



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**

BOARD OF DIRECTORS
Human Resources and Labor Relations
Committee
January 13, 2016

MEETING MINUTES

Committee Members Present

Bradley Frome, Chairman
Matthew Brown
Rachna Butani
Ellen Boardman

DC Water Staff Present

George Hawkins, General Manager
Randy Hayman, General Counsel
Linda R. Manley, Board Secretary

1. Call to Order

Chairman Bradley Frome called the meeting to order at 11:05 am and outlined a framework for the presentation of the Union's agenda items after which the General Manager was to respond. After each Union President introduced themselves with an overview of the members they represent, Chairman Frome introduced the first agenda item.

- A. The need to form a labor management partnership program at DC Water because there is a poor labor management relationship.

Ms. Milton described the relationship between management and the Union as poor. She distributed a labor/management partnership document from DC's Department of Public Works (DPW) and cited her desire to create a similar partnership at DC Water to alleviate her perceived poor relationship between labor and management.

Barry Carey, President, AFSCME 2091 and Michele Hunter, President, NAGE emphasized the significance of a labor/management partnership at DC Water. Jonathan Shanks, President, AFGE 872, also shared the views of his colleagues and stated his union has difficulty accomplishing tasks with management.

Mr. Frome asked if there were regular meetings with management and Mr. Shanks responded regular management meetings with his union had recently halted.

Mr. Frome asked about the regularly scheduled GM/Union quarterly meetings and

Mr. Shanks stated the meetings were an opportunity for the Union to raise grievances or other matters to the General Manager's attention.

Ms. Boardman asked what the distinction was between the quarterly General Manager meetings and the labor management partnership meetings. Ms. Milton stated the purpose of the quarterly meetings is to permit the Unions to raise concerns on behalf of their respective members while the purpose of the partnership is to work on positive initiatives as a team.

Mr. Hawkins stated any topics for a labor/management partnership meeting could be incorporated in the regularly scheduled Union/General Manager quarterly meeting. He stated he was not opposed to a labor/management meeting as long as there is a purpose clearly identified, rather than simply creating a schedule to regularly meet without specific goals and further commented he might be receptive to having a partnership but would like to know more about the objectives for one.

- B. Failure to timely pay an arbitrator – example of poor labor management relationship at DC Water. This is the first time in the history of the Authority that an arbitrator had to contact FMCS, the Union and the General Manager seeking Authority payment for their services regarding an arbitration case at DC Water. After contacting the General Manager, the arbitrator was paid.

Ms. Milton stated the Office of Labor Relations deliberately delayed payment to an arbitrator following an unfavorable award in order to discourage this specific arbitrator from providing services to DC Water. Ms. Milton stated this was the first time in the history of DC Water an arbitrator was delayed payment for three months and remarked regardless of an unfavorable decision to a party, it is important that there is mutual respect between the parties, the contract, and the process.

Mr. Hawkins stated there were questions about the identified invoices and this resulted in the postponed payment. Mr. Hawkins further stated the Authority pays substantiated invoices in a timely fashion and clarified there has been instances in the past where arbitrators have not been paid in a timely fashion at the fault of the Union. Mr. Hawkins agreed neither party should take the outcomes of arbitrations personally or have it affect the established business processes.

- C. A discussion on the direction of the Authority and the impact it will have on bargaining unit employees.

Mr. Carey stated he had conversations with Charles Kiely, Assistant General Manager, Customer Care and Operations about the need for the Union to be informed about the direction of the Authority. It is Mr. Carey's goal to be well informed about the future of DC

Water in order to keep his members adequately prepared for approaching changes. Jonathan Shanks echoed these concerns. Mr. Hawkins stated this was a fair request.

- D. Discussion on the Civil Service Retirement Buyout for employees at DC Water. The Unions have not been informed about this buyout proposal that is before the Board for consideration.

Ms. Milton stated this question was raised at the quarterly meeting on January 8, 2016, but the General Manager stated he was not permitted to speak on the matter.

Mr. Hawkins replied the subject is scheduled for presentation to the Finance and Budget Committee during closed session and therefore could not be presented publicly at this time. Mr. Hawkins is amendable to disclosure if the Finance Committee agrees to move a particular option to the full board as the recommendation will be presented publicly.

Ms. Milton asserted she was the person who requested the buyout and to look at offering retirees part-time employment as an option. She believed this was an example of an opportunity for the Union to provide feedback and partner with management.

Chairman Frome asked if there is an avenue for the Union to be involved in such matters or if it is prohibited as he would like to have the Union's input if permissible.

For the most part these type of matters have to go through the committee process according to General Counsel Randy Hayman, and the General Manager and staff may gain input from alternate avenues if they deem it necessary. Hearing the General Counsel's response, Mr. Frome stated as chairman, he would like to talk about how to structure this matter to allow the Union's input in this process.

In response to Ms. Boardman's questions about the next step in the Civil Service Retirement Buyout process, Mr. Hawkins reiterated proposals will be presented to the Finance Committee in January during closed session and if the committee makes a recommendation it will be presented in the public session.

- E. The minutes for the HR Committee meetings are not on the website for the DC Water/HR and Labor Relations Committee under Board Meeting Minutes and Agendas. No HR and Labor Relations Committee minutes listed for 2014-2015.

Board Secretary, Linda Manley addressed this matter by explaining all committee meeting minutes are posted on the website, however the Information Technology team was working to archive particular sections of the website and any archived minutes requests will be honored.

2. Operator Certification Training Program Presentation (DDCS)

Mr. Kiely began his presentation by providing the Committee a brief historical overview stating approximately 7 years ago he began discussions with Mr. Hawkins about how the system operators were functioning without certifications and DC Water was the only Enterprise where system operators were not mandated to be certified and the structure within the Water and Sewer departments needed to change to address these issues related to vertical assets. Mr. Kiely then discussed the 1992 revisions to the Safe Drinking Water Act which determined all states had to comply with certifications, but because DC is technically not a state, DC Water did not have to comply. To that end, Mr. Kiely advocated for a certification program and started notifying the previous and then current union leadership his plans to institute a certification program. Mr. Kiely began conversations with the entire staff at the Department of Distribution and Conveyance Systems (DDCS) about these proposed changes and the certification program in the summer of 2014.

The Authority secured the Maryland Center for Environmental Training (MCET) to conduct the training. MCET completed an initial assessment and created a tailored training program specifically for DC Water employees. Mr. Kiely explained employees were provided 18 months to complete the training and provided 2 opportunities to pass the test and presented the following training results:

- Six of the original 16 employees who were required to participate in the training and sit for the certification examination **PASSED** after completing the MCET training
- Five of the original 16 employees only marginally participated because they were exempt from certification as a requirement for their job due to years of service.
- Five of the original 16 employees where certification is a requirement for their jobs failed to register for the examination to our knowledge.

After the 2014 reorganization, it was decided the certification program needed to begin and the Union with Management agreed employees with 20+ years would be Grandfathered.

Ms. Boardman specifically asked how many employees participated in the exam prep sessions. Mr. Kiely stated he could only speak to the employees that passed the exam, which were 6 employees because employees had to sign-up individually with the test administrator.

Ms. Boardman asked Mr. Kiely if the operator certification is legally required or a best practice; he answered "both". Specifically, Mr. Kiely stated the operator certification program is a best practice and adopted across the country. Further, the operator position is extremely important to the organization as it controls how DC Water distributes portable water across the District and the manner sewerage is sent to the wastewater treatment plant.

Chairman Frome asked questions surrounding how the operator certification program applies to DC since DC is not a state. Mr. Hawkins stated he was not sure if there has been a formal decision rendered about whether or not the District of Columbia must comply with this rule or not

but as a manner of practice, DC Water has not complied with this rule because DC is not a state and the question as to compliance has not been squarely answered. However, as every other similar utility requires a similar certification, DC Water must as well.

Mr. Wilson agreed with Mr. Kiely about the numerous conversations surrounding the operator certification requirements prior to the start of the training program. Although, it was Mr. Wilson's position employees did not miss classes because they called out sick, but rather because they were scheduled to work and the department was understaffed. Mr. Wilson stated he discussed his concern about the adequacy of the training with management and requested sufficient training for his members. Mr. Wilson stated he spoke directly with the Association of Boards of Certification (ABC) and it was his understanding the certification program takes more than the stated 18 months, although he plans to gather his supporting data and formally present to the Board for review at a later time.

Board member, Rachna Butani stated if the entire country is requiring certifications, then DC Water should also mandate certifications for operators. Chairman Frome specifically asked how many employees need certification. Ms. Boardman then asked if we could identify the 5 employees who missed the training due to being scheduled for work and facilitate their training.

Finally, Mr. Frome stated if the operator certification is required anywhere else in the country, then we need to ensure the remaining 5 employees are provided adequate training to pass the exam and we should work specifically with those employees to ensure that they receive the training they need in order to obtain the required certifications.

3. Achieving Excellence - CDL Presentation

Before starting his second presentation on CDLs, Mr. Kiely opined about the fact that the District of Columbia is requiring anyone doing electrical work be required to have a Journeyman license.

Barry Carey, Local 2091 President stated the electricians having been doing DC Water specific work, not necessarily standard electrical work and so it is unfair to expect these employees to train in an estimated 6 months and pass the exam.

Mr. C. Mustaafa Dozier, Chief of Staff, stated the Authority is scheduled for an arbitration on the instant matter on February 23, 2016 and as such this matter cannot be further discussed.

Mr. Kiely stated his presentation would answer questions raised by Local 872 regarding the CDL requirement. Specifically, Local 872 previously asserted the Authority is requiring a CDL for jobs where the employees do not use CDL equipment. Mr. Kiely stated he and Mr. Hawkins reviewed specific areas where they thought they could reduce contractors in order to incorporate DC Water employees to do the work which would increase union membership. This was an initiative Mr. Kiely shared with the Union. Mr. Kiely stated he conducted a hard review of operations to see where the Authority could consolidate positions to leverage employees and spoke about equipping employees with the training necessary to obtain a CDL in order to utilize DC Water

employees and shrink the amount of work outsourced. Mr. Kiely stated this would drive cost down and provide for a flexible workforce.

To that end, in 2011 job descriptions were updated requiring a CDL. This allowed the work to determine assignments and the changes created promotional opportunities. Mr. Hawkins honed in on Mr. Kiely's point regarding a flexible workforce. Mr. Hawkins was proud to state creating these requirements have allowed the Authority to utilize DC Water employees, instead of relying on outside parties. Finally Mr. Kiely stated the goal is to leverage our workforce to be responsive to our ratepayers, especially because we have an old infrastructure and a lot of work to do.

Mr. Shanks stated he and Mr. Kiely never discussed the CDL issue and the men and women working at DC Water have been working without any certifications and certifications do not make employees work safer. It is Mr. Shanks' belief that DC Water is unique and should not be compared with the surrounding counties. Further, Mr. Shanks stated the CDL requirement does not make employees work better but simply providing a road block to employees continuing their employment at DC Water because of the medical requirements.

Board member, Rachna Butani, replied to Mr. Shanks' comments explaining one cannot simply stay the same and as things change, requirements change. It is Ms. Butani's belief a flexible workforce is in the interest of the organization and in the interest of the employees as it provides for job security.

Ms. Milton raised a concern regarding the CDL requirement demographic. Specifically, she requested the board to review the CDL requirement where it is not likely CDL equipment is used. She believes the CDL requirement may have a discriminatory impact on a certain class of people.

Mr. Wilson also commented stating his members are not opposed to obtaining new certifications.

4. Executive Session

Mr. Hayman requested a motion to move into Executive Session to discuss personnel matters pursuant to D.C. Official Code Section 2-575(b)(10). Ms. Manley conducted a roll call and the Committee convened into an Executive Session at 1:30 p.m.

The Committee reconvened into open session and adjourned at 1:45p.m.