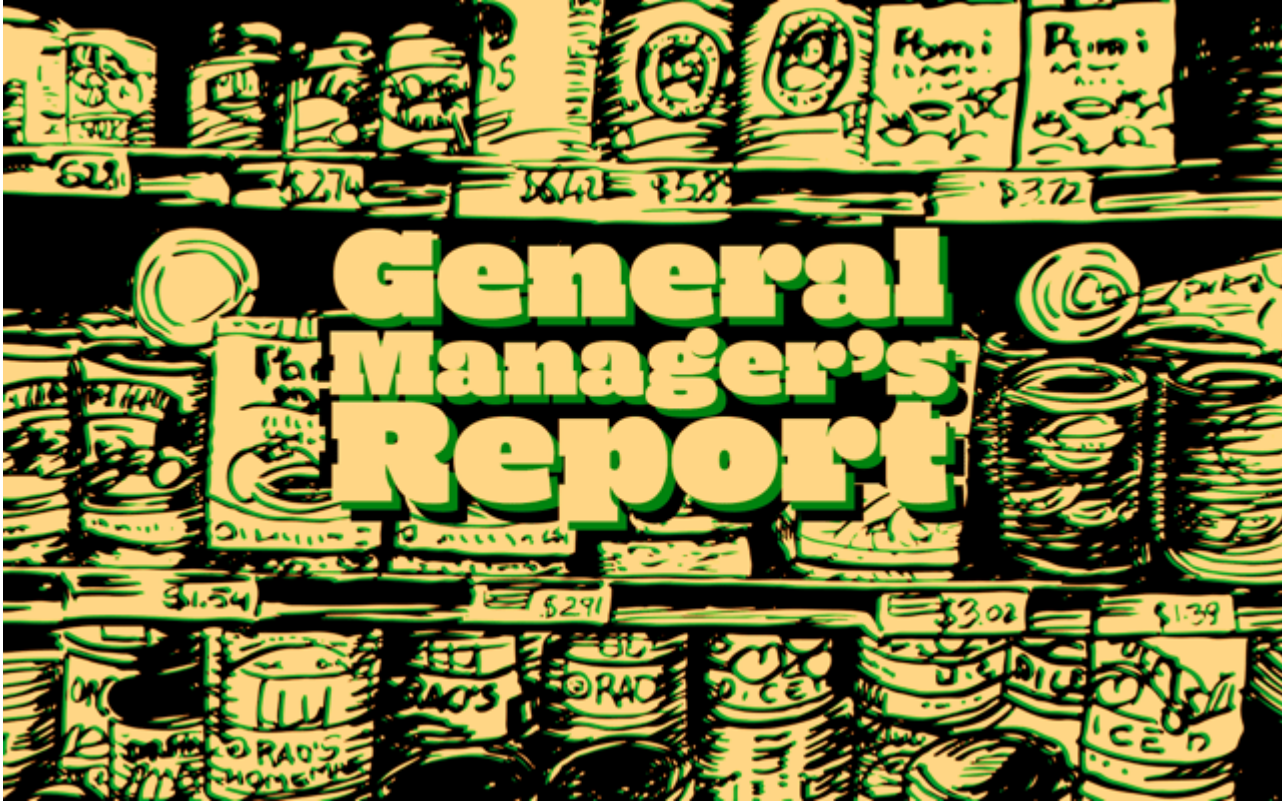


GENERAL MANAGER'S REPORT

January 17, 2023



By Joe Holtz, General Coordinator and General Manager

PERSONNEL POLICY FOR GENERAL COORDINATORS

I would like to elaborate on some issues relating to the Personnel Committee (PC) that were discussed in the article about the Committee Oversight Committee (COC) that appeared in the October 25, 2022 issue of the *Linewaiters' Gazette*. The article describes the mandate of the COC and, among other things, its concerns with respect to transparency and accountability of certain committees, including the Personnel Committee (PC), which was established to support and oversee the General Coordinators (GCs). It also mistakenly states that the PC can fire GCs.

These issues of transparency and accountability are very important for the Coop. In August the role of the Personnel Committee came to be looked at more carefully than it had been for decades. As I will describe below, the current authority as conferred on the PC when it was established does not actually permit the PC to discipline, dock

the pay of or fire General Coordinators directly. Regarding firings, the founding PC document sets forth an indirect method that involves the General Meeting (GM) that would be unhealthy for the Coop were it to be implemented. Regarding disciplining a GC, the document clearly states that there were no approved powers in place (see paragraph 7 of the accompanying 1981 document that the editors have published below).

ORIGINAL AUTHORITY OF THE PC

The PC was established by the General Meeting (GM) in 1981. The only reference to the possibility of firing a GC was contained in an introductory paragraph which quotes from a 1980 GM decision: "...Coordinators will be hired with the assumption of job retention except in the case of unfavorable reviews [of job performance]." In other words, a GC can only be fired if an unfavorable review prepared by the PC is presented to the General Meeting (see paragraph 5 of the accompanying 1981 document). The document is silent on who would make the firing decision in the event of an unfavorable review. Some could say it is implicit that it would be the GM since the GM is receiving both the written and oral presentation of the review from the PC. Others might say that it is implicit that the PC would make the firing determination. Either way, such an important procedure should not have been left to interpretation. Two or three years after 1981, the PC decided that a GC ought to be fired and indeed it wound up at the GM. The GM voted to approve outside arbitration to settle the matter.

GRIEVANCE AND COMPLAINT PROCEDURES 1989 TO 2006

In 1989 the General Meeting adopted a grievance and complaint procedure. It authorized the PC to discipline and fire GCs and also provided due process protections to GCs. This corrected the above deficiencies of the 1981 document.

CURRENT AUTHORITY OF THE PC STARTING IN 2006

However, the corrections were temporary because in 2006 the General Meeting re-

scinded the 1989 procedures and no replacement policy was ever adopted. So, it was back to the deficiencies of the 1981 document.

SIGNIFICANCE TO THE COOP

The 1981 system, which is the current system, is not supportable with respect to the fair treatment of the GCs. The Coop has about 80 coordinators who are not GCs and we have 5 GCs. The non-GC coordinators are supervised by the GCs who can discipline and fire them. Due process protections with respect to the non-GC employees are set forth in the Coop's employee handbook. But that part of the handbook doesn't cover the GCs. Nor are the GCs afforded due process protections in any current document.

If this current method of decisions with respect to firing being made by the GM after presentation of an unfavorable review were to be used, the result could be a painful and humiliating baring of behaviors and abilities that I think should not take place at a forum like the GM. It has been suggested that this could also subject the Coop to legal liability.

There is no currently viable way to address complaints against any GC by non-GC staff, by other GCs, or by members and therefore no path for remedies for those who might have been harmed. There is also no direct way to require GCs to change their behavior or to fire them if appropriate.

This also means that, notwithstanding, the intent of the Coop in our Mission Statement which states that the Coop intends to be "a responsible and ethical employer," the GCs currently have no due process protections.

The issues of GC accountability to the membership and to non-GC coordinators, as well as the lack of due process protection for GCs should not remain unaddressed by the Coop. The PC and the GCs have recently discussed beginning to address these issues and hopefully bring proposal(s) to the General Meeting.

In addition, I think the Membership should know that during the months of August and September four of the six PC members resigned.

Lastly, thank you to the many members who have communicated their concerns about this situation and to the members who may be paying attention to these issues in the future.

GM ESTABLISHES THE PERSONNEL COMMITTEE-1980

APPROVED PARK SLOPE FOOD COOP PERSONNEL POLICY and PERSONNEL COMMITTEE JOB DESCRIPTION

Passed by the General Membership in June 1980:

“The coordinators will be hired with the assumption of job retention, except in the case of unfavorable reviews (of job performance).”

In order to evaluate the job performance of the coordinators, and to provide a way for a 1,000-member cooperative generally to relate to its employees, the ad hoc personnel committee makes the following proposals:

1. Establish a permanent personnel committee (PC), elected by the general membership meeting, with the responsibility to: review employee performance; investigate complaints against employees and grievances by the employees; draft job descriptions and suggest paid job openings and unpaid work slots.
- The PC to have five members, and not to be a job slot. Paid employees not eligible

to be on the committee.

- PC recruitment and orientation: Members will be encouraged to run for the PC through an ad in the *Gazette*. This will include a description of what is entailed in being on the PC. Those interested in becoming candidates will be invited to a two-hour meeting with the ad hoc committee (paid coordinators will be present at the first one and a half hour of the meeting). This will be a non-confidential meeting to orient those interested in being on the PC. This meeting will be mandatory for candidates, but a make-up time will be arranged if necessary. At the following general membership meeting the candidates will introduce themselves and give a short statement as to why they should be considered for the committee. There will be a discussion and questions and answer session. Everyone will be eligible to vote by secret ballot. A two-thirds vote is necessary to win a seat on the committee, with the five highest number of votes winning. (Note: this will be the only committee of the Coop to have power delegated to it, and to be not supervised by a coordinator). The ad hoc committee will not make recommendations to the general meeting; however, members of the ad hoc committee can comment on candidates during the discussion period that will follow or during the general question and answer period.
- PC members shall serve for two years. The first committee elected will be given staggered terms (three chosen for one-year. terms and two for two-year. terms), so future terms will be overlapping. A committee member may serve for two consecutive terms.
- Employee reviews: The purpose of a review is to inform the membership of the performance of the employee and to give feedback to the employee on his/her perfor-

mance. At the general meeting following the review, the PC shall make an oral as well as written presentation to the general meeting. All five committee members shall be involved in the review, which shall be based on the job description and should include interviews with the coordinators and solicitation of comments by the membership. There should be feedback during and after the review. Reviews shall be yearly except for new employees who shall be reviewed after the first three and six months of employment with special reviews when desirable. Reviews shall be staggered so the committee can focus on one employee at a time.

- The permanent personnel committee should develop hiring procedures when necessary for approval by the general membership. At the time the procedures are developed, the PC should examine the hiring process used in 1975, 1978, 1979 and 1981. One of the first tasks of the permanent PC should be to interview people regarding past hiring experiences to establish a written record while these experiences are still fresh in people's minds.
- The present employees do not wish written contracts of employment, although these personnel practices, together with the grievance and complaint procedures, if passed would be a commitment by the Coop that would give the employees such guarantees. However, new employees should be offered a work contract, and current employees may ask for one at any time they desire.
- A written log of PC activities and decisions, and employee review files, shall be kept by the committee in a secure place, available only to current PC members. The PC shall devise a way to guarantee confidentiality of these records. Employees shall have the right to see their own files.

Dated, September 1981