



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
MEETING MINUTES**

September 16, 2021

LOCATION: Conference/Video Call

TIME: 3:30 p.m.

DIRECTORS PRESENT: Marian Hwang, Esq. (Chair) (video)
Charles Glass, Executive Director (video)
Judge Frederic Smalkin (video)
Robert Witt, (video)
Robert Neall (video)
Hiram Tanner (video)

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean Coleman, Esq. (video)
Ellen Frketic (video)
Pamela Fuller (video)
Casey Powers (IT)(video)

CALL TO ORDER

Ms. Hwang called the meeting to order at 3:30 p.m. Board members and staff participated via Zoom video. The meeting was streamed live to the public on YouTube.

MINUTES

Ms. Hwang requested discussion or a motion for the approval of the minutes of the meeting of August 19, 2021. There was no discussion. Mr. Neall made a motion to approve the minutes, Judge Smalkin seconded. The minutes were unanimously approved.

BEST PROGRAM

Ms. Frketic presented an overview of the BEST program at the agency. Despite the challenges of the last year, the agency achieved 100% of the FY 21 BEST goals, which were the same as the FY20 goals.

Ms. Frketic presented the recommendations for the FY21 Best payout. The components of the BEST funding source include: fringe variance, overhead variance, project variance and interest income. Combined, this creates a BEST pool of \$3,428,000. This money would be split as follows:

- 71.77% to BEST pool (677 employees) \$2,167,000
- 25.73% to BEST Plus \$ 776,000
- Executive Incentive (10% of base pay) \$ 76,000
- 7.06% to FICA & Medicare \$ 242,000
- 4.88% to 401k \$ 167,000

Each eligible employee would receive a BEST payment of \$3,200. The Executive Incentive pool is considerably less this year, as only 3 Executives are eligible for payment this year.

Mr. Neall made a motion to recommend approval the agency's BEST payouts to the full Board at the meeting next week. Judge Smalkin seconded. The motion passed unanimously.

The FY22 BEST Goals were presented to the Committee. Mr. Witt made a motion to recommend the FY22 BEST Goals for approval at the next Board meeting. Mr. Neall seconded. The motion passed unanimously.

POLICY PROJECT REVIEW

Dr. Glass summarized the four policies sent to the committee for review. These are four of the eight policies required by the General Assembly to be reviewed and adopted by December 31st.

The Incentive Plan/Bonus Program policy is the BEST program summarized and presented in Policy form. Mr. Witt requested a copy of the evaluation form used to determine employee eligibility.

The Severance Policy is new. It would allow the agency "to pay the equivalent of 14 calendar day's salary to an eligible employee whose employment contract is terminated for convenience by the Service. The Service shall not pay a Severance Payment to an

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employee who voluntarily ends their employment with the Service, or whose employment contract is terminated for cause." An example of a typical MES employment contract will be sent to the Committee. The MES employment contracts allow for certain types of leave to be paid upon termination, but not severance.

The Tuition policy presented was an existing policy that has been updated. The goal is to create a well trained workforce and promote from within. "The payment or reimbursement of funds will be considered for training specifically related to obtaining a high school equivalency diploma, or the College credited courses that relate to the employee's work or career development plan (program of study)." If an employee leaves within 12 months of completion of their degree, the agency may seek repayment. Dr. Glass estimated that about 5-10% of employees are using the tuition program, but he will acquire the exact numbers for the board.

To date, MES's whistleblower complaint policy has conformed with the State's existing Whistleblower Law, which is now being formalized as a written policy. An Internal Auditor and Equal Employment/Diversity Officer have both been hired. This written policy mirrors the State Whistleblower Law. So far, MES has not received any whistleblower or hotline complaints.

The requested materials will be gathered by Mr. Coleman and Ms. Fuller and sent to the Committee. Ms. Hwang asked that the committee review the policies and provide comments to her and the group within 10-15 days. She also requested an HR Committee meeting be scheduled sometime before the October Board meeting to discuss the policies and comments. The committee agreed to meet on October 21st at 3:30 p.m.

ADJOURNMENT

Upon motion by Ms. Hwang the meeting adjourned at 4:36 p.m.

Marian C. Hwang

MARIAN HWANG, ESQ.
HUMAN RESOURCES COMMITTEE CHAIR