



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**

BOARD OF DIRECTORS

*Human Resources and Labor Relations
Committee*

*May 27, 2008
1:30 p.m.*

MEETING MINUTES

Committee Members

Anthony H. Griffin, Chairman
Jacqueline Brown, Ph.D.
Kathleen Boucher

WASA Staff

Jerry N. Johnson, General Manager
Linda R. Manley, Board Secretary
Avis M. Russell, General Counsel
Katrina Wiggins, Human Resources Director

Board Members Present

David J. Bardin, Board Member

Anthony H. Griffin, Chairman, called the Human Resources and Labor Relations Committee (the Committee) to order at approximately 1:40 P.M. Mr. Griffin provided background information for Board members who may have missed the last meeting. The unions indicated that they were not aware that the proposed regulations had been published and that they had not been given the opportunity to comment on them. The Committee agreed to allow the unions an additional fifteen days to review and comment on the proposed changes.

Avis M. Russell, General Counsel explained that most of their comments related to putting back old language that WASA had deleted. Ms Russell informed the Committee that the Authority had received several court rulings that found that WASA's personnel regulations constitute an employment contract. Therefore, WASA's goal was to clarify that the regulations are statements of policy meant to direct WASA in its personnel matters and not an employment agreement between WASA and its employees. WASA also wanted to simplify the language and remove redundancy. The unions wanted the

deleted language replaced. Ms. Wiggins, Human Resources Director, explained that specific procedures and requirements will be addressed in the Authority's policies instead of the regulations.

Dr. Brown inquired if any of the union's comments were completely at odds with the proposed regulations. Ms. Wiggins replied that the conflict of interest provisions were of great concern for the unions. She also indicated that in response to the unions' comment regarding "infra" that the Authority would eliminate the term and refer specifically to the regulation. Ms. Russell indicated that this change would be considered technical in nature and would not require the republishing of the regulations. Ms. Wiggins informed the Committee that the title of an internal document that had previously been called a "termination report" will be renamed "separation report" because it lists all separations including retirements, resignations as well as terminations for cause.

Dr. Brown inquired about the disciplinary process. Mr. Johnson explained that the regulations explicitly provide that the lawful terms of any applicable collective bargaining agreement will supersede any contradictory regulations and that it does not have to be repeated at every instance. The disciplinary process does not apply to union employees because this is addressed in their contracts.

Mr. Bardin stated that he does not believe the conflict of interest regulations are a good idea. At the last meeting he asked what other private companies and utilities have as their conflict of interest rules. He was disappointed that no one has researched this matter. He asked that staff research Verizon, Washington Gas, PEPCO and WSSC revolving door policies. Mr. Griffin requested staff to find out what other utilities do about conflict of interest before the next Board Meeting. Mr. Johnson stated that he did not believe Washington Gas was a good example because they have contracted all of their work out.

Ms. Russell reminded the Committee that the Board insisted on drafting a regulation of this nature due to the Board's concern regarding a specific situation that had occurred at WASA that made them uneasy when an employee left WASA to work for a contractor for which the employee was the project and contract manager, then came back to work for WASA and resumed contract and project management responsibilities for the same contractor. Mr. Bardin emphasized the situation of a long time retiree, not someone who had management and oversight responsibility for a contract. He strongly feels that an individual in that situation should be able to work for a contractor upon their retirement from WASA. He said it is easy for those in government to say something looks bad.

Ms. Russell commented that the current regulations do allow the General Manager to make exceptions to the rule when it is in the interest of WASA. Dr. Brown made a point about employees who are personally and substantially engaged in the awarding and managing of a contract. Mr. Bardin agreed that it is necessary to bar this type of unethical behavior with individuals who set contract terms or participate in the selection of the contractor. Mr. Bardin said the proposed regulations go too far; barring anyone who ever worked on the project. These regulations could cause employees to retire or resign before these regulations go into place so they can work for a contractor. He also agrees with the unions that this provision belongs in the Procurement regulations.

Mr. Griffin asked why WASA wishes to encourage employees to leave. In Fairfax, individuals considering working for a contractor must make a request. They receive maybe five to seven a year. He asked Ms. Russell to check with WSSC and find out what their practice is regarding this matter.

Ms. Russell recommended that if the Committee wants to make changes or additions to the Conflict of Interest regulations that it does not hold up the rest of the regulations to do so. If WASA makes substantive changes at this time, the regulations would have to be republished and the process would have to start over. She recommended the Committee adopt these regulations and send them for the final publication. Then as a separate process, WASA can revise or add to the conflict of interest regulations.

Dr. Brown reiterated her concern that section 5213.7 – Conflicts of Interest for Former Employees, does not address the decision maker. Ms. Russell admitted she was correct. For example, it would not cover someone who is on the selection committee from another department.

The Committee agreed to send the regulations to the Board for approval. Mr. Bardin indicated that he would raise his concerns at the Board meeting.

The next item on the agenda was an update on Training and Development Programs. Mr. Johnson provided some background and history regarding WASA's training and development programs. Ms. Wiggins gave a presentation on some of the professional, safety and technical offerings. The Administrative Professional Conference was highlighted and a video clip from Mr. Johnson's interactive long distance session with the audience was shown. This was the fourth training and recognition conference for WASA's Administrative Professionals. The conference culminates with an Administrative Professional of the Year Award. This year the Authority presented this award to three employees: Jerome Graves, Jessica Simmons and Valerie Nixon.

Mr. Johnson indicated that the HR Report would be presented by exception unless anyone had questions. Mr. Griffin noted an error on the first chart that reported 90 vacancies in the first quarter and 91 in the second. Some of the 90 from the previous quarter are included in the second quarter and should not be included as a cumulative total. Ms. Wiggins indicated that would be corrected.

Mr. Griffin inquired of the status of the hiring of senior staff. Mr. Johnson indicated several interviews had been conducted and that he is about 45-60 days away from making decisions. There are a few more candidates he wants to interview. He expects to have a Chief Engineer and other senior staff on board by the end of September.

Mr. Griffin asked about the status of the residency preference. Mr. Bardin informed the Committee that the Mayor's language exempting WASA was superseded. Two proposals were recommended by the D.C. City Council. The Committee on Public Works and Environment recommended that a certain percentage of applicants receive the D.C. Residency Preference. The Committee on Workforce Development and Government Operations recommended that the Council delete the language in the Mayor's Budget Support Act that would have exempted DCWASA from the D.C. Residency Preference Act. Prior to the Council addressing the Budget Support Act the D.C. Residency Preference legislation was not included in the final bill. Mr. Bardin stated that the language was removed without discussion. Ms. Russell confirmed that the language exempting WASA from the D.C. Residency Preference Act was removed and the second reading is June 3rd. After the second reading, the legislation will be sent to Congress for their review and action.

Mr. Bardin raised another issue – the appointment of the CFO. As it stands now the General Manager has the final decision on the hiring of all staff except the General Counsel who requires Board approval. He believes that the CFO should also require Board approval.

The Committee moved into Executive Session.

Having no further business, the meeting was adjourned at 3:45 P.M.