



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

May 14, 1991

Ms. Carolyn Lockett
Office Manager, ANC 7-A
140 Kenilworth Ave., N.E.
Washington, D.C. 20019

Dear Ms. Lockett:

I am writing to follow up your April 10 letter and subsequent meeting with Phil Mendelson of the Committee on Government Operations' staff. You have raised several issues: (1) that the Commission has been irresponsible with regard to your requested pay raise; (2) that you are not paid for hours worked as a recording secretary after regular hours; and (3) that the ANC has incorrectly handled paycheck deductions and IRS form W-4.

First, the ANC Act establishes no legal requirements regarding pay rates for ANC employees. I have looked at the copies of correspondence you submitted and see nothing that is legally improper. You may very well feel underpaid -- a great many people feel underpaid -- but you have no right to better pay other than through attempting re-negotiation or by finding other employment.

Second, it would seem that if you are paid on an hourly basis and you work after regular hours on ANC meeting nights, then you should receive compensation. However, it is because of this very type of ambiguity that there should always be an employment agreement between an ANC and its employee. The agreement need be nothing more than a letter offering the employee a job and outlining the salary and terms of employment. It would specify hours of work and, presumably, whether work on ANC meeting nights is required and will be compensated.

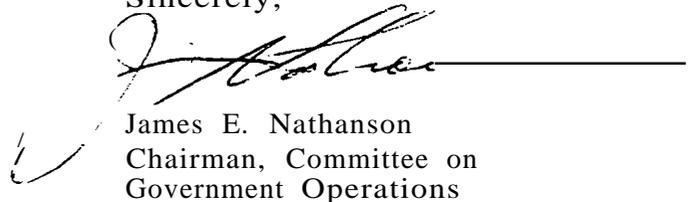
The Advisory Neighborhood Commission Amendment Act of 1990 (D.C. Law 8-203) requires that each ANC have a clear, written job description for its employees:

16(0) -A Commission may employ any person necessary to provide administrative support to the Commission. A Commission shall establish position descriptions for employees that shall, at a minimum, broadly identify the qualifications and duties of the employees. A commission employee shall serve at the pleasure of the Commission. An employee of the Commission shall be considered an employee of the District of Columbia government for the purposes of title XXI (-Health Benefits-) and title XXII (-Life Insurance-) of the Merit Personnel Act (D.C. Code, SS1-622 et seq., and 1-623 et seq.):-

Third, it does appear that mistakes have been made regarding your paycheck deductions and the filing of IRS Form W-4. The D.C. Auditor's February 15, 1991 audit letter recommends -that ANC 7A insure that W-4's are maintained for all employees hired by the ANC.- I would recommend that the best way to ensure that these mistakes are not repeated is for you to verify personally that the W-4 form is filled out correctly and that the correct deductions are taken. There are IRS-printed instructions accompanying this paperwork, or you could call the local IRS office with any questions. It is unfortunate that mistakes occur, but the best protection an employee may have is to take personal responsibility for his/her rights.

It has been a month since you raised these concerns, but I hope this letter is still helpful.

Sincerely,



James E. Nathanson
Chairman, Committee on
Government Operations

cc: George Gurley, ANC 7-A Chairman
Otis Troupe, D.C. Auditor