



## ***DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY***

### ***BOARD OF DIRECTORS Human Resources and Labor Relations Committee***

*May 27, 2009*

### ***MEETING MINUTES***

#### **Committee Members**

Keith Stone, Acting Chairman  
Howard C. Gibbs  
Kathleen Boucher

#### **Other Board Member in attendance**

David J. Bardin

#### **Union Presidents**

James Ivey, ASFCME 2091  
Jonathan Shanks, AFGE 872  
Barbara Milton, AFGE Local 631  
Shawn Henson, AFGE 2553  
Michelle Hunter, NAGE R-3-06

#### **WASA Staff**

Jerry N. Johnson, General Manager  
Linda R. Manley, Board Secretary  
Barbara A. Grier, Assistant General Manager  
Avis M. Russell, General Counsel  
Katrina J. Wiggins, Human Resources Director  
Michelle A. Buckmire, Benefits Manager

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Keith Stone, Acting Chairman, called the Human Resources and Labor Relations Committee (the Committee) Meeting to order at 11:10 a.m. and began with agenda item number 2, Union Presidents.

Barbara Milton, President, AFGE Local 631, requested the Committee reconsider the May 22, 2009 response to their letter regarding the extension of enhanced benefits to represented employees without negotiating. She acknowledged that the Board is not obligated to do so, but it does have the authority. Ms. Milton requested that this action be taken. It is the Unions' position that the Board should give benefit enhancements to the Unions without them having to negotiate. She also asked the Board do the same with any other future enhancements.

Mr. Stone asked Jerry Johnson, General Manager, about the financial impact to the Authority if the request is granted. Mr. Johnson indicated that he would have his staff research the matter and report back to the Committee. Kathleen Boucher, Committee member, asked if the union contracts had a re-opener clause like the union contracts in Montgomery County. She also asked if the Unions wanted to re-open the contract to renegotiate the enhancements. Ms. Milton said the Unions did not want to re-open the contract and that they were not implying that the Board had to provide them the enhanced benefits. Mr. Ivey, President, ASFCME 2091

indicated that a Memorandum of Understanding (MOU) could be established to support the request.

He described other situations in the District of Columbia government, where he indicated this happens frequently. Howard Gibbs, Committee member reminded Mr. Ivey that WASA is separate from the District and has its own personnel regulations. Mr. Stone asked if it is the Authority's position that the Board not step outside the collective bargaining process to grant the Unions' request for the enhanced benefits. Mr. Johnson affirmed that it is the Authority's position.

Ms. Boucher stated that she agreed with the General Manager regarding the threshold question for the Board – i.e., should this issue be dealt with outside the collective bargaining process? She noted that the Unions' position could undermine the integrity of the collective bargaining process itself and questioned whether it is fair for the Unions to go outside the collective bargaining process to seek benefits that are legally within the scope of collective bargaining. The Unions' submitted written follow-up questions in response to Mr. Johnson's May 22, 2009, letter requesting the Board to respond.

*Employee Safety at WASA regarding Swine Flu:* Jonathan Shanks, President AFGE 872, indicated that while the Authority has made some preparations regarding Swine Flu, he did not believe that the preparations were adequate. He acknowledged the Authority has ordered items but believes the Authority should pick them up instead of waiting for delivery. He asked that the Board direct management to be more proactive regarding this matter. Mr. Johnson responded that the Authority is following the recommendations of the DC Health Department and the Department of Homeland Security. Everett Lallis, Director of Safety and Security, reported that the Authority has stockpiled over 5,000 masks and other items that may be necessary. He also reported that the Authority had been working for two years on how to cope with any type of pandemic. Mr. Lallis also indicated that he and Katrina Wiggins, Human Resources Director, had met with more than 250 employees during 11 meetings to discuss the Swine Flu. The meetings were well received. Finally, he reported that he had participated in a webinar with other utilities across the country and the CDC. Mr. Gibbs asked if there are plans to meet with the remaining employees. Attendance at the meetings was voluntary. Daily updates are sent to department heads to share with their staff.

*Reorganization of Water and Sewer departments and DETS Permits Office:* Shawn Henson, President AFGE 2553, reported that his general foreman had informed him that the reorganization of Water and Sewer had been completed, and employees would begin working differently next month. Mr. Johnson responded that the reorganization has not been finalized and that the general foreman was acting prematurely. He assured the Union that when the decision was final, the Authority would meet with the Unions. Ms. Milton asked about the DETS Permits Office. Mr. Johnson indicated that the Authority was still planning to reorganize that department. In order to provide better service to WASA customers, the Permits Office will co-locate with DCRA. The manager position will be elevated to a director-level reporting to the Chief Engineer.

*Manpower for Vac-Haul Trucks:* Mr. Henson indicated that the Sewer Services Department is rotating employees to do the work of Screening Removal Operators. Mr. Johnson noted that the ground rules for these meetings with the Union Presidents require that issues are first brought to the attention of management so they can try to resolve them. It did not happen in this case. Therefore, the topic is not appropriate for discussion with the Committee at this time.

Mr. Shanks noted that these meetings with the Committee were a good start but he would like the entire Board of Directors to meet with the Union.

Mr. Stone moved to the subject of domestic partner benefits. Benefits Manager, Michelle Buckmire presented the following information that the Committee had requested at its previous meeting:

- Domestic Partner Benefits offered by the District of Columbia – employees seeking health benefits for their domestic partners are required to pay 100% of the cost of those benefits.
- Domestic Partner Definition Options – the only way that WASA could set the definition of a domestic partner would be if its medical plan was self-insured.
- Union Cost Impact – adding a domestic partner is equivalent to adding a spouse to the current plan, so there is no additional cost.

Ms. Buckmire then presented the staff's recommendation that the Board adopt a definition that is consistent with its fully insured health plans; require a signed Affidavit of Domestic Partnership; require two proofs of financial interdependency from a list presented to the Committee; and offer the benefit to all eligible employees during the next open enrollment session in November 2009 for implementation on January 1, 2010.

Mr. Gibbs asked if the list of proofs of interdependency included Board member, Alan Roth's recommendation. This was confirmed.

The Committee accepted staff's recommendation to forward the Domestic Partner benefit to the Board for approval.

The next item considered by the Committee was the Retirement Committee Charter. Ms. Wiggins reported that a recent review of the Retirement Plans of the Authority revealed that, although there has been a retirement committee in place to review investment options and plan performance, the Board has never officially created the committee. The Authority's financial advisor, AON recommends that the Board charter this committee to show the Authority's due diligence and fiduciary responsibility to the 401(a) and 457 plans. David Bardin, Board member, asked what, if any role the Board Finance and Budget and/or Audit committee would have regarding this matter. Mr. Johnson indicated that neither group had any role in the past. Mr. Stone indicated he had no objections to forwarding the recommendation to the Board, but noted

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that the draft resolution that was presented needed some friendly amendments before the Board meeting to ensure that the General Manager has the ability to designate the remaining member to the Committee.

Mr. Bardin asked that the staffing report be provided to all of the committee members and asked that the Human Resources and Labor Relations Committee have more oversight over the issue. He also requested that the Committee exercise oversight over the Authority's succession planning activities. Mr. Stone indicated that he would discuss the matter with Chairman, Anthony H. Griffin.

There being no further business, the committee adjourned at 12:35 p.m.