

**The Port Authority of New York and New Jersey
Committee on Operations Meeting Transcripts
March 29, 2012**

[Chair D. Samson] Okay, we'll get started. Today's meeting of the Committee on Operations is being held in public session in its entirety. In addition, the meeting is being broadcast live on the Port Authority's website for those interested in viewing today's proceedings via the internet. We have two big issues for discussion and presentation by the Executive Director and Deputy Executive Director, and I want to say that 1 of them, the first issue that I understand Pat and Bill you're going to be discussing has to do with compensation and benefits, and just to frame this a bit, we're all aware of the work that was done by the Board's Special Committee, and the culmination of that first phase of its work in the Navigant report and the recommendations that were made by the Navigant report, and I know that the report was critical in some respects about the compensation and benefits that you're going to discuss with us today, and it's clearly from the Board's point of view an issue that needs to be looked at, and we're looking forward to hearing from you in connection with your proposal, but I also want to make it clear from the Board's point of view that whatever adjustments need--ought to be made or are going to be proposed should not be taken as a reflection or criticism on the quality of our employees here, which are among the finest in the nation. They're dedicated. They're high quality, and in the main, they are exactly the kind of people any organization would want to carry forward its mission. Anyway, Pat, Bill? >>

[P. Foye] Mr. Chairman thank you. Bill Baroni and I have worked closely on both these agenda items and will make this presentation together. I'm going to start off. Allow me 4 observations before we get into the details. One of the purposes of these proposals to be considered by the Board today is to align Port Authority compensation and benefits with prevailing practice in the private sector and the public sector including especially the States of New York and New Jersey. Second, these actions to be considered by the Board today, we believe are fulfilling our responsibility to be accountable to the public we serve. Third, these recommendations are the result of careful analysis done internally by Mary Lee Hannell and her team in Human Relations, and externally by Navigant including careful analysis of compensation and benefit practices in peer agencies including those in both New York and New Jersey. Lastly, Mr. Chairman, to be clear these changes are painful and will represent actual pay cuts for many Port Authority employees. I echo the comment you just made, which is the Port Authority workforce is among the most able, talented, and capable of any government agency in the nation, and that even after these compensation and benefit adjustments appropriately Port Authority staff will be, we believe, fairly compensated taking into account experience and the demands that the organization, this Board, and senior management place on them. Let me begin the presentation. I'm not going to echo or repeat Mr. Chairman the points that you just made. Obviously, this is a followup to the Special Committee's work and the Navigant interim report of January 31, undertaken at the direction of both Governors. The phase one audit recommendations benchmarked compensation and benefits with similar New York and New Jersey agencies and agencies outside the region. These proposed forms seek to address inconsistencies in administration and will better align the Port Authority with both the public and private sectors, especially with the 2 states, and as a first step, the majority of reforms will initially impact non-represented employees. The 4-area reforms relate to healthcare, vacation programs,

compensation programs, and additional anticipated savings, and I'll just note to size it for the Board that for the second half of 2012 in aggregate the total savings that we expect are in excess of \$14 million, and for the entire year of 2013 total savings are in excess of \$26 million. Representing for the 18-month period, beginning July 1 of this year, total savings in excess of \$41 million. Going forward, we believe in addition that there will be annual savings of tens of millions of dollars. I'll begin with healthcare. One of the first reforms to be considered by the Board today is to implement a healthcare contribution system. Currently non-represented employees hired after July 1, 2005, contribute to the cost of health and dental benefits. The Board today is being asked to consider a reform which includes provisions that are effective the end of April, April 29, 2012, to be precise. All non-represented management employees will contribute to the cost of their group health and dental benefits. There will be a 4-year phased implementation. Contribution rates will be based on salary and type of coverage. Employees at the highest salary levels will contribute 35% of the cost of premium in year 4, but, again, this will be phased in. These estimated savings are based upon recommendations from the Navigant audit and bring the Port Authority inline with practices in the states of both New York and New Jersey. Continuing on healthcare, we will, among other things, maximize financial discounts of the healthcare plans; that's an estimated 2012 savings of nearly \$6 million, capitalize better on federal benefits reimbursements; that's a savings in 2013 of over a million dollars, introduce alternative lower cost healthcare plans, estimated annual savings of \$3 million, and revise the Port Authority Labor Relations Instructions to exclude healthcare as a subject of negotiations for represented staff. Obviously, changes in the collective bargaining agreement and the relations between represented employees will be done in the context of collective bargaining in the future. Changes will be made to vacation programs. There'll be a phase in revised vacation schedule. There'll be elimination of the executive management excused program. The average reduction per employee will be approximately slightly over 5 days, and the range of reduction in vacation--compensated vacation days will range from 1 to 17 days. Estimated 2013 savings from these measures to be approved and considered by the Board today in excess of \$4 million. We will discontinue the Vacation Exchange Program. That will represent estimated 2013 savings of \$3.7 million and reduce the vacation payout upon separation to 1 year. That will represent estimated 2013 savings of over \$4 million. Effective January 1, 2013, the extra year of allowance that employees prior to 2001 were eligible to cash out will be discontinued, and the maximum will be a 1-year carry over for all non-represented employees that will affect approximately 470 employees, and I'm going to turn it over to Bill.

[B. Baroni] Thank you, Pat. In addition, one of the areas that has to get focused on were add-on compensation programs, and our proposal, Mr. Chairman, to the committee would be to eliminate those compensation programs. First, the programs started in 1969. FICA benefit 8000--only \$8000 annually. Group term life insurance 2001, \$69,000 annually. The program Longevity 1, \$35,000 annually. The program Longevity 2, \$1.6 million annually. Police superior longevity per captain and above \$323,000 annually. Police superior cumulative retirement days captain and above at \$26,000 annually. In 2012, Mr. Chairman accumulatively this will save the agency \$1.1 million dollars. In 2013, \$2.1 million which leaves the average reduction in total compensation as Pat mentioned before the average reduction in total compensation per employee will range from 1.8 up to 8% at the highest levels of the agency. In addition, Mr. Chairman, a project that you began two Board meetings ago, which is the--thank you, which is which is the total compensation of the agency posted on the Port Authority's website as part of this commitment

transparency as you will hear in just a few minutes with the next item, Mr. Chairman and members of the committee. We'll be posting total compensation for 2008, 2009, and 2010, and continuing to update those quarterly. In addition, this project will be searchable and includes all overtime and longevity. Continuing, Mr. Chairman, we are recommending the elimination of PATH Passes for free travel program for all non-work-related travel for non-represented PATH active employees, Port Authority management staff holding PATH passes, all retired non-represented PATH employees, spouses, domestic partners, civil union, and eligible family members of active, retired, deceased, or non-represented PATH employees. In 2012, a savings of \$170,000. In 2013, a savings of \$255,000. Continuing Mr. Chairman, we will manage the size of our labor workforce to our authorized head count. We will maximize available skill sets and past investments by evaluating staff that are not against authorized positions to fill vacancies where these skills are matched. Each staff placement yields on average a savings of \$100,000. A 2-year savings of nearly \$6 million. We will also reduce--this will cause--all of these will cause a reduction in pension payments based on the elimination of those compensation and benefits programs. These changes to certain add-on compensation programs as well as staffing placement program, elimination of the Vacation Exchange Program will result in actual dollar to dollar reduction of Port Authority pension payments, and I'll turn it back over to Pat.

[P. Foye] And then lastly to summarize total savings over the next 18 months beginning July 1 will be in excess of \$41 million. That's \$14 million and change in the last half of this year 2012, and savings in excess of \$26.5 million in 2013, and then tens of millions of dollars on an annual recurring sustainable basis going forward, Mr. Chairman.

[Chair D. Samson] Thank you, well, I think we can all agree that this is a broad and impressive package, and I thank you Pat and Bill and Mary Lee for your extraordinary work and analysis. Do any of the commissioners have any questions about these steps, these programs, these savings, or any of the points that Pat and Bill made? Yes, Vice Chairman?

[Vice Chair S. Rechler] I'd just like to echo some of the comments. First, I mean I clearly--this is going to be potentially painful to the team members, but it's also the responsible thing to do for the agency, and the way I view this is as a public agency, we have a responsibility to operate as efficiently as possible, and frankly our business model, the way we were operating before wasn't sustainable, so to the extent, from an employee perspective, we were not going to be able to keep as many employees on staff if we can't operate more efficiently because we need to find ways to cut our budget. This is all sharing I think some way to bring our standards to a high enough level that meets the standards of the rest of the New York and New Jersey agencies by enabling us to keep the team in place and employed, and I think that's when you have to balance taking some pain. I'd rather keep people employed albeit with everyone contributing at market terms, than having to reduce workforce along the way. I'd also like to thank the Executive Director and Deputy Executive Director and the team for hearing the Board at our last meeting in terms of reacting quickly to the findings of the Navigant report and taking such impressive steps and thoughtful steps so expeditiously in making this presentation here today and making these adjustments, and I encourage you to continue to do that not just here, but obviously as you go through the agreements as we move forward with the represented employees as well because I think this is something critical, and there's got to be a change of tone and approach at the Port, which I think you're demonstrating here, which is being responsible, being compassionate to our

team members by making sure that we have a business operating model that's sustainable going forward so thank you.

[Chair D. Samson] Thank you. Any other commissioners? Commissioner Moerdler?

[Comm. J. Moerdler] I don't know much about the healthcare phase in of the employee contribution. I don't know what market is. I assume you've studied whether 35% is an appropriate level for market, whether 25, or 50, or whatever. I've seen all different numbers. Have you done the comparative due diligence to feel comfortable.

[P. Foye] Yeah, yeah, Jeff, we have. I think that the work that's been done internally by Mary Lee and her team, Bill and I have been very involved and very hands on on this, and then Navigant has also been I think an important external resource. I think that the healthcare contribution we believe that phasing in was the right thing to do that's consistent with both what New York and New Jersey have done. The levels went to tying it to levels of compensation we believe is appropriate and is consistent generally with what the states have done, and thirdly the levels of contribution we believe are appropriate. There are to be clear both private sector and public sector examples out there that have higher and lower levels of contribution but believe these are consistent with what the states have done and consistent with what peer agencies have done as well.

[B. Baroni] If I might, Mr. Chairman, very briefly. In addition and to complement what Pat said, one of the concerns that Navigant had raised, and I think the Board had raised to us is that for a long time in the area of compensation and benefits, the Port Authority has operated in a vacuum, and one of the charges that Pat and I, and Mary Lee and her team was to look at under the leadership of Governor Cuomo and the leadership of Governor Christie what New York and New Jersey were doing when it came to healthcare contributions. We literally line by line went through--working with both Albany and Trenton to make sure that we very much matched the leadership of our governors in the area of making sure that we were inline with--as Navigant pointed out and the Board made it very clear to us to make sure that we were inline with our--with the states that we sit in.

[Comm. J. Moerdler] Have we also included in that consideration things I've seen in other contexts--considering them, not necessarily doing them. Incentives where there are families with multiple employed insured people creating incentives not to have dual insurance and also creating a no-cost alternative with lower levels of deductibles and lower--in network kind of encouragement to reduce the overall cost?

[M.L. Hannell] We have Commissioner. You will see that with some of our alternative lower-cost healthcare plans that we're introducing in the fall. Those plan designs will encourage, and it will cost not only the Port Authority less but cost the employee less and will encourage them to move from the plan we currently have into lower-cost alternatives. We're also considering incentives for folks to wave coverage, so if a spouse or a significant other has coverage elsewhere that will, again, be a lower cost to the organization, and so we are providing those incentives for people.

[Comm. J. Moerdler] Excellent. My last question is have--I'm not--how have we considered the impact this may have on employee retention and is there any way to predict what the impact--my assumption is no, but.

[P. Foye] Commissioner, we have thought long and hard about that. There really is no way to predict it. One of the things that I think is important to mention is that Bill and I are going to be communicating with all our employees as promptly as possible after this meeting. We've worked with Mary Lee and Lisa MacSpadden to develop a comprehensive communications program. I think we've tried to anticipate all likely questions. Mary Lee has already entertained--we've already started reaching out to groups of employees. That communication is going to go forward. Undoubtedly some employees will take this into account. Many employees will take this into account. We expect that the job losses or the retirements will be manageable, and we have thought long and hard about it, and the communications program will start very shortly after the Board takes action, assuming it does.

[Chair D. Samson] Commissioner Sartor? >>

[Comm. A. Sartor] Yeah, just a-- --that was a question I was going to put forth because I'm really concerned about some of the impacts that this may have. As I look at the numbers and just trying to do some fast numbers, I know I'd heard a number of roughly an average number of 8% salary reduction. You indicated that this would be a definite salary reduction, and I'm sure there are other people who will be affected significantly more than that 15, 16, 18%, and I believe just as a followup to what Jeff said and what you said, you will have some key losses. Has any consideration been given to changing the method of compensation in terms of merit-based increase? Has any discussion taken place on that going forward?

[P. Foye] Yeah, Commissioner, a couple of things. You're quite right that a change like this is likely to precipitate some levels of retirement. That would be natural and unsurprising. Given the fact we've got such a talented, experienced workforce, we've got many, many options. Some of them will undoubtedly elect to retire as a result of these changes. We assume that as part of our work on this. We don't look forward to that. Plans are already in place in terms of succession planning at the top levels of the organization and throughout, and a lot of thought has been directed to that. In terms of the question about more focused merit compensation system that is something that a great deal of discussion has been focused on, and I think, Commissioner, the thing that I would say is that we'll come back to the Board and this committee in the future with respect to plans. >>

[Comm. A. Sartor] I would look forward to that.

[Chair D. Samson] And I think to that point, Pat, I just--this whole issue of compensation and benefits is a continuing review. I think the point ought to be made that this is seen by the Board and by the senior management as the first step in a process of ongoing review. These are the issues that were highlighted by the Navigant report and our discussions with Mary Lee and senior management, and these are the first issues to be addressed, but I want to make it clear that and to your point Commissioner Sartor, we're obviously concerned about the impact on employees, but we're also concerned about the impact on the Authority as an ongoing viable,

sustainable organization as the Vice Chairman pointed out. There's some balance here, and I think the only way we're going to be able to come up with an equitable balance is upon further review and consideration. We look forward to that and considering further proposals as time goes by from senior management. Any other commissioners have any thoughts or--yes, Commissioner Pocino?

[Comm. R. Pocino] Just for clarification, obviously I understand the phasing of the benefits and as Tony mentioned this 8% salary--is that going to be phased as well? Has consideration given to phasing that?

[P. Foye] No, Commissioner, that has-- >>

[Comm. R. Pocino] All this accumulation didn't happen last night; I mean this happened over a period of time.

[P. Foye] You're absolutely right Commissioner. The--for instance, a large part of that relates to the healthcare contribution, and aligning veteran Port Authority employees with what happens in the public and private sector that's going to be phased in over a 4-year period. Consideration of the issue that Commissioner Sartor raised is underway. We understand that these changes are painful. We're going to have an actual hit to the pocket book and wallet impact, and that's why, for instance, the healthcare reform is being phased in over a period of time, yes, sir.

[Chair D. Samson] Any other questions, comments by Commissioners?

[M.L. Hannell] And just to be clear Commissioner that 8% is the very highest levels of the organization, so that would be the maximum percentage that executives at the very highest levels of the organization could see. It ranges from a 1.8% to 8, not higher than 8.

[Comm. A. Sartor] I believe it could be higher than 8% because of the sell back of the vacations.

[M.L. Hannell] We've actually calculated it all, so we've calculated all of those.

[Comm. R. Pocino] It's all inclusive?

[M.L. Hannell] It is all inclusive, sir, yes.

[Comm. Bauer] So the 15 percent Commissioner Sartor mentioned is not really -

[M.L. Hannell] It's not at 15; the highest you're actually going to see on any individual person, to your point, would be 12%, and that's at the very most senior levels of this organization.

[Comm. A. Sartor] Oh, it's a 12% not 15%?

[M.L. Hannell] Yes.

[Comm. A. Sartor] But it's not 8%.

[M.L. Hannell] It's an average of 8, sir, yes. You're right.

[Comm. A. Sartor] That's what I said. [M.L. Hannell] Yes, you're right.

[Comm.D. Steiner] How many employees are at that--would you give us a guesstimate of how many employees are affected at that top rate?

[M.L. Hannell] Thirty.

[Comm. D. Steiner] Out of how many employees in the whole company?

[M.L. Hannell] Out of management employees 2,250, and out of the entire employee population 6,700.

[Comm. D. Steiner} So it's a very small percentage, but I have always felt that many of our senior people were underpaid, and I just think there's a way to take it from under the table and put it right out front. If our people are underpaid, in which I think a lot of them could do far better in the private sector, and I think our important employees should be compensated appropriately, but I think it should be above the table and not hidden down below in these other things.

[Comm. A. Sartor] Agreed.

[Chairman D. Samson] Clearly the--your point about these add-on's and the under the table if you will reference is something that we wanted to address as an organization, and it really ties into the overall goals of transparency, which is kind of a segway for our next point of the organization, but I also wanted to say that this is a legitimate issue that this organization in general and the Board in particular needs to deal with as time goes by, and that's why I look forward to hearing from senior management on its continuing review and any continuing proposals it might have on these issues. Yeah, Vice Chairman?

[Vice Chair S. Rechler] Just as a followup to Commissioner Steiner's comment in terms of whether employees are underpaid or overpaid. I don't know the answer if that's the case or not the case. I'm not familiar enough, but I think in terms of that evaluation of developing the merit-based compensation, the first step of that should be doing a study, a compensation study to see where our team members are based on compensation relative to the market, both the private sector and the public sector, to determine where they fall and then that would I think provide us with a baseline to make those determinations.

[P. Foye] Vice Chairman, let me just add I think it's important to note that much of that work has already been done internally and by Navigant, so part of the Navigant exercise and part of what Mary Lee and her team do on a regular basis is to benchmark Port Authority employees, especially non-represented employees, at all levels, compare them to both the private sector and the public sector focusing especially on New York state and New Jersey governments and authorities, and that work has already been done.

[M.L. Hannell] Yes.

[P. Foye] And we will update and keep the Board apprised.

[Chair D. Samson] And we want to emphasize to the leadership and to the public as well that this Board is committed to maintaining a culture of meritocracy as opposed to one based too heavily on tenure, and we want to continue with that, and we look forward to receiving any proposals you have that will further those goals, so thank you, and I will move this forward to the public session for approval. Can I get a second?

[Comm. D. Steiner] Second.

[Chair D. Samson] All in favor?

[all comm.] Aye.

[Chair D. Samson] So moved. All right, our next issue teed this up nicely I thought for you, Pat, has to do with the general goals of transparency and openness. This issue became a hot-button issue for me in particular and I think in the Board in general last fall when we learned about some impediments to and challenges that were involved in the execution and application of our freedom of information policy, and so the Board asked senior management last fall, I believe it was in October or early November, to take a look at the substantive and procedural issues involved in our freedom of information policy, and how we could improve the application and the practical operation of that policy. Pat, you have a proposal today with Bill?

[P. Foye] Mr. Chairman, I do, and, again, Bill and I have worked closely on this, and we're going to make this presentation together. I would start with a headline, which is that what Bill and I are recommending for the Board's consideration today is in my opinion unprecedented among government agencies, and I think that the Port Authority Freedom of Information Code, amend the Freedom of Information Code that we're going to discuss today, if adopted by this Board, will provide unprecedented access to the public of Port Authority records and documents. The proposal today expands upon and emphasizes the commitment of the Port Authority to become more and more transparent, Mr. Chairman, as the Board directed over the last several months as we conduct the public's business. We are building on the Board's long policy of providing access to official records. The new resolution is designated as a Freedom of Information Code to demonstrate the enhanced procedures and clarity over the prior policy for dealing with request for records, and Mr. Chairman, and the Board, and senior management have recognized the dissatisfaction that has been expressed in some cases with--and in some cases with good reason for the prior practice. The Freedom of Information code that we're recommending and presenting to the Board today provides broad, extensive, and clear definition of what constitutes a record, provides for the posting on the Port Authority's website of fulfilled requests with the exception, of course, of police and accident investigation report, combines several of the exemptions from disclosure that's permissible, restates clearly the exemptions for greater clarity, provides concrete examples of the types of materials that would be exempt and that would be available under several of the exemptions to avoid giving the appearance of ad-hoc determinations, and clarifies the nature of materials exempt from disclosure as intra and inter-agency materials and communications. Bill? [B. Baroni] In addition, Mr. Chairman and members of the committee, the new proposed code will streamline the procedure so that those who are requesting documents

will be able to obtain impartial judicial review of decisions under our code more quickly. Some examples, there will no longer be a requirement to submit a formal legal appeal to our Port Authority's Office of the General Counsel. There will be no further internal delays in obtaining final agency decision of the availability of materials. There will be no need to exhaust administrative remedies within the confines of the Port Authority, and therefore, review would be immediately able to be sought in the courts of New York or New Jersey, and it will provide more explicit instructions for dealing if there is a delay of more than 20 business days based on the volume or the specific document request. In addition, Mr. Chairman, in addition to the new Freedom of Information Code, we are recommending that the Board allow us to implement, direct us to implement the Port Authority transparency project. This will allow for immediate free availability of information on our website, and the proposed code will suspend the requirements for the imposition of copying and search fees for up to a year, which will allow us through that year to assess the cost implications of the Port Authority. If I may, Mr. Chairman, restate that. We are not going to charge. As we were going through the process of studying our sister agencies, both in New York and New Jersey, but also around the country, one of the things that became available is by one measure or another, government agencies would charge for public documents. We are going to not do that. These are public--this is a public agency. These are public documents, and they will be free to the public. In addition, this transparency project, hundreds of documents not previously readily available, will be posted on the website, if directed by the Board, tomorrow morning including more than 22,000 pages of documents not before posted on the website, including Freedom of Information requests from 2011 to the present, more than 500 pages of public board and committee presentations, more than 300 pages of Toll and Fare public hearing transcripts, posting of all--going forward Mr. Chairman, when FOIA requests prospectively under the new code are requested, when filled not only will they be given to the person who requests it, they will be posted in real time on our website, and building an internal team specifically directed to updating the Port Authority Transparency Project Website to make sure as we go forward that as much--as many documents as we can put online, we will put online. Another way to view it, prospectively, we will be posting FOIA requests as they come in and are fulfilled. Retrospectively, we're going back and scouring with the leadership of the Office of the Secretary previous Boards going back as far as we can to post as many documents online, and in addition, when people go on tomorrow morning to the Transparency Project website on the Port Authority website, we're going to be continuing to use the best practices for search-ability. As people will see immediately that we're still, and we've been at this for a few weeks under the direction, Mr. Chairman, of you, it is our intention to be the most open and best transparency agency in the country, and with that commissioners we are confident that this will work, and we request you advance this item to the full Board for approval.

[Chair D. Samson] Thanks. Impressive and very ambitious. Do any of the commissioners have any comments? Yes, Commissioner Bauer?

[Comm. V. Bauer] I just have one question, so could you elaborate when you refer to exhausting administrative remedies. I'm not quite sure what that means.

[B. Baroni] Certainly, Commissioner. Current--under the current policy, the pre-code policy, someone would request a document, and the request would go to the Office of the Secretary. It would be reviewed; it would either be fulfilled and sent to the person, and more than 50-

something percent of our documents under the old resolution were done within a matter of days. If under that process the document was declined, under the previous policy, the appeal to that policy would then go to the Office of the General Counsel who would then view it, again, and issue a final agency decision from which you could appeal, but you needed to wait until you got a final agency decision. One of the concerns is that some people may have argued that that dragged out the process. Under the leadership of the Secretary and the General Counsel, Pat and I, we went through all the various options, looked at other states, other best practices, and the decision was made that we are one agency. The Office of the Secretary doesn't exist somewhere in a cocoon and doesn't--so the idea is that the Office of Secretary would opine, and that would be your agency decision, and if you did not like the outcome, and there will be people who--not 100% of requests will be fulfilled. Security documents for example won't be fulfilled. You would be able to appeal that directly to a court--a superior court of your choice in either of our 2 states. You won't have to wait for--we're removing a level of-- --we're removing a level of government and allows you, if you don't like the answer that you got to appeal to a court.

[Chair D. Samson] Any other--Commissioner Schuber?

[Comm. P. Schuber] Mr. Chairman, thank you for both the--I'm sorry-- for both the Director and the Executive Director, I want to applaud the action that's being taken here today. I know one individual who, probably looking down from Heaven, is going to be very delighted by that, and that's Senator Moynihan who was an old sociology professor of mine and lead the fight on the federal level for full disclosure of government documents. The history of this is quite interesting because it obviously starts with the post-Watergate reform for making government transparent at all levels, but as it developed over the course of years, there seemed to be a presumption that the actions of government were secret, and you had to prove that you needed the document to get it. I think the worse I ever saw was when Korean War documents, which had been on the public domain for 20 years, were then redacted by the CIA after everybody had had access to them, and I think what this policy does for us is puts it out on the public domain the fact that the Board stands for the presumption that there is a presumption of disclosure, not a presumption of secrecy, and that this agency is taking a strong stand with regard to that and making sure that the work that we do, which we're proud of anyway, should be certainly in the public domain for all to see. There's no reason to hide that. I do recognize, having served in government too, that there is certain things that government does that it has to keep private for times until things can be done. I appreciate that, but the fact of the matter is quite often in my experience with government entities is we tend to have a sense of circling the wagons, keeping things secret, and then kind of disclosing like bits and pieces. This actually does full disclosure. I'm delighted with this policy; I applaud you and the staff for putting this together and let's move it forward.

[Chair D. Samson] And I'd just like to piggyback before I turn it over to any other commissioners on what you just said Commissioner Schuber. There is a presumption of disclosure, and what this policy has been designed to incorporate is a recognition that there are as you say a limited, but a limited number of exemption areas where personnel or personal privacy issues need to be respected, and, of course, security and some other issues such as that, but those are the exceptions, and they need to be clearly defined, and what we need to do is take out any-- as much possible elasticity in interpretative analysis of those exemptions so that everybody including the people here at the agency who are responsible for responding to FOIA requests

understand that where the presumption is and where the narrowing of the exemptions are. I thank you for your comments. Yes, Mr. Vice Chairman?

[Vice Chair S. Rechler] First, I just also agree. Commissioner Schuber, I thought your comments were very insightful, and I'd like to thank the Chairman also for--I know that you took this on as a pet project and were very focused on it from the beginning, and I think giving this attention, and as well as to the Executive Director and Deputy Executive Director for acting on it so quickly, but I think what's most impressive is that we just didn't modify the policy, setting a goal to be best in class, being best in the country in terms of an agency, and taking it to the step that you're proposing I think is extraordinary, and I think it's something that this Board encourages because we don't want to--we're not interested in being average or being mediocre. We want to set that best in class standard, and so I appreciate you going that far and also at the speed in which you responded to the concerns.

[Chair D. Samson] Any other Commissioners comments, thoughts? And, again, I want to put this as I did at the outset in some sort of context, the senior management under the direction of the Board started reviewing these issues and evaluating our policies and the application of those policies back in the fall. This is not something that has been a knee-jerk reaction and put together hastily. It's been thoughtful, it's been analytical, and over the last 6 months, you and your team have done a great job, so I thank you very much. I'll move this for approval before the full Board. Second?

[Comm. D. Steiner] Second.

[Chair D. Samson] Everybody in favor?

[All Commissioners] Aye.

[Chair D. Samson] Okay, that's it. There's no further business before this committee; it is adjourned. Thank you.