

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: Commissioner Henderson, ANC 5A06
FR: Denise Wiktor, General Counsel
DT: June 4, 2024
RE: Questions related to hiring an Advisory Neighborhood Commission staff person.

Commissioner Henderson alleged certain issues surrounding the recent hiring of a staff person by Advisory Neighborhood Commission 5D. Specifically:

1. There was no posting throughout ANC 5D informing residents equally of the position vacancy or information regarding how residents could apply.
2. No candidate resumes were distributed to all Commissioners for purposes of vetting and interviewing and subsequent hiring.
3. There was no equal opportunity for ANC 5D residents to participate in the process.
4. The process used by the ANC for notification and posting of meetings is insufficient and by extension is insufficient for posting notice of the open position.

First, there are no District-wide requirements on how ANCs advertise the positions open for hire at the ANC, nor are there any statutes or regulations governing the manner in which the positions are filled. There are statutes and regulations addressing the manner in which positions within the District Government are filled, and ANCs are specifically excluded.

Advisory Neighborhood Commissions are not covered by the District Personnel Manual (DPM). The DPM only applies to agencies under the mayor's control. DPM 100.3 The exception is the pension benefits¹ provided to ANC employees. Similarly, Chapter 6 of the D.C. Official Code *Merit Personnel System* has limited application to ANC². For this reason, the requirements in Issuance 1-2023-2, *Personnel Action Submissions Checklist*³ do not apply to ANCs for purposes of employment of an ANC staff person.

¹ DPM 2615 *et seq.*

² See D.C. Official Code §1-602.02 The provisions of this chapter shall apply to the following employees of the District of Columbia government only to the following extent: ...(5) Each person employed by an Advisory Neighborhood Commission shall be governed by the provisions of subchapters XXI and XXII of this chapter.

³ Found at <https://edpm.dc.gov/issuances/personnel-action-submissions-checklist/>

The D.C. Official Code section 1-309.13(o) states:

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 subchapters XXI, XXII, and XXIII of [Chapter 6 of Title 1](#). Except for out of pocket expenses approved by the Commission, Commissioners shall not be compensated for personal services rendered on behalf of the Commission.

This Code section gives the ANCs wide latitude in hiring. How positions are posted, and applicants are vetted would be governed by the operating procedures of a particular ANC. In the absence of such procedures, the ANC would determine the manner in which a position is advertised and vetted at the time the position is available. Some ANCs have designated hiring committees, and, in others, the entire ANC participates in the process. Ultimately, the Commission would then vote on the applicant. Whatever process is chosen, each ANC Commissioner would have equal access to the records of the process.⁴

Second, Commissioner Henderson alleges that candidate resumes were not distributed to all ANC Commissioners within her commission, specifically that she did not receive them. The Chair of the Commission, Commissioner Saucedo Guzman, represented to the OANC general counsel that the resumes were sent to all commissioners and were sent to Ms. Henderson's preferred address, her personal AOL account. As previously noted, all ANC Commissioners should have equal access to the records involved in the hiring process.⁵

The third issue raised was that there was not an equal opportunity of ANC 5D residents to "participate in the process." It would be highly unusual for public participation in any hiring process, so it is assumed this point refers to participation as applicants for the position. There is no indication that applicants from 5D were treated differently than other applicants. If the issue is one of equal access to the posting and application, then this would go to the ANC's internal policies on posting position vacancies; and, the ANC's deliberations and subsequent decision on the policies.

The fourth issue that was raised was that the notice for ANC 5D's meeting issues insufficient and by extension the notice for the employment posting was insufficient, since, the same methods were used. Neither the recent minutes for ANC 5D nor its website indicate what methods are used to notice upcoming meetings, making it difficult to address this question. Attached is guidance the OANC issued to another ANC on sufficiency of notice.

⁴ See D.C Official Code § 1-309.13(p) "Any Commissioner within an individual Commission shall have equal access to the Commission office and its records in order to carry out Commission duties and responsibilities." See also OANC Guidance 2024-01, *Advisory Neighborhood Commission Office, Record, & Password Access*, found at [OANC 2024-01](#)

⁵ *Id.*