




VIRGINISLANDS
WATER
AND **POWER**
AUTHORITY

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OFFICE OF THE
CHIEF ADMINISTRATIVE OFFICER

TO: Lawrence J. Kupfer, CEO

FROM: Rupert N. Pelle, P.E. 
Chief Administrative Officer

DATE: December 30, 2019

RE: Response to Kupfer's Performance Notice Memo Response

Thank you for responding to my requested clarifications timely. The timeline for the requested clarifications were simply noted to assist me in completing the Action Plan timely to you.

With all due respect to you, as the CEO/Executive Director of the Water and Power Authority, and more importantly my immediate supervisor, I do agree that it is your prerogative not to disclose the contents of your agenda when you call a meeting, as you do with our Monday staff meetings. I am simply requesting that I not be lied to about the purpose of the meeting. Not stating why a meeting is to be held for, and stating it is going to be held for one topic and, when you get to the meeting, it is regarding a completely different matter are 2 different situations. I came prepared for what I was told the meeting was about; instead of finding out that it was something totally different when I got there. This shows the level of our professional relationship is lacking.

Upon your arrival in March of 2018, when I met with you the first time, I explained to you that the Office of the Chief Administrative Officer (CAO) was in a chaos because it was a newly created position and that the former CEO, Mr. Julio Rhymer, was in the process of creating new organization charts to streamline the processes and to bring the alignment of the new office to that outlined in the February 2015 Management Audit. Without the appropriate structure, support staff and policies and procedures in place, no executive management employee can be expected to manage to a level that is expected without knowing what those expectations are. Your November 19, 2019 Memo is the first time you have ever communicated your expectations or any concerns to me.

On April 4, 2018, I shared with you the last department proposed structure that I had been working on with Mr. Rhymer. One option included 2 director level positions and the creation of a health, safety and environmental officer position with support staff. Neither of those proposed structures have ever been acted upon to this date. See Exhibit I as a point of reference. This is one of several examples of times when I have come to you directly to get permission and input in restructuring the department so it would function more efficiently, I have not gotten a response to date. It is contradictory that my supposed neglect to respond to emails and communicate with my colleagues appropriately is being pointed out as a performance deficiency and as poor management quality, yet you, my immediate supervisor, operates in the same manner and often do not respond to my emails to you.

The document of March 20, 2017 was an unofficial transfer of a draft job description that was provided to me by the former HR Director, Ms. Denise Nibbs. If you would note from the email sent to me by Ms. Nibbs, the document has a "DRAFT" watermark on it and it clearly states that the draft was prepared and sent to the former CEO, Mr. Rhymer, but it was not approved (see Exhibit II). The watermark has now been removed from the copy attached to your response memo. The HR Department appears to have provided you with inaccurate information; as I have never been informed that the 2017 draft proposed has ever been approved. I bring this matter to your attention, to assure you that I *do* want to be held properly accountable for my performance through a final job description signed and agreed to by my supervisor and myself. This has never been done.

The accusations regarding the changing of the Office and Property Division to Office and Facility is unclear to me. On December 13, 2016, I sent a memo to the HR Director advising her of Mr. Julio Rhymer's approval of the new position of Office and Facilities Manager and to change the job titles of the Office and Property Supervisors to the Office and Facilities Supervisor (see Exhibit III). This change was objected to by the Supervisor's Union. Please see the memos from the union included in the March 20, 2017 email from Ms. Nibbs. As such, the department is still officially named Office and Property, not Facility. Further attempts were made by me to facilitate the transfer of the department from Office and Property to Office and Facility when I provided you with a copy of the proposed organizational chart in October 2018. You told me to discuss it with Mr. Clinton Hendrington. On October 25, 2018, Mr. Hendrington sent you an email agreeing to the new Office and Facility restructure, copying the HR Director, Ms. Leonice, and me to obtain your approval. To date, we have not received your approval to proceed with the new structure, which would officially change the title of the division and provide the support staff necessary to manage facilities.

Presently, that division is comprised of 2 supervisors, 9 janitors and 2 messengers. This staffing level that is totally inappropriate to manage facilities and without approval no changes can be made even if it were part of my responsibilities based on the 2017 "Draft" CAO job description that has never been approved.

As for the "Draft" job description that you have attached in your memo, I recommend that you have it reviewed and updated by the HR Director. It includes several inconsistencies. For example, you transferred the responsibilities of the Garage and Warehouse to the Director of Project Management, Mr. Vernon Alexander, and it also clearly has some roles that belong to the HR Department; unless you intend to fully implement the recommendations of the 2015 Management Audit and transfer HR under the Office of the CAO.

With all due respect, Mr. Kupfer, I am at my wits end as to how to get your attention to address matters that require your approval in order for me to manage this department. When I try to have a discussion with you through your "open door policy", you usually turn your back to me and continue to work on your computer as I talk and I do not believe that I have your undivided attention. My latest attempt to meet with you was when I scheduled a meeting with you through your assistant Ms. Smith on November 8, 2019. At the last minute you declined the meeting. When I asked Ms. Smith why, she advised me that you said I needed to meet with Mr. Gregory Rhymer and Mr. Hendrington. Thus, I am really unclear as to who I should be reporting to. Even when I asked you if you had an issue with the lease agreement for the Chinnery Property that has been sitting at your level since April 2019 pending your approval, you told me that you didn't have a problem with it, but you had to talk to Mr. Hendrington first. To this date, the Safety Department in St. Thomas still does not have an office. It seems to me you are suggesting that I start managing this department under the guidance and supervision of Mr. Gregory Rhymer and Mr. Clinton Hendrington. This is contrary to the organizational structure of the Executive Office of the Water and Power Authority. If this is your intention, please let me know in writing.

Lastly, I was very clear in my December 18th Memo that I am working on completing the Action Plan as requested and just needed some clarifications.

Your calculation of the 30 days since the issuance of the Performance Notice Memo includes the 2 weeks that you know I was on Annual Leave. My approved leave was taken with advanced notification because my wife had a scheduled surgery and I needed to assist with the care of our 1-year old twins and her

recovery. My leave required me not to be able to attend to WAPA matters on a full-time basis; thus, that is why my appropriate deduction of earned leave was utilized.

As I stated in my memo, I was able to do some work on the Action Plan over my Annual Leave; but it is clearly unfair to calculate my personal leave time as part of the deadline for completion of the Action Plan assignment. As such, while I am not opposed to completing the Plan by January 7, 2020; in order to have a more thorough and detailed Plan completed (not to mention the Christmas and New Year's holidays), I am requesting that an additional 2 weeks be added to the deadline date for submission.

Mr. Kupfer, I do intend to submit the Plan. It will be a good tool for us both to utilize in the management of the department. Actually, my staff and I already utilize this format to track our goals and responsibilities.

Upon your approval of the extension request, the Action Plan will be submitted to you by close of business on Tuesday, January 21, 2019.


Thank you for your understanding, consideration and support.



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Office of the Executive Director

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Date: January 3, 2020
To: Rupert Pelle, Chief Administration Officer
From: Larry Kupfer, Executive Director 
Cc: Sabrina King-Leonce, Director of Human Resources
Subject: Response to your letter received 12/31/2019

Mr. Pelle, I am in receipt of your communication titled "Response to Kupfer's Performance Notice Memo Response".

I continue to be disappointed in your lack of responsiveness to my observations of your performance and your choice instead to focus on defending and deflecting from the issue at hand. As you are aware on November 19, 2019 I provided you with a Performance Notice Memo informing you of your failure to meet my expectations of your position. In that document I referenced challenges in your communication style, quality of work, follow-through, and partnership with others here at the Authority. In an effort to help you understand my expectations and allow you the opportunity to improve in your role as Chief Administration Officer, I requested that you submit a detailed action plan, and noted my expectation that over the course of the following ninety (90) days that I expected to see marked and sustained improvement. Rather than immediately taking action on the deliverables outlined, you have dedicated your time to writing lengthy letters abundant in excuses rather than solutions, and crowned with insubordination, insolent and discourteous statements, and unprofessionalism. Please be forewarned that further conduct of the sort will not be tolerated.

Mr. Pelle you are an Officer of the Virgin Islands Water and Power Authority and have worked in management positions within the Authority over the course of your 18+ years of tenure. As an Officer I expect you to be able to lead your division without direct supervision or micromanagement. You should be an expert in your area, and come to me for general guidance on the Authority's goals, objectives, and priorities. I also expect that should there have been confusion on your part as to your responsibilities over the 3 years you have held your position you would have taken swift and decisive action to address. Again, my Performance Notice Memo was specifically presented to you in order to address the clear disconnect between my expectations and your actual performance.

I will not take my inability to respond to emails that you did not follow-up on as justification for your lack of performance. It is your responsibility to follow-up and follow through. There are many issues at the Authority that require my attention. I expect my direct reports to resolve as many of those issues as possible among themselves, without my intervention, and to follow up with me as many times as necessary when my input is required for final resolution. It is absolutely

unacceptable that one of your primary solutions for better performance is to add to your staff, particularly two director level positions for what is a small department whose responsibilities have already been reduced. As leaders we must think outside of the box, and work within our means. As you know many of the departments within the Authority are challenged to perform with less resources, based on our current fiscal challenges. I am confident that there are other options for you to consider however will be in a better position to evaluate your actual needs as we move forward in this process. I am looking forward to seeing your efforts to evaluate, and identify suitable alternatives.

I would be remiss if I did not mention to you that your lack of action, and apparent need for constant supervision is causing me to have concerns about your ability to truly function in the role of the Chief Administrative Officer as was intended. I have gone as far as to remove the Garage and Warehouse from your oversight with no impact on your salary with the anticipation that relieving you of this core responsibility would give you the time needed to improve your performance in other areas. Thus far this has not proved to be the case however.

As it relates to your request for extension in submitting your action plan, this request is denied. Although a deadline was not initially provided to you, I certainly expected that this directive was one that you would have acted on immediately. My issuing of a January 7, 2020 deadline was in response to your demonstrated lack of urgency, and I firmly believe that this date was more than generous. Again, you are an Officer of the Virgin Islands Water and Power Authority and it is imperative that you begin to operate as such. Holidays and Leaves, although important, do not supersede or eradicate the critical deadlines of senior management. Given the concerning state of your performance, the corresponding impact on your department operations, and the urgency for improvement, I expect that your action plan will be submitted timely and in excellent form.

Mr. Pelle I cannot and will not resort to micromanaging your day to day responsibilities in order to get you to perform, and will not continue this bantering back and forth with you. I cannot help but observe that in the 45 of 90 days of your evaluation period you have seemingly dedicated more time to making excuses for your poor performance, and attempted to deflect the focus from you, rather than actually taking action to improve. Meanwhile, you have not provided me timely updates as to the Four Winds Property, continue to be slow in communication with the Nisky Property, and have failed to move expeditiously in securing adequate office spaces for departments in critical need. I am even appalled at your letter's reference to the Chinnery building and the Safety department when just last Monday December 30th, we had a meeting and discussed the better possibility of this team being included in the placement of the Office of Disaster Recovery in Nisky Center.

I strongly suggest that should you take your role as Chief Administration Officer as seriously as you referenced in your past communication, that you focus on the deliverables that were outlined for you and that you take immediate action to improve. Again I reiterate, the responsibility is yours to achieve.

In addition to our discussion regarding your action plan, I will be scheduling a 90 day follow-up discussion to review your progress since the Performance Notice Memo issuance on November 19th, 2019. Please be advised that a failure to demonstrate significant improvement at that time will result in disciplinary action up to and including separation of employment.