

## 2020 MAPE DELEGATE ASSEMBLY RESOLUTION

### Speaker of Employee Right Committee

Whereas the current chair of the Employee Rights Committee (ERC) is the Statewide Vice President;

Currently all Statewide communities except the Executive Committee and ERC elect their own chair/leader;

The ERC has a specific task to approve or deny arbitration appeals;

The ERC is made of 21 Chief Stewards, elected by local stewards within their region;

The Statewide Vice President does not need to be a former Chief Steward, and usually is not;

The Statewide Vice President may have never handled an arbitration appeal;

The arbitration appeal process needs to run consistently and smoothly in fairness to our members;

Chief Stewards need confidence the presiding officer at arbitration appeal meetings has extensive knowledge and experience with arbitrations;

Therefore it would be most efficient for the ERC to be chaired by a Chief Steward knowledgeable in procedure and practice

*Resolved*, that the governing documents be amended as below to allow the Employee Rights Committee (ERC) to elect its own Speaker every year at the first meeting in June and the Speaker will preside over arbitration appeals and sit on the Arb team.

Passed by	Date
Kay Pedretti	6/28/2020
Tabatha Ries-Miller	6/28/2020

Contact Name	Contact E-mail Address	Contact Phone
Kay Pedretti	Kpedretti@winona.edu	507-457-5288

(Underscoring denotes wording inserted (inserted wording), and strike-through denotes wording deleted (~~deleted wording~~).

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<b>What is being amended?</b>	<b>Resulting Language</b>
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<p style="text-align: center;"><b>Arbitration Team Policy</b></p> <p><b>Summary:</b> To identify the composition of the MAPE Arbitration Team and the responsibilities of the MAPE <del>First</del> <u>Statewide</u> Vice President and <u>Speaker of the ERC</u> in the Arbitration Team process.</p> <p><b>Related Information:</b></p> <p><b>Policy:</b></p> <ol style="list-style-type: none"><li>1. The MAPE Arbitration Team will consist of <del>the Assistant Executive Director,</del> the <u>Enforcement</u> business agent staff, the <del>First</del> <u>Statewide</u> Vice President, <u>Speaker of the ERC</u> and appointed steward(s).</li><li>2. The MAPE <del>First</del> <u>Statewide</u> Vice President, as chair of the Employee Rights Committee and the Speaker of the ERC <del>or its designee</del>, shall serve as a voting members<u>g</u> of the Arbitration Team.</li><li>3. The MAPE <del>First Vice President</del> <u>Speaker of the ERC</u> should make every effort to appoint the most appropriate steward (steward of record if available or most knowledgeable, hereafter: appointed steward) to serve as a voting member of the Arbitration Team when grievances or class action grievances of their</li></ol>	<p style="text-align: center;"><b>Arbitration Team Policy</b></p> <p><b>Summary:</b> To identify the composition of the MAPE Arbitration Team and the responsibilities of the MAPE Statewide Vice President and Speaker of the ERC in the Arbitration Team process.</p> <p><b>Related Information:</b></p> <p><b>Policy:</b></p> <ol style="list-style-type: none"><li>1. The MAPE Arbitration Team will consist of the Enforcement business agent staff, the Statewide Vice President, Speaker of the ERC and appointed steward(s).</li><li>2. The MAPE Statewide Vice President, as chair of the Employee Rights Committee and the Speaker of the ERC, shall serve as voting members of the Arbitration Team.</li><li>3. The Speaker of the ERC should make every effort to appoint the most appropriate steward (steward of record if available or most knowledgeable, hereafter: appointed steward) to serve as a voting member of the Arbitration Team when grievances or class action grievances of their concern are being considered by the Arbitration Team. If</li></ol>
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concern are being considered by the Arbitration Team. If no steward from the grievant's region is available, a steward from another region may be appointed by the Speaker of ERC.

4. As feasible, every arbitration will have at least one steward present ~~as a second or recorder~~. The steward present should be the steward of record if possible.

### **Arbitration Appeal**

**Summary:** The Arbitration team shall consist of Enforcement Business Agents, Steward(s) of record, Speaker of the ERC and the MAPE Statewide Vice President. This policy shall identify the procedures used during an Employee Rights Committee (ERC) arbitration Appeal Hearing.

**Related Information:**

**Policy:**

If a grievance is not resolved through the steps of the grievance process, it ultimately gets moved to MMB (Minnesota Management and Budget). Unless the grievance is settled or the grievant wishes not to arbitrate, the grievance shall go through the following process to determine whether MAPE will arbitrate a case.

no steward from the grievant's region is available, a steward from another region may be appointed by the Speaker of ERC.

4. As feasible, every arbitration will have at least one steward present. The steward present should be the steward of record if possible.

### **Arbitration Appeal**

**Summary:** The Arbitration team shall consist of Enforcement Business Agents, Steward(s) of record, Speaker of the ERC and the MAPE Statewide Vice President. This policy shall identify the procedures used during an Employee Rights Committee (ERC) arbitration Appeal Hearing.

**Related Information:**

**Policy:**

If a grievance is not resolved through the steps of the grievance process, it ultimately gets moved to MMB (Minnesota Management and Budget). Unless the grievance is settled or the grievant wishes not to arbitrate, the grievance shall go through the following process to determine whether MAPE will arbitrate a case.

<p>1. The Arbitration Team shall vote whether to arbitrate the grievance using a majority vote.</p> <ul style="list-style-type: none"><li>● If approved for arbitration, the grievant is notified and arbitration is scheduled.</li><li>● If denied for arbitration, notification shall be sent to the grievant via electronic mail with a read receipt and delivery receipt as to the Arbitration Team's decision. If the grievant does not have a home email address on file, the letter shall be sent via certified mail.</li></ul> <p>The grievant may appeal in writing no later than 14 days from the receipt of the notice to the <del>MAPE Statewide Vice President</del> Speaker of the ERC.</p> <p>2. If an appeal is made, an appeal hearing will be scheduled to take place within forty-five (45) days of receipt of the appeal request.</p> <p>3. <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u> shall provide the grievant with written instructions as to how to proceed and the date of their hearing, within 14 days of the receipt of the appeal.</p> <p>4. Appointed steward(s): <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u> should make every effort to appoint the most</p>	<p>1. The Arbitration Team shall vote whether to arbitrate the grievance using a majority vote.</p> <ul style="list-style-type: none"><li>● If approved for arbitration, the grievant is notified and arbitration is scheduled.</li><li>● If denied for arbitration, notification shall be sent to the grievant via electronic mail with a read receipt and delivery receipt as to the Arbitration Team's decision. If the grievant does not have a home email address on file, the letter shall be sent via certified mail.</li></ul> <p>The grievant may appeal in writing no later than 14 days from the receipt of the notice to the Speaker of the ERC.</p> <p>2. If an appeal is made, an appeal hearing will be scheduled to take place within forty-five (45) days of receipt of the appeal request.</p> <p>3. Speaker of the ERC shall provide the grievant with written instructions as to how to proceed and the date of their hearing, within 14 days of the receipt of the appeal.</p> <p>4. Appointed steward(s): Speaker of the ERC should make every effort to appoint the most appropriate steward (steward of record if available or most knowledgeable) to be paid a maximum of 16 hours lost time and mileage to</p>
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<p>appropriate steward (steward of record if available or most knowledgeable) to be paid a maximum of 16 hours lost time and mileage to assist the grievant in preparation and presentation of the appeal. Additional lost time for travel and/or other need may be requested and is at the discretion of the <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u>). If no steward from the grievant's region is available, a steward from another region may be appointed <u>by the Speaker of ERC</u>.</p> <p>The <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u> will inform the grievant that documentary evidence to be referenced at the hearing is available upon request. The Enforcement Business Agent of record will be available to the appellant and assisting steward, for a reasonable amount of time, to answer questions after the Arbitration Team decision and prior to the ERC Appeal Hearing.</p> <p>One week prior to the hearing, the grievant shall provide to the <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u> any additional documentary evidence that they wish to present at the Appeal Hearing <del>one week prior to the hearing</del> via electronic mail or U.S. mail. If by the U.S. mail, it should be sent certified at MAPE's expense.</p>	<p>assist the grievant in preparation and presentation of the appeal. Additional lost time for travel and/or other need may be requested and is at the discretion of the Speaker of the ERC). If no steward from the grievant's region is available, a steward from another region may be appointed by the Speaker of ERC.</p> <p>The Speaker of the ERC will inform the grievant that documentary evidence to be referenced at the hearing is available upon request. The Enforcement Business Agent of record will be available to the appellant and assisting steward, for a reasonable amount of time, to answer questions after the Arbitration Team decision and prior to the ERC Appeal Hearing.</p> <p>One week prior to the hearing, the grievant shall provide to the Speaker of the ERC any additional documentary evidence that they wish to present at the Appeal Hearing via electronic mail or U.S. mail. If by the U.S. mail, it should be sent certified at MAPE's expense.</p> <p>Lost time and mileage for the appointed steward is to be paid from the ERC budget.</p> <p>All the documentary evidence should be page numbered, dated and show authorship.</p>
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<p>Lost time and mileage for the appointed steward is to be paid from the ERC budget.</p> <p>All the documentary evidence should be page numbered, dated and show authorship.</p> <p>5. The Appeal Hearing shall include a quorum of seven (7) or more ERC members, along with the grievant, the steward of record assisting the grievant and the Arbitration Team representative (different than the Enforcement Business Agent of record who represented the grievant). The Enforcement Business Agent of record will be available to provide factual information.</p> <p>6. The <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u> shall provide notification of the committee's recommendation to the Executive Committee and the grievant within seven days of the hearing. In the case of a Class Action Grievance Appeal, the presenting grievants shall receive such notification.</p> <p>7. The <del>MAPE Statewide Vice President</del> <u>Speaker of the ERC</u> will present the recommendation of the ERC to the Board of Directors at the next scheduled board meeting</p> <p style="text-align: center;"><b>MAPE Bylaws</b> <b>Article VI</b></p>	<p>5. The Appeal Hearing shall include a quorum of seven (7) or more ERC members, along with the grievant, the steward of record assisting the grievant and the Arbitration Team representative (different than the Enforcement Business Agent of record who represented the grievant). The Enforcement Business Agent of record will be available to provide factual information.</p> <p>6. The Speaker of the ERC shall provide notification of the committee's recommendation to the Executive Committee and the grievant within seven days of the hearing. In the case of a Class Action Grievance Appeal, the presenting grievants shall receive such notification.</p> <p>7. The Speaker of the ERC will present the recommendation of the ERC to the Board of Directors at the next scheduled board meeting</p> <p style="text-align: center;"><b>MAPE Bylaws</b> <b>Article VI</b> <b>Section 5. Executive Committee.</b></p> <p>The President shall be the presiding officer of the Executive Committee. The Executive Committee shall conduct the business of MAPE between the meetings of the Board of Directors and shall perform other duties as directed by the Board of Directors. The</p>
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<p><b>Section 5. Executive Committee.</b></p> <p>The President shall be the presiding officer of the Executive Committee. The Executive Committee shall conduct the business of MAPE between the meetings of the Board of Directors and shall perform other duties as directed by the Board of Directors. The Executive Committee shall meet at the call of the President or a majority vote of the Executive Committee.</p> <p>The Executive Committee shall consist of:</p> <ul style="list-style-type: none"><li>• The Statewide Officers</li><li>• The Chair of the Political Council</li><li>• The Chair of the Organizing Council</li><li>• The Speaker of the Meet and Confer Committees</li><li>• <u>The Speaker of the ERC</u></li></ul> <p>For the purposes of term limits, all positions on the Executive Committee are considered statewide officers.</p>	<p>Executive Committee shall meet at the call of the President or a majority vote of the Executive Committee.</p> <p>The Executive Committee shall consist of:</p> <ul style="list-style-type: none"><li>• The Statewide Officers</li><li>• The Chair of the Political Council</li><li>• The Chair of the Organizing Council</li><li>• The Speaker of the Meet and Confer Committees</li><li>• The Speaker of the ERC</li></ul> <p>For the purposes of term limits, all positions on the Executive Committee are considered statewide officers.</p>
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