DLI Meet and Confer

Minutes

Date: November 14, 2019

Time: 2:00 PM

Location: Washington Room, DLI

Attendees: MAPE representatives: Cyndi Benjamin, chair (OSHA), Kathy Frank (VRU-St. Cloud), Debra Heisick (ADR), Frances Li (ADR), Nell Nere (ADR), Dave Skovholt (Labor Standards), Lyz Martin (MAPE Business Agent), Leah Solo (MAPE Communications Director)

DLI management: Commissioner Nancy Leppink, Deputy Commissioner Roslyn Robertson, Assistant Commissioner Heather McGannon, Assistant Commissioner Nicole Blissenbach, HR Director Laurie Jandro, HR Consultant Sandy Arvin, HR Consultant Mary Babaya

**I.** **Introductions** of all participants.

**II.** **Safety issues**:

1. Video intruder:

The agency is aware of the intruder and has discussed the issue with the St. Paul Police. The agency works with a liaison at St. Paul Police Department. The Department policies require that all guests must sign in at the front desk. If s/he does not sign in, s/he can be removed from the premises. DLI is in the process of collecting information which will be used to improve safety as part of the first floor remodeling plans. The agency is exploring options regarding barriers to the conference rooms on the first floor. DLI is working with Lafayette Park agencies to improve safety in all the surrounding buildings. Management is also working on the contractual agreement regarding the security guard.

1. Police notification of active investigation near DLI:

About two months ago at around 1:00 p.m., two sheriffs were seen with guns drawn by the DLI dumpster. Should the police inform HR when they are investigating in our vicinity? Assistant Commissioner McGannon was not aware of that incident. However, she was aware of the incident one afternoon at the Holiday gas station on East 7th Street where there was an officer involved shooting. She did notify all staff about the incident. This is a work in progress for the last three months. DLI will assess each situation and activate the continuity of operations protocol when necessary. There is no current agreement with the police to notify DLI of any neighboring incidents or investigation. Assistant Commissioner McGannon will talk with Julie and work with the police liaison to address this issue.

1. Overview of building security:

Assistant Commissioner McGannon has incorporated safety issues in the agency’s continuity plan. All DLI employees, including those working in the field, are included in the plan. The agency is looking at a paging system, or a more modern system for real-time alerts for all staff. The agency is reviewing more economical choices within the next 6 to 9 months.

The Lafayette Park group meet quarterly and discuss safety issues which are shared among all other agencies and the landlord.

1. St. Cloud office :

The lighting and bushes issues have all been addressed and the outside condition has improved.

1. Pedestrian crossing markers between employees’ parking lot and sidewalk:

It would improve employee safety if pedestrian crossing yellow surface lines are added from the parking lot to the sidewalk leading to the front entrance (see photo attached). Assistant Commissioner McGannon has agreed to discuss the issue with Colliers to determine the options to mark off a limited area for pedestrians.

1. Dim lighting on all floors:

The fourth floor dimming is complete. Management is reviewing the lease contract and construction code for light dimming on the second and third floors. Management believes that they are working within the range stated in the lease and the code. There is no ability to retrofit the lighting is on the first floor.

1. Lead safety

With the recent Water Gremlin court action due to the elevated blood lead levels found in children of Water Gremlin employees, MAPE is concerned with any lead exposure of DLI employees who are involved in the investigation. There are at least three industrial hygienists and one safety investigator from MOSHA who conduct on-site investigation. The Commissioner agrees to double check with the division director and supervisors to be sure that the DLI employees are properly trained on lead safety issues.

**III.** **New positions at Labor Standards**

The Agency advised that two strategic compliance leads have been posted. Once these positions are filled, there will be a round of hiring of vacant positions and new positions with the new funding. There will be three leads and a total of seven MAPE positions to be filled, including two current vacancies. It is anticipated that the postings would go up not long after the leads have been hired. The plan is to have training for the employees who will conduct worksite investigations. Training materials are being developed and will be used to train the new hires as well as existing staff. Once the three senior staff (leads) are hired, they will move quickly to get the training in place. They are working on the work processes and types of forms to be used. Management is aware of some workplace issues. The space is crammed already. This is a work in progress.

**IV. Remote Work**

During the renovation, CCLD employees were allowed to work from home. MAPE would like to know whether employees of other units can work remotely also.

There is a policy in place regarding remote work during inclement weather. Any questions may be addressed to HR director Laurie Jandro and Assistant Commissioner Heather McGannon.

As a general policy, management is supportive of working remotely. It can work well for the employees for several reasons. However, there must be an appropriate environment or digital workplace for the employee to complete the work remotely and to work efficiently and productively. Considerations must be taken of the dynamics of the assigned work. There are circumstances where having everyone on-site is important and conducive to the working environment. Questions must be asked if the work can be effectively conducted by Skype or is there a need for person-to-person engagement.

HR Director Jandro explains that there are three HR policies at DLI that address remote work.

1. DLI Remote Work Policy – this applies to those employees who work permanently from home or who travel continually.
2. MMB Statewide Telework Policy (HR/LR Policy #1422) - this involves a formal agreement; the discretion is left with the supervisor and manager.
3. Ad hoc telework – there is no formal MMB form; the employee needs to initiate the request with the supervisor. If approved, DLI uses a form that originated from CCLD to document the agreement which is signed by the employee and the supervisor.

MAPE representatives are concerned that the supervisor’s discretion is not applied reasonably or equally. As an example, MOSHA has laptops that can be checked out. However, they are permanently signed out to a few selected employees and not available to all interested employees. The HR director encourages the employee who has such concerns to speak with the HR director or HR consultants. She reiterated that this administration has an open door policy. The Commissioner emphasized that the same set of criteria should be applied to all employees regarding telework.

The Commissioner is looking at how best to use technology to do the Agency’s work including the use of smart phones, laptops and tablets. One of the key goals is to use technology with our stakeholders. The agency must recognize the importance of one-on-one personal engagement that can enhance the quality of work and the environment. It must strike the right balance. It needs to consider the flexibility of the workload without losing sense of teamwork and the value of interpersonal engagement and fostering good communication in the office together. The manager should have the big picture in mind for the units and divisions in addition to the needs of the employee when considering telework. As the Agency continues to modernize, the leadership will continue to look at the processes which is revolving. The Commissioner is committed to working on this issue. She would prefer that that the managers and supervisors engage with the staff to arrive at a resolution.

Bad Weather Days – Assistant Commissioner McGannon stated that HR will send emails to affected employees as a reminder that they should talk with supervisor/manager to plan ahead and make the appropriate arrangements in anticipation of bad weather. Options include taking vacation day or work remotely from home. HR will give guidance to all supervisors and managers to ensure that the remote work criteria will be applied fairly and equally.

**V. Flex hours**

The private sector is more receptive to flexible hours. Currently, some units allow flex hours, but not all units. The ADR unit was allowed summer hours in the past but a recent request to continue the same flexible hours further into the year was denied. The State of Minnesota must catch up with the private sector to allow more flexibility of work hours for recruitment and retention purposes.

The Agency will determine the needs of the unit on a case by case basis especially because of the upcoming Workers’ Compensation Modernization Program “going live” in August 2020.

**VI. MAPE new contract provision re: student loan payment reimbursement**

The Agency will wait until formal contract approval by the legislature before deciding on the program and the process. The funding comes out of the existing budget. The agency needs to look into the resources to determine how to absorb the cost. The agency needs to have an estimate of how many potential applicants and the approximate amount necessary to fairly implement the program. This agency may not be able to give the full amount to all applicants. DHS has started discussions on how to implement the program; MNIT wants to use it as a retention and recruitment tool; Minnesota State plans to tie the classes to the current job. The Commissioner requests that MAPE get the following information:

A. The estimated dollar amount;

B. the estimated number of applicants;

C. What is a fair distribution?

D. A recommendation of the eligibility criteria.

The Commissioner indicates that while the program honors the employee’s individual commitment for self-motivation and continuing education, it will be a complicated process to determine how to implement the reimbursement program fairly and consistently. The Commissioner is willing to set up a team to discuss how to do it with a goal to start a workgroup by July 2020. The agency must determine the ultimate objectives/goals of this program. Is it retention, recruitment, social redress (too many debts)? What is a meaningful amount if it is for recruitment purposes? Should the reimbursement rate be a percentage of the debt to the employee’s current income? Should the program be applied to MAPE employees only? Should employees who are on the federal loan forgiveness program or other public loan forgiveness program be excluded from the State program? The Commissioner welcomes MAPE’s engagement on these issues.

**VII. Other Business**

1. Health assessment data dissemination - in order to receive a $5 discount on co-pays, an employee is required to complete a health assessment collected by Virgin Pulse and stored by the vendor outside of the State of Minnesota’s control. Nell indicates that an advisory opinion issued by the Atty. Gen.’s office states that information collected by HealthPartners under the city of Duluth’s self-insurance plan is classified as private data. She is concerned that once the private data from the health assessment is provided to the third-party vendor, it is no longer private and questions whether the state should allow the health assessment.

The Commissioner responds that the employee should be thoughtful about whether to choose the $5 co-pay reduction with the understanding that the State of Minnesota is self-insured and the data from the health assessment may not be private. However, the health assessment tool will end after 2019. A new multiple choice program will be initiated in 2020.

1. Cindy states that there are leaky windows on the fourth floor. When it rains, the windows drip.

The blinds are dirty and moldy.

Assistant Commissioner McGannon indicates that the landlord is aware of the situation and is looking for a solution. The blinds went up due to budget constraints. It is a complicated situation, but the landlord is working on a solution.