**ASF State Board Meeting**January 18, 2019 ~ 8:00-4:30pmSCSU Welcome Center Room 120

**Present:** Tracy Rahim, Zak Johnson, Jim Anderson, Shirley Murray, Lori Wynia, Rich Wheeler, Kierstin Hoven, Becky Boyle Jones, Maureen Acosta, Brenda Zamlen, Jamie Van Boxel, Zak Johnson, Sami Gabriel, John Alcorn, Tyler Treptow-Bowman, Jill Quandt.

***Call to Order***: Called to order at 8:09 a.m.

***Approval of Agenda:*** Agenda approved without objection.

***Teamsters Local 320 Update***There is a new initiative for promoting membership: the steward credit is being raised from $15 to $50. ASF has had this credit go to the campus association, rather than the steward/member. We need to decide whether this should be an individual incentive, or a campus association incentive. Tim asked if it has to be uniform between campuses – Sami said no. Jill said that other board members do not get reimbursed in any way, so there’s an inequity; Rich noted ASF is unique in that way. Sami noted that the other incentive is a drawing for a $100 gift card. Shirley suggested that drawing option go to steward/member and $50 go to campus. Kiersten said it could also go to the member signing up. Zak said current members may resent that. Jamie said membership recruitment is everybody’s business, so it might be a positive individual incentive. Becky thinks money should go back to campus and have campus association decide about individual incentives. Tyler likes this going to the campus; Maureen agreed. Brenda agreed that this should go back to the campus. Local presidents will take this topic back to campus e-board to for further input by the end of February.

Membership update: Campus membership data was distributed to presidents (81% statewide ASF membership total). Tally is:
Bemidji – 70%; Mankato – 78%; Metro – 90%; Moorhead – 86%; Southwest – 86%; St. Cloud – 77%; Winona – 86%. Local 320 is willing to provide lost time wages to promote membership.

Question has been raised about “Why are we Teamsters?” Local 320 is working to provide messaging on the benefits of being a Teamster as well as an ASF member. Jim asked about ways to market these benefits to members. Sami encouraged us all to “co-brand” all materials as Teamster and ASF. Rich was asked to put together a paragraph of history of how MSUAASF became Teamsters.

Lobby Day: April 3, 2019
Lobby Day will be the same format as the past. Very important to promote this. Will meet at Capitol Ridge. Teamsters will set up members with individual legislators and give a folder with Teamster priorities and legislative agenda. Members need to take a personal or vacation day to attend. Registration will open in early February. Tracy reminded that ASF has a budget line item for overnight accommodations for St. Cloud and Mankato members. Need to make reservations on own and submit to Lori for reimbursement. Rich noted that some areas are fortunate to have legislators who are supportive, but it’s still important to make those contacts and show support for their positions.

***Officer/Board Position Reports***

**Secretary** (Shirley Murray-Mankato) Reports emailed out separately in advance.
Without objection, minutes were approved. Jill Quandt suggested that meeting minutes be approved at phone meetings so there can be more prompt approvals and posting. We will begin this process in February.

**Treasurer** (Lori Wynia-Southwest)
Lori submitted the report and budget information (separate attachment). Line added for Executive Board retreat and also additional treasurer cost for computer and software updates. *Motion by Shirley Murray, second by Tyler Treptow-Bowman to accept the Treasurer’s report. Motion carried.*Tracy reminded campus presidents that Campus Maintenance report (updated membership roster) needs to be sent to Lori by March 15. Lori also noted that submission of our 990 form is being impacted by the government shutdown.

**Grievance Officer** (Rich Wheeler-Mankato)
Twins tickets will be available for campus drawings again this year.

There will be regional trainings on signing up new members (February 9 in Rochester; March 9 in St. Cloud; and also, a June meeting in Minneapolis). Encourage stewards and membership people to attend.

Questions come up about how much time we spend representing non-members. If there is a CBA violation, we must represent the non-member. Where it is more unclear, we still need to look at whether the issue may impact all of our members; if so we need to pursue it. If we encounter a person who has done a lot of research and is likely to have an agenda (perhaps filing a fair representation complaint), then we need to consult. If the issue has nothing to do with CBA, even tangentially, then it is a clear no. Tracy asked about investigatory meeting – if they have a right to have a steward present, we need to go but we do not need to console, counsel, etc. Sami said we should ask: Will or can this lead to discipline? If no, then the right to a steward is not there.

Insurance negotiations will begin soon (February). The new dental benefits are really appreciated. Give input earlier about insurance benefits. There will be a survey to get input.

Communications with your campus association and management – St. Cloud is struggling with this right now, and others have in the past. We need to watch what is “meet and conferrable” and this needs to be confronted. Jane and Brenda at St. Cloud have done a good job of addressing this.

**Vice President** (Zak Johnson-Bemidji)
We currently have 34 different members serving on system-wide committees and once we make the appointment for the SEC, all but the 3 subject-matter developmental ed subgroups will be filled. The 3 subject matter developmental ed subgroups have been very challenging to fill as we do not have members interested in serving on these subgroups. Would like to discuss with the board strategies to fill these subgroups or are we ok with not filling these? Zak will send an email to seven campus presidents requesting names of advisors who serve transfer students to consider approaching for the developmental ed. positions.

The ASF Audit Committee met Thursday, January 17 for 2 ½ hours and what a tremendous group. A report will be shared with the board but it is always good to get this work behind us and to know we have trusted leaders with strong integrity with our financials. I sure would appreciate if those members who served on this committee would consider sitting on this committee next year as well.

Lastly, I am extremely excited to have Jill Quant on-board to assist with our website and am looking forward to working with Jill to put the system-wide committee report form online which hopefully will increase members reporting on their role on system-wide committees.

**President** (Tracy Rahim-Winona)
We currently have 4 key communicators established at Metro, St. Cloud, Mankato, and Moorhead for the Reimagining Minnesota State initiative (still waiting on representatives from Southwest, Bemidji, and Winona). Forum #2 was held on Jan. 14 in St. Cloud surrounding technology and the Digital Age. The key communicators helped formulate questions to ask our members on the topic above and beyond discussion questions that the System Office created. We currently have 7 members who have responded on top of comments collected at the Moorhead membership meeting this week. The Key Communicators are responsible for disseminating information about Reimagining MN State and inviting participation, creating and sending out the ASF questions, sending out reminders, etc. They will also help create a formal position/statement at the conclusion of the forums on behalf of ASF.

Tracy, on behalf of MSUAASF, congratulated Jamie on successfully defending his dissertation this week. His topic was related to FLSA.

***MSUAASF Committee Reports***

**Negotiations** (Tracy Rahim-Winona, Rich Wheeler-Mankato, Sami Gabriel-Teamsters 320, Shirley Murray-Mankato, Janet Haak-Moorhead, Heather Soleim-Moorhead)
Kick-off meeting for negotiations team will be in February.
How should we reach our membership to get their feedback? Online surveys work better than paper. Membership meetings are also a good venue. It’s helpful if we have some core principles. Insurance will be done separately. Wages are always a priority. Sami has been communicating that the order of negotiations is more historical than legal, so meeting with management earlier may be possible. Coming to campuses is really important. Idea was raised that this be launched at membership meetings, then follow-up with survey (likely in March).

**Legislative** (Janet Haak-Moorhead)
MSUAASF Legislative Priorities from legislative committee were distributed and discussed. There were some items that need to be further studied and revised (supervisory and retirement items are being removed right now for further discussion.) Teamsters will include the main monetary items ($246 million, including Nextgen; HEAPR, IRAP, and statement about expeditious approval/processes for contracts). A clean, finalized copy will be presented and sent via email.

**Membership** (Jillian Quandt)
The new chair, Jill Quandt, is working on learning WordPress to manage the webpage and setting up Hootsuite to manage social media postings and has started to update the webpage.  Board input is needed on what types of information should go on each of these formats and what the scope of the website should be.  The membership committee will start having monthly phone meetings.  The social media visibility campaign as outlined by Mankato will be launched soon.

**Audit Committee** (Zak Johnson-Bemidji, Lori Wynia-Southwest, Brenda Zamlen-St. Cloud, Maureen Acosta-Metro, Jamie Van Boxel-Mankato)
Bank balances as of 1/17/2019
Checking – $55,699.08
Savings – $7,073.20

State Treasurer Lori Wynia provided expense reports, receipts, financial statements, and checkbook ledger for the period of review by the audit committee. We conducted the audit of these financial documents by reviewing each expense report to match the correct amounts indicated on the receipts provided, and reviewing the credit card charges, which were used by authorized MSUAASF officials, State Treasurer Sue Bayerl (January 2018 – July 2018), Lori Wynia (August 2018 – December 2018) and State President Tracy Rahim, and reconciling these credit card charges to the Wells Fargo bank statement. In addition, the ASF Audit Committee reviewed the campus association financial reports.

Overall, we found no major irregularities, or inaccuracies in the audit. However, we were unable to locate one receipt from Allied Parking for $9.00 on March 2 posted on Tracy’s Credit Card. Also, there was a charge of $22.95 in error to Casey’s General Store on November 30 on Lori’s credit card. In discussion with Lori, this was identified and a reimbursement will be made to ASF. As a result of this audit, in which we reconciled receipts to expense report documents, check numbers sent for reimbursement to expense report documents, and credit card expenses and deposits to bank statements, the audit committee recommends that the ASF State Board approve our audit to verify the financial accuracy of these financial transactions. In addition, the Audit Committee recommend that the board approve a transfer of $10,000 from checking to savings to build back up our reserves.

In reviewing the Campus Associations Financial Reports, the Audit Committee focused on the campus associations remaining balances and common expenses. After review, the Audit Committee found the campus associations to be in good financial health and would only recommend that the Audit Committee continue the practice of reviewing these forms annually during the ASF State Audit Committee meeting.

*Committee recommendation to accept and approve audit committee’s finding. Motion carried.*

*Committee recommendation to transfer $10,000 from checking to savings. Motion carried.*

In terms of campus association financial reports. Remaining balances ranged from approx. $5000 to $800. Average expense on meeting expenses about $1000. No specific recommendations to the board from the campuses.
*Recommendation by committee to continue annual reviews of campus financial reports. Motion carried.*

**Nominations & Elections** (Rich Wheeler-Mankato, Maureen Acosta-Metro, Tim Alcorn-Southwest, Tyler Treptow-Bowman-Winona) No activity or report at this time.

***Old Business***

**Membership materials**—part of Strategic Plan discussion

***New Business***

**SEC Committee** Appointments (Zak Johnson)
Greg Mellas from Metro State expressed interest in this appointment.
*VP Johnson made a motion to appoint Greg Mellas to the SEC, second by Kierstin Hoven. Motion carried.*

**Nellie Stone Johnson Dinner & Scholarship Donation**: March 21, 2019 (Tracy Rahim)
*Motion by Becky Boyle Jones, second by Brenda Zamlen to donate $250 to NSJ Scholarship. Motion carried.*

**Union Paid & Unpaid Leave Pay Code** (Rich Wheeler, Tracy Rahim)
Management’s intent that union leave codes should be used anytime we are doing union business (state board meetings, local meet and confer meetings, 90-minutes of state meet and confer, grievance meetings, etc.) ASF is the only union using paid union leave. Record this time in e-time. Campuses have different norms on this. Unpaid time includes travel, SEC, DCR, Negotiations. If you are using flex time, this doesn’t have to be documented. It is recommended that you use emails or other written correspondence to verify use of flextime for meetings such as state meet and confer.

Shared governance committees are non-representational and this is work time, including travel time. Nothing separate has to go on time sheet. For search committees, we are representational but campus can choose to pay our time. Be sure that this is clear on your campus. Time reviewing files or doing background work is still unclear and further conversations will take place.

An FAQ would eventually be useful for our members regarding this (after we are clear about all questions.)

**IRAP Change Proposal** (Rich Wheeler)
Three issues: 1) Increasing disparity between employer contribution into TRA versus IRAP. This is seen as an equity issue by many (not all). The IFO proposal is to be more even. MN State does not oppose this, but time line is in question, and that will always be costed out at some point. 2) MN State gave this bill to the auditors to cost this out and auditors discovered IRAP is not fully in compliance with federal law because the employee contributions need to be the same in all retirement plans. So, to be in compliance, the employee contribution will need to increase by over 8% by 2024. 3) MN State believes it will be a burden on people to pay this additional 8% + supplemental cost, so it proposed that supplemental retirement be removed – that money already in supplemental will stay there (this would need to be done through bargaining) and set up tax sheltered annuity (which is voluntary) instead. In order to do all of this by 2024, the supplemental would be reduced $1700. Rich said he feels that more input on this is needed.

If the goal is to provide 80% income replacement, that objective has been met with the currently proposed stabilization bill. If the objective is that the employer and employee should pay the same amount in to the program, then change may be appropriate. About 21.3% of ASF members in retirement programs are in TRA, 78.7% is in IRAP.

This is a complex issue and has implications for the pool of money available for negotiations also. Therefore, it may be good to have it on the survey, or get feedback in other ways.

**Unit Determinations & Unit Changes** (Rich Wheeler)
Rich provided a handout on unit determinations. The handout looked at what happens if an ASF position is being considered for a move to MMA or MAPE. This can’t be done involuntarily but can be done at the time of retirement. This will be discussed at greater length at a later time (before pre-meet in February). The protection of the member is of primary concern. (Appendix A)

***System Committees***

**Policy Council** (Jim Anderson-Moorhead, Angela Bowlus, Megan Heutmaker)
It was decided that a small ad hoc group would be formed of Policy Council members to take a look at the technical language in Academic Programs 3.36.1.  If you are interested in serving on this Ad Hoc group please contact Gary.  The Ad Hoc group will help cut down on the amount of technical language changes that the full committee has to take a look at the larger meetings.  Approved language on Policy 3.18 Honorary Degrees and Procedures and 3.18 Honorary Degrees.  Continued discussion on Policy 3.36.1 Academic Programs.

Marta Mohr from the system office led the review of the procedure. The language changes made the procedure more current and clarified certain topics.  All the proposed language changes were reviewed by the council. On pages 9 and 10, the language on “minimum credits” in *Part 3****Authorized Academic Awards, Subpart B.  Academic award attributes, 4. Associate of fine arts degree***was placed in the parking lot to be reviewed and determined by faculty.  This language would be reviewed by the Academic Programs Ad Hoc Committee (if created).  The revised language in this section would be brought back to policy council at the March or April 2019 policy council meeting for consideration.

No items need discussion at ASF State Board Meeting. Next Meeting is January 17, 2019

**Academic & Student Affairs Technology Council** (Ken Graetz-Winona, Sue Bayerl-St. Cloud, Matthew Idzik-Metro)
Last Committee Meeting Date: December 2019
Accessibility sub-committee has begun to meet to discuss captioning, accessible instruction and a website.
Systemwide enterprise tools – discussion about improving communication and awareness about these tools.
Open Educational Resources – Working with IT on prioritizing this project to identify courses which use OER.
Online Strategy Workgroup – 4 implementation teams are being formed to address access, quality, collaboration & affordability
Any item(s) for consideration for State Meet and Confer: Proposals for Innovation funding were due Jan. 11th – proposals are under review and will be considered for grant funding

**Media Management/Web Conferencing Committee** (Chad Kjorlien-Winona) No report submitted.

**Learning Environment Committee** (Ginny Walters-Mankato) No report submitted.

**Accessibility Committee** (Kristen Jorenby-Metro) No report submitted.

**Student Affairs Council** (Tracy Rahim-Winona, Kristen Jorenby-Metro)
We last met on November 16 and listened to a presentation from 2 faculty who created an exhibit (DREAMING BY DEGREES) that documented students’ college experiences in audio, video, and photo. It had great feedback from those who went through it as a way of letting students identify with others’ experiences and struggles of being a college student. We also reviewed a report by the Orientation and Advising Ad Hoc committee on their research of best practices of both those areas. Finally, there was a presentation by a Luoma group who studied basic needs assessments and resources. The Student Affairs Council unanimously recommended that all Mn State campuses should complete a basic needs assessment of their campus and students to identify areas of concern and develop a plan to address those needs.

**Assessment for Course Placement Committee** (Laura Kiemele-Moorhead, Zachary Johnson-Bemidji, Jason Westman-Mankato) No report submitted.

**Orientation/First Year Advising Ad Hoc Committee** (Heather Dieterman-Winona, Danielle Smith-Bemidji)
No report submitted.

**Academic Affairs Council** (Shirley Murray-Mankato, Heather Soleim-Moorhead, Angie Witte-St. Cloud)
The last meeting was November 19. Reports were received form Regional Planning, Transfer Governance and an update on the status of the Academic Equity Committee. Feedback given to make access and equity priorities in the regional planning process. For the Academic Equity committee, the AA council asks that there be specific steps outlined to recruit and retain diverse students, faculty, staff and administrators. The next meeting is scheduled for February 4.

**Faculty Development Committee** (Darcie Mueller-Winona) No report submitted.

**Global Education Committee** (Janet Haak-Moorhead, Sally Pinkston-Metro)
Last Committee Meeting Date Nov 8 2018. No highlights submitted to share with Board.

**Academic Equity Committee** (Angie Witte-St. Cloud) No report submitted.

**Graduate Education Committee** (Melanie Guentzel-St. Cloud) No report submitted.

**Defined Contribution Retirement Committee** (Rich Wheeler-Mankato)
Last Committee Meeting Date: October 30, 2018 The committee held its Fall quarterly meeting on 10/30/18. There was the usual review of the fund performance for each of the investment options. There are several new account people working with the DCR program from TIAA. They were in attendance and briefed the DCR Committee. There was the usual review of investment fund options on the watch list due to under-performing compared to comparable funds. There was a lot of discussion with regard to the real estate option. The committee agreed that participants want that option given the numbers of members in the fund. It is a hard fund to bench mark. It will continue to be watched.

There was a thorough review of the MinnState IRAP and SRP account for administration of the program. The goal is to keep about $300,00 in that account. Currently it is around $289,000. There will be some discussion at the meeting in February about possibly a slight fee increase. If that were to take place, it would be effective no sooner than in March, 2019.

There will be a separate report to the MSUAASF State Board at the meeting on some proposed changes to IRAP and SRP with regard to required employee contribution adjustments for IRAP and employer contribution proposals with regard to IRAP. Those changes might also prompt some changes to the SRP program. More details to come at the Board meeting on 1/18/19.
Any item(s) for consideration for State Meet and Confer: None. May need some discussion during negotiations.

**System Evaluation Committee** (Sarah Olcott-Winona, **Greg Mellas appointed**)
Last Committee Meeting Date Tuesday, December 11, 2018 The committee met in December and had one evaluation, which was a reevaluation of Jean Clarke’s position as Director of University Learning Communities. Mankato was requesting the position be moved from a C to a D range. The committee came to the decision that the position should be elevated to D level. Next meeting Tuesday, Feb 12, 2019.

**Professional Excellence Award Committee** (Sarah Olcott-Winona, Sara Granberg-Rademacker-Mankato, Maureen Acosta-Metro)
Last Committee Meeting Date: May 2018 We have not met as a committee since last May, when we did a debrief of the process and awards ceremony. We will confer in February to review rubric and evaluation criteria, and then again to choose an honoree.

**Equity & Inclusion Council (**Angie Witte-St. Cloud, Kate Noelke-Winona) No report submitted.

**Online Strategy Workgroup** (Ken Graetz-Winona, Lori Wynia-Southwest) No report submitted.

**Transfer Governance Committee** (Ashley Schafer-St. Cloud, Erica Johnson-Mankato) No report submitted.

**Developmental Education Steering Committee** (Lori Wynia-Southwest)
Very little relevant to share. The committee charge is not designed for any real work or productivity. Meetings consist of MNState employees sharing information on what has been or will be done. Main work is conducted in faculty work groups (math, reading, writing). Somewhat useless committee. Based on experience, I do not see a need for ASF to be part of this committee. Committee members have no standing, no real work expectations and no opportunity to share thoughts or opinions. Work is done outside this committee and information is simply disseminated.

**Developmental Education Reading Workgroup** (VACANT)

**Developmental Education Math Workgroup** (VACANT)

**Developmental Education Writing Workgroup** (VACANT)

Zak will be sending an email to campus association presidents to identify transfer specialists/advisors who may be approached about joining these development ed. workgroups.

**PSEO/Concurrent Enrollment Workgroup**
Recently appointed members: Tania Schmidt, Michael Altomari, Jessica Mensink

***State Meet & Confer Agenda Items (Friday, Feb. 1, 9:30-12pm)***

* + FLSA update & data
	+ Update on NextGen

***Adjournment: 4:10 p.m.***

***1-3pm: ASF Strategic Planning Session*** *(facilitated by Elsbeth Howe)*

 *Summary will be provided separately.*

**Future Meeting Dates:**

* **MSUAASF State Board Meetings**
	+ Spring: April 10, 2019
* **State Meet & Confer (9:30-12pm in St. Paul)**
	+ February 1, 2019
	+ May 3, 2019 (NOTE TIME CHANGE: 12-2:30pm)
* **State Board Conference Calls:** 2nd Monday of each month from 12-1pm

***Campus President Reports***

**St. Cloud State Report**Enrollment is down for FY19:
Spring Semester 2019 started on January 14, 2019 the 30th day enrollment report will show where the university is at for actual enrollment. At MSUAASF Meet and Confer on January 17, 2019 the VP of Finance and Administration reported enrollment projections were to be 98 FTE down and currently 346 FTE down. The budget for FY 20 planning that will begin next month will be based on 700 FYE down from FY 19 budget submission.

SCSU is has hired Dr. Jason Woods as Vice President of Strategic Enrollment Management (Excluded Management) who will begin in February 2019. We are searching a Concurrent Enrollment Director, Associate Director of Advising Center, Online Course Developer, Student Relations Director in the College of Science and Engineering. President Wacker has hired a chief of staff, Dr. Jacqueline McMillan who served as Interim VP of Strategic Enrollment Management. This position is through May 2019. We have new hires for the Associate Director of Career Services, Residential Hall Advisor and an Assistant Registrar all MSUAASF probationary appointments. The university has an on-campus housing policy for all entering freshman beginning Fall Semester 2019. The Administrative Services Building will undergo a remodel to welcome prospective and current students and the VP of Finance shared at the January M@C that $800,000.00 from land sales will be used for the first floor remodel as well as HEAPPR funds for sprinkler and HVAC improvements. Our local ASF secretary resigned and we voted Kristy Modrow to begin the position December 31, 2018.

**Winona State University Report**

* Enrollment is looking positive for FY20, especially for transfer students.
* No new budget information.  Some related whispers of possible elimination of fixed-term and leaving vacancies empty briefly.
* Related, many expected retirements throughout the next 11 months.
* Keeping a close eye on the move to TSM.
* Two ASF Sabbaticals were denied for budgetary reasons.  University President explained that all non-mandatory sabbaticals were denied, including IFO.

**Southwest Minnesota State University**

Our presidential search process is under way.  I am serving as the ASF member.   The process will be completed in time for the appointment of the next president to be completed at the March Minn State Board Meeting.

After cuts totaling over $2 million were necessary to balance our FY 19 budget, including multiple ASF positions being reduced to less than full time and cuts to academic programs including faculty retrenchment, $600,000 of one-time money was “found” in the FY 19 budget.  The administration decided to use the funds to run a mini grant program in the following amounts:

         Investments in space improvements - $100,000

         Development of online degree programs - $200,000

         Innovation of academic programs and student success - $300,000

Applications were due January 9 and are being reviewed and awards will be made by the end of the month.

We have enrollment management consultants working on campus right now and we were informed at meet and confer on Monday, January 14 that the $50,000 contract will come from the $600,000 pool of funds from which the grants above were to be made.

HRTSM management of payroll began earlier this month.  To date, there has been little chance to notice any difference.  The only thing I noticed was that the paperwork for an AFSCME employee I supervise who had reached the end of his probation period came through my supervisor instead of directly to me.

**Metro State**

Enrollment is down for Spring FY19: --2.6% for headcount. Two factors are: the economy is doing very well so people are working, not going to school; and our community colleges’ enrollment is also down so we are getting fewer transfers from them.

Our budget is tight, but no layoffs are anticipated. However the union is still concerned that an informal job freeze may be initiated. Our union is also concerned about the potential of moving ASF positions to other unions. We have two situations: One that involves our Director for the Center for Academic Excellence and one that involves academic program coordinators. We are discussing this issue at our January Meet and Confer.

The bargaining unit leaders at Metro State continue meeting discuss common issues – the biggest one continues to be having a good work environment. Our next meeting with our President and CHRO on Tuesday, Feb. 12.

Appendix A

**Movement of ASF Positions to Classified Service (MMA & MAPE)**

Management is responsible for following the established unit determination guidelines and criteria when determining the assignment of a position to a bargaining unit. That initial recommendation is made by the campus and then confirmed/adjusted by the MinnState System Office.

Under MN law, management has the right to determine if a position is classified or unclassified. By default, positions are considered classified, unless determined to be unclassified. A formal challenge to the BMA can only be filed within classified or unclassified service and not between them.

Once a unit determination decision has been made, MSUAASF and other unclassified bargaining units can file a formal challenge if the decision is made that the position is unclassified and we disagree on the bargaining unit decision. Ultimately, MSUAASF/Teamsters can ask the BMS can make a final decision between the unclassified units. The discussion on this unit decision should begin at the campus level and then MinnState System Office before getting the BMS involved. Any discussion will also likely involve the other unit that has been told the position will be assigned to that unit. For MSUAASF, IFO, and the Administrators Plan; there is document attached to the MSUAASF CBA that is an order of BMS that gives guidance on the assignment.

If the decision is made that the position is classified, MSUAASF can ask for a meeting with management to review the situation and explain the rationale. That should begin at the campus level and then the MinnState System Office level. If there is still a disagreement, MSUAASF/Teamsters can ask the BMS to convene a conference of the interested parties to review the situation. Any discussions will likely involve the classified unit that has been told the position is assigned to that unit.

Management can review a position for the proper unit assignment when the position is occupied. That usually happens if there are adjustments to a position and the position is being reviewed for range assignment. However, the position will not be moved out of MSUAASF (or any unit) without the approval of the incumbent. If the incumbent wishes to make the move, it can be moved while occupied. Otherwise, the position is flagged and then formally reviewed for unit assignment when vacant.

Once flagged, there is nothing that prohibits the incumbent from having the position reviewed for range assignment and for a range change to take place.

There are different benefits and pay for positions in different bargaining units. If a position has been flagged for movement to a different bargaining unit, it is important for the incumbent to consider those wages and benefits when considering if the incumbent is willing to make the move.

It must also be noted that both MMA and MAPE have positions that are classified and unclassified. If the position is being looked at a reassignment to MMA or MAPE unclassified, MSUAASF/Teamsters can ask the BMS to make a formal unit determination. For example, many positions like those in MSUAASF that are in the colleges, are unclassified.

**1**

**Here is a summary of MN Law as it relates to unclassified positions:**

**43A.08 UNCLASSIFIED SERVICE.**

**Subdivision 1.Unclassified positions.**

Unclassified positions are held by employees who are:

(1) chosen by election or appointed to fill an elective office;

(2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;

(3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the Office of Strategic and Long-Range Planning;

(4) the confidential secretary to each of the elective officers of this state and, for the secretary of state and state auditor, an additional deputy, clerk, or employee;

(5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the Office of the Adjutant General;

(7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the Legislative Audit Commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal Economic Opportunity Act work study program in the Perpich Center for Arts Education and the Minnesota State Colleges and Universities, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the National Guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the Department of Labor and Industry;

(13) members of the State Patrol; provided that selection and appointment of State Patrol troopers must be made in accordance with applicable laws governing the classified service;

**2**

(14) examination monitors and intermittent training instructors employed by the Departments of Management and Budget and Commerce and by professional examining boards and intermittent staff employed by the technical colleges for the administration of practical skills tests and for the staging of instructional demonstrations;

(15) student workers;

(16) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(17) employees unclassified pursuant to other statutory authority;

(18) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation;

(19) the administrators and the deputy administrators at the State Academies for the Deaf and the Blind; and

(20) chief executive officers in the Department of Human Services.

**Subd. 1a.Additional unclassified positions.**

Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the Departments of Administration; Agriculture; Commerce; Corrections; Education; Employment and Economic Development; Explore Minnesota Tourism; Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources; Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies; the State Lottery; the State Board of Investment; the Office of Administrative Hearings; the Office of MN.IT Services; the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the Minnesota Office of Higher Education; the Perpich Center for Arts Education; and the Minnesota Zoological Board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

**3**

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

1/16/19