



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**

BOARD OF DIRECTORS

*Human Resources/Labor Relations
Committee*

February 3, 2004

MEETING MINUTES:

Committee Members

Bruce F. Romer, Chair
David J. Bardin
Alfonso Cornish
Stephanie Nash
Howard Gibbs
Alexis Roberson

WASA Staff

Jerry N. Johnson, General Manager
Linda R. Manley, Board Secretary
Barbara A. Grier, Human Resources Director
Avis Marie Russell, General Counsel
Everett Lallis, Occupational Safety & Health Director
Rick Green, Compensation Manager
Stephen Cook, Labor Relations Manager

Bruce F. Romer, Chairman, called the Human Resources/Labor Relations Committee (the Committee) to order at approximately 10:50 a.m.

Committee Chair, Bruce F. Romer briefly discussed the agenda and announced that the committee would go into executive session at the end of the meeting to discuss item 7, the General Manager's Performance Evaluation. Mr. Romer moved to item 2 on the agenda, the Conflict of Interest Policy Update. Mr. Jerry N. Johnson, the General Manager, stated that staff is working on the Conflict of Interest Policy addressing employment. He stated that staff had conducted a survey of organizations to determine if they had a conflict of interest policy that addresses employment and, if so, what were their requirements. Rick Green, Manager of Compensation, reported that he surveyed six (6) local organizations. He stated that all had policies that restricted a former employee from working for contractors affiliated with the agency, if the former employee was responsible for managing the contractor while employed by the agency. The restriction ranged from one (1) to two (2) years. Five (5) organizations imposed more stringent restrictions on a former employee working for an affiliated contractor, if the former employee "significantly participated" in a matter involving the contractor while employed by the organization. The restriction ranged from 10 years to lifetime. None of the jurisdictions had a policy governing reemployment of a former employee after working for a contractor affiliated with the agency.

Chairman Romer, asked if staff had any recommendations as a result of the survey. Mr. Jerry N. Johnson, the General Manager, stated that staff had no recommendations at this time. He stated that consideration is being given to establishing restrictions on contractors hiring WASA employees to work on WASA projects. He also noted that there is a bigger issue to take into consideration while looking into a conflict of interest. The issue is that WASA has been successful at hiring employees from contractors to complete work. This has been a significant benefit to the Authority. Committee member David Bardin concurred with the General Manager's statement. Committee member Alexis H. Roberson stated that WASA needs a conflict of interest policy for employees in a decision-making role. Mr. Johnson stated that staff will present the policy at the next Committee meeting.

Barbara A. Grier, Human Resources Department Director, requested that the Committee recommend to the Board the Designation of Lesser Competitive Areas for purpose of reduction-in-force. Ms. Grier identified the departments that potentially could be impacted by a reduction-in-force. Mr. Romer stated that staff had annually presented the Designation of Lesser Competitive Areas. Mr. Bardin asked what would happen if the lesser competitive areas were not established. Ms. Grier explained by Designating Lesser Competitive Areas, in the event of a reduction-in-force, bumping would be limited to the affected department. She stated that without Designation of Lesser Competitive Areas, the entire Authority is the competitive area and bumping could occur across departments. Ms. Roberson asked about the Departments not included in the Designation of Lesser Competitive Areas and, if there were job titles that crossed departments. Ms. Grier responded that there were few job titles that crossed departments. Mr. Roberson then asked about the reaction from the unions to the Designation of Lesser Competitive Areas. Steve Cook, Labor Relations Manager, explained that RIF rules were not subject to the Collective Bargaining Agreement but were established by an act of Congress. Chairman Romer then stated that we have approved the Designation of Lesser Competitive Areas in previous years and called for a committee vote on the item. Mr. Bardin made a motion to approve the proposal. Committee member Alfonso Cornish seconded the motion. The Committee voted unanimously to recommend the Designation of Lesser Competitive Areas to the Board of Directors for action.

Everett Lallis, the Occupational Safety and Health Director provided an overview of the safety inspection program for contractors and the quarterly safety report. Mr. Lallis told the Committee that the Safety office is currently transitioning from construction contractor inspections to maintenance contractor inspections. He stated that the Safety office has also established a contractor safety database for tracking and monitoring

safety related issues. The General Manager informed the Committee that WASA safety bulletins are now in both English and Spanish to avoid future accidents. Ms. Roberson requested that the Committee be provided with the total number of construction job site.

Mr. Romer requested that the Committee review the Human Resources/Labor Relations Committee Report by exception and asked if there were any questions. There were no questions.

Mr. Romer stated that the draft letter to union presidents responding to their request to meet with the Board of Directors was distributed to Committee members for comments. Mr. Cornish recommended that the letter be sent to all five (5) union presidents instead of just the three (3) that sent the letter. Mr. Bardin disagreed stating that the Committee should only respond to the three (3) union presidents that signed the letter and the other two (2) presidents should receive a copy, since they are mentioned in the letter. He stated, however, he was not opposed to the two (2) union presidents attending the meeting. After much discussion, the Committee decided to invite all five (5) union presidents to a meeting with the Human Resources Committee and that the meeting should take place in March 2005. The General Manager expressed his concern about the level of commitment that the three (3) union presidents who requested the meeting may have on following through with any outcomes of the meeting and felt that the two presidents who were not involved, would probably have different agenda items. Mr. Bardin requested that the letter be modified to include the percentage of the employees represented by the Locals requesting the meeting, timeframe for the meeting to take place, and for the committee to meet immediately after the union meeting to resolve issues and delegate follow-on assignments.

Ms. Roberson asked if other Committee members or staff had received a letter from an employee who had been terminated while on sick leave/FMLA. Ms. Grier explained that even though she had not seen the letter, she was aware of the situation and that the Authority had provided the employee all available benefits. She explained that the employee had exhausted all available sick leave and leave under the Family and Medical Leave Act (FMLA), which was extended beyond the mandatory 16 weeks. Unfortunately, the employee was unable to return to work and business needs required that the job be filled.

The Committee then moved to Executive Session to discuss the status of the General Manager's Performance Evaluation.

The committee reconvened at 12:05 and adjourned.