

MEET & CONFER MINUTES



Date: 7.29.2021

Facilitator: Meet & Confer Chair

In Attendance

MAPE: Kristine Moody, Ann Adkisson, Sally Wakefield, Tammy Nelson, Christopher Determan, Nikki Engen, Emily Moen, Britton Mikelson (Staff), Nic Frey (Staff), Gretchen Schwarmer

Mgmt: Alyssa Haugen, Elizabeth Blomberg, Grant Warmus, Lee Ho, Sara Westly, Yia Her

Approval of Minutes

- ☒ Meet & Confer Committee
- ☒ Management Approval

Productivity Adjustments: Gretchen (Tammy Nelson and Cara Hofreiter Guest Speakers)

- Tammy presents power point
- Tammy: we've had adjustments to our expectations due to pandemic but they are about to expire and we feel the adjustments are still needed. Members are worried about being able to meet their expectations. In order to meet expectations, you have to earn a certain number of credits, the amounts of which can vary based on complexity and classification.
 - o Complexity based off of various factors, size of company, issues, industry, etc.
 - o Most of credits based off audits, some credits can be earned from non-audit work for various things.
 - o During pandemic an adjustment was provided based on when an employee's review period was in relation to when the pandemic emergency was implemented
 - o Individuals whose review period starts next month are expected to reach 100% of productivity expectations at the rate that was in effect prior to the pandemic
 - o We ask that production credit expectations be adjusted until pandemic roadblocks are removed
 - o We don't feel that it is reasonable that we are expected to do as much work as before with ongoing pandemic precautions and concerns.
 - o There are unintended effects when auditors are placed under extreme pressure, some take shortcuts, less taxpayer education, rushing through audits, etc.

- Tammy explains how pandemic has affected productivity, audit tasks take longer, audits take longer, etc.
 - o Legislation enabling local tax changes has also added additional work.
 - o Taxpayers do not present at office as often as they used to be, audits where sales tax auditor can't be present on site take longer, taxpayer less likely to be responsive, more back and forth
- Alyssa: Have you had these conversations with division management?
- Tammy: Yes and no, presented this to Gina in late May, a lot was going on so no changes made, brought before m&c because time is running out
- Alyssa: We would like this to go back to division for more follow up, we'd like to resolve these items at the lowest level possible.
- Tammy: I will reach out to Gina and give her this updated information.
- Alyssa: Maybe break into two different sections to make sure pandemic stuff is presented immediately

Phased Retirement: Gretchen

- Gretchen: Phased retirement appears not to be offered anymore, what happened to it?
- Yia: It is still an option in the collective bargaining agreement, it wasn't utilized during the hiring freeze, program is focused on knowledge transfer, which wouldn't be possible during a hiring freeze. Also there was a question around PRO information, PRO didn't replace phased retirement. There is more detailed info on the MMB website. We had received a few questions around it this past year, a number of employees decided to go along without the phased retirement option or postpone retirement due to other extenuating circumstances.
- Kristine: When hiring freeze ends is phased retirement an option again?
- Yia: Yes, however it is subject to review and consideration of employer, I can send links to MMB website.

Sexual Harassment Complaint Process: Emily

- Emily: You had said training would be completed by 5/30 and copy of flow chart provided, what is the status on this?
- Lee Ho: training was completed, also a description of the process was released per business notice posted in May

Browsing

- Kristine: Arbitration is in the final conclusion stage; we want to follow up with what the final decisions are and follow up with code of conduct training
- The first portion of the arbitrator's findings I want to bring attention to: the arbitrator stated that it was unreasonable to ask an employee questions about a specific file a month after the fact
 - o Will HR provide name of the taxpayer file prior to questioning in order to provide the employees the ability to recall the file?
 - Elizabeth – Want to ask clarifying question plus a bigger one. Yes, management has received a copy of the arbitrator's decision. Do we believe this is the right venue to discuss this entire document? We have looked at the specific case and want to go through it, not sure if we are ready to have the large discussion.

- Kristine – Yes, I do believe this is the right venue for this conversation, this forum was even referenced in the arbitrator’s findings. We have asked these questions many times before.
- Nic – It as a matter of policy that affects many employees here at revenue,
- Kristine – This issue blends into work I perform as a steward and it is very time-consuming work, adding more information and clarification would help employees as well as stewards with less workload. If we don’t address this it will continue to be an issue. So, I respectfully state it does belong here.
- Elizabeth – We’re just concerned about talking about this specific arbitration rather than a matter of policy. Want a delineation that we are talking about the policy itself at M&C rather than the specific arb.
- Kristine – Our position on the policy is that names of files should be released to employee or employee should have access to real time file as an employee would reasonably not be able to recall a month later.
- Elizabeth – Clarification, is the ask that the employee be given the screenshots of the TP earlier in the process?
- Kristine – When an employee is called in for an investigation, they aren’t given any clue as to what is being investigated, when they get there they are given a name, we and the arbitrator feel that it wouldn’t be unfair for an employee to recall what happened. Let them bring their computer for real time access to the file.
- Elizabeth – We feel that providing name of TP and screenshot is sufficient, also worry that real time access to file could cause additional instances of unauthorized access for employee being investigated.
- Kristine – Even providing a screenshot and a name beforehand I still feel someone would have to go in and see their notes.
- Chris – We don’t have a definition of what accidental browsing is, some of us don’t log CRM notes when we access accounts, others of us log CRMs on everything we ever touch.
- Yia – I’m not going to provide a decision today, I would like to take this back for discussion, what you are asking us to do is change the entire investigation process, we aren’t making any commitments today
- Kristine – That’s OK, we can circle back around on this
- Kristine – Moving on, we’re asking the agency to modify the code of conduct to differentiate between intentional and accidental browsing and remove anything that doesn’t include a process of progressive discipline.
 - Elizabeth – Browsing is defined as unauthorized access; I don’t think accidental browsing is possible. Those two terms are used interchangeably.
 - Kristine – You don’t believe accidental browsing happens?
 - Elizabeth – I believe browsing is unauthorized access, and unauthorized access is defined.
 - Kristine – In this particular instance, it did appear this individual had a business reason to access the file, so there is some misunderstanding about what a business reason is. If there is found to be a business reason, we ensure progressive discipline, as defined in the MAPE contract, is enforced. Different employees investigated in cases with similar facts have faced different outcomes. What I’m asking for is the portion of the Code of Conduct be stricken.

- Elizabeth – Would you be willing to email questions so we can discuss and come back with answers? Getting low on time.
- Alyssa – We are continuing our review, it would be helpful to have your questions available when we are discussing this with HR
- Kristine – Our problem with that is nothing we are discussing is new, the only new thing is that we have is an arbitrator's decision, on behalf of the employees I represent they are very concerned. Had the Code of Conduct been updated to distinguish between accidental vs business reasons this arbitration wouldn't have happened.
- Alyssa – This is a collaborative meeting, we are running out of time and we offer you additional time outside of this space, however we will continue to manage our policies.
- Yia – We need additional time because a lot of things have happened and there are other priorities related to contingency planning, and we need to balance a fine line between browsing as management has to answer to the public, I certainly wouldn't want to be faced with being on the 5 o'clock news due to a browsing incident.
- Nikki – I would appreciate any additional feedback on this being that as a collector I review thousands of records, over the past few years my anxiety has grown, can a 15 year career be ended by an incorrect keystroke of a SSN? It's really important for us to know what to do.
- Kristine – Moving on from here, what I hear is you no longer want to discuss the arbitrator letter, are you open to discussing questions provided a week ago?
- Elizabeth – I do have those questions, we can respond in writing to those, we are just running really short on time and don't see the need to spend rest of time on this one item
- Kristine – I will put this on hold and we can circle around this at the next meeting
- Sally – Is mgmt. willing to spend time on this outside of M&C meeting to meet?
- Alyssa – Yes, Yia etc would be willing to meet with a small group of you outside of this venue, just not enough time
- Sally – spending some additional time like this would be helpful yes
- Kristine – Elizabeth would you be fine setting up a smaller sidebar meeting to discuss this in the future?
- Elizabeth – Yes

Ely Workplace Carpet Hazard: Nikki

- This is a tripping hazard; the report has that been forwarded to Dave Barber
- Sara – We tested carpet in April, they had the highest moisture level allowed there

Office Closure Policy: Ann

- Based on the MOU for office closures created when we were in negotiations there was going to be an expense reimbursement policy for those people affected, has this been done?
- Yia – Not necessarily a separate policy for those affected, the intent of the policy has been to mirror the state expense reimbursement, we are working with MMB on this and looking at the travel policy, however we aren't the owner of that policy, finance is the owner of it. We are continuing our discussion; it hasn't yet been finalized

- Ann – So are you taking into consideration that the people who were only 5 miles away are now many more miles away?
- Nic – Justin Nieman admitted to having a travel expense policy, he stated there would be
- Alyssa – We would be leveraging the statewide policy, and using an expense reimbursement policy
- Nic – Yia, is a policy on how to review telework arrangements being put together?
- Yia – it is a process
- Nic – Are you laying out a process for fairly reviewing a telework arrangement before it is eliminated?
- Yia – Not sure what you consider fair but we are putting something together
- Ann – Per the mutually agreed upon formal MOU process, we have a couple of items we have included in the topic, is there a time we can meet and discuss an actual process with you?
- Yia – Just want to clarify, we didn't agree to work with the union on MOU negotiations process, we agreed to discuss it. MMB is the one agency with authority to negotiate terms and conditions, we need to work through them when completing an MOU in our agency, this is something we would need MMB's partnership in. I believe an MOU has a very different set of circumstances, I don't want to tie either party down to a formal process today without MMB being here
- Ann – We would still like to discuss it at least. Our understanding is that MMB has the final sign off, agency negotiates it.
- Nic – This seems like a huge change, I have a list showing Revenue has full delegation
- Yia – I don't have full delegation, not sure why your list says that, have you ever written an MOU with another agency?
- Nic – No, the MOU with Revenue was a first
- Yia – I won't be held to a standard that other agencies aren't
- Nic – Your tune is changing
- Yia – What you're asking me to do is different from what other agencies do
- Kristine – We were the pilot program for closing out of state offices
- Yia – I can't agree to this without MMB's partnership and presence
- Kristine – At least discuss
- Yia – Not something I will do without MMB's presence
- Nic – And that is something we want, that the final decision makers are in the room

Next Meeting

10.28.2021 | Teams