

Berkeley Electric Cooperative  
Board Meeting  
June 26, 2023  
Minutes

The Berkeley Electric Cooperative Board of Trustee's meeting was held **Monday, June 26, 2023 at 1:00 P.M.** at the Moncks Corner Headquarters.

The meeting was called to order by Chairman Wayne DeWitt and Mrs. Powell gave the invocation and we stood to honor the flag and recited the Pledge of Allegiance.

The following Trustees were present:

<b>H. Wayne DeWitt</b>	<b>Connie Shuler</b>	<b>Henry H. Chavis, Sr.</b>
<b>Willis Sanders</b>	<b>Denver Lee Clayton</b>	<b>Robert "Bob" Jenkins</b>
<b>Sam Gourdine</b>	<b>Sheila Powell</b>	<b>Robert Vandross</b>

President & CEO Michael S. Fuller, Executive Administrator Ashley Edens, and the following staff: VP of Finance Joel Stevens, VP of Human Resources Louise Meade, VP of Public Relations Tony Vincent, Human Resources Compliance Specialist Brandon Hart, Director of Energy Services Eddie Plowden as well as General Counsel John B. Williams were in attendance.

Chairman DeWitt called for approval of minutes from the April board meeting which was held on May 22, 2023. Upon motion by Mrs. Shuler, seconded by Mr. Chavis, and unanimously passed; it was

**RESOLVED, that the Board of Trustees hereby approves the minutes of the May 22, 2023, as presented.**

## **Committee Reports**

### **CEEUS Meeting Report – Mr. Gourdine**

Mr. Gourdine gave a brief overview of the presentation that was given at the last CEEUS board meeting on June 6<sup>th</sup>.

### **ECSC Meeting Report-Mr. Sanders**

Mr. Sanders gave a brief overview of the agenda items that were discussed at the ECSC board meeting on June 6<sup>th</sup>.

### **Policy and Bylaw Committee- Mr. Sanders**

Mr. Sanders stated that the Policy Committee approved the recommended changes be taken to the full Board to approve the following changes to Policy 401 Workweek, Workday, On Call, Call-Out. Please see attachment for the redlined version of the policy changes. Upon a motion by Mrs. Shuler seconded by Mr. Lee and unanimously passed: it was

**RESOLVED that the Board of Trustees hereby approves the changes to Policy 401 Workweek, Workday, On Call, Call-Out as requested by the Policy Committee.**

### **Financial Reports- Mr. Stevens**

Mr. Stevens reviewed the financial reports from April 2023. Mr. Stevens reviewed portions of the statement of operations and the balance on Form 7.

### **President/CEO Reports-Mr. Fuller**

Mr. Fuller gave a brief update on the Goose Creek and Awendaw lobby renovations. We will be hosting a reopening celebration in the near future.

Some Cooperatives in Georgia were hit hard by storms yesterday afternoon and last night. At one point, the Georgia Cooperatives had over 100K members without electric service. Berkeley has made plans to send one (1) line construction crew to Tri County EMC in Gray, Georgia, southeast of Atlanta. Our crew should leave the HQ before noon today.

Mr. Fuller asked the Board if they were interested in our cyber security administrator doing a thirty-minute presentation on the benefits of cyber security in your personal life and work.

**Affirmative Action Plan-Mrs. Meade and Mr. Hart**

Mr. Fuller called on VP of Human Resources, Louise Meade and Mrs. Meade turned it over to Mr. Hart, to present the 2023 Affirmative Action Plan. Upon a motion by Mrs. Shuler seconded by Mr. Clayton, and unanimously passed; it was

**RESOLVED, that the Board of Trustees adopt the 2023 Affirmative Action Plan as submitted.**

**Rural Energy Savings Loan Program-Mr. Plowden and Mr. Stevens**

Mr. Stevens and Mr. Plowden proposed to the Board the Rural Energy Savings Loan Program. Upon a motion by Mr. Clayton seconded by Mrs. Powell, and unanimously passed; it was

**WHEREAS, the Corporation has developed the Home Advantage program for the rural areas in our service territory intended to be funded with the proceeds from the United States Department of Agriculture's Rural Energy Savings program;**

**WHEREAS, the Corporation will offer low-interest, on-bill financing for qualified residential and commercial members to support beneficial electrification and make specific energy efficient upgrades to homes and businesses;**

**WHEREAS, the Corporation has developed a comprehensive implementation work plan and financial forecast for the Home Advantage program;**

**WHEREAS, the Corporation has developed a comprehensive measurement and verification program in connection with the Home Advantage program;**

**WHEREAS, the financial forecast, the implementation work plan and the measurement and verification program, and related documents will be considered by the Rural Utilities Service, an agency of the United States Department of Agriculture, in making a determination to make a financially feasible and adequately secure loan to Berkeley Electric Cooperative, Inc.;**

**WHEREAS, the Corporation intends to submit a loan application under the Rural Energy Savings Program Loan as prescribed in the Rules and Regulations published in the Federal Register, Vol. 85, No. 64 on April 2, 2020;**

**NOW THEREFORE BE IT RESOLVED, that the Corporation approves the implementation work plan, the financial forecast and related documents in connection to the Home Advantage program,**

**BE IT ALSO RESOLVED, that Corporation officers, managers, and staff are authorized to carry out all necessary actions -including but not limited to the executing and attesting all necessary documentation- in connection with the loan application to participate in the Rural Energy Savings Program as provided in the NOSA;**

**BE IT FURTHER RESOLVED that BEC officers are authorized to apply and take a loan in the amount of \$7,000,000 to carry out the Home Advantage program;**

**BE IT ALSO RESOLVED, that the loan shall bear a maturity date to cover an approximate period of 20 years.**

#### **Appoint Nominating Committee-Mr. Williams**

General Counsel John B. Williams. Mr. Williams brought it to the attention of the Board that the 2023 Nominating Committee needed to be appointed. Upon motion by Mr. Chavis, seconded by Mr. Clayton and unanimously passed; it was

**RESOLVED, that the Board of Trustees hereby appoints the following members to serve on the 2023 Nominating Committee: The three incumbents running for re-election (District 1, 4 and 7) did not name anyone to the Nominating Committee.**

<b>District 1</b>	<b>Mrs. Patricia Casey</b>	<b>District 6</b>	<b>Mr. Joe L. Wade</b>
<b>District 2</b>	<b>Mrs. Marcella Smalls</b>	<b>District 7</b>	<b>Lynn Dehay</b>
<b>District 3</b>	<b>Mrs. Tamera Barnette</b>	<b>District 8</b>	<b>Mr. Tim Nixon</b>
<b>District 4</b>	<b>Mrs. Peggy Williams</b>	<b>District 9</b>	<b>Mr. Ryan Rushton</b>
<b>District 5</b>	<b>Mr. Mavon Jernigan Jr.</b>		

**Attorney Report-Mr. Williams**


Mr. Williams discussed a few legal cases that he is working on.

**New Business-**

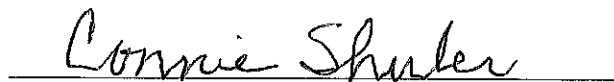
The Chairman then called for new business. There was none.

**Old Business – None.**

There being no further business to come before the Board, a motion was made to adjourn.



H. Wayne DeWitt, Chairman



Connie Shuler, Secretary



**BERKELEY ELECTRIC COOPERATIVE, INC.  
MONCK'S CORNER, SOUTH CAROLINA**

POLICY NO.: 401

SUBJECT: WORKWEEK, WORKDAY, ON-CALL, CALL-OUT, REST TIME, AND  
OVERTIME COMPENSATION

**THIS POLICY IS NOT A CONTRACT OF EMPLOYMENT EITHER  
EXPRESS OR IMPLIED (Ref. S.C. Code Ann. § 41-1-110).**

I. OBJECTIVE

The Fair Labor Standards Act, as amended, and interpretive bulletins issued by the U.S. Department of Labor establish rules and regulations that are used by the Department of Labor to determine what constitutes working time. The purpose of this policy is to set forth the application of these rules and regulations to the Cooperative's employees.

II. POLICY CONTENT

The Cooperative shall comply fully with the Fair Labor Standards Act, as amended, and Department of Labor rules and regulations pertaining to payment for overtime worked. This policy shall apply only to employees covered by the overtime provisions of the Fair Labor Standards Act, as amended (nonexempt employees).

III. PROVISIONS

A. The normal working hours and workweek for all employees not exempt from the overtime provisions of the Fair Labor Standards Act, as amended, are as follows.

1. ~~Office e~~Employees shall normally work ~~a forty-hour work week an eight-hour day~~, with ~~a one-hour~~one-hour unpaid ~~for lunch break~~, Monday through Friday, as scheduled by ~~each employee's immediate~~ their supervisor. However, when in the best interest of the Cooperative, employees may be scheduled alternative hours and days.

2. ~~Trades and crafts employees shall work any scheduled number of hours within a 24-hour period, as determined by management. Normally, trades and crafts employees will work an eight-hour day, with one (1) hour unpaid for lunch break, Monday through Friday.~~

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However, when in the best interest of the Cooperative, trades and crafts employees may be scheduled to work ten hours per day, four days per week. When the time spent eating a meal is twenty minutes or less, the time will be counted as hours worked. When the time spent eating a meal exceeds twenty minutes, none of the meal time shall be counted as hours worked.

32. The standard workweek is defined as seven consecutive calendar days beginning at 12:01 a.m. on each Sunday and ending at ~~midnight~~12:01 a.m. on the following ~~Saturday~~Sunday. The standard workweek normally consists of 40 hours worked; however, the Cooperative does not guarantee that 40 hours will always be scheduled. For all hours worked in excess of 40 in a workweek, nonexempt employees shall be paid at the rate of one and one-half times their regular hourly rate of pay. Authorized sick leave, vacation leave, and holiday leave shall be counted as hours worked.

GB. On-Call

1. Certain employees ~~of the Cooperative~~ are required to be on-call for various periods of ~~time~~time. ~~Employees~~ ~~Employees~~ who are on-call are not required to restrict their movement during such time to their homes or any other location; ~~however, but they~~ are required to respond to automated notifications, emails, text messages, pages or radio or beeper pages or telephone calls that will be provided by made by the Cooperative. If ~~the employee on-call will be in an area where the Cooperative's accepted communications methods or systems may not reach them~~, ~~radio or beeper pages are not provided by the Cooperative, employees on-call should they~~ are expected to leave word must inform the Cooperative of an alternate telephone number where they may can be reached, where they may be reached by telephone or arrange for calls to be received by an alternate employee. Once an employee has been ~~paged or otherwise called out~~contacted/notified, he/she must be signed on ~~on the air~~ with the Dispatcher System Operator within 15 minutes of receiving the ~~page or call~~notification. ~~Meter Readers may coordinate a time for meeting members with the Dispatcher.~~
2. ~~The Each Line Superintendent~~District Operations Manager will assign a crew to be on-call from ~~12:01 a.m. on Sunday to midnight on the following Saturday~~establish a seven-day on-call period and assign personnel to be on call during such period, on a rotating basis.



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On call schedules are e-mailed to applicable employees and posted in the linemen's quarters.

~~Crews will perform on-call duty on a rotating basis, as assigned by the Line Superintendent.~~

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3. ~~For each weekday during which an employee is in on call, he/she shall receive one hour's pay at one and one-half his/her regular hourly rate. For each Saturday, Sunday, or holiday during which an employee is on-call, he/she shall receive a minimum of two hours' pay at timeone and one-half his/her regular hourly rate of pay. On-call This on-call pay is also compensation in the event the employee is required to pick up or return an on-call vehicle prior to or after an on-call period.~~
4. In the event an employee desires to be relieved of his/her on-call responsibility, he/she shall secure a replacement and notify the ~~responsible supervisor of that replacement~~ System Operator and the appropriate manager (District Operations Manager or other applicable management official if they are line personnel) of that replacement.

Employees on-call are expected to be ready and capable of responding to a call-out. Pursuant to U.S. Department of Transportation regulations, employees who operate commercial motor vehicles or perform other safety-sensitive functions related to the commercial motor vehicle are prohibited from operating a commercial motor vehicle or performing other safety-sensitive functions related to the commercial motor vehicle within four hours after using alcohol.

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Any employee who is impaired for any reason, including sickness, ~~should shall~~ notify his/her immediate supervisor and request to be relieved of the on-call assignment the System Operator and the appropriate manager (District Operations Manager of they are line personnel) or other appropriate management official to request to be relieved of the on call assignment.

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5. ~~Once an employee has reached a combination of age and years of service that total eighty (80), they are eligible to be removed from the on-call rotational schedule. If they desire to be removed, the appropriate manager (District Operations Manager if they are Line Personnel) will make every reasonable effort to do so. If removed~~

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~~from the schedule, the employee is still subject to call-out when emergencies, storms, etc. require additional help.~~

**BC.** Call-Out

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1. All employees are subject to call-out in the event of an emergency or other needed restoration of service. Employees called out to work after they have been released from their normal workday ~~or on a day they are not normally scheduled~~ shall be credited with a minimum of two hours' pay at ~~timeone~~ and one-half their regular hourly rate. Should the actual time worked ~~(time between leaving home and returning to home)~~ exceed two hours, the employee shall be credited for the actual time worked at ~~timeone~~ and one-half his/her regular hourly rate. Actual time worked begins at the time the employee accepts the call and ends when the employee has returned home, or other destination, after completing the call-out.
2. If the employee completes the work required in the initial call-out and is subsequently called out within the same initial two-hour guarantee period, he/she shall be paid for the actual time worked, at ~~timeone~~ and one-half his/her regular hourly rate or the minimum two-hour guarantee, whichever is greater. A second call-out within the initial two-hour guarantee period does not commence a second two-hour guarantee.
3. If, after the expiration of an initial two-hour guarantee period, the employee receives another call-out, the ~~othersubsequent~~ call-out shall commence an additional two-hour guarantee.
4. If an employee is called out before his/her normal work period begins and works up to and through his/her normal work period, then he/she shall receive overtime compensation only for the time actually worked up to the beginning of his/her normal work period.
5. ~~Employees called out for emergency work on a day they are not scheduled to work shall be guaranteed a minimum of two hours' pay at the time and one-half rate. Section III.B.2. of this policy pertaining to additional call-outs during a two-hour period also applies to work performed on a day off.~~

~~If such work extends beyond the two-hour period, the employee shall be compensated at time and one-half for all such work performed up~~

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until the normal starting time of the employee's next regularly scheduled working day.

6. Employees shall be paid time and one-half for all emergency work whether they have worked 40 hours during the week or not.

D. Rest Time Period

1. Rest Period — When an employee works more than sixteen (16) hours in a twenty-four (24) hour period, then the employee and their management will work together to establish a rest period for the employee up to a maximum of eight (8) hours. The actual amount of rest will be dependent upon the availability of others to respond to calls that come in during that rest period.

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12. Paid Rest Period — If the rest period falls into one of the employees normally scheduled workdays, the employee will be paid their normal pay for the time that falls into their normal workday. The maximum paid rest period is eight (8) hours. If an employee works more than sixteen (16) hours in a normal work day and the next day is a scheduled normal workday then a paid rest period of up to a maximum eight (8) hours may be permitted. To determine the amount of paid rest time the appropriate supervisor will issue one (1) hour of paid rest time for each hour over sixteen (16) worked during a normally scheduled twenty-four (24) hour workday.

23. Unpaid Rest Period — If the rest period an employee works the hours described under the section "Paid Rest Period" and the next day is not a normally scheduled workday (Saturday, Sunday, Holiday), the rest period will be unpaid. If the employee is on call and this occurs on days that are not normal work days, the Supervisor appropriate manager or System Operator will be responsible for contacting other personnel to cover the call period until the rest period is complete.

34. When a rest period is authorized by a Supervisor manager, it is the responsibility of that Supervisor manager to ensure the Cooperative vehicle is returned to work or they must have alternative solutions to complete their workday.

The Cooperative may require employees to take mandatory rest periods during times of emergency work. Should all or a portion of the rest period occur during the employee's normal workday, the employee shall be paid at

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his/her regular hourly rate for the portion of the rest period that occurs during the employee's normal workday. Such rest period pay shall be counted as hours worked for overtime purposes and recorded using account 184.21.

**Commented [CMK1]:** If you elect NOT to count rest period pay as hours worked for overtime purposes, revise this statement accordingly.

~~45. Paid Rest rest time shall be recorded and tracked separately from all other time. Employees will use activity code 399account 184.21 to meet this requirement.~~

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~~56. Rest times as addressed in this policy are not to supersede or replace established work procedures addressed in the Cooperative's Major Storm Plan during "Major Storm" work.~~

E. Attendance at meetings, seminars, or training programs shall be counted as working time unless the following four criteria are met:

1. Attendance is outside the employee's regular working hours;
2. Attendance is in fact voluntary;
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during such attendance.

F. Time spent by an employee attending an independent school, college, or trade school after hours and on his/her own initiative is not included in the calculation of hours worked, even if courses are related to his/her job.

G. Travel Time

1. Ordinary Home To Work

Travel time from home to work before the regular workday and from work to home at the end of the workday is ordinary home to work travel and is not considered hours worked; therefore, no compensation, either straight time or overtime, is due.

2. Travel That Is All In The Day's Work

Time spent by an employee in travel as a part of his/her job, such as travel from job site to job site during the workday, must be counted as hours worked. When an employee is required to report to a designated location to receive instructions, or to pick up tools,

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equipment or materials, the travel time from the designated location to the workplace is part of the day's work and must be counted as hours worked. Travel time to return to the Cooperative's office from a worksite at the end of the day must also be counted as hours worked. However, if an employee goes home from a worksite rather than returning to the Cooperative's office, the travel time is not counted as hours worked.

3. Home To Work In Emergency Situations

When an employee who has gone home after completing his/her day's work is called out after hours, all travel time resulting from the call-out must be counted as hours worked, including any travel from home to the Cooperative's office or to a worksite and any return travel from the worksite or the Cooperative's office.

4. Home To Work On Special One-Day Assignments To Another Town (Not Overnight)

Travel time from an employee's home on a special assignment to a location other than the employee's regular workplace (such as to another district or to attend a meeting or training program) that does not involve an overnight stay is considered time worked. Such travel cannot be regarded as ordinary home to work travel occasioned merely by the fact of employment. Such time is equivalent to travel involved in an emergency call or travel that is all in a day's work.

Not all the time involved, however, need be counted. Since, except for the special assignment, the employee would have had to report to his/her regular work site, the travel time he/she would normally have spent between his/her home and his/her regular workplace may be deducted.

5. Travel Away From The Home Community (Overnight Only)

a. —Travel that keeps an employee away from home overnight is working time during the time it cuts across the employee's normal workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours, but also during the corresponding hours on nonworking days as well. ThusFor example, for an employee whose normal workday is 8 a.m. to 5 p.m., Monday through Friday, travel time between 8 a.m. and 5 p.m. (less the normal lunch hour) is

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working time on Saturday and Sunday as well as on the other days. However, travel time outside normal working hours, where an overnight stay is involved, will not be counted as hours worked, unless the employee is required to drive.

~~b. When travel that keeps an employee away from home overnight is covered by the ECSC Statewide Mutual Aid Agreement, the hours worked will be counted as provided in the Agreement.~~

H. Overtime Compensation

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Nonexempt employees will be paid overtime at one and one-half the employee's regular hourly rate ~~of pay~~ for all hours worked in excess of 40 hours in a workweek.

I. Complaint Procedure

The Cooperative is committed to complying with all terms and requirements of the Fair Labor Standards Act, as amended. Any employee who believes he or she has been denied legally required compensation should report the concerns to the President and Chief Executive Officer. Employees will be reimbursed for any amounts improperly deducted from wages.

IV. RESPONSIBILITY

- A. Each supervisor shall be responsible for seeing that the provisions of this policy are followed in carrying out day-to-day job activities, and in reporting time for payroll purposes.
- B. The President and Chief Executive Officer shall be responsible for the administration of this policy.

EFFECTIVE DATE: APRIL 6, 1981

REVISED: OCTOBER 5, 1981  
NOVEMBER 3, 1981  
MAY 28, 1985  
JULY 6, 1987  
MARCH 15, 1993  
OCTOBER 1, 1994

**BERKELEY ELECTRIC COOPERATIVE, INC.  
MONCKS CORNER, SOUTH CAROLINA**

JUNE 29, 2005

March 29, 2010

JULY 18, 2017

