing double duty as the acting area supervisor for past year) and Vaughn Snook, assistant at the Lanesboro Fisheries office.

Bill said summer 2016 fisheries assistant area sups asked for reallocation from 8L to 11L level. Reason they asked for it was they felt they were doing supervisory duties for seasonal and temporary employees. We’re not getting credit at state level. Brad (chief of fisheries) was supportive as was the fisheries management team as a whole. In Aug 2019 we all provided position description to reflect increased supervisory duties and the increased duties that for all 28 asst fisheries supervisors. All PDs were updated to reflect these duties and we have been held to the updated PD since then. In November 2019, we were told a group was working on reallocation and that that a reallocation package was submitted to division leadership and have not heard anything. At Fisheries Academy 2020, and over those 2-3 months, we kept asking where it is at. We were told it was hung up in HR and that the management’s hands were tied on it. They said they thought we would hear something shortly.

In March 2020, they queried management and asked for their support on the reallocation. Score on that question was that they strongly agree we should be reallocated (4.7 on a scale of 5). The pandemic happened. In June 2020 with no action, a few decided to submit individual reallocation requests, instead of a group reallocation requests. HR replied that they had not heard of a group reallocation request, and that this was the first they had heard of this effort.

After that, seven assistant fishery supervisors submitted individual reallocation requests, and since then a couple retired from DNR or left. August 2020, MAPE asked us where we were at, and we were told that because the seven individuals were so similar, that they would be put back into a group, and the group would be considered for reallocation. But just for those seven that submitted individual requests.

Then told that the next step would be to discuss this with management. A lot of FAW positions now at an 11L level were once at an 8L level – the Large Lake specialists, the Aquatic Plant Management specialists, and the Long-Term Monitoring Biologists were all at same level as assistant area fisheries specialists and at the last few years, those have bene upgraded from 8L to 11L. There are similar positions in Forestry and PAT that are higher than 8 L or 11L. So the problems we see is that some area fishery supervisors have retired or left DNR. There are open positions but they are having a hard time filling some of the positions and the most recent one was located in the Garrison area office.

We felt we have followed process we needed to in order to do this and feel principles of the Culture of Respect were violated. Departmental processes have not been respected and the fisheries assistant supervisors involved in the process have not been treated with respect. He said they definitely feel that people have not been open and honest with them. HR has been saying they never even saw the original request, which to him indicates they are not being open and honest.

One of arguments for not upgrading us is that assistant area supervisors are not at the 11L level because we all need to be at the same level. Reality is that there are some area wildlife positions that are at 11L level, and there are some benefits wildlife staff have been given that fisheries employees were never offered. Specifically, wildlife technicians, five years ago or more, were offered an upgrade if they had a bachelor’s degree or higher. Fisheries technicians were not offered the same upgrade. Wildlife specialists are routinely upgraded to assistant supervisor after two years of good performance as a specialist. Fisheries are not offered this opportunity. Many wildlife offices have multiple assistant supervisors within the same office. No fisheries offices have multiple assistant supervisors in same office. Some wildlife assistant supervisors are classified at the 11L level and no asst fisheries supervisors are classified at 11L. We think it is unfair to be using the “one division” argument when it is not going both ways on that. Fisheries has to be just like Wildlife, when Wildlife does not have to be like Fisheries.

Megan – there were some ongoing things before this (issue came up). There is a lot. Hoping there are some comments and thoughts.

Denise said there “clearly were some glitches along the way.” She said she can’t speak to past on what others may have told assistant area supervisors about this process. Can only speak to how the process is supposed to work from the HR perspective. Denise said that when there are multiple positions with similarities, and have reallocation requests for some of them but not others, they start to look at the broader classification. At the moment, not all the people have submitted a reclass request, but there are enough to then HR needs to look at broader classifications and their similarities and structure.

Not everyone has submitted a reclassification request, but enough have that they know they need to be examined. She said that HR looks at the PDs, whether signed or not. They go back to management to ask about any structural questions. Whether it conflicts with what the Division plan is. She said they have gotten some miscommunication about it. Understand comparisons – it is a tough issue to run through the reallocation process. They need to look at whole group and not pick and choose.

What we’ve seen is about supervisory responsibilities. What constitutes a supervisor is laid out in statute. Those are the things we need to look at.

(Chat comments were that 11L is not supervisory, it is lead worker in MAPE classification (Nick S)

Denise says duties of the position are the driver of what the classification is. If had the info sooner they could have laid it out and talked it through before this. Denise said the duties are the driver of whether it becomes 8L or 11L

Bill said he is responsible for inspecting a half million dollars of fish and in last year have inspected $2 million worth of fish. In other offices, the supervisor handles this. So this request has nothing to do with supervisory responsibility. But I think having the responsibility for knowing the ins and outs of a contract for a half million in product every year is way beyond the 8L level, regardless of supervisory responsibilities, and I think these individual examples need to be considered way beyond just the supervisory argument.

Denise – thought we were discussing the direction we want to go. If there are specifics about an individual position to consider, we can do that. This was presented as reallocation of a group, so that is the way we approached it, looking for the common elements and what would drive this classification to a different class and different level.

Megan – general support form leadership to handle as group request

What I heard from you is that there is not widespread support, and I wanted to handle that. What we heard last fall was that each fisheries person was going to submit an individual request and that HR was going to handle as a group. The discrepancy I’m hearing at least was that there was some miscommunication about support for a group request, when no group request was submitted. That they had submitted individual requests and the response we received was that HR would handle it as a group. There is some nuance here. Dave, want to give you some opportunities to talk.

Denise – I received a clarification and I think it was our complete understanding that we were taking these seven or eight as individual requests. Even today, conversation about the role of assistant area supervisors. I agree that it is important to hear from Dave because it is important to sort out what employees think is their duties and what management’s perspective is. HR in very much in the middle trying to sort out what is going on. Don’t want to diminish that employees have received unclear communications, or at worst miscommunication about the direction in which this has gone. Supervisors have responsibility to understand and give employees accurate information about this process, and it does not appear to me that that happened in this case. It has caused it to churn and go on for a long time. …want to choose best path forward.

Dave Olfelt – timeline on this starts before I took this position. Became aware in Fall 2019.

My perception is that it never got to a point where it became group request. Had a conversation about whether it is supervisory with Brad Parsons. I think there is no desire to make these supervisory jobs. If there are supervisory duties these should be taken out of the PDs. Spent more than half of my career as a MAPE member and have been through reallocation and not gotten reallocated. So I know some of what you are going through and what you are asking. Strongly believe that as division we need to find ways for people to find a career path. In my case, had to do a variety of things.

In making career paths, we are interested in allowing people to be promoted without going to different jobs. However, don’t want people to feel they are stuck.

Nick Snavely – really appreciate the comment that you are looking at career paths. It was something that was pushed in the last contract negotiations.

Dave – think with work EVO, I think there is a lot of room for Statewide jobs in various places.

Dan – want to make sure we clearly define for this specific set of folks, with Bill and Vaughn here, where we are going with this specific reallocation request. And what to expect there. I appreciate the candor. The frustration around reallocation/reclassification not unique to Fisheries or DNR. MinnState is looking at how to clean that up. There are all kinds of (leaders) telling folks they are getting a promotion. That person was not following the process. We ended up grieving it although it was not even a grievance.

Would help to work together toward a process. We have Art 16, Sect 5 -- the individual reallocation request, and we pushed ppl like Bill and Vaughn to do the individual reallocation request. It is very clear and it’s in the contract. We can help take the load off and navigate through the process from our perspective. PD change is the fundamental driver, but there could be others (that trigger the process). Appreciate what Denise said that it is the responsibility of the supervisor to know the process and to not offer false hope. Who has delegated authority is a key piece. That person’s authority will tie the request to that date.

We need to outline what are the next steps and what’s the timeline on that.

Denise – I want to be sure we know what we are talking about. Are we talking about reallocation of 20+ supervisors, or individuals who have submitted individual requests?

Dan – we are talking about both. Bill has identified some individual needs here. There was communication that there would be a group reallocation and it looked like it was a go. But at this point, it’s both. Is group happening, is individual happening? And what are the timelines.

Megan – we have submitted individual requests under Article 16, so how HR wants to handle that. I don’t think we can go back from where we are right now with this. I believe there is not support for a group reallocation. That’s something that needs to be resolved. Right now 7 or 8 people have submitted individual reallocation requests.

Denise – we will address individual requests. Can’t give timeline today. I will go back to the staff who handle the reallocation audits, and we will give individuals involved an estimate of a timeline. That involves consultation with supervisors and managers. That will be separate activity from the broader look at the entire classification.

In looking at positions within that classification, it will push on asking questions about the entire group. In Division of FAW, they will need to be involved in that process. …part of delay was that we thought we were waiting for more requests.

We are not anticipating any more (requests), so we will let individuals know what the timeline is.

Dave – We understand this is going to push the question more broadly.

Denise – I don’t think the division has any plan in the works. We need to understand division’s viewpoint when looking across the whole division.

Dan – when saying group, the group is the people who have submitted requests for reallocation. We have, as MAPE, have encouraged people to do this, and if they have not, that’s on them.

Denise – I understand you are looking at strategic direction, not specifically a classification study (Dave 0 - yes)

Megan – appreciate time and candor. And within Fisheries, they need to have conversations about why or why not there is support for this. (Dave O – agree)

Dan – We will communicate what came out in minutes and in other ways. If someone else wants to exercise their contractual rights to ask for reallocation, they will do so and we will encourage them to do so.

Denise – if they decide to do that, it could affect the timeline.

**MAPE request for mediation/facilitation services**

We have finalized the joint request document as of May. On table right now is to use mediation services (Conflict Resolution Center), and asked how MAPE would contribute to the costs. Was offer made to cover the costs? We do own this and do want MAPE to help cover this. We think they would need 24 hours with three meetings and their prep time. With $200 X 24 that would be approx. $4,800 as estimated cost – MAPE doesn’t have a budget for these types of things, but we will go to our board and ask MAPE to cover 50 percent of those costs.

Barb – splitting costs is reasonable.

Meg – will try to get on next agenda for the MAPE board meeting.

Dan – Fri meeting may be about approving tentative contract agreement (and nothing else)

Meg – I meant the one after that.

Dan – We should have approval by the August board meeting. If we don’t get to a tentative agreement on statewide contract this week, things will be thrown into chaos, so let’s hope we get there quickly.

Denise – is Conflict Resolution Center on state contract so we can do a work order? (Adam – yes, an interagency agreement)

Megan – we may be able to schedule something tentatively, to get others’ time. Do I understand we have to wait to schedule until the funding has been encumbered? (Denise – yes). OK, I will let Adam know asap.

Diversity, Equity and Inclusion – Dan

Megan – Essentially, what we requested back in Jan, a high-level summary of what DEI things are happening. We wanted what divisions are engaged in. Assessments, training, etc. Seems these things were unevenly promoted in the department. We wanted to know in a high-level way how we can jump in.

Dan – DEI is a huge issue everywhere. MN is at the forefront in exposing the need to work on this. We have to confront it. What looking toward is how to have a meaningful partnership –

Been working with the Department of Education. People in school are much more diverse than general population of Minnesota.

A few years ago, there were a lower number of supervisors who are black and POC except for Indian liaison which is mandated by statute.

We concentrated on drilling into the data. There were people who are appointed, but not gone through DNR hiring process.

Got to a plan we thought would be palatable to MMB, but they refused it. We realized there is strategic plan mandated by Walz administration and realized that the plan was being developed without us, that it did not include MAPE even though we have done a lot of work in this area. We had to push to get involved. What resulted is an alignment with strategic plan with One Minnesota Council. It is called an alignment team with MMA, MAPE and AFSCME – that’s best example of collaboration on DEI that we have.

Have been able to communicate on that. Recently, there was something called “Willow” training, that came across very poorly and we were able to communicate that. Trust of us that we can provide. People knew it was being brought forward.

The level of real talk we can have as union reps. It may be wholly inappropriate, but you want to do it as supervisors. – we can say ‘its 2021 and what you said is racist, misogynistic and you cannot use that in the workplace. You need to clean it up.’ Best way to say that is to do it as partners.

Dan – We need to track what’s been done, and what is planned. Training and other efforts for DEI. We recognize that ELM tracks that, and can we check that, to anticipate what’s coming, as a minimum.

That’s where we want to be, to approach this critical work in the best possible way.

Denise – what information do you want to get out of ELM?

Megan – we asked what DNR is doing to track DEI efforts, and Adam said we are really not doing that. Then we asked how can we learn from the two required trainings? Do we even know how many took those trainings? So not to say that DNR is not doing what it is supposed to be doing, but to figure out where we are – if people are taking training, engaging with it, etc.

Denise – not sure if that will measure how engaged people are. It’s just a number.

Dan – it is just a start, to say percentage in our bargaining unit that have taken it. We can help tailor our outreach and our work (as MAPE) better. Have been in the room in these trainings where people said the training is intended to make white people feel bad and that it is racist.

Barb – with EVO “evolving vision and opportunity” - that we are not tracking DEI work is not accurate characterization. We may not have all metrics that might answer some questions, but does not mean we are not tracking the work. Generally, folks ask very broad questions that would take a lot of time to respond to. When we can have a deeper conversation, it helps us understand the underlying question

Megan – we have nothing (written) about what steps we are taking to commit to a more diverse and inclusive workplace – we don’t want you to spend the time to catalog every DEI activity, we just want to know what are the main priorities. Megan pointed to Xerces, Audubon and National Park Service sites which have those specifics on their pages. Some include a pledge to employees or the public about the organization’s commitment to DEI, and some have examples of DEI that their organization is engaged in.

Barb commented that looks similar to DNR at first glance and can use them as examples. What government agency does and what a non-profit does may not be that similar.

Megan – those translate to groups we have internally on the public-facing web page?

Barb – is your focus on internal or external?

Megan – well we didn’t find it on internal website, so we just looked at both. We asked that Rowzat and Randolph attend a Meet and Confer meeting to just brief us? How can we make that happen?

Barb – Randolph doesn’t supervise DEI group, now Aisha Ellis is doing that. It may be a bit early for her to talk to this group.

Denise – this is organic approach we are taking, so would encourage each of us to engage with things going on in divisions. Don’t really go to assessment of areas, but there are things to engage in.

**Telework Policy**

Megan said that Meet and Confer wanted to get a sense of whether there will be an overall telework policy and what kind of work will be done on this. She asked whether, after September, who is making decisions on telework. The guidance right now just says employees must make the decision to telework in consultation with supervisors and with their managers

Barb said that if the decision is unsatisfactory to the employee, there is an appeal process yet to be decided

Monica said we do not want to get into a situation in which three of five (or some combination) gets two telework, although they have similar responsibilities. She said she wondered how biases will be worked out.

Barb said the policy will be driven by the business need. Monica asked whether people working more remotely than before will have a choice, for example, if an employee has been teleworking in Ely this entire time, could they “report to a space closer to where they are living instead of St. Paul?”

Megan said that Meet and Confer will be compiling more questions, and will connect again with the group in September

Barb reminded the group that EVO is intended to be an “adaptive and iterative process” so that it can be changed as situations change. This is not ideal for many employees who need to deal with a certain degree of uncertainty. She said that any assistance in helping our colleagues make peace with the need for change would be welcome.