

Grievance Attachment

Grievance Issue

Labor Agreement Article Violated:

Article 16, Section B and Section D

Article 21, Section E

Article 23, Section A, Section B, Section C, Section D, Section E, Section F

Article 29, Section C

Describe in detail how the article/section was violated:

Article 16

Section B: copies are to be presented to employees of any negative entry entered into their official personnel files and employee responses and comments are to be filed with the negative entry in the file - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section D: negative comments in an employee evaluation require that supporting documentation be presented to the employee in reference to the comments as well as specification of the charges or complaint against the employee - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Article 21

Section E: The last regular performance appraisal rating is to be used as a tie breaker in determining order of layoff - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement in that it appears that this new system has no proposed "rating" equivalent.*

Article 23

Section A: An employees workload is to be considered when making a performance evaluation of the employee - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section B: The state is required to provide the union with prior notice to any substantial changes to the tool used to conduct performance appraisals - *but the state provided no prior notice to the union and has provided no information subsequently to the union. Rather, the*

union discovered this new system when members received an email which provided a professionally produced video statement from the Governor about how he had listened to the concerns they had expressed in a survey in which low pay was the far most common complaint and had decided to do away with the existing performance appraisal system.

Section B: The state is required to give the union 30 days to comment on any proposed substantial changes to the performance appraisal tool *but the state provided no prior notice to the union and has provided no information subsequently to the union. Rather, the union discovered this new system when members received an email which provided a professionally produced video statement from the Governor about how he had listened to the concerns they had expressed in a survey in which low pay was the far most common complaint and had decided to do away with the existing performance appraisal system.*

Section B: To consider changes to the proposed new performance appraisal tool submitted by the union within the 30 day comment period *but the state provided no prior notice to the union and has provided no information subsequently to the union. Rather, the union discovered this new system when members received an email which provided a professionally produced video statement from the Governor about how he had listened to the concerns they had expressed in a survey in which low pay was the far most common complaint and had decided to do away with the existing performance appraisal system.*

Section C: An employee is required to have five days from receiving a performance appraisal to file an appeal of the appraisal - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section C: Performance appraisal meetings require a review of the employee's prior performance objectives and upcoming performance objectives - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section C: Performance appraisals will be retained in an employee's official personnel file - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section D: If an employee's performance is evaluated as unsuccessful, the employee has a right to regular consultation with a designated supervisor and a written summary of his or her deficiencies and needed objectives for improvement - *but the material CWA has been able to*

review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.

Section D: An employee has a right to request and receive a written summary of these conferences - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section E: An employee has a right to submit a written response to be included with any performance appraisal within 30 days of receiving that appraisal - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section F: Management must create an employee appeal process for evaluations the employee disagrees with - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section F: Such an appeal procedure must include a review of the appraisal by a higher level of management - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Section F: Although an actual employee evaluation is not subject to review by the labor agreement grievance process, the limitation on the right to file a grievance on a specific employee evaluation result does not limit other rights to file grievances under the labor agreement - *but the material CWA has been able to review through information released to the public on the Office of Administration - Division of Personnel website contains no specifications for a process to meet this provision of the Agreement.*

Article 29:

Section C: management's reserved rights under the Labor Agreement are limited by the provisions of the Labor Agreement. *As established in the preceding sections, management has ignored at least seventeen specific provisions of the Labor Agreement when creating a new performance appraisal tool.*

Name of Individual Whom Grievance Is Being Filed Against:

Dr. Steve Corsi; Director, Missouri Department of Social Services
Commissioner Sarah Steelman, Director, Missouri Office of Administration
Dr. Randall Williams, Director, Missouri Department of Health and Senior Services

Allegation:

CWA members working for the state of Missouri received an email message from the Governor. The message contained a professionally produced video of the Governor describing how he had listened to the results of a survey of state employee satisfaction in which the most regularly cited employee concern was poor pay. The Governor said in the message he was ordering elimination of the presently used system of performance evaluations and replacing it with a new system.

This communication was the first information CWA was provided about the new performance appraisal system. CWA members have had to review information from the Office of Administration web page to find out about the new system that the state will be using. CWA has received no communication from the state about how the new system will incorporate the protections CWA negotiated for employees about performance evaluations in the Labor Agreement. The published information CWA has been able to review establish that the state is now moving forward with implementation of this new performance evaluation system and is suspending its activities under the old system.

This chain of actions violates 17 specific rights negotiated by the employees in their Labor Agreement with the state and may violate other provisions of the Labor Agreement as evaluation results are implemented.

Date of Occurrence:

January 5, 2018

Describe How You Were Negatively Impacted:

The individuals signing this grievance are the Executive Committee of CWA Local 6355. We are signing this grievance on behalf of the thousands of state employees who have made a Labor Agreement with the State of Missouri through CWA Local 6355 to have specific protections against unfair employee evaluations. Unfair employee evaluations may be used as the basis for disciplinary action or termination. CWA 6355 has communicated willingness to the State of Missouri to exploring performance based pay considerations. The State of Missouri has previously expressed an interest in using performance based pay. If employee rights to fair performance evaluations are not protected, employees may be unfairly subjected to job loss,

loss of pay and denied opportunities for advancement and transfer based on unfair performance evaluations. Employees who are forced to work in environments where unfair performance evaluations are used will have to work harder when poorly performing employees are unfairly given favorable performance appraisals.

Desired Remedy:

The State of Missouri will terminate actions to modify the performance appraisal system initiated in violation of the Labor Agreement.

The State of Missouri will take affirmative actions to advise CWA represented employees of the rights they retain under the Labor Agreement.

The State of Missouri will follow the provisions of the Labor Agreement in establishing any future changes to the performance appraisal process.