



Employee Rights Committee | MINUTES

Meeting date | time 4/20/2020 8:30 AM | Meeting location GoToMeeting

Meeting called by Thu Phan
Type of meeting MAPE Statewide
Facilitator Thu Phan
Note taker Volunteer
Timekeeper Thu Phan
Food order Thu Phan

Members

Thu Phan (Chair), Jed Becher (1), Wanda Fortune-Stiffin (2), Bill Dunn (3), Ted Snaza (4), Maureen Dunaway (5), Open (6), Lonie Goldsberry (7), Teresa Chapman (8), Jim Roettger (9), Maurice Wilson (10), Cindy Kolodziejski (11), Eva Peterson (14), Bryan Kotta (15), Leonard Skillings (16), Kirsten Peterson (18), Bill Erickson (19), Kay Pedretti (20), Chris Cachuela (21)

Absence

Marlijn Hoogendoorn (12), Angie Halseth (13), and Rosee Holte (17).

Staff

In search of a EBA liaison for the ERC

Time Certain

9:10 AM – Arbitration appeal documentation review

10:00 AM – Arbitration appeal hearing for two appeals

AGENDA TOPICS

Time allotted | 30 mins., 8:30 AM – 9:00 AM | Agenda topic Introductions | Facilitator Thu Phan

Introductions

Discussion:



1. Ice-breaker
 - a. What has been lost during this pandemic?
 - i. The following comments were shared in the chat box:
 1. One-on-one contact; contact with students; seeing friends at mass; lost the hugs from kids and grandchildren; lost direct interaction with members for M&C listening sessions; efficiency of working in the office; lost an excuse not to clean the house; lost the magic of seeing people smile with everyone wearing mask;
 - b. What has been gained?
 - i. The following comments were shared in the chat box:
 1. Gained more personal time; get more done in the office; seeing my wife more; saving on gas and gaining weight; personal space; washing a lot more dishes at home; online meeting etiquette; less shaving;
 - c. Region 1 Chief Steward Jed Becher asked everyone about whether anyone is facing any pushback/obstacle with COVID-19 Leave.

Action items	Person responsible	Deadline
Start your next steward meeting with an ice-breaker	All ERC members	No end date

Time allotted | 5 mins., 9:00 AM – 9:05 AM | Agenda topic Agenda | Facilitator Thu Phan

Approval of Agenda

Discussion:

1. Any revisions (additions/deletions) to the agenda?
 - a. M(Snaza)S(Kotta)P

Action items	Person responsible	Deadline
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Time allotted | 5 mins., 9:05 AM – 9:10 AM | Agenda topic Agenda | Facilitator Thu Phan

Approval of Minutes

Discussion:



1. Approve minutes from the ERC meeting on February 24, 2020.
 - a. M(Snaza)S(Kotta)P

Action items

Person responsible

Deadline

Thu Phan (Chair)

Time allotted | 50 mins., 9:10 AM – 10:00 AM | Agenda topic Arb. Appeal | Facilitator Thu

Arbitration Appeal Documentation Review

Discussion:

1. Review documentation the grievant submitted prior to the arbitration appeal hearing.

Action items

Person responsible

Deadline

Time allotted | 60 mins., 10:00 AM – 12:00 AM | Agenda topic Arb. Appeal | Facilitator Thu

Arbitration Appeal Hearing

Discussion:

Prior to the appeal presentation, please review the arbitration appeal presentation procedure (<https://www.mape.org/my-mape/mape-policies>).

Arbitration Appeal Presentation Policy

1. All written materials are to be distributed at least one hour prior to the appeal hearing.
 2. Prior to the presentations, ERC members are given an opportunity to ask clarification and/or questions.
 3. Arbitration Team representative's presentation – Max. 15 minutes
 4. Grievant's presentation – Max. 30 minutes
 5. Questions from the committee
 6. Summation by Arbitration Team representative – 2 minutes
 7. Summation by grievant – 4 minutes
 8. Deliberation by committee (executive session)
- M(Roettger)S(Kotta)P to enter executive session.



- Executive sessions serve three core purposes:
 - They assure confidentiality in handling sensitive and confidential issues. Nothing related to these grievances will be mentioned outside of the executive session. Please discard any emails and notes related to these grievances.
 - They create a mechanism for ERC independence and oversight.
 - They enhance relationships among committee members and foster robust discourse.
- M(Snaza)S(Kotta)P to exit executive session.
- M(Kotta)S(Skillings)P to uphold the MAPE Arbitration Team’s decision to not send the two grievances to arbitration.

Action items	Person responsible	Deadline
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Time allotted | 60 mins., 12:00 PM – 1:00 PM | Agenda topic Lunch | Facilitator Thu

Lunch

Action items	Person responsible	Deadline
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Time allotted | 60 mins., 1:00 PM – 2:00 PM | Agenda topic Training | Facilitator Thu

Case Study

Discussion:

1. Case study from a panel of arbitrators.

Instagram Post – Relevant?

- a. The grievant is an Expeditor at this dining services department. She expedites the meals which go to patient rooms. In doing so, she works with (not supervises) the transporters.
- b. She was discharged for getting into a serious fight with a male transporter. She also has a past record.



- c. The incident started because the transporter was not attending to a floor and the meals were getting backed up. The testimony from witnesses was contradictory. The arbitrator recognized that the evidence from either sides does not give any clear picture of what happened.
- d. When the transporter finally got back to deliver more meals, they got into a serious altercation. It was probably the case that he first called her a "fat bitch" to which she admits replying: "I don't care if you call me bitch because I'll be a bitch since I need you get trays to the 6th floor." The grievant claims that he then touched her shoulders and threatened to slap or spit on her. For this affront, the grievant replied: "If you ever slap me, I'll slap you right the fuck back." The altercation continued on, and again, with contradictory testimony.
- e. One of the reasons that the transporter was delayed is because he was helping still another transporter, but not letting the grievant know. This second transporter joined the fray, and became a witness for management's case.
- f. At the hearing, the hospital seeks to introduce an upload from an Instagram post. This second transporter testified that he was the person pictured on the post. What made him bring it to management's attention was there were captions to the photo. Those captions were derisive remarks about his sexuality. He believes that the grievant created it.
- g. The union objects to its admission. Even if the grievant did post it, there was no dispute that the posting was made 11 days after the hospital issued the discharge letter. In the union's view, the arbitrator should not admit it for two reasons: relevancy and unfairly prejudicial. It is not relevant because management did not know about it, and it was not part of the discharge letter which the doctrine of due process would require. Second, it is unfairly prejudicial because it is intended to make the grievant out to be anti-gay which is not true.
- h. Management argues that despite the date the post was made, it is relevant to the penalty that should be imposed. The grievant's altercation was with the first transporter, but the second transporter was the reason for the first transporter's delay.
- i. The union advocate replies that this case is about an altercation outside the dining services department where offensive and derogatory words were said by two actors: the grievant and the first transporter. When the supervisor finally intervened, they parted. The second transporter had already left the scene, and the grievant left to cry and compose herself.
- j. Most Chiefs voted NO to not allow the Instagram post as evidence in arbitration because the post happened after the termination. Region 9 Chief Steward Jim Roettger would like more details as to who posted the Instagram post. He would



allow the hospital to submit it as evidence in arbitration if the grievant posted the Instagram post.

- k. Arbitrator Befort voted NO and reasoned, “It doesn’t have relevance and impact. It is prejudicial.”
- l. Arbitrator Bethel voted NO and reasoned, “It’s not about the person filing the grievance.”
- m. Arbitrator Bethel voted NO and reasoned, “It’s not about the person filing the grievance.”
- n. Arbitrator Kapsch voted YES and reasoned, “The basis of the hearing is to accept information. Possibly relevant to remedy.”
- o. Arbitrator Roumell voted NO and reasoned, “They didn’t discharge him because of the picture.”
- p. Arbitrator VanDagens voted NO and reasoned, “It wasn’t the basis of the discharge. It happened 11 days after discharge.”

Action items Person responsible Deadline

Time allotted | 90 mins., 2:00 PM – 3:00 PM | Agenda topic Strategic Plan | Facilitator Kathy and Thu

Steward and Chief Steward Development

Discussion:

1. MAPE Chief Steward Elections

Congratulations to the newly elected and re-elected Chiefs!

<u>Region</u>	<u>Chief Steward</u>
1	Jed Becher (re-elected)
3	Kristin Kirchoff-Franklin (newly elected)
5	Maureen Dunaway (re-elected)
7	Lonie Goldsberry (newly elected)
9	Dereck Richter (newly elected)
13	Angie Halseth (re-elected)
15	Bryan Kotta (re-elected)
17	Jennifer Johnson (newly elected)
19	Bill Erickson (re-elected)
21	Chris Cachuela (re-elected)



2. Onboarding of new stewards and Chief Stewards
 - a. Purpose: develop an onboarding process to get new stewards trained and comfortable with their representational role.
 - b. The Onboarding Team includes the following stewards and Chiefs:
 - i. Leilani Hauge - Steward of Region 16
 - ii. Brooke MacMillan - Steward of Region 14
 - iii. Naoko Meyer - Steward of Region 18
 - iv. Maureen Dunaway - Chief Steward of Region 5
 - v. Rosee Holte - Chief Steward of Region 17
 - vi. Kay Pedretti - Chief Steward of Region 20
 - c. Top key priorities of the Onboarding Team
 - i. Mentorship program (Leilani Hauge)
 1. Mentors would help establish a mentoring relationship to lend their experience, advice, and encouragement to new stewards for the first two years until they are proficient with their representational work.
 2. Depending on capacity, new stewards and their mentors could meet by phone, in person, and etc.
 3. The mentoring program is an equal partnership between new stewards and seasoned stewards where the seasoned steward is willing to provide time and resources to develop skills and knowledge to build confidence and foster growth while the new stewards must be receptive to advice from seasoned stewards.
 4. Allow Chief Stewards to design mentorship program.
 - ii. Videos (Thu)
 1. Why I became a steward video during BST.
 2. A new steward welcome video a week after BST.
 3. A video of stewards sharing their first investigation experiences.
 4. A video of stewards sharing their first grievance experiences.
 5. A video preparing stewards for the first grievances.
 - iii. FAQ (Brooke, Kay, and Naoko)
 1. Gather frequently asked questions from stewards.
 2. Determine common themes/issues and work with local leadership team/Meet and Confer to address those issues.
 3. FAQ would be available for members and stewards to view 24/7.
 - iv. BST
 1. David Hearth and Thu Phan will be working to revamp Basic Steward Training (BST) to include suggestions from the Onboarding Team. David and Thu Phan reviewed the curriculum



and feedback over the last two years. They will be making sure to emphasize even more about the importance of calling a caucus, what it's like going into the first investigation, and steward resources. They haven't reviewed all of the feedback but a number of them wanted more contract work and role plays during BST.

3. Arbitration Team meeting update
 - a. Cases heard since the last ERC meeting (2/24/2020)
 - i. No cases have been heard since the February 17th ERC Meeting.
 1. No cases in March
 2. April's cases will be heard on April 27th
4. Statewide Training Updates –
 - a. ADA/FMLA training module
 - b. Respectful Workplace Policy training module
 - i. Volunteers: Cindy Kolodziejcki and Marlijn Hoogendoorn.
 - Communications is busy working on COVID-19 information and messaging. These training modules have been put on hold.
5. Climate Study
 - a. Opportunities to implement best practices
 - i. Reactions to the Climate Study Report's Chief Stewards and Stewards section.
 - ii. Many efforts led by Lina Jamoul and Board Task Force to review EBA and Chief Steward issues engage and focus on hotpot regions as well as providing adequate coverage and response to phone calls and emails.
 1. Region 20 Chief Steward Kay Pedretti was concerned about the disruptions that having one less EBA will have on her region as well as other regions.
 - a. Lina Jamoul stated,
 - i. "I would like to hire someone temporarily for 11 weeks or so to cover David Hearth's assignments while he's out on paid parental leave. David is scheduled to go out on May 10th for 8 weeks. I'd like the person to start a week or two before David is scheduled to go out, and then stay on for a week or after David comes back so there is some cross over. I have talked with Kelly, Kathy and David and they are supportive of the idea.
 - ii. I envision that this is someone who is retired, and willing to do some work for us. Potentially on a part-time basis for the weeks they're crossing over



with David, and ideally on a fulltime basis during the 8 weeks that David is out on leave. I would like for Thu, Kathy and David to meet the person before they start.”

- iii. The Chair of the ERC Thu Phan followed up with his suggestion:
 1. “I would support the current proposal of hiring a temporary EBA. Is there a current plan for the temporary EBA? Would this temporary EBA cover all of David's current regions: 201, 202, 1301, 1302, 1303, 1304, 1801, 2001, 2101 and others (Canby, Clara City, Forest Lake, Granite Falls, Tyler and Houston County)? I would suggest to take on a few regions at first, and as the temporary EBA assimilates into their role and the MAPE representational work culture, they can take on additional regions. I would be more than happy to join the temporary EBA in their 1:1 meetings with Chiefs and stewards.”

6. Identifying gaps where we need more stewards (Mapping)

- a. To better represent our members, take a moment to assess your region and determine the locations (e.g., work units, divisions, buildings, etc.) that could use one, two, or a few more stewards.
 - i. Region 2 Chief Steward Wanda Fortune-Stiffin needs help in DHS Lafayette.
 - ii. Region 20 Chief Steward Kay Pedretti is working with her OBA Pete Marincel to recruit for more stewards in Owatonna and Albert Lea. The meeting was cancelled.
 1. Region 18 Chief Steward Kirsten Peterson recommends to take advantage of the resources to meet online: GoToMeeting.

7. Regional hub meetings

- a. The purpose is for chiefs and active stewards to come together quarterly or semiannually to discuss steward and chief steward development.
- b. For example, chiefs and active stewards around the Capitol complex (Regions 4, 7, 9, and 8) can meet together periodically.
 - i. Another example is chiefs and active stewards around downtown St. Paul (Regions 5, 6, and 21) can meet together periodically.



- ii. Regions 1, 2, and 3 can meet together.
- iii. Regions 10, 11, 12, and 13 can meet together.
- iv. Regions 18, 19, and 20 can meet together
- v. Regions 14, 15, 16, and 17 can meet together.
- There was good feedback to have regional hub meetings.

Action items	Person responsible	Deadline
The ERC Chair will work with individuals to ask if they would be interested in regional hub meetings and who will be part of that team.	ERC Chair Thu Phan	May 1, 2020

Time allotted | 5 mins., 3:00 PM – 3:05 PM | Agenda topic Training | Facilitator Thu

Basic and Advanced Steward Training Schedule

1. Basic Steward Training:
 - ~~January 10, 2020 from 8:30am to 4:30pm~~
 - May 8, 2020 from 8:30am to 4:30pm
 - August 14, 2020 from 8:30am to 4:30pm
 - November 13, 2020 from 8:30am to 4:30pm
 - Any regional trainings?

1. Advanced Steward Training:
 - ~~March 27, 2020 from 8:30am to 4:30pm~~
 - July 24, 2020 from 8:30am to 4:30pm
 - October 23, 2020 from 8:30am to 4:30pm

Action items	Person responsible	Deadline
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Time allotted | 50 mins., 3:05 PM – 4:00 PM | Agenda topic Training | Facilitator Thu



Grievance Review

Discussion:

1. How many grievances do you currently have in your local?
2. How many new grievances have you received since the last ERC meeting (4/15/2019)?
3. What are the issues that are being grieved?
4. Would you like to share a recent grievance success?
5. Do you have any contract-related questions?

Action items

Person responsible

Deadline

Time allotted | 50 mins., 4:00 PM – 4:30 PM | Agenda topic Training | Facilitator Thu

Other Items

Discussion:

1. Board Task Force – Representational Work Update
 - a. The task force is continuing its work in addition to Lina Jamoul' implementations of new strategies: engagement and more responsiveness from both EBAs and OBAs in hotspots and when calls come in.
 - b. The task force is trying to find a future date to meet to continue its work.
2. Employee Rights Committee Policies
3. Any items that you would like to discuss?

Action items

Person responsible

Deadline

The ERC Chair will send revisions of the

ERC Chair Thu Phan

April 28, 2020

Arbitration Appeal Team Policy and

Steward Certification and Revocation,

MAPE Communicator and Steward

Training Notice Policy to the ERC members.