



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**

BOARD OF DIRECTORS
*Human Resources and Labor Relations
Committee*
September 12, 2012

MEETING MINUTES

Committee Members Present

Alan Roth
Edward Long
Kathleen Boucher, Chair

DC Water Staff Present

George Hawkins, General Manager
Christopher Carew, Chief of Staff
Randy Hayman, General Counsel
Linda R. Manley, Board Secretary

Union Presidents Present

Jonathan Shanks, AFGE 872
Charles White, AFGE 2553
Michelle Hunter, NAGE R3-06
James Ivey, AFSCME 2091
Barbara Milton, AFGE 631

1. Call to Order

Kathleen Boucher called the meeting to order at 11:02 a.m.

2. Team Blue Safety Recommendations

Christopher Carew, Chief of Staff introduced Ayodele McClenney, Director of Occupational Safety and Health, to the committee. They briefed the Committee on the recommendations that had been developed by the Team Blue Safety Committee prior to the February 2012 arbitrator's decision, which required the work of Committee to be discontinued because it violated (1) the prohibition against management's "direct dealing" with employees without working through union representatives; and (2) the requirement that safety issues appropriate for union management dialogue be discussed by the Union Management Safety Committee (UMSC) established by each collective bargaining agreement (CBA). The CBAs obligate management to consult and seek input through the UMSC but unions do not have veto authority over management decisions.

Mr. Carew advised the Committee that he briefed the Union Presidents and UMSC on the Team Blue Safety Committee recommendations in July 2012 and August 2012, respectively. He requested union feedback at both briefings. He also advised the Committee that the General Manger had not yet been briefed on the recommendations and that the Union Presidents would be invited to that briefing. Mr. Carew indicated that he expected that briefing to be scheduled in September or October.

The Team Blue Safety Committee's recommendations were based in large part on a gap analysis of required training and certifications for DC Water staff. The Committee commended DC Water for completing this gap analysis and for all of its efforts to close the gap.

Mr. Carew presented a PowerPoint which highlighted safety practices and its engagement process with various operating departments throughout the agency. The presentation also answered the how's and why's of enhancing the plans of the leadership team. Staff representatives, Charles Sweeny (Director, Utility Services-Water) and Jason Hughes (Manager, Water Operations) were introduced as well. Kathleen Boucher introduced new board member, Edward Long.

- A. The Committee inquired about the role of the UMSC. Chris Carew and Mustaafa Dozier, Manager, Labor Relations advised the Committee that the CBAs require management to consult with the UMSC on appropriate safety matters but do not give the UMSC veto authority over such matters. Ayodele McClenney, Occupational Safety and Health, Director, spoke about the Union Management Safety Committee open door policy in regards to various safety issues; however, there is no official document that provides this committee with the authority to make any decisions or veto power. The membership of this committee is defined by the collective bargaining agreement as five union members and five management members.

The Committee requested that management develop a timeline showing estimated dates for implementation of each recommendation that could be updated on an ongoing basis as timelines became more concrete. The Committee noted that implementation of the recommendations would require continual back and forth with UMSC as recommendations get discussed and fleshed out.

3. Union Presidents

Chairwoman Boucher requested that all union presidents introduced themselves to new Board Member, Edward Long.

A. AFGE Local 631 Grievance on Team Blue Safety Work Group Recommendations -

Barbara Milton spoke of dissatisfaction with the Authority's efforts to comply with the February 2012 Arbitrator's decision, and is requesting that all union leaders be a part of devising proposed safety recommendations with the organization. Mr. Carew reassured union leaders that the executive team welcomes suggestions about overall safety and working conditions. James Ivey and Alan Roth encouraged both executive and union leaders to join forces to ensure worker safety. The Committee noted that Ms. Milton's grievance was based on an argument that management had again violated the Local 631 CBA but noted that there was no evidence that this had occurred and, in any event, the union's new grievance raised a legal issue that would be resolved through the grievance process.

The Committee discussed the importance of management's ongoing attentiveness to distinguishing between matters of management right and other "bargainable matters" that must be addressed through the collective bargaining process. Mr. Hawkins assured that Committee that management would continue to keep an eye out for bargainable issues and use appropriate procedures. Mr. Carew requested that the Union Presidents to put questions and concerns about the Team Blue Safety Recommendations in writing before Mr. Carew briefed the General Manger on those recommendations. The Committee agreed that it was important to put union concerns in writing.

- B. Promotion and Hiring Process –** Jonathan Shanks (AFGE 872) discussed ongoing concerns that current DC Water employees are being required to obtain a Commercial Driver's License (CDL) for jobs that do not require the employee to drive a commercial vehicle. Mr. Hawkins explained CDLs are needed for the jobs at issue because is seeking to reduce DC Water's reliance on contractors during the high demand seasons (e.g., winter water man breaks) and he needs flexibility to achieve this goal – i.e., the ability to move employees around during emergency situations and to assign them to tasks that require a CDL -- e.g, driving dump trucks, crew cabs, and operating backhoes. Similarly, DC Water will use sewer employees during the in winter when "all hands on deck" are needed to deal with water main breaks.

Mr. Hawkins advised the Committee that he is considering whether there are circumstances where a waiver or exception to the CDL requirement makes sense and he agreed to report back to the Committee with his recommendations. The Committee also asked the General Counsel to review applicable personnel law and report back to the Committee as to whether management is on firm legal ground in requiring CDLs for all of the respective job classifications.

- C. Labor and Management Retreat – The Union Presidents requested that the General Manager schedule a Labor Management Retreat.** Mr. Hawkins agreed that such a retreat could be a very constructive effort if it focuses on how labor and

management can work together to achieve the goals of DC Water's Strategic Plan. He agreed to work with management to schedule this kind of retreat after the Board finalizes objectives for the Strategic Plan and to schedule a meeting in late October to review the Strategic Plan with union leaders. The Committee stressed that union support will be needed to accomplish the goals of the Strategic Plan. The DC Watermanagement team will provide an update at the Committee's November meeting.

- 4. Executive Session Discussion** - At 1:30 p.m., the meeting was adjourned. The Executive session commenced at 1:35 p.m. and adjourned at 1:50 p.m.

ACTION ITEMS:

- A.** Management will develop a timeline for implementation of the Team Blue Safety Committee recommendations consistent with the February 2012 Arbitrator's decision.
- B.** Management will report back to Committee on analytical framework for evaluating issues relating to internal promotions.
- C.** Management will report back to Committee as to whether a waiver or exceptions to the CDL requirement should be implemented. Management will develop objectives for the Strategic Plan that incorporate both labor and management perspectives.