

## Steward Tips in Your Representational Role

### **Performance review appeal** **(Article 6, Section 3) Performance Appraisal**

The substantive judgment of the supervisor regarding the employee's performance is not grievable/arbitrable under Article 9. Pursuant to the Minnesota Management & Budget Administrative Procedure 20, an employee may appeal his/her performance rating to the Appointing Authority **within thirty (30) days of the official date of rating**. The decision of the Appointing Authority is final. At the employee's request, an Association Representative may be present during the appeal meeting(s).

- Help the member identify the specific areas of the review they want to have changed or removed.
- The member needs to document their response to those areas bringing out their points concisely and logically to counteract the rating/comments.
- Make sure the member is professional and respectful and has good body language

### **Investigations** **(Article 8, Section 2) Association Representation**

The Appointing Authority shall not meet with an employee for the purpose of questioning the employee during an investigation that may lead to discipline of that employee without first advising the employee of the nature of the investigation and offering the employee an opportunity for Association representation.

- Please see investigative cheat sheet for representational tips.
- Scheduling the investigation: When asked to represent in an investigation, you can negotiate the time and date with the investigators within a short time frame. The investigation cannot go forward without representation.

### **Loudermill** **(Article 8, Section 5) Discharge of employee**

The Appointing Authority shall notify the employee that he/she may request an opportunity to hear an explanation of the evidence against him/her and to present his/her side of the story and is entitled to Association representation at such meeting. The right to such meeting **shall expire at the end of the next scheduled work day** of the employee after the notice of discharge/suspension is delivered to the employee, unless the employee and the Appointing Authority agree otherwise.

- Management's evidence is typically shown in the investigation and this is the member's chance to try to change the agency's decision.
- New information may be especially helpful.
- Recommend details such as length of service, good record, good performance reviews, etc. be included in member's presentation.
- Make sure the member is professional and respectful and has good body language

### **Non-certification** **(Article 16, Section 8)**

When an Appointing Authority does not certify a probationary employee, the employee shall have the right to a meeting with the Appointing Authority or designee to discuss the non-certification decision. The employee shall request this meeting **no later than fourteen (14) calendar days after the effective date of the non-certification**. Upon request, the employee shall have the right to Association representation during the meeting. Non-certification decisions are not subject to the grievance procedure.

- Members should be offered a mid-probationary review. Did this member have one?
- Does the member understand the reasons they were non-certified? If not, request from supervisor.
- Sometimes it is good strategy for the member to ask for a probationary extension.
- Make sure the member is professional and respectful and has good body language.

### **Reallocation appeal – not contractual**

An employee who desires to protest a reclassification decision regarding his/her position may do so by following the provisions of Minn. Stat. 43A.07, Subd. 3; but the decision of the Commissioner of Minnesota Management & Budget or the agency with delegated authority pursuant to this Section shall not be subject to the grievance and arbitration provisions of this Agreement.

- Even though there is no Weingarten right to represent here, offer this advice:
  - Ensure that the member has been given specific reasons for the denial.
  - Help the member prepare counterpoints for the areas tied to the denial.
  - Review/request the appeal process from agency/MMB.
  - Encourage member, if denied on appeal, to make a work plan with their supervisor to shore up any shortfalls and submit again, within a year.
  - Make sure you and the member know the difference between reallocation and reclassification.

### **Statewide Respectful Workplace Policy**

Stewards represent members as they move through the complaint process under the policy.

- Advise the member to access MAPE's Anti-bullying tool kit on the [website](#) for helpful videos, sample complaint forms and additional resources.
- Help assess and review a formal complaint with your representational team.
- Utilize the representational guidebook and tips for stewards also on the toolkit.