

**Presented and Adopted: November 6, 1997**  
**SUBJECT: Adoption of Final Personnel Regulations**

**#97-110**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors of the D.C. Water and Sewer Authority, "the Authority", at its meeting on November 6, 1997, upon consideration of a joint use matter, and upon a vote of 9 in favor and 2 abstained takes the following action with respect to establishing a new personnel system as prescribed by the D.C. Water and Sewer Establishment and Department of Public Works Reorganization Act of 1996, D.C. Law 11-111, Section 205 (a) (4):

**WHEREAS:** The Board adopted Interim personnel rules on an emergency basis at its meeting of October 3, 1996 (Board Resolution 96-04);

**WHEREAS:** The Board readopted the personnel rules on an emergency basis at its meeting of January 16, 1997 (Board Resolution 96-18);

**WHEREAS:** The Authority's proposed rulemaking was originally published on February 21, 1997. Comments received by March 23, 1997 were given due consideration. Technical and/or clarifying revisions were incorporated into the rules.

**WHEREAS:** The proposed rules were published again on October 3, 1997. Because of the substantive nature of the changes, the public was again afforded an opportunity to comment.

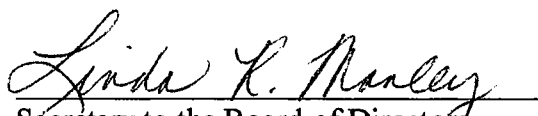
**WHEREAS,** Comments were received and revisions made accordingly.

**WHEREAS,** The fifteen day comment period has expired.

Be it resolved that:

- 1) The Board hereby adopts the final personnel rules.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Chapter 52**  
**D. C. WATER AND SEWER AUTHORITY PERSONNEL REGULATIONS**

**5201 GENERAL PROVISIONS**

**5201.1** The District of Columbia Water and Sewer Authority Personnel Regulations (the "Regulations"), issued by the Board of Directors (the "Board") of the District of Columbia Water and Sewer Authority (the "Authority"), establish policies, procedures, and guidelines relating to personnel matters including, but not limited to, the recruitment, employment, compensation, advancement, hiring, retention and termination of Authority employees pursuant to §43-1672 *et seq.* the "Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, D. C Law 11-111, April 18, 1996, D. C Code (the "Enabling Act"). The Authority is responsible for promoting and preserving the public health by providing quality service in water distribution, wastewater collection and treatment, and meeting the environmental, operational, and management needs of citizens in the District and its surrounding jurisdictions. To that end, the Authority will provide the resources to develop a multi-skilled and highly trained workforce to ensure the fulfillment of its mission.

**5201.2** The Authority will conduct all personnel actions without regard to race; color; religion; sex; national origin; age; marital status; sexual orientation; family responsibilities; personal appearance; residency; source of income; matriculation (excluding bona fide education or training requirements for positions); veteran status (excluding bona fide preference requirements); political affiliation; any mental or physical disability except that a disability may be considered to the extent a person is unable, with accommodation, to perform an essential function of the job; or other protected class as enumerated in DC Code §1-2501 *et seq.*

**5201.3** (a) It is the Policy of the Board and its administrators that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is defined to include:

- (1) Making unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment.
- (2) Making submission to or rejection of such conduct the basis for employment decisions affecting the employee, such as promotions or job transfers.
- (3) Creating an intimidating, hostile, or offensive working environment by such conduct.

- (b) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to his or her immediate Supervisor, Department Head, or the General Manager. Additionally employees have the right to file a complaint directly to the D.C. Office of Human Rights and the U.S. Equal Employment Opportunity Commission in accordance with District and Federal laws and regulations.

All complaints will be immediately investigated. All information disclosed in the complaint and the investigation procedure shall be held in the strictest confidence and only disclosed when necessary to investigate and resolve the matter.

- (c) Any supervisor, manager, officer or other employee who has been found, after appropriate investigation, to have sexually harassed another employee will be subject to appropriate disciplinary action.
- (d) The Authority notifies contractors and others who do business with it that discriminatory conduct and harassment in violation of the Board's equal opportunity, work environment, and sexual harassment policies will not be tolerated. Contractors and others who do business with the Authority and who violate the prohibitions may be barred from further business opportunities with the Authority.

5201.4 The Board delegates to the General Manager the authority to develop, implement and enforce procedures which carry out the intent of all adopted personnel policies. The General Manager may delegate this authority to subordinate managers who will be responsible and accountable for carrying out these policies and implementing and enforcing adopted procedures in a consistent and non-discriminatory manner.

5201.5 The Authority will guarantee to employees hired since December 31, 1979 rights and benefits at least equal to those applicable before the effective date of the Enabling Act.

5201.6 The General Manager is responsible for recommending and providing documentation supporting the need for new personnel policies or for modifications of existing ones. Notice of proposed personnel policy changes will be published as part of the Board's regular meeting notices and in accordance with applicable legislation. Nothing in this process may abridge the rights of employees or the Authority pursuant to Title XW of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D. C. Law 2-139; D. C. Code §1-617.1, *et seq.*)

5201.7 The Authority will conduct itself in full compliance with Title V of the District of Columbia Government Comprehensive Merit Personnel Act, as amended, D. C. Code §1-605.1, *et seq.* It will treat all collective bargaining agreements to which the District of Columbia Water and Sewer Utility Administration ("WASUA") was a

party as effective until their expiration or renegotiation with the Authority. Provisions of a properly executed collective bargaining agreement will take precedence over any provision in this chapter which conflicts with or is contrary to contract provisions.

- 5201.8** If any provision in this chapter is deemed invalid, void or unenforceable by a court of competent jurisdiction, the chapter shall be construed as though the provision does not appear. Any such finding by a court of competent jurisdiction shall not affect the validity of any other provision, section, paragraph, or sentence of this chapter.
- 5201.9** This chapter will be supplemented by the Authority's Personnel Policy and Procedures.
- 5201.10** The Authority retains sole control of management rights, in accordance with applicable laws, rules, and regulations, which include:
- (a) Directing employees of the Authority;
  - (b) Hiring, promoting, transferring, assigning, and retaining employees in positions within the agency, and suspending, demoting, discharging, or taking other disciplinary action against employees for cause;
  - (c) Relieving employees of duties because of lack of work or other reasonable and necessary causes;
  - (d) Maintaining the efficiency of the Authority's operations, the extent of usage and the nature of all equipment, and the standards for workmanship;
  - (e) Determining the mission of the Authority, its budget, and its organization;
  - (f) Determining the number of employees, including the number, type and grade of positions assigned to the organization unit, work project or tour of duty;
  - (g) Deciding the technology to be used in performing its work;
  - (h) Defining and carrying out internal security practices;
  - (i) Taking whatever actions may be necessary to carry out the mission of the Authority in emergency situations; and
  - (j) Altering, amending, modifying, or eliminating the manner in which the activities of the Authority are conducted, including the composition and size of the work force carrying on those activities as prescribed by law.

**5202 RECRUITING AND HIRING**

**5202.1 Authority staff shall be employed in the following employment categories:**

- (a) Permanent Full-Time - Employees who are hired to work forty (40) or more hours per week in positions with an unrestricted duration.**
- (b) Part-Time - Employees hired to work less than 20 hours per week, or less than 1,040 hours per year.**
- (c) Temporary Employees - Employees hired for a specific time period.**

**5202.2 Except for senior management staff, executive staff and emergency staff appointments, all vacancies for permanent full-time positions will be posted for a minimum of ten (10) working days before any job offer is extended.**

**5202.3 The Authority's Human Resources Department is responsible for recruiting candidates to fill new and vacant positions including, but not limited to, recruitment, applicant processing, screening interviews, reference checks, required medical examinations, job offers, compensation and benefits processing, and employment records. These responsibilities may be delegated by the General Manager to another organizational component, as deemed appropriate.**

**5202.4 As part of the selection process, all applicants who have been conditionally offered employment in a position will undergo a pre-employment medical evaluation which includes drug screening. Any applicant whose medical evaluation indicates the presence of illegal drugs or inability to perform the essential functions of a position due to mental and/or physical conditions which cannot be reasonably accommodated will not be offered employment.**

**5202.5 A selecting official evaluating an applicant will use criteria specifically related to the position requirements.**

**5202.6 When evaluating an Authority employee, the selecting official may review the candidate's personnel file and obtain a reference from the employee's current and former supervisors. Only the Human Resources Department is authorized to check employment references of external applicants.**

**5202.7 Qualified Authority employees will have priority for all competitive employment opportunities. Where all candidate qualifications and selective or merit factors are equal, length of service with the Authority shall have precedence.**

- 5202.8** Falsification of any information contained on an employment application or misrepresentation during the interview and selection process will be deemed an act of dishonesty and a basis for discharge or disqualification from selection.
- 5202.9** Relatives of employees are eligible for employment by the Authority so long as the employment does not create a direct line of supervision between the current employee and the relative. For purposes of this section, "relative" is defined as spouse, parent, parent-in-law, child, step-child, sister, brother, brother-in-law, sister-in-law, step-parent, daughter-in-law, son-in-law, niece, nephew, first cousin, grandparent or grandchild.
- 5202.10** If two employees marry while employed by the Authority and a supervisory relationship exists, one employee will be transferred to another equivalent position at the earliest opportunity where involuntary displacement of another employee does not result. This transfer may be conducted without regard to any posting or recruitment requirements.
- 5203** **PROBATIONARY PERIOD**
- 5203.1** All new Authority employees will serve a probationary period of one (1) calendar year. Any employee hired regardless of prior governmental affiliation, is considered a new WASA employee and must satisfy the probationary period requirement. Successful completion of the probationary period means that, in the judgement of the employer, the employee has demonstrated satisfactory performance in the position to which the employee was hired.
- 5203.2** The Authority will evaluate a probationary employee's performance at the end of the first month of employment and, thereafter, at the beginning of the fifth, eighth, and eleventh months of employment. Following successful completion of the probationary period, and on recommendation of the appropriate office chief, the Human Resources Department will remove the employee from probationary status.
- 5203.3** If an employee does not satisfactorily complete the probationary period, the Authority will terminate his/her employment. A decision to terminate a probationary employee is not grievable.
- 5203.4** The Authority may extend a probationary period up to ninety (90) days under extenuating circumstances such as accidents, lengthy illnesses, or operational emergencies which precluded completion of probationary period requirement.

5204

**LEAVES, HOLIDAYS AND OTHER ABSENCES**

5204.1

The following provisions govern Annual Leave

- (a) Employees will earn Annual Leave at the rate of
  - (1) Four (4) hours per two-week pay period from the date of employment through the end of the third year of employment;
  - (2) Six (6) hours per two-week pay period beginning with the fourth year and continuing through the fourteenth year of employment except that the accrual for the last pay period in each year is ten (10) hours; and
  - (3) Eight (8) hours per two-week pay period beginning at the fifteenth year of employment.
- (b) Annual Leave will accrue from the first full pay period of employment.
- (c) Annual Leave must be scheduled and approved by management, as provided in the Personnel Policy and Procedures Manual so that the Authority can, at all times, meet its obligations to provide for public health and customer service requirements.
- (d) Annual Leave in excess of 240 hours must be used by the last pay period of the leave year.
- (e) Employees who leave the Authority will be paid for all unused, accrued Annual Leave.

5204.2

The following provisions govern Sick Leave

- (a) Employees will earn Sick Leave at the rate of four (4) hours per two-week pay period from the date of employment.
- (b) Sick Leave will accrue from the first day of employment and may be used by the employee thereafter.
- (c) Sick Leave in excess of three consecutive days will require medical verification of illness prior to approval for pay.
- (d) An employee may accumulate Sick Leave from year to year. However, unused Sick Leave will **not** be paid upon separation from employment.
- (e) The Authority's Human Resources Department will establish and maintain a Sick Leave Bank. Employees may contribute unused Sick Leave to this Bank

for use by fellow employees under emergency circumstances according to provisions in the Personnel Policy and Procedures Manual.

- (f) In cases of emergency, advance Sick Leave may be granted to full-time employees in an amount not to exceed 240 hours or 30 work days. A medical statement from the employee's physician attesting to the disability or ailment, and the anticipated duration of incapacitation must be provided before advance Sick Leave is approved. If an employee is separated or retired prior to repayment of advanced sick leave, any remaining balance will be deducted from the annual leave balance and/or the last paycheck.
- (g) If an employee uses all accrued Sick Leave and Annual Leave, he/she may be granted Leave Without Pay at the Authority's discretion and in accordance with District or Federal law.

**5204.3** The following provision governs Holiday Leave

- (a) The General Manager will prepare a schedule of holidays to be included in the Personnel Policy and Procedures.

**5204.4** The following provisions govern Leaves of Absence

- (a) The Authority may grant Leave of Absence Without Pay (for a maximum of one year) to full-time employees.
- (b) An Authority employee will be granted up to 16 weeks of unpaid, job-protected leave for certain family and medical reasons if he or she has completed at least one year of employment with the Authority or worked at least 1,250 hours over a 12-month period in accordance with the Federal Family and Medical Leave Act of 1993.
- (c) The Authority will grant Jury Duty Leave of Absence. Employees must provide the Authority with proof of jury service in order to be compensated for Jury Duty.
- (d) The Authority will grant Military Leave of Absence for a period of not more than 15 calendar days in a calendar year for annual training without loss in pay, time or performance rating. Additionally, emergency leave to enforce the law, pursuant to Presidential, District or State requirements, may be granted for not more than 22 work days in a calendar year. The Authority will grant military furlough for a period of extended absence without pay while an employee is on extended active duty for general military service. During this period, the employee's salary and benefit levels will be preserved, and he/she will be considered to be on an extended leave of absence.

- (e) The Authority may grant Administrative Leave for a variety of reasons as prescribed in the Personnel and Operating Procedures Manual.
- (f) The Authority's contribution, if any, to employee health insurance and retirement plans may depend on the length and type of leave of absence used.

**5205 COMPENSATION AND BENEFITS**

**5205.1 The General Manager will institute an employee benefits program, approved by the Board of Directors in compliance with the Enabling Act.**

**5205.2 Employee benefits are provided based on employment status:**

- (a) Permanent full-time employees are eligible for all benefits.
- (b) Part-time employees are ineligible for benefits except as required by Federal law.
- (c) Temporary employees are covered by Social Security and Worker's Compensation benefits in accordance with Federal and District laws.

**5205.3 Responsibility for Salary Administration**

- (a) The Authority's compensation decisions will be based on the Authority's overall financial condition and a review of pay scales for similar jobs in the labor market.
- (b) The Human Resources Department will coordinate a continuing internal review of compensation and ensure that each job category is evaluated and assigned to a job grade and salary range. Job grades and salary ranges will accurately and fairly reflect each position's responsibilities and performance requirements. The Authority will be guided by the principle of equal pay for equal work.
- (c) Salary grades for each job classification will have a minimum and a maximum value. The General Manager may authorize a starting salary higher than the minimum value for a job classification if needed to successfully recruit a highly qualified applicant.
- (d) The Human Resources Department will participate in or conduct annual compensation surveys of employees of comparable employers and/or organizations having similar jobs to help establish compensation and to determine the relative competitive position of the Authority's pay structure.

- (e) The Human Resources Department will develop and administer a job evaluation program, including regular review and reevaluation of position descriptions. Supervisors will review and certify job content. Position descriptions are available to employees, supervisors and others upon request.

5205.4 Authority employees will be compensated according to minimum wage and overtime pay requirements of Federal law.

5205.5 The following provisions govern Overtime

- (a) All employees eligible for overtime pay under provisions of the FLSA will receive one and one-half ( $1\frac{1}{2}$ ) times their regular hourly rate for all hours worked in excess of forty (40) hours per calendar week (or other applicable tour of duty) for work actually performed, in accordance with the provisions of the FLSA, 29 USC §§ 201 *et seq.*, or any other applicable legal requirement.
- (b) The Authority may authorize compensatory time at the rate of one and one-half ( $1\frac{1}{2}$ ) times the hours worked in lieu of overtime pay. Use of compensatory time must comply with FLSA provisions.

5205.6 The following provisions govern Premium Pay

- (a) The Authority will provide premium pay for hours worked on holidays and Sundays.
- (b) The Authority will provide for shift pay differentials.

5205.7 The following provisions govern Payroll Deductions/Garnishments

- (a) Deductions may be made from an employee's wages to meet requirements including but not limited to payroll overpayments, tuition repayments, Federal, local, social security, and Medicare taxes.
- (b) Garnishments may be made from an employee's wages to satisfy court-ordered payments for child support and unpaid taxes.
- (c) Deductions may be made from an employee's wages for other purposes if authorized by the employee in writing. This includes, but is not limited to, charitable contributions, savings programs, or other contributory benefits.

5205.8 The General Manager may authorize individual or work group incentive compensation adjustments for outstanding performance, or as recognition for suggestions, work process improvements, operational savings and the like. The incentive compensation

program may include skill-based pay, merit pay, gainsharing and be in the form of one-time lump sum bonus payments and temporary or permanent adjustments in the employee's job classification pay scale.

**5205.9**            **The following provisions govern Health Insurance**

- (a)     Employees of the Authority may be enrolled in one of the Authority's group health insurance plans.**
- (b)     The Authority will contribute to insurance coverage for employees.**
- (c)     The Authority may provide for dental and optical benefits.**
- (d)     The Authority will maintain the health insurance benefits for employees hired under prior personnel systems as prescribed by the Enabling Act.**
- (e)     The Authority may implement a program that allows pre-tax employee contributions to employee insurance benefits as authorized by Section 125 of the Internal Revenue Code.**
- (f)     Permanent full-time employees will be afforded health insurance benefits after thirty (30) days of employment. Temporary employees who move to permanent status will be eligible for health insurance benefits in the same manner.**
- (g)     In accordance with the health insurance benefit provisions of the Federal Consolidated Omnibus Budget Reconciliation Act. (COBRA), qualified employees will have the right to continuation of health care coverage at group rates for a period of 18 months after leaving the Authority for reasons other than misconduct. Employees will be responsible for the total cost of insurance premiums.**

**5205.10**           **The following provisions govern Life Insurance**

- (a)     Employees of the Authority may be enrolled in the Authority's group life insurance plan.**
- (b)     The Authority will contribute to life insurance coverage for employees.**
- (c)     The Authority will maintain the life insurance benefits for employees hired under prior personnel systems as prescribed by the Enabling Act.**

- (d) Permanent full-time employees will be afforded life insurance benefits after thirty (30) days of employment. Temporary employees who move to permanent status will be eligible for life insurance benefits in the same manner.

**5205.11 The following provisions govern Other Insurance**

- (a) The Authority may offer other insurance options, such as disability and accidental death and dismemberment.
- (b) The Authority may contribute to other insurance coverage for employees.

**5205.12 The following provisions govern Worker's Compensation**

- (a) Each employee of the Authority will be covered by Worker's Compensation insurance. Benefits are payable in accordance with District of Columbia laws.
- (b) Employees must report on-the-job injuries to their immediate supervisor, the Authority's Safety and/or Security Officer and to the D.C Department of Employment Services (Workers' Compensation) within 48 hours of the occurrence unless exceptional circumstances make timely reporting impossible.
- (c) The Authority will require a doctor's certification of fitness for duty before the employee resumes work following an on-the-job injury.
- (d) The Authority may institute a light duty program whereby employees absent due to duty-related injury or illness may return to a position they are capable of fulfilling while still in a recuperation period. Light duty assignments will be available only when productive work is available and demonstrated inability to perform essential functions is certified by a physician.

**5205.13 An employee who has voluntarily terminated his/her employment and who is rehired within six (6) months of resignation will receive full credit for prior employment in determining annual leave accrual, eligibility for Authority contributions to the retirement program, and other fringe benefits.**

**5205.14 The Authority will treat employees who are rehired after a period of six (6) months as new employees for purposes of determining starting salaries, probationary period, performance review, and eligibility for salary increases unless they were wrongfully terminated or had been laid off.**

**5205.15 The Authority may reimburse employees for expenses incurred for school or training programs which are related to their present or career path work requirements, including tuition, books and travel expenses, subject to the following conditions:**

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose. The Trustee's beneficial ownership of Plan assets held in the ICMA Retirement Trust shall be held for the further exclusive benefit of the Plan participants and their beneficiaries.

BE IT FURTHER RESOLVED that the Plan: (Select one)

- Will permit loans
- Jgf* Will not permit loans

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the Employer, any required votes under the ICMA Retirement Trust; Administrative duties to carry out the plan may be assigned to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

*Lidjufr-1* Secretary to the Board of 18^4JULSI^, do hereby certify that the foregoing resolution, <sup>A</sup> was duly passed and adopted by the Board at regular meeting thereof assembled this 4th day of September 1997.

This resolution is effective immediately.

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Secretary to the Board of Directors <y