

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

**June 13, 2024**

**LOCATION:** Headquarters/Video Call

**TIME:** 9:30 a.m.

**COMMITTEE MEMBERS PRESENT:** Robert L. Witt, II (Chair) (video)  
Honorable Frederic N. Smalkin (video)  
Dr. James Johnson, Jr., Ph.D., P.E. (video)  
Shelley Heller (video)

<b>OTHERS PRESENT:</b>	Moalie Jose, P.E. (video)	Kanishk Sharma
	Charles C. Glass, Ph.D., P.E.	Stephanie Patton
	Ellen Frketic	Priscilla Carroll, Esq.
	Sean Coleman, Esq.	Pamela Fuller
	Hament Patel	Casey Powers (IT) (video)

## **CALL TO ORDER**

Mr. Witt called the meeting to order at 9:30 a.m. Some Board members and staff participated via Zoom video and/or audio call; the remainder were present at Maryland Environmental Service (MES) Headquarters. The meeting was streamed live to the public via YouTube.

## **MINUTES**

Mr. Witt requested a discussion or motion to approve the minutes from the Committee meeting on September 20, 2023. No corrections or objections were noted and the minutes were unanimously approved.

## **PERFORMANCE-BASED COMPENSATION (PBC)**

Dr. Glass reviewed his recommendation for performance-based compensation (PBC) increases for Agency employees. Employee evaluations for the period of April 1, 2023, through March 31, 2024, have been completed. The Agency financial performance has been good. The Agency is recommending the following increases, based on evaluation scores.

Score	Percentage of Increase
2.99 and under	No PBC
3.0 – 3.49	3%
3.5 – 3.99	4%
4.0 – 5.0	5%

It was reported that 85% of Agency employees' performance scores last year were in the 4.0 to 5.0 range across all career levels. Employees who have not completed their probationary period as of March 31, 2024, will not be eligible for the salary increase. This salary increase will not be applicable to the Executive Director, Deputy Director, the attorneys of the Office of the Attorney General, or the employees of the Chesapeake Bay Trust. These salary increases will be effective in the pay period beginning July 10, 2024.

The MES salary card will also need to be increased each year. The Agency is proposing increasing the minimum, mid-point, and maximum salaries on the card by 5%.

Ms. Heller made a motion to recommend approval of the proposed Performance-Based Compensation and salary card adjustment; Judge Smalkin seconded. The motion passed unanimously.

## **401k CONTRIBUTION**

Maryland Environmental Service's employees have done excellent work providing services to our clients and the citizens of Maryland. Based on the financial performance as of April 30, 2024, and year-end projections for FY 2024, the Agency is recommending that eligible MES employees receive a \$1,500 lump sum contribution to their 401k account. This 401k contribution will be awarded to all current MES employees except the employees who are participants in the State Retirement/Pension

System, Chesapeake Bay Trust employees, interns, and any MES employee who is not currently eligible for MES contribution to their 401k account. Part-time employees will receive a lump sum contribution prorated in proportion to the number of hours they are employed. MES will reduce the amount of the lump sum contribution if necessary to comply with applicable IRS regulations and the 401k Plan. The contributions would be awarded on June 28, 2024, to eligible employees who are current active employees as of June 28, 2024, and who were hired prior to May 28, 2024.

The Committee agreed with the recommendation to award the one-time lump sum payment of \$1,500 to employee 401k plans. Ms. Heller made a motion to approve the recommendation as outlined in the Agency Memo dated June 13, 2024; Judge Smalkin seconded. The motion passed unanimously.

## **HUMAN RESOURCES POLICIES**

Several Human Resources (HR) policies were submitted for review and approval. Each policy contained minor updates, title changes, or clarifications. Two policies are new policies.

The policies reviewed were:

- HR 3.09 Bereavement Leave Policy – The policy is amended to reflect recently enacted legislation that expands leave for the death of an employee’s child. This statute applies to all State agencies with independent personnel systems. The policy will be effective October 1, 2024.
- HR 3.11 Family Medical Leave – Small changes were made to the reporting requirements to maintain medical confidentiality. Employees are required to notify Human Resources, not the Managing Directors.
- HR 6.02 Performance Improvement Plan (PIP) – This is a new policy for usage of PIPs to help employees improve performance and create proper documentation for disciplinary actions if needed.
- HR 7.01 Bullying – This is a new policy to cover inappropriate behavior not otherwise covered by the harassment policies.
- HR 8.01 Tuition Assistance Program – Clarifies “good standing” status for employees who leave within one year of tuition payment made by MES. They may not be rehired unless their tuition balance is repaid.
- HR 11.03 Whistleblower Complaint – Modifies a provision allowing a whistleblower to report complaints to either the Human Resources department or the EEO Office.

Judge Smalkin made a motion to recommend approval of the new policies and policy updates to the full Board; Dr. Johnson seconded. The motion passed unanimously.

### **CLOSED SESSION**

At 9:52 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1), Mr. Witt stated that the Committee intended to enter closed session to approve the minutes of a prior closed meeting session and to discuss the performance and compensation of one or more employees of the Agency. Mr. Witt asked if anyone objected to the Committee entering closed session; no objections were heard. He also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Ms. Heller made a motion that the Committee enter closed session for the reasons stated above. Dr. Johnson seconded the motion; all members voted in favor of closing the meeting.

Mr. Witt announced that the Committee meeting would immediately adjourn following the closed session. The public meeting ended at 9:52 a.m. The Board members were then transferred to a secure conference video line. Dr. Glass, Mr. Coleman, Ms. Carroll, and Ms. Fuller remained in the conference room. All other attendees left.

Mr. Witt called the meeting of the closed session of the Board to order at 9:53 a.m. Present during the closed session of the Board were Board members Witt, Smalkin, Johnson, Heller, Jose, and Glass; Assistant Attorneys General Coleman and Carroll; and Ms. Fuller.

Mr. Witt requested approval of the minutes of the closed session of the HR Committee from the meeting on June 15, 2023. The minutes were unanimously approved.

During the closed session the Committee discussed modifying the salary of the Deputy Director. On the recommendation of Dr. Glass, the Committee unanimously approved recommending to the full Board of Directors a salary increase of 6% for the Deputy Director, effective as of July 10, 2024.

Dr. Glass and Assistant Attorneys General Coleman and Carroll left the meeting. The Committee then undertook the administrative function of reviewing the Financial Disclosures filed by Board members, as required by the MES Conflicts of Interest Policy (BOD 1.01). The Committee had no concerns or comments. The Committee also confirmed the timeline for completing the Executive Director's evaluation.

## **ADJOURNMENT**

Upon motion by Mr. Witt, the meeting adjourned at 10:05 a.m.

A handwritten signature in black ink, appearing to read "RLW II", is positioned above a horizontal line.

**ROBERT L. WITT, II**

**HUMAN RESOURCES COMMITTEE CHAIR**