



Employee Rights Committee | AGENDA

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

Meeting called by Thu Phan

Type of meeting MAPE Statewide

Facilitator Thu Phan

Note taker Volunteer

Timekeeper Thu Phan

Members Present

Thu Phan (Chair), Jed Becher (1), Ted Snaza (4), Maureen Dunaway (5), Teresa Chapman (8), Dereck Richter (9), Alex Migambi (10), Robert Hobson (11), Eva Peterson (14), Bryan Kotta (15), Naoko Meyer (18), Bill Erickson (19), Kay Pedretti (20)

Staff

David Hearth

Mike Asmus

Time Certain

1:00 PM – Case Study – David Hearth

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's the perfect age and why?
 - i. Bill Erickson – Region 19 – Best age is 1 because you are too little to get in trouble.



- ii. Bryan Kotta – Region 15 – Best age is 19. You kinda know things and you’re dumb enough to know things.
- iii. Dereck Richter – Region 9 – Health Dept. – 30 you feel like you enough stuff in your twenties.
- iv. Eva – Region 14 – Arrowhead of MN – 75 because you can do and say anything you want.
- v. Jed – Region 1 DNR central – 30 and 35 because I don’t recall being sore after a weekend warrior project.
- vi. Kay Pedretti – Winona State University – 29 – because that’s the age that I’m at right. You haven’t gotten old yet and you can still feel okay after a bike ride.
- vii. Maureen – Region 5 – DEED, Public Safety and MNIT folks, - I think 35 for the same reasons as Jed said – your body is still with you.
- viii. Mike Asmus – Director of Member Engagement and Organizing – 30 and 35 – quit smoking and started riding.
- ix. Naoko Meyer – Region 18 – 60 – As I get older, the less things I worry about and I become wiser. I don’t put up with a lot of BS anymore.
- x. Rob Hopson – Region 11 – early and mid 20s. I want to go back to college do it right again. Get straight A’s.
- xi. Ted Snaza – Region 4 – Tax Collections Officer – detective work and customer service. 25 to 30 being a sports person, I like to run around and do a lot of things.
- xii. Teresa Chapman – 45 and I was sure about things and young enough to do the things that I like to do. It was a nice time.

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?

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 April 20, 2020
 - a. Minutes [M][S][P]

Action items

Person responsible

Deadline

Thu Phan (Chair)

Time allotted | 50 mins., 9:10 AM – 12:00 AM | Agenda topic Layoff | Facilitator Thu

Steward and Chief Steward Development

Discussion:

1. Layoffs
 - a. Review the MAPE Layoff and Recall Language Webinar
 - i. Very thorough, blurry
 1. Kay – some of my region 20 stewards brought up that the part that was concerning was they were not able to ask questions.
 2. Rob – the audio seems to be lower than the original presentation. It is still audible but the quality seems to be slightly deteriorated. Maybe it's the program and when it is saved, you might have to go into the settings to change the quality.
 - b. Review the Information for Employees Facing Layoff handout
 - i. There is an updated version with Meet and Confer.
 - ii. Eva asked about getting a notice when the Steward Toolkit gets updated.
 1. Mike Asmus will talk with Leah about a Steward Corner when things get updated.
 - iii. David Hearth – Shall language and may language, we need to have meet and confer. Whenever we meet with an appointing authority, that we are always talking about the budget.



- iv. Who is agency HR notifying about layoffs? Lina, local president, business agent? EBA?
 - 1. Kay – it depends on the agency.
 - 2. David - The contract language does stipulate that advance notice goes to executive director. Traditionally, it goes to people that they work with the most. Normally, it goes to EBAs.
 - 3. Jed – Does anyone think it is out of line to have the meet and confer chair to ask about layoffs in a standing agenda?
 - a. Mike – I think it should be a standing item on the agenda to be proactive.
 - 4. David – For those that are on the meet and confer teams, we need to request an updated accurate seniority roster so that there won't be any mistakes.
 - a. Back in 2014 and 2015, there was a mistake on the seniority roster and caused a lot of confusion when layoffs occurred.
 - 5. Bryan Kotta – What about information for unclassified employees even though we can't do much for them but their benefits are similar to classified employees?
 - 6. David – We should mention something in the supplemental agreement: Reduction in Force. There is some protection for unclassified employees. It is an important piece and should be included in the informational handout.
- c. Review the What MAPE Stewards and Meet and Confer Teams Need to Know About Layoffs handout
 - i. Alex Migambi – Concerning what is happening at DOC, I sat in a meeting with Kelly [Ahern] and it is important for stewards to know what is happening because stewards may not be on the meet and confer.
 - ii. Eva – I went to a layoff meeting with Kelly [Ahern] for DOC and meet and confer team is doing their thing and we are doing our thing and we are not connected.
 - iii. Kay – If your region is not one agency, there's no way that you will attend all those meet and confers. There's a missing link.
 - iv. Jed – Being at DNR central, chief steward, and meet and confer, maybe get looped into distribution list so that we don't have those breakdowns.
 - v. Alex – When I was at the meet and confer, the members were surprised and they seemed hopeless. Can we do this and can we do that? They felt like they couldn't do much. Stewards didn't know that there was a class action grievance.



- vi. Naoko – Do we have a list of people on the meet and confer teams.
 - 1. Mike – We do and there are appointments right now.
- d. Review Flow Chart for Layoffs
 - i. Bryan Kotta – Bump the least senior in your job classification. For example, IT, there are five classifications, I get to bump the least senior in my IT4 within 35 miles. I don't see how you get to that in here.
 - ii. Kay – I think you're right but the flow-chart doesn't show that and I don't think we can have that many arrows.
 - iii. David – I think this flow chart shows the first two steps of the layoff procedure. What you go through your current job classification, you can use the same process for your previous job classifications.
 - 1. Appendix N in the contract
 - iv. Naoko – There is a No arrow.
 - 1. David – The yes means that you are allowed to bump and no is the laid-off option.
 - 2. There is a dotted line, what does that mean?
 - a. David – It is an option that you can elect to transfer or demote to a non-temp. classified vacancy if you don't want to go to the next step.
- e. Agencies that are impacted by layoffs
 - i. DOC is the biggest and worst at this moment. They are closing Togo and Willow Rivers, which are the state's two smallest correctional facilities, to help address a \$14 million budget shortfall in DOC. This is the second round of layoffs. The first round impacted many chiefs' regions and central office. Togo and Willow Rivers are not impacted yet but will and stewards are reaching out to members.
 - ii. We filed a class action grievance about not having meet and confer.
 - iii. MN State – We are expecting DHS but we don't have confirmation.
 - iv. Kay – Lake Superior College has a few. Riverland College has a few.
 - 1. I learned about LSC layoff from the MN State meet and confer
 - 2. There were some layoffs scheduled prior to COVID happening.
 - 3. They are more budget related rather than COVID
 - v. Bryan – Four were laid off and one was actually laid off and three others were for retirement. They were all planned prior to COVID and we have been planning for them over the past year.
 - vi. Alex – It is a demoralizing meeting. More communication would be the solution and chief steward needs more information.



- vii. Mike – EBAs are working with stewards in regions that are being impacted by layoffs. Angie H. and Debbie P. are on the statewide meet and confer and working on correcting work locations.
- viii. Kay – Are we planning how to work with DHS as it may be impacted by layoff?
 - 1. Mike – it is replicating what is working with DOC to DHS and other agencies. We need to have a conversation with every steward.
- ix. Eva – Kelly and Eva and Tiffany M. have been coordinating efforts since we found out that Togo will be impacted. We have heard from the grapevine that Angie and Debbie reached out to people in Togo because they don't have stewards. Going forward, if DHS is going to be impacted, chiefs need to be connected.
 - 1. Mike – If we can get an OBA to get connected, we should have the OBAs reach out to chief stewards.
 - 2. Eva – as a heads-up so that we can start thinking about it.
- x. Alex – EBAs and OBAs look at their roles as absolute. If it is not language, then they won't do it. They have to be more flexible.
 - 1. Mike – We have to make sure that there's one coordination so that everyone is in the loop.
- xi. Bryan – We currently have four EBAs and with all the layoffs that are coming, is that enough to handle other issues and layoffs?
 - 1. Mike - EBAs feel like that's a right mix. There's a job posting for a new EBA and the new EBA will be trained as Kathy is gradually easing into her retirement.
 - 2. David – Getting to the transition with Kathy is number one and getting the new person trained.
 - a. The key to making sure that everything gets responded efficiently, is that stewards, member leaders have to know how to flow the questions to the appropriate place. For myself, I know I have frequent communications with OBAs and not everything will turn into a grievance or contract violation.
 - 3. Mike – 1. It'll be transitioning the new person in and 2. It'll be transitioning Kathy out.
- f. How are we preparing for layoffs
- 2. COVID-19 Leave and Revised COVID-19 Leave
- 3. Arbitration Team Meeting Update
 - a. Most of the cases were approved to arbitration.



- b. Kay – Any update on arbitration cases?
 - i. Mike - not much movement except for one case.
 - 1. Kay – A case in June about hours of work at MN State.
 - a. Mike – If it's the case that I'm thinking about, the briefs are in .
 - b. Kay – it was Bryan's region.
 - c. Bryan – layoffs are going to happen. Arbitration will happen but my members are asking for a timeline. Will it take two years?
 - i. Cases in arbitration have their priorities. Discharged cases tend to be
- 4. ERC Policies
 - a. Arbitration Team Policy and Steward Affirmation and Revocation Policy [M][S][P].
 - i. These ERC policies will be presented to the Board of Directors on October 16th.
- 5. Negotiations
 - a. How do we make the contract change suggestions easier?
 - i. Ted – have a continual back and forth throughout the year and having a standing agenda item for contract language change running list.
 - 1. Having a contract language suggestion on the website for members.
 - ii. Maureen – there's a resolution to ban chief stewards serving on negotiations at DA.
 - iii. **Running list** –
 - 1. Article 9 (Ted) – Arbitrators
 - a. How are they limited to contract language?
 - i. Change to having arbitrator intent rather than limited to language.
 - ii. David – I would not leave it to the arbitrator to interpret the intent of the language.
 - iii. Ted – We could send more cases to arbitration
 - iv. Eva – Arbitrator could say management's intent is this and that.
 - b. Would MMB want to change the language?
 - i. David – I don't think so and it would a decision that the negotiations team would make.
 - c. Mike – We can still argue the intent of the language in arbitration using bargaining notes and other resources.
 - 2. Article 4 (Alex) – How is MAPE going to change Article 4 to make it more effective for racial issues in the workplace?



- a. Micro-aggressions cannot be addressed in the MAPE Contract – Article 4.
 - i. Ex., A black coworker went to a vending machine to buy chips. Her coworker stopped her to ask her whether she got it from the conference. She said that she got it from a vending machine. Her coworker said, “Are you sure?”
 - ii. Find out by demographics?
 - 1. How many black members? Asian members? Indigenous?
 - 2. Climate study?
 - iii. David – Article 4 is used frequently to support our cases because it’s a broad language.
 - 1. If there is anything based on race and protected class, 1B1 route and that HR should hire an outside investigator.
 - 2. We had an investigator in Ag. and having the same investigator look at similar issues and making similar determinations.
 - 3. If management is repetitively saying that there’s non-discrimination and refusing to do anything about it, then it is putting our folks in an unsafe work environment: Article 22 – unsafe work environment.
 - 4. Grievances is one of it. Respectful Workplace Complaint should be escalated to a hire level.
 - iv. Alex Migambi – the timeline for grievances, you have file within 21 days. Business agents may need more time to do their investigation and work with Human Rights on a super arbitration. 2) MAPE can work with management on expanding the timeline.
- 3. Article 16, section 5 – “Except for reallocations resulting from a study of an agency or division thereof initiated by Minnesota Management & Budget or an Appointing Authority, if the incumbent of a position which is reallocated upward receives a probationary appointment to a reallocated position, pay for the reallocated position shall commence fifteen (15) calendar days after the receipt in Minnesota Management & Budget or an agency



with delegated authority of a reallocation request determined to be properly documented, and it shall continue from that date until the effective date of the probationary appointment.”

a. What is “properly documented”?

4.

6. Board Representation Issues and Staff Support Taskforce Update

a. Kay – Is sub taskforce looking at the capacity of EBAs?

i. The subtask agreed to wait to review having an additional EBA.

b.

7. Agency Leadership Team

a. Kay - UnionWare information is not always good.

i. Two members listed in Region 4 and one listed in Region 6. Although they work in Region 20.

ii. Davia Curran at MAPE locks the person into a specific region once she is notified of the work region error.

iii.

8. Identifying gaps where we need more stewards

9. Onboarding of new stewards

10. Onboarding of new chief stewards

Action items

Person responsible

Deadline

Time allotted | 30 mins., 12:00 PM – 12:30 PM | Agenda topic Lunch | Facilitator Thu

Lunch

Action items

Person responsible

Deadline

Time allotted | 30 mins., 1:00 PM – 1:30 PM | Agenda topic Training | Facilitator David Hearth

Case Study

Discussion:

1. David Hearth is the presenter for this case study.



- a. Review just cause.
 - i. <https://mape.org/resources/training/stewards-manual/just-cause-seven-tenets>
 - 1. Notice
 - 2. Is the rule or order reasonable
 - 3. Investigation
 - 4. Fair investigation
 - 5. Proof
 - 6. Equal treatment
 - 7. penalty
 - ii. When we are looking at lower level cases, we may not be looking at just cause but we should apply the same standards as with discipline and higher cases. For those members, it is still important for us to apply fair representation.
 - 1. Case 1: Region 18 – Received a written reprimand based on performance issues. Whenever we file a grievance, we file a data request for investigative report to review their due diligence. The subject only received a poor performance but nothing else in the past. The supervisor conducted the investigation and was the only person that had their name on the investigative report. They violated that step of just cause as not having a fair investigation: judge, jury, and executioner.
 - 2. Case 2: Region 20 – Oral reprimand after regular check-in and supervisor after the supervisor got a complaint about the employee. Remember that an oral reprimand is the lowest level of discipline and don't go into personnel file. For this particular case, it was an opening shot at the employee to get them onto the path of progressive discipline or more serious discipline. Even though an oral reprimand is the lowest level of discipline, just cause still applies. The supervisor is presenting an issue of performance and unable to unwedge themselves when they are communicating to the employee when the oral reprimand was given.
 - a. If we allow the process of allowing oral reprimand or written reprimand without applying just cause, it could bleed to other discipline. Management can always use those low level discipline against the employee in the future.
 - b. If an oral reprimand cannot be grieved any longer, what is the alternative?



- c. David – Try to engage with the supervisor to see if there is any ability that once things are met, that oral reprimand can be removed.
- d. Dereck – Is there a language that says that notes will go into the supervisory file?
 - i. David - No, there is no language.

Action items

Person responsible

Deadline

Time allotted | 10 mins., 1:30 PM – 1:40 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
- 2. Any regional trainings?

Advanced Steward Training

- 1. Advanced Steward Training:
 - ~~March 27, 2020 from 8:30am to 4:30pm~~
 - ~~July 24, 2020 from 8:30am to 4:30pm~~
 - ~~August 28, 2020 from 8:30am to 4:30pm~~
 - October 23, 2020 from 8:30am to 4:30pm

Action items

Person responsible

Deadline

Time allotted | 10 mins., 1:40 PM – 1:50 PM | Agenda topic Schedule | Facilitator Thu

ERC Meetings in 2020

- 1. Regular ERC Meetings:



- a. ~~Monday, April 20, 2020 from 8:30am to 4:30pm~~
- b. Monday, October 19, 2020 from 8:30am to 4:30pm

2. ERC Arbitration Appeal Hearings:

- a. ~~Monday, February 24, 2020 from 8:30am to 4:30pm~~
- b. ~~Monday, June 15, 2020 from 8:30am to 4:30pm~~
- c. ~~Monday, August 17, 2020 from 8:30am to 4:30pm~~
- d. Monday, December 21, 2020 from 8:30am to 4:30pm

Action items

Person responsible

Deadline

Time allotted | 100 mins., 1:50 PM – 3:30 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. Are there any fascinating grievance resolutions that you would like to share?
5. Do you have any contract-related questions?

Action items

Person responsible

Deadline



Time allotted | 30 mins., 3:30 PM – 4:00 PM | Agenda topic Training | Facilitator Thu

Other Items

Discussion:

1. Any items that you would like to discuss?
2. Cheat sheet steward advice of veteran's preference – Kay Pedretti
 - a. I think we can be more consistent and complete with our answers to veteran's preference.
 - i. A member chose to go veteran's preference and HR dropped the ball. She reached out to stewards and they advised her that they can't do anything.
 - ii. She couldn't get anyone from Veteran's services to help her.
 1. If we had a cheat sheet or guide for our stewards, our members would benefit them.
 - iii. Teresa – VA is in my building and they have a steward there now.
 - b. Mike Asmus – I can be responsible for getting some sort of tool out.
3. Class action grievance with Corrections – Layoff that happened without meet and confer.
 - a. Is it useful to all of us when a class action grievance is filed?
 - i. Is it hard to email 21 of us about the class action grievance?
 - ii.

Action items

Person responsible

Deadline
