**MAPE / MDHR MEET AND CONFER MINUTES**

**December 23, 2019**

**For the Union**: Brianne Lucio, Shawn Swinson-Stafford (chair), Elaine Valadez, Jonathan Wong, and Paul Ziezulewicz

**For Management**: Commissioner Rebecca Lucero, Deputy Commissioner Irina Vaynerman, and Human Resources Specialist Jessica Fenlon

**1 Meeting Minutes (Local Concern, CBA Article 32, Section 2)**

Management and MAPE discussed the following minutes-related topics:

* The Committee asked if Rebeca Lucero and Irina Vaynerman agreed that the minutes of the November 25, 2019 Meet and Confer were complete and accurate. Rebecca Lucero replied that the minutes were complete and accurate.

**2 Procedural (Local Concern, CBA Article 32, Section 2)**

Management and MAPE discussed the following procedural topics:

* The Committee welcomed Jessica Fenlon, MDHR’s new SmART Account Manager.
* The Committee noted that Dept. of Admin Staffing Supervisor Cathy Bisser declined the meeting; that Committee member Audel Shokozadeh was on vacation; and that MAPE Business Agent Debbie Prokopf had tentatively accepted the meeting, but was not present.
* Shawn Swinson-Stafford asked Jessica Fenlon if the Committee should continue inviting Cathy Bisser to Meet and Confer. Jessica Fenlon replied that it is okay for the Committee to invite Jessica Fenlon only, instead of Jessica Fenlon and Cathy Bisser together.

**3 Reallocation / Hay Process / Range Reassignment (Local Concern, CBA Article 32,**

**Section 2)**

Management and MAPE discussed the following Reallocation / Hay Process / Range-Reassignment topics:

* The Committee thanked Rebecca Lucero and Irina Vaynerman for their continuing hard work and transparency on these matters.
* The Committee asked Management how pay steps might change in the event that employees are elevated in pay range following the Hay study (e.g., would a 10L at the 8th step become a 12L at the 8th step).
	+ Jessica Fenlon replied that the driver is the dollar amount the employee is making, not the employee’s step.
	+ Elaine Valadez asked if it was correct that if an employee was making $10 per hour while on a lower pay level, the employee would still make $10 per hour on a higher pay level. Jessica Fenlon replied that this was correct.
	+ Irina Vaynerman asked what would happen with a reclassification change. Jessica Fenlon replied that a change in classification would not necessarily mean more money.
	+ Rebecca Lucero asked what would happen if the State reclassified an employee as an 8L at step 10 via promotion. Jessica Fenlon replied that such an employee would probably end up at step 8 of the employee’s new pay range. Jessica Fenlon noted that these changes are always tied to dollar amounts, and that it would not be a matter of going from step 8 to step 8. Jessica Fenlon reiterated that the dollar amount drives the process.
* Given that pay steps were an issue with the recent reallocation (with investigators going up two ranges, but one step back), and given the transition from numerical performance measures to being Efficient, Effective, and Proactive, the Committee asked Management under what circumstances-if any-Management would deny step increases.
	+ Rebecca Lucero replied that step increases could be denied or granted.
	+ Paul Ziezulewicz asked Rebecca Lucero and Irina Vaynerman if Rebecca Lucero and Irina Vaynerman would be involved in the granting or denial of step increases. Irina Vaynerman replied that Rebecca Lucero and Irina Vaynerman sign the performance reviews, but that the supervisor makes the determination as to whether the employee will receive a step increase.
	+ Rebecca Lucero noted that the current process is not “a clean process,” but that the Department is moving away from numerical measures. Rebecca Lucero also noted that there is a “big hangover” from how the previous administration measured performance. Rebecca Lucero further noted that an employee can ask the employee’s supervisor how the employee is doing.
	+ Brianne Lucio noted that employees are not sure how performance is being measured. Brianne Lucio further noted, by way of example, that employees in the Equity & Inclusion Unit are confused by the change in the Unit’s goals. Rebecca Lucero replied that when the current MDHR administration started, the administration met with the investigators and the E & I Unit, and learned from the investigators and the E & I Unit that numerical goals were causing stress and anxiety. Rebecca Lucero noted that there is a difference between an investigator having eight dismissals and an investigator having one challenging, complicated case. Rebecca Lucero further noted that there are growing pains associated with the new performance management, and that employees should work with their direct supervisors.
	+ Brianne Lucio asked Rebecca Lucero if Rebecca Lucero was recommending posing performance questions directly to one’s supervisor. Rebecca Lucero replied that an employee should use the Weekly Check-In Agenda and converse with the employee’s supervisor. Rebecca Lucero continued that employees are not instructed from top down and that the administration has given employees a sense of ownership.
	+ Irina Vaynerman pointed out the Equity & Inclusion Unit’s shift to strategic compliance, and that the Unit is shifting on the certification side too.
	+ Rebecca Lucero noted that before, success in the Equity and Inclusion Unit was defined based on the number of audits per day but that now, the focus is on making sure that the right work is done.
	+ Elaine Valadez noted that part of the concern in the Equity & Inclusion Unit is shifting away from former performance measurements. Rebecca Lucero replied that through the check-in form, the employee drives the performance process. Irina Vaynerman noted that there is a performance pressure point. Rebecca Lucero noted that the check-in form is a powerful tool.
	+ Shawn Swinson-Stafford asked if the check-in form could be adjusted to incorporate supervisory feedback. Rebecca Lucero replied that the check-in form already includes a section for supervisory feedback. Shawn Swinson-Stafford elaborated that Shawn Swinson-Stafford meant a section concerning the likelihood of whether an employee would get a step increase. In addition, Shawn Swinson-Stafford discussed that in Shawn Swinson-Stafford’s opinion as a veteran investigator, the production standard of 4.5 cases per month that the Department had prior to former Commissioner Lindsey was reasonable, as it was challenging, but not so unreasonably challenging as to push investigators to look for simple cases to beef up their production numbers.
	+ Elaine Valadez noted that there is difficulty making the transition from numerical standards.
	+ Rebecca Lucero noted that Rebecca Lucero’s goal is to make the Department the best civil-rights agency in the country, and that the Department will not achieve this goal focusing on numbers.
	+ Irina Vaynerman noted that in practicing civil-rights law, Irina Vaynerman did not have a goal of filing 10 cases per month. Irina Vaynerman’s goal was filing major cases that would lead to major structural changes.
* Shawn Swinson-Stafford asked if, at an all-staff meeting, Rebecca Lucero and Irina Vaynerman would be willing to discuss the transition to being Efficient, Effective, and Proactive.
	+ Rebecca Lucero replied that this matter has already been addressed in the right places. Rebecca Lucero noted that all-staff meetings are for topics that affect the entire staff, and that some staff members have never had numerical performance measures. Brianne Lucio noted that discussing this topic at an all-staff meeting might cause confusion.
* The Committee asked to what extent, if any, employees would be eligible for back pay based on the December 19, 2019 Hay study.
	+ Jessica Fenlon replied that regarding back pay, many different variables have to play out, and that Jessica Fenlon could not even say what the effective date for back pay would be.
	+ Jessica Fenlon noted that the Hay process will figure out whether any new anniversary dates come about.
	+ Rebecca Lucero noted that Rebecca Lucero has stated in the past that low-cost implementation will play a role.
	+ Jessica Fenlon and Brianne Lucio discussed transferrable classes.
	+ Irina Vaynerman noted that the Hay panel gives a composite number.
	+ Brianne Lucio asked if reallocation could be suggested by the Hay panel. Jessica Fenlon replied that reallocation or other options could come into play.
	+ Shawn Swinson-Stafford asked if there could be any change in seniority. Jessica Fenlon replied that a new job class would result in a new seniority status. Elaine Valadez asked if this meant that an employee with 16 years of State service would lose the seniority associated with those 16 years of service. Jessica Fenlon replied that the employee would not lose the seniority associated with those 16 years of service in terms of being a State employee, but would start new seniority in terms of class.
* The Committee asked if Rebecca Lucero and Irina Vaynerman had any new Hay-related action steps to share.
	+ Rebecca Lucero and Irina Vaynerman replied that there were no new Hay-related action steps to share.

**4 MSRS Presenter (Local Concern, CBA Article 32, Section 2)**

Management and MAPE discussed the following topics concerning inviting an MSRS presenter to visit the Department, especially in light of an apparent March matching deadline:

* Rebecca Lucero noted now that Tessa Lara has recently started working fulltime in the role of Joint Executive Assistant, Tessa Lara will schedule an MSRS presenter. Rebecca Lucero also noted that there are people on call at MSRS to answer questions.
* Jessica Fenlon-who brought along some MSRS materials for distribution to MDHR staff members-noted that the State includes MSRS information in the orientation materials that new employees receive. Jessica Fenlon also noted that one Mary Voss is the MSRS contact for MDHR.
* Regarding matching, Jessica Fenlon noted that the election must be done by the end of the fiscal year in June, but that an employee should not wait until the end of the fiscal year to enroll. Jessica Fenlon also noted that MAPE recently raised its match to $200 per year.
* Elaine Valadez noted that Elaine Valadez heard from MSRS that there is a “process” and that this is where the March deadline came from. Jessica Fenlon replied that Jessica Fenlon looked for information about a March deadline, but could not find any. Elaine Valadez noted that someone from the MSRS office on Empire Drive told Elaine Valdez about the March deadline.
* Jessica Fenlon noted that MSRS has representative available to answer questions.
* Shawn Swinson-Stafford asked Elaine Valadez if Elaine Valadez recalled the name of the MSRS person who told Elaine Valadez about the March deadline. Elaine Valadez replied that Elaine Valadez did not recall the name, but had the name written down somewhere.

**5 Allowing employees to flex in order to conserve vacation time (Local Concern CBA**

**Article 32, Section 2)**

Management and MAPE discussed the following flexing-related topics:

* MAPE noted that there appears to be confusion as to whether employees are allowed to flex by coming in on weekends, and asked if there is an agency-wide policy on allowing employees to flex in this matter. Rebecca Lucero replied that employees should be in the office during the business week. Also, Rebecca Lucero noted that there have been employees, such as Equity & Inclusion employees, who have flexed as a result of comp time. In addition, Rebecca Lucero noted that External Relations employees such as Audel Shokozadeh have to flex for business reasons at times.

**6 Working from Home (Local Concern, CBA Article 32, Section 2)**

Management and MAPE discussed the following topics related to working from home:

* The Committee acknowledged that this issue came up during the last Meet and Confer, but noted that the Committee was bringing it up again because along with the Hay / reallocation issue, it is one of the issues about which employee are the most passionate. Rebecca Lucero replied that although exceptions can be made for employees who are on FMLA, generally, employees should be here during business hours.

**7 Flexibility During Weather Emergencies (Local Concern, CBA Article 32, Section 2)**

Management and MAPE discussed the following topics concerning flexibility during weather emergencies:

* Paul Ziezulewicz noted that the weather during the previous winter was especially bad, and further noted that this situation was particularly difficult for employees who have fewer than five years of State service, as such employees accrue only two weeks of vacation per year. Then, by way of an anecdote, Paul Ziezulewicz mentioned that there is an employee who is not taking any time off this Holiday season, due to having used so much vacation time to meet challenges posed by last winter. Paul Ziezulewicz then went on to note that the City of Minneapolis and the City of Saint Paul have enacted Sick and Safe leave policies, which enable individuals to care for family members who are affected by unexpected weather-related closures of places such as schools and adult daycare facilities. Irina Vaynerman replied that due to the contract bargaining between the State and MAPE, sick leave can be used only for a certain set of enumerated circumstances. Jessica Fenlon noted that any change to that set of enumerated circumstances would have to be done through collective bargaining. Paul Ziezulewicz then discussed the Committee’s reading of the applicable contract provision, as well as applicable MMB HR policy and state law. Paul Ziezulewicz stated that based on these authorities, the Committee believed management has discretion to allow employees to use sick time to care for family members due to inclement weather. Rebecca Lucero replied that due to the presence of these topics on the agenda, Rebecca Lucero was hoping that MAPE Business Agent Debbie Prokopf would be present for the Meet and Confer. Paul Ziezulewicz noted that the Committee hopes that during the next round of contract bargaining, Rebecca Lucero would be willing to support an effort to get the MAPE contract to include provisions similar or identical to the Sick and Safe leave policies of the City of Minneapolis and the City of Saint Paul. Paul Ziezulewicz also noted that this is an issue of racial equity, as the absence of such policies has a disproportionate adverse effect on single mothers of color. Rebecca Lucero noted that Rebecca Lucero was familiar with this disproportionate effect, as Rebecca Lucero has worked on this issue. Rebecca Lucero further noted that this is especially the case when single mothers of color work for employers that do not have separate sick leave and vacation leave. Rebecca Lucero went on to note, by way of contrast, that the State does have separate sick leave and vacation leave.
* Jessica Fenlon noted that MAPE would have to take the lead on any effort to get the MAPE contract to include provisions like the Sick and Safe leave policies of the City of Minneapolis and the City of Saint Paul. Irina Vaynerman asked if Jessica Fenlon meant MAPE in collaboration with other unions. Jessica Fenlon replied that MAPE could be the first union to work on the issue. Paul Ziezulewicz noted that the Committee had anticipated Management’s response, but nonetheless wanted to put the issue on Rebecca Lucero’s radar, in an effort to encourage Rebecca Lucero to support the inclusion of such leave policies during the next round of contract bargaining between the State and MAPE. Rebecca Lucero noted that currently, employees can use sick leave only under certain circumstances. Jessica Fenlon noted that the circumstances under which employees can currently use sick leave are “very proscribed.”

**8 EO2 Positions Formerly Occupied by Christina Schaffer and Salima Khakoo (Local**

**Concern, CBA Article 32, Section 2)**

Management and MAPE discussed the following EO2-related topics:

* The Committee asked if there were any updates on this topic since the previous Meet and Confer. Rebecca Lucero and Irina Vaynerman replied that there were not updates.
* Elaine Valadez remarked that this was an agenda item during the previous Meet and Confer.

**9 Tentative Scheduling of Next Meeting**

Management and MAPE discussed the following scheduling topics:

* The Committee noted that Shawn Swinson-Stafford has worked with Tessa Lara to schedule the next Meet and Confer for 12:30 PM – 1:30 PM on Wednesday, February 26, 2020. Rebecca Lucero noted that since this Meet and Confer date will occur during the upcoming legislative session, Rebecca Lucero might have to miss the next Meet and Confer.
* Irina Vaynerman noted that if the upcoming legislative session leaves Rebeca Lucero unable to attend the next Meet and Confer, Irina Vaynerman will attend the next Meet and Confer with Rebecca Lucero’s blessing.