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## July 24, 2024, 2:00-4:00 pm

## Meeting overview (5 minutes)

* Review agenda and time allotments

# New Business

## Emergency Response Overtime (Jed, then Dan)

MAPE is aware of three staff that provided emergency response to flooding at Soudan Underground Mine and were told they would receive 1.5 OT and ended up receiving 1.0. We were of the understanding that if this is an emergency response, the same rules apply as for fire. We had a grievance about this a couple of years ago. These three members were affected: Jeremy Fauskee, Rebecca Arneson, Karen Harrison. Consider this the informal step to the grievance process and is intended to preserve any and all timelines while we are working to address this at the lowest possible level.

Matt pointed to an administrative policy referencing overtime. Matt says that admin policy is about wildfire suppression. The policy statement provides guidance when acting as a firefighter. Then referenced history, and the work of a firefighter is non-exempt work. No work as a firefighter here so no change in exemption status. In 2022, there were staff assigned to flooding response, placing sandbags, filling bags and told what to do. Filling bags for that long is a change in work duties. Were they doing office work? Ordering supplies, work in IOC was in a planning level type of work.

Megan E said the admin policy references only wildfire and criteria when that happened. Sandbags would be a shift in that work. Two different things here. Sounds like there are incidents where this can happen based on duties. Mentioned that those doing planning work during incidents have their status changed when on an incident.

Denise – There is some confusion of flipping people's status under FSLA. Need to be careful about doing that, doesn't really like what DNR is doing already. Do it under fire due to having a fire season which is designated. Division director establishes the fire season. Not just changing schedules, but the nature of the work can change. Under FSLA we should not be flipping people for a short term thing. FSLA is about the nature of the work. When we flip, we are jeopardizing the nature of those positions. If we get a legal challenge, those positions would move to non-exempt. When positions are non-exempt, can't treat them as exempt. When we treat the exempt as non-exempt, we run the risk of them being moved. Can't have it both ways.

* The referenced admin policy is specific to wildfire and does not include other emergency response like flood response.
  + Flood response has different circumstances.
  + Change in FSLA is tied to the work of the fire fighter, no change in exemption status.
  + Filling sandbags is different work than logistical support of getting the sand or the bags.
  + HR said they are very cautious about switching status under FSLA.
  + Doesn’t have to do with scheduling but rather the type of work.
    - Planning and logistics Vs manual labor
    - Example: filling sands bags vs logistical support to fill sandbags
  + Worst case scenario is HR gets a legal challenge and people will get moved to non-exempt permanently.
  + Forestry has not been Communicating this effectively to staff at all but telling them they will be moved to non-exempt and earn overtime for ALL emergency responses.
* Using FSLA is the wrong mechanism for incentive to get people to volunteer for this work.

Dan asked was their scheduled changed like it was in 2022. Maybe that makes it an emergency? Having a schedule doesn't control your exemption status. Denise felt if we were moving groups of people from different divisions to respond, that would be different. Problem is can't treat them as exempt and non-exempt in the same pay period or work week. That will get DNR in trouble.

Megan E. asked for clear guidance for staff and supervisors on this.

* MAPE is confused by all of this as DNR has routinely moved staff to non-exempt in the past for emergency response. There was a grievance about it in 2022 that was won.

# Old Business

## Wildfire—On-call Communication (Megan E.)

MAPE asked for a separate wildfire meeting with HR, initially scheduled for 5/6/24

* 1. MAPE Representatives will be Dan Engelhart, Megan Eiting, Megan Benage, Jed Becher, and Amber Jungwirth
  2. Requesting from Management: Denise/Matt, Paul Lundgren (for on-call discussion only)
  3. Topics: on-call/duty officer communication, exempt and non-exempt overtime calculations, partner divisions not allowed to move to non-exempt status
* On-call communication as agreed to in supplementals—plan for communicating changes to supervisors and staff. Retroactive date of 8/19/2023.
* The 2024 Wildfire Preparedness Manual came out 4/3/24
  + Removed language from the April 2023 Preparedness Manual specifying that Duty Officer assignments are 24-hour
* MAPE asked for communication to go to all Forestry staff at the January Meet and Confer. We have not seen an email or information come out to date.

1. Megan E. sent a list of questions to HR on 5/3/2024
2. HR and MAPE mutually canceled the forestry meeting on May 6 to allow for time to respond to MAPE’s submitted questions.
3. Megan B. sent a follow-up on 5/21/24, no response
4. Megan B. sent a follow-up on 5/31/24, no response
5. Megan B. sent a follow-up to Adam 6/17/24, no response
6. Megan B. sent a follow-up to Adam 6/25/24, a response was received 6/27/2024

Matt has meet with forestry, forestry is aware that there are errors and conflicting information in the preparedness manual. Changes are being addressed.

Matt felt much of what Megan said about the previous topic helped clarify some of the things in this topic.

Matt: Forestry was aware of some conflicting information in the preparedness manual, and they were going to or had made changes to it. Being put on call does not mean automatic 24 on weekends. Might be up to 24 but might be as little as 1 hour.

Megan: Those in duty officer role in on call role would be 24 hours. Others would be 8. HR calculations of exempt and non-exempt, looking for written guidance for that. Matt: no work on updating guidance but have had some discussions within HR about providing / updating guidance. Did acknowledge that language at bottom of letters can be confusing.

Megan: other divisions of shifting from exempt to non-exempt. Only section of wildlife has sent guidance to staff. Is there opportunity to discuss this further?

Matt: Incentive type things would need to be at negotiations. In terms of other divisions, only aware of a couple of situations this year, Wildlife and PAT. A couple of staff that helped with fire response on weekends. Don't flip them for a day or two because most of their work time that period was normal.

Megan asked about staff that change duties for a longer period, like 7 days at a time. Denise said it’s the work, not the schedule. Operating a helicopter would be considered exempt work, even if associated with fire. Denise brought up MNIT staff that thought should be non-exempt, but she said the work didn't change, still doing IT work = no change.

Megan: need communication coming out before staff go on assignment and not find out on their timesheet.

Denise said need to focus on managers and supervisors to provide clarity.

Megan: Pointed out that the four messages sent before any response was provided by management which makes it difficult to answer questions from members.

Denise agreed to a meeting for clarification. Dan requested Paul be there, Denise agreed Paul can be there. Dan did remind management that there is the option of incentive pay when OT is not an option for staff due to the short duration of some assignments. Gave the example of what has happened at MDH and why they did this. Dan said that MMB is saying that DNR doesn't support counting hours worked for the purposes of overtime.

Denise wanted to clarify that deputy commissioner Chafe said that MMB supports but DNR opposes. Dan clarified this has enterprise impact. MMB says not and says that DNR does not support as well.

## Vacation Accrual Credit (Jed B./ Dan E.)

* Status update
* MAPE-led petition and results sharing
* 8/19/2023 implementation date with new MAPE contract
* MAPE is requesting the most expansive policy with no cap on vacation accrual for previous-related work.
* Question: has a draft policy been completed and sent to the CMO for review/approval?
  + What is the CMO's timeline for reviewing the vacation accrual policy?

Has not gone to CMO yet. HR is implementing the new language. For new employees, have implemented the new language. For existing employees, might have current staff request to go from 2 years to 5 years as they weren't in a vacation eligible position before but now it doesn’t' matter.

Dan presented the petition. Many staff are still being denied based on the old language.

Denise said they will check on it.

Need to provide names that were denied accrual based on new language. Whitney provided feedback about no response from HR rep when trying to clarifying. Want to know about staff hired after 7/1/23 that did not have the new language applied to them.

Proposal HR is putting forward recognizes the contractual implementation date of 8/23/23.

Dan said he has both, new hires and longer team employees that have not been able to take advantage of the change. Matt would like to know who was new and longer term if we have it.

Denise said they started it with new employees per the new contract because they didn't want to do it twice.

Dan clarified that long term are not getting it right now.

Don't plan to do a deep dive for previous staff, they will have to request their credit to be adjusted once a change is announced. Denise said they have some idea based on data they have pulled to support the recommendation. Feel they have a ballpark of who got 5 years. She is hopeful that their recommendation will be approved, then they will implement a communication plan / strategy and then invite requests. Has gone through her boss, then to the applicable asst commissioner and then into the que with CMO. It’s a big que of things. Barb has been involved with conversations more than once so should be familiar. Denise will let us know as soon as she knows.

Dan: would it be prospective? It would be retroactive to the effective date of the contract. Might go up because of the 8/23/24 implementation with what is in bounds now. The cap being lifted effective date will be the date of future CMO signature.

## Fisheries Series Reclassification (Dan)

* Asking for meeting options to be developed by the end of this week.
* After the January Meeting, MAPE asked for a separate meeting with HR about interim solutions for Fisheries staff. Adam sent a note on 2/14 that we were working on putting something together. A meeting was initially scheduled for May 6, 2024, but then subsequently canceled due to a miscommunication about the meeting's purpose.
* The key MAPE representatives who will attend are Megan B., Jed, Bill, and Dan E.
  + Clarify meeting attendees
* **Issues with NR-spec class and inequity across all Divisions**
* **Where do reclassifications fall within the workload priority list, recognizing the current lack of staff?**

Key Issues:

* Addressing miscommunication around Fisheries reclassification
* Interim pathways to move forward
* Outdated job class specifications (especially the Fisheries Spec Senior one)
* Inequities between Wildlife and Fisheries for the same type of work
* Request for updated org chart for each Section

Key Questions with the most emphasis on number 1:

1. What are the potential “interim pathways” to address classification issues within Fisheries? Let's explore the possibilities for positive change.
   1. Are there any processes/steps that would facilitate this?
2. How can we move forward with updating job class specifications so that they’re accurate and reflect the work the assistant area fisheries supervisors do?  Whose responsibility is this to complete?
3. Why does it seem like Fisheries/Wildlife position classifications are not “equal?”  Why are Fisheries staff not afforded the same promotional opportunities as Wildlife counterparts?

Dan: recap on this: asking for a specific meeting on this topic. Matt: might be helpful to understand what we want to specifically discuss. What is the purpose of the meeting? Acknowledged there might be confusion for staff on what being told / not told by their management.

Denise: one of the issues here is in her view, we have rehashed the work more than once. Will acknowledge the communication from the division has not been clear or heard in the way it was intended. To have them say the work is the same as X, FAW has made a decision about this classification. FAW did not sign on to reallocation requests saying these positions should be at x level. Felt some supervisors took it on upon themselves to venture outside of their purview putting things in PD's that they shouldn't have. Did not want to have another confrontation and be able to respond to employees. Felt they might be expecting to present their case and HR could not be responsive to them.

Denise agreed to a meeting and MAPE agreed to limit the scope of attendees.

What is a path forward? What are the staff goals, sups goals, division goals, path needs to point towards goals.

## Update on Communication Series study appeals (Jed)

* Update on status of appeals.
* How many appeals were received? How are they doing on the appeals process? Any estimate of the timeline for review?
* Have seen two staff changes and one departure because of the study so far.

20 some appeals. Process is to team is split up, different person handling appeal from who did the audit. Given nature of the appeals, trying to identify key questions or themes that go to structure. Being able to bring those questions to division and regional directors to look across the department to make sure we have the proper framework for these, sort of a matrix environment to some degree. The division hierarchy, regions, the overall OCO centralized function fits into the mix. Feel those questions would help with the leveling of some of the positions. Can't give a timeline, still working through what the key questions are, how they are going to approach a meeting and get some of that clarification.

Have met with MMB about the overall scope of the study and their approach and DNR's approach and what other agencies have done so they would have clarity about direction they were given and approach they took. Will send an update to everyone that appealed. Not sure when. Will go to supervisors as well.

People are equating this to a reallocation request, there is a significant difference here. Someone is making a request for a change, old and new and what has changed. None of that happened here, this was a status quo, not if things had changed or not. What PD's looked like at this time, look at existing. Having the new info in the appeal has complicating things. Took an expansive approach allowing supervisors to include any they felt should be looked at. Always looking at layers and context around it. The structure is a key thing for them to look at.

Matt added: Given the matrix, that is why they can't just look at a PD from another agency. Doesn't feel PD's can be compared like staff are doing.

## Updates from Management (CMO/HR)

Denise gave a heads up that info will be coming out about the work EVO project, 4 focus areas, updating telework agreements, form has been updated removing pandemic language.

1. **Other/Future Business? (Jed)**

Feedback loop meeting to be scheduled with Adam Browning

Would revisit if something new. Concepts / structures we have come across, what are the objectives vs what is currently available. Jed will get back to Adam about other participants from MAPE. Will be Jed, Keylor and Monica.

Dan offered that MAPE is always interested in helping to push DNR legislative agenda items.