

PROPOSED AGENDA
PERSONNEL BOARD OF JEFFERSON COUNTY MEETING AGENDA

January 18, 2011

- I. OPENING REMARKS BY KENNETH L. MOORE, CHAIR
- II. OPERATIONAL UPDATES
 - Personnel Director's comments
 - HR Information and Technology Services & City of Birmingham I-1 Project Update – Roger McCullough
 - Workforce Development & Applicant Services – Guy Dewees
 - Performance Measurement – Jeff Crenshaw
 - Business Office – Cynthia Holiness
- III. ACTION ITEMS
 - a) Board minutes for meeting held on December 14, 2010.
 - b) Recommendation that the Board approve a contract between the Personnel Board and The Birmingham News to provide newspaper advertising. While source data continues to indicate that newsprint is becoming less effective for recruiting overall, it remains effective at reaching applicants for certain job groups such as medical, skilled trade, food services, and public safety. We have reduced our use of newsprint accordingly and therefore expenses have continued decline. A commitment of at least \$10,000 in advertising will reduce the per line cost nearly forty percent from the non-contract rate. Advertising services under this contract will not exceed \$20,000 for the contract period February 10, 2011 through February 10, 2012.
 - c) Recommendation that the Board approve a new classification, Victim Services Coordinator (Job Code 2387, with a proposed pay grade of G-17 and a salary range of \$31,450 - \$48,651) for Jefferson County Sheriff's Department. The purpose of this class is to assist the Sheriff's Department by serving as the primary contact for victims, answering their questions, concerns, and needs and explaining the criminal justice system and the judicial process. Counsels violent crime victims about their role in an investigation and subsequent court proceedings. Market data for a Victim Services Coordinator suggests an average rate of pay of \$37,837.
 - d) Request for Extension of Administrative Leave With Pay – Bruce Kevin Wilson, Deputy Sheriff, Jefferson County Sheriff's Office
 - e) City of Birmingham Police Department vs. Heath Boackle (DA-2009-1730.1)
 - f) City of Birmingham Police Department vs. Thomas Cleveland (DA-2009-1730.4)
 - g) City of Birmingham Police Department vs. Kenneth Prevo (DA-2009-1730.5)

- h) City of Birmingham Police Department vs. Dexter Cunningham (DA-2009-1737)
- i) City of Bessemer Municipal Court vs. Cynthia Lewis (DA-2010-1795)

IV. INFORMATION AND DISCUSSION ITEMS

- a) Advance Step Requests
- b) December Board Bi-Monthly Expenditure Report

V. EXECUTIVE SESSION



THE MERIT SYSTEM

Personnel Board of Jefferson County

MINUTES OF THE MEETING OF THE PERSONNEL BOARD OF JEFFERSON COUNTY

December 14, 2010

The Personnel Board of Jefferson County met on Tuesday, December 14, 2010. Present at the meeting were Kenneth L. Moore, Chair; Ann Florie, Associate Member; Lonnie Washington, Associate Member; Lorren Oliver, Personnel Director; Jeff Crenshaw, Deputy Director; Roger McCullough, Manager of Human Resources Information and Technology Services (Absent); Cynthia Holiness, Business Officer; Guy Dewees, Manager of Workforce Development and Applicant Services and Brian Bellenger, Manager of Performance Measurement (Absent). Also in attendance were: Nancy Eckberg (League of Women Voters) (Absent), Kenny Clemons, (Executive Director, Jefferson County Mayor's Association) (Absent) and members of the public.

The Chair called the meeting to order at 1:35 P.M.

I. OPENING REMARKS BY KENNETH L. MOORE

Chair Kenneth Moore extended a welcome to staff and other persons who were present at the meeting.

II. OPERATIONAL UPDATES

Chair Moore invited the Personnel Director and managers from the departments within the Personnel Board to provide operational updates.

Personnel Director - Director Oliver provided copies of the Personnel Board's 2010 Annual Report to each Board member. Director Oliver reported that the expenditures of the Personnel Board of Jefferson County will again be less than budgeted for the eighth consecutive year. Director Oliver went on to state that the Personnel Board takes its fiscal responsibilities very seriously and is acutely aware of the impact that the current economy has had and continues to have on the jurisdictions. The Personnel Board has implemented many cost cutting measures including the suspension of merit and cost of

living increases, a hiring freeze, and restricted costs associated with staff development and travel.

Over the last twelve months the Personnel Board has managed to handle a record number of job applications. The poor economy has produced many individuals seeking employment which in turn has significantly increased our overall level of activity. In 2010, there were 34,364 employment applications processed. Through the process of individual qualification screening and 40 test administrations, 9,485 individuals were placed on 281 employment registers. There were 920 certificates issued to appointing authorities resulting in 762 hires and promotions. As of September 30, 2010, there were 9,616 employees in our Merit System. The Personnel Board was assisted by 298 volunteers from across the United States who served as subject matter experts in the development of tests and to assess applicant performance on selection procedures; this resulted in nearly 10,500 hours of work time donated by subject matter expert volunteers.

The Personnel Board job analyses are currently up-to-date for 78% of the over 800 Merit System job classes. Seventy-three percent of eligible employees participated in the annual classification survey. This resulted in 1,004 completed surveys. There were 493,788 visits to the Board's websites. 214,469 Job Alert emails were sent to prospective applicants. The Interactive Voice Response (IVR) system handled 26,723 calls. An online customer service center was also implemented that allows management to quality control and document outgoing communications. Since the Center's inception in January 2010, the Board has responded to 768 inquiries and comments. A template for building web pages was developed that will be utilized by Merit System jurisdictions that have no or little web presence. Seniority and/or eligibility calculations were conducted on 4,352 applicants for 32 job classes, 145 payrolls were certified, and 7,831 complex personnel actions were processed. 22,680 personnel actions were reviewed and researched and 6,180 actions were processed as part of an ongoing project with the City of Birmingham. The Personnel Board also processed 243 employee relations actions, grievances and appeals and heard 66 cases. Six cases were appealed to the Circuit Court. The Board conducted four "Show Cause" hearings and one Public Hearing

Raising the Standard Since 1935

2

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency

The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Graysville-Homewood-Hueytown-Irondale-Leeds

Midfield-Mountain Brook-Pleasant Grove-Tarrant-Trussville-Vestavia Hills-Warrior

adopting the 2009-2010 Classification Survey. Last year, 2,792 Merit System employees received training in a variety of the training programs offered by the Board.

Business Office - Cynthia Holiness reported that the financial report as of the end of November indicated that the Board has approximately \$1.1 million dollars in open purchase orders. Of the \$1.6 million dollars that has been expended, \$1 million dollars were expended in salaries and fringe benefits; \$450 thousand dollars for the payment related to the Cravath, Swaine & Moore legal fees ordered by the Federal Court as part of the Board's termination of its consent decree. The \$450,000 payment is the third payment of five scheduled payments ordered by the Federal Court and is an obligation which is outside the Board's control. However, reductions have been made in other areas to cover this expense to ensure that the Board does not exceed its 2011 budget.

In addition, \$26 thousand dollars for advertising of Merit System positions were expended; \$57 thousand dollars for hotel accommodations for volunteer Testing assessors; \$32 thousand dollars for recruitment and volunteer assessors travel and per diem; and \$33 thousand dollars in other items such as, office supplies, copier machine rentals, telephone expenditures, and publications. The Board has committed approximately 26% of its \$10.2 million dollar budget. This percentage may appear to be high for the first several months of the fiscal year; however, please note that at the beginning of each fiscal year we request purchase orders for the new year for our recurring vendors (which are approximately 45 vendors). In addition, many purchase orders from 2010 have carried forward to 2011 which are needed in order to process August & September invoices that were received in October and November.

Workforce Development and Applicant Services – Guy Dewees reported to the Board that the Workforce Development and Application Service Department (WDAS) received 60 applications for nurse openings during the month of November which brings the total to 763 for the year. The Personnel Board has received 579 for the entire year last year.

As of the end of November, we have received 963 applications from females for entry level public safety positions. The Department had a total of 935 female applicants for entry level public safety positions in 2009. So we have exceeded our total from last year by 28 applicants with one more month left in 2010. The Workforce Development and Application Service Department has not attended any career events since the last board meeting.

Performance Measurement Department – Jeffrey Crenshaw reported to the Board on behalf of Brian Bellenger, Manager of Performance Measurement Department. He stated that the Performance Measurement Department currently has 55 jobs in testing review (as of the beginning of December). The increase for this month is primarily due to a large number of requests submitted to migrate different positions identified through the I-1 Interface Project as needed to be within the classified service. Fire Lieutenant and Fire Captain mailing of scores have been delayed due to USERRA make up tests and assessments; however, these scores are anticipated to be mailed out by the end of the month. Six individuals at the rank of Battalion Chief or above from outside of the Merit System volunteered to assist in the evaluation of candidates on the Battalion Chief II assessment center on November 15 – 18, 2010.

Sixteen individuals from HR-related professions or graduate programs volunteered to complete an assessment the weekend of November 19 – 22, 2010 for the jobs of Driver/Messenger and Corrections Officer. The Police Chief test was administered on December 1, 2010; six individuals at the rank of Chief from outside of the Merit System volunteered to assist in the evaluation of candidates on the Police Chief assessment center on December 6 – 9, 2010. The Parking Enforcement Officer test was administered on December 3, 2010. The Firefighter written test was administered on December 13, 2010.

Keisha Wicks, Ph.D., resigned her position as an Assessment and Development Specialist effective November 26, 2010. Ms. Wicks has accepted a job offer from the City of Jacksonville, Florida. Erin Larson began work as an Assessment and Development Specialist on December 6, 2010. She recently graduated from the Chicago School of Professional Psychology with a degree in Industrial/Organizational Psychology.

Raising the Standard Since 1935

4

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency

The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Graysville-Homewood-Hoeytown-Irondale-Leeds

Midfield-Mountain Brook-Pleasant Grove-Tarrant-Trussville-Vestavia Hills-Warrior

The Classification & Compensation Department is compiling data obtained from over 1,000 surveys completed by Merit System employees during the annual classification survey in order to begin data analyses designed to identify positions in need of auditing for classification purposes.

The Training Department is continuing to provide training classes in their supervisory certificate program and basic computer skills program. The department has set their training schedule for the first quarter of the 2011 calendar year so that employees can sign up through the CareerZone website. The Training Department is also working on developing a new training certificate program designed to fill a gap in training opportunities for current managers.

III. ACTION ITEMS

- a). The Board minutes for meeting held on November 9, 2010.
(Motion made-A. Florie, Seconded- K. Moore)
- b). The Board approved the recommendation for a contract between the Personnel Board and Chartis (an affiliate of American International Companies (A.I.G.)) regarding the renewal of the Public Officials and Employment Practices Liability Policy in the amount of \$28,066. The current policy will expire on January 31, 2011. The contract period is January 31, 2011 through January 31, 2012. There are no changes in the premium, terms, conditions and deductible from the current policy. (Motion made- L. Washington, Seconded- A. Florie).
- c). The Board approved the recommendation for the contract between the City of Homewood and Mr. Sidney Yarbrough to provide Latent Fingerprint Examiner services and training during and immediately following implementation of the City's new Automated Fingerprint Information System (AFIX). The City of Homewood is purchasing a new system for fingerprint identification. Mr. Yarbrough previously worked for the City as a Latent Fingerprint Examiner prior to his retirement and under the contract will provide these services to the City until

such time a new Examiner can be hired and trained. A certificate has been issued. The term of the contract is from time of signing for three months with an option to renew for an additional three months, if necessary. Mr. Yarbrough will be paid \$50.00/hr for one day a week and is to be available for call out on major crime scenes. (Motion made - L. Washington, Seconded-A. Florie).

- d). The Board approved a recommendation for a new classification, Court Monitoring Specialist (Job Code 289, with a proposed pay grade of G-19 and a salary range of \$33,842 - \$52,582) for the City of Birmingham. The basis of this request is a result of the I-1 Project process that identified sixteen (16) individuals employed at the City of Birmingham which the Personnel Board had no record of and were referred to as the "unknown employees". Existing classes were identified for fourteen (14) of the individuals based on job duties being performed and two (2) new classes were approved by the Board during the September meeting. Since that time, the City of Birmingham has requested the Personnel Board reevaluate the duties being performed by two (2) individuals who were originally recommended for the class of Parole & Probation Officer. Based on additional information submitted by the City of Birmingham and the information gathered and analyzed by the Personnel Board, the duties performed by the two (2) individuals warrant the establishment of a new class. The purpose of this class is to fulfill the Court Monitoring Specialist duties established by the Administrative Director of Courts (AOC). Work involves monitoring the education of and rehabilitation of defendants in the drug and/or alcohol treatment programs. Market data for a Court Monitoring Specialist suggests an average rate of pay of \$41,859. (Motion made- K. Moore, Seconded-A. Florie)
- e). Birmingham Fire & Rescue Service v. Michael A. Hudson (DA-2010-1798). The Board upheld and adopted the City of Birmingham Fire & Rescue Service's Joint Motion to Dismiss Appeal and Settlement Agreement between the parties. (Motion made-A. Florie, Seconded- K. Moore)

Raising the Standard Since 1935

6

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency

The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Graysville-Homewood-Hueytown-Irondale-Leeds

Midfield-Mountain Brook-Pleasant Grove-Tarrant-Trussville-Vestavia Hills-Warrior

- f). City of Birmingham Public Works Department v. Donald Square (DA-2010-1784)
The Board affirmed and adopts the Hearing Officers Findings of Fact and Law and Recommended Decision to terminated Donald Square as rendered by the City of Birmingham Department of Public Works (Motion made-K. Moore, Seconded-Florie, L. Washington-Opposed)
- g). Charles Cleckler vs. Jefferson County Land Development (GR-2010-09-0239)-
The Board upheld and affirmed the Director's Determination that the grievance filed by Charles Cleckler was not adjustable under Rule 15 of the Personnel Board of Jefferson County. (Motion made-Florie, Seconded-Moore)
- h). Zhaleh McCullers v. Jefferson County Land Development & Planning Department (GR-2010-06-0225, GR-2010-07-0233, GR-2010-07-0233B) and Janet Brewer vs. Jefferson County Land Development (GR-2010-06-0223 &GR-2010-07-0223)
The Board granted the Joint Motion to Stay Proceedings. (Motion made-Moore, Seconded-Florie)
- i). Request for Review of the Director's Action (LaDonna Collins) – The Board upheld the Director's determination that the City of Birmingham improperly applied Rule 8.2(d) when it appointed Ms. Collins to the position of Firefighter and that her step in grade was properly adjusted by the City accordingly consistent with Section 1 Paragraph VI of the Salary Administration & Classification Plan and with past merit system practices. (Motion made- K. Moore, Seconded-Florie, L. Washington -Opposed)
- IV. INFORMATION AND DISCUSSION ITEMS
- a. Gloria Grace-Flowers was reinstated to the Accounting Assistant II register.
- b. The Board acknowledged City of Irondale Resolution No. 2010R52 granting longevity pay beginning on the first day of the City of Irondale's fiscal year beginning October 1, 2009 through September 30, 2010, and a one-time payment

will be made in December 2010.

- c. The Board acknowledged City of Tarrant Resolution No. 7341 implementing the City of Tarrant Pay/Leave Benefit for regular part-time/full-time; and fire and rescue personnel.
- d. October, November and December Board Bi-Monthly Expenditure Reports

V. EXECUTIVE SESSION

A brief Executive Session was held with outside counsel Leslie Coyne to discuss pending lawsuits with the Personnel Board of Jefferson County and the meeting adjourned at 3:30 P.M.

Kenneth L. Moore, Chair
Personnel Board of Jefferson County

Ann Florie, Associate Member
Personnel Board of Jefferson County

Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested By:

Lorren Oliver, Director

Raising the Standard Since 1935

8

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency

The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Graysville-Homewood-Hueytown-Irondale-Leeds

Midfield-Mountain Brook-Pleasant Grove-Tarrant-Trussville-Vestavia Hills-Warrior



THE MERIT SYSTEM

Personnel Board of Jefferson County

BOARD ITEM – APPROVAL OF CONTRACT WITH THE BIRMINGHAM NEWS COMPANY

DATE OF

REQUEST: January 11, 2011

SUBJECT: Authorization to enter into a contract with The Birmingham News Company to provide newsprint advertising.

RATIONALE:

While source data continues to indicate that newsprint is becoming less effective for recruiting overall, it remains effective at reaching applicants for certain job groups such as medical, skilled trade, food services, and public safety. We have reduced our use of newsprint accordingly and therefore expenses have continued decline. A commitment of at least \$10,000 in advertising will reduce the per line cost nearly forty percent from the non-contract rate.

RECOMMENDATION:

The Personnel Board is authorized to enter into a twelve month contract (February 10, 2011 through February 10, 2012) with The Birmingham News Company to provide newsprint advertising. The minimum cost is \$10,000 but not to exceed \$20,000. The service will be provided at the following rates.

Classified Advertisements

Display Advertisements

Sunday Edition

\$9.58 per line under 55 lines, \$8.21 per line 56 lines to 462 lines (al.com opt out)

Daily Edition

\$8.75 per line under 55 lines, \$7.44 per line 56 lines to 462 lines (al.com opt out)

Line Advertisements

Sunday Edition

\$9.33 per line under 55 lines (al.com opt out), \$8.57 per line 56 lines to 462 lines (al.com opt out)

Daily Edition

\$8.50 per line under 55 lines (al.com opt out), \$7.19 per line 56 lines to 462 lines (al.com opt out)

Retail Advertising

Display Advertisements

Sunday Edition, Main Section

\$102 per inch (net rate)

Daily Edition, Other Section

\$93 per inch (net rate)

Raising the Standard Since 1935

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency
The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Graysville-Homewood-Hueytown-Irondale-Leeds
Midfield-Mountain Brook-Pleasant Grove-Tarrant-Trussville-Vestavia Hills-Warrior

SERVICE CONTRACT

THIS SERVICE CONTRACT ("Contract"), entered into on this the ____ day of _____, 2011, by and between the Personnel Board of Jefferson County, Alabama, a public corporation created by Act No. 248, 1945 Ala. Acts as amended (hereinafter referred to as the "Board"), and The Birmingham News Company ("Contractor"),

WITNESSETH

WHEREAS, the Board desires to have certain advertising services provided by Contractor;

WHEREAS, the term "Contractor," as used in this Contract, shall also include any and all employees, agents, and subcontractors of Contractor; and

WHEREAS, the term "Board," as used in this Contract, shall refer to the Personnel Board of Jefferson County, and shall include the three-member Board and its various employees in their official capacities, as indicated by the context;

WHEREAS, the Contractor desires to furnish such services to the Board, for the time period and scope of activities hereinafter set forth;

NOW, THEREFORE, the parties mutually agree to the terms and conditions set out below:

1. Description of Services to be Performed

The purpose of this contract is to secure newsprint advertising with The Birmingham News Company. The Personnel Board agrees to a minimum investment of \$10,000, but not more than \$20,000, in recruitment newsprint advertising with The Birmingham News Company during the twelve month period beginning February 10, 2011 and ending February 10, 2012. The Birmingham News agrees to the rates outlined below for the duration of this contract:

Classified Advertising

Display Advertisements

Sunday Edition

\$9.58 per line under 55 lines, \$8.21 per line 56 lines to 462 lines (al.com opt out)

Daily Edition

\$8.75 per line under 55 lines, \$7.44 per line 56 lines to 462 lines (al.com opt out)

Line Advertisements

Sunday Edition

\$9.33 per line under 55 lines (al.com opt out), \$8.57 per line 56 lines to 462 lines (al.com opt out)

Daily Edition

\$8.50 per line under 55 lines (al.com opt out), \$7.19 per line 56 lines to 462 lines (al.com opt out)

Retail Advertising

Display Advertisements

Sunday Edition, Main Section

\$102 per inch (net rate)

Daily Edition, Other Section

\$93 per inch (net rate)

Contractor agrees to perform the work under this Contract in a diligent, competent, and workmanlike manner, and in a manner consistent with prevailing standards of professionalism.

The Board shall specify the work to be completed by Contractor; however, Contractor shall determine the means by which the work is to be performed. The Board retains no right to control the means or manner of the performance of the Contractor's work beyond (1) specifying the work to be performed, and (2) ascertaining that Contractor's work product conforms to the terms of this Contract. Contractor will remain an independent contractor of the Board.

2. Pricing and Terms of Payment

Contractor agrees to accept payment within forty five (45) days after the submission of a true and correct statement of services provided and fees due under the Agreement to the Personnel Board. The Board shall not be responsible for withholding State or Federal taxes of whatever nature from payments made to Contractor, including without limitation: Income taxes, payroll taxes, Social Security (FICA) taxes, and/or Medicare taxes. Contractor shall not be entitled to receive any employment benefits, including without limitation: life, health, or disability insurance; retirement or pension plan participation; workers' compensation; unemployment compensation; Social Security contributions; vacation days; sick days; personal days; holidays; or disability payments.

3. Reimbursable Expenses

Contractor shall not be entitled to reimbursement for general overhead or travel expenses under this Contract.

4. Term and Duration of Contract

This Contract shall commence on February 10, 2011 and terminate on February 10, 2012.

5. Modifications

This written instrument contains the entire agreement between the parties, and no alterations, changes or additions hereto can be made except in writing approved and signed by both parties. All previous discussions and understandings of the parties are hereby wholly merged into, and superseded by, this written instrument. Both the Board and the Contractor affirm and agree that no express, implied, written or verbal representations, understandings, or commitments have been made or relied upon except as set forth in the Contract.

6. Not a Contract of Employment

This Contract shall not constitute, and shall not be construed as, a contract of employment, a contract of continuing employment, or a contract of employment for a definite term, between the Board and Contractor, or between the Board and any employee, agent, or subcontractor of Contractor.

7. Maintenance of Records

Contractor shall maintain all financial records (ie. invoices, deliverables relating to the contract, purchase orders and account history related to contract) deemed necessary by the Board and the Board shall identify such records in writing to Contractor. Contractor shall account for any funds paid under this agreement and provide copies of all financial records when requested from the Board. Contractor shall retain the records identified by the Board for a minimum of two (2) years from the termination of this Contract.

9. Authority

Contractor shall not enter into any commitment, agreement, or contract, of whatsoever nature or description, in the name of the Board, without prior written authorization from the Board. Without the prior written authorization of the Board, Contractor shall not have the authority (1) to enter into any contract on behalf of the Board; (2) to bind the Board; (3) to make any statement or representation purporting to represent the Board's views, opinions, or official positions as to any matter; or (4) to commit the assets or resources of the Board.

10. Termination of Contract

This Contract may be terminated by either party in the event the other party shall fail to substantially perform any duty or obligation created by this Contract or accomplish any tasks required by this Contract in a timely manner and in a manner consistent with professional standards; provided the breaching party fails to cure such breach within thirty (30) days after receipt of written notice of such breach or if Contractor shall have or develop a material conflict of interest.

The failure of either party to enforce any time line, restraint, or condition created by the provisions of this Contract shall not be construed as a waiver of such time limit, restraint, or condition, nor shall such failure to enforce such provision be construed as a waiver of such party's right to enforce such provisions in the future.

If this Contract shall be terminated for any reason prior to its completion according to the terms of same, Contractor shall deliver to the Board a list of outstanding tasks and projects within fifteen (15) days after receipt of notice of termination.

11. Notice

Notice to either the Board or Contractor shall be in writing and may be served personally or by prepaid registered or certified United States Mail or by private mail service (ie. Federal Express, United Parcel Service) to the address shown below. Service of such notice shall be deemed received by the party to which such notice is directed on the actual date of delivery as shown by the addressee's registry or by carrier or other certification receipt or the 3rd calendar day following the date such notice is placed in the United States Mail, with first-class postage, addressed as follows, whichever is earlier in time:

Personnel Board of Jefferson County
Attention: Cynthia Holiness, Business Officer
2121 Reverend Abraham Woods Jr, Suite 100
Birmingham, AL 35203

With copy to:

Personnel Board of Jefferson County
Jeff Crenshaw, Deputy Director
2121 Reverend Abraham Woods Jr, Suite 100
Birmingham, AL 35203

The Birmingham News Company
Attention: Reginald Young, Recruitment Account Executive
2201 4th Avenue North
Birmingham, Alabama 35203

12. Governing Law

Contractor specifically agrees that as a valuable consideration and as a material inducement to the Board to enter into this Contract, Contractor agrees that the laws of the State of Alabama, except as preempted by Federal law, shall apply and bind the parties in all questions arising hereunder. Venue and subject-matter jurisdiction over any legal action brought by either the Contractor or the Board as a result of this Contract shall exist only in (1) the Circuit Court of Jefferson County, Alabama, Birmingham Division, or (2) the United States District Court for the Northern District of Alabama.

13. Severability

It is understood that if any provision of this Agreement is contrary to any Federal law or any law of the State of Alabama, or if any provision of this Contract shall be invalidated by any court of competent jurisdiction, then such provision shall be deemed not to be a part of this Contract, and the remaining provision shall remain in full force and effect.

14. Execution

The facsimile of a signature shall have the same legal efficacy as the original signature.

15. Time of the Essence

The parties to this contract understand and agree that the time for performance is of the essence.

16. Advertising Regulations

All Board ads hereunder shall be subject to the non-conflicting terms and conditions of Contractor's advertising regulations incorporated herein. For purposes of this agreement, the parties agree to the following modifications to the Advertising regulations:

Paragraph 2 of the Advertising regulations is deleted and replaced with the following language: Contractor shall have the right to review any advertising copy submitted from the Board under this agreement and to reject any advertising copy in its discretion that is determined unacceptable for publication. Contractor shall provide written notice to the Board of any rejection of advertising and the Board shall have the right to resubmit said advertising for publication within three (3) business days of receipt of notice. In the event that the Contractor rejects the resubmitted advertising copy and cancels its publication, a refund will be paid to the Board for the

cost of the rejected advertisement to the extent the payment for such ad is pre-paid by the Board. If the payment is not prepaid, the Board shall not be obligated to pay for the rejected ad.

The parties agree that paragraph 8 pertaining to composition charges is inapplicable and deleted from this agreement.

The parties agree that paragraph 9, which pertains to any taxes imposed during the life of the agreement is inapplicable because the Personnel Board is exempt from sales taxes under Alabama law pursuant to *Ala. Code*, Title 40 Section 23-4-11 (1975).

The parties agree that paragraph 13 pertaining to joint and several liability of Advertiser and Agency is inapplicable and deleted from this agreement.

Each party who executes this Agreement with their signatures herein, represents and warrants that he or she is duly authorized to execute this Agreement on behalf of each respective party.

THE BIRMINGHAM NEWS COMPANY

PERSONNEL BOARD OF JEFFERSON
COUNTY

By:

By:

Larry Leibengood
Director, Classified Advertising

Lorren Oliver
Personnel Director

Vendor Information

Contact: Reginald Young, Recruitment Account Executive
Address: The Birmingham News Company
2201 4th Avenue North
Birmingham, Alabama 35203
Federal Tax ID/Social Security No.: _____

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK



THE MERIT SYSTEM

Personnel Board of Jefferson County

**BOARD ITEM –CREATE NEW CLASSIFICATION
#2387 VICTIM SERVICES COORDINATOR G-17**

DATE OF

REQUEST: January 11, 2011

SUBJECT: Jefferson County Sheriff's Department request to create a new class of Victim Services Coordinator.

BACKGROUND: The purpose of this class is to assist the Sheriff's Department by serving as the primary contact for victims, answering their questions, concerns, and needs and explaining the criminal justice system and the judicial process. Counsels violent crime victims about their role in an investigation and subsequent court proceedings. Market data for a Victim Services Coordinator suggests an average rate of pay of \$37,837.

RECOMMENDATION: Recommend approval to create a new classification, Job Code 2387, Victim Services Coordinator, with a proposed pay grade of G-17 and a salary range of \$31,450 - \$48,651.

Raising the Standard Since 1935

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency
The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Graysville-Homewood-Hueytown-Irondale-Leeds
Midfield-Mountain Brook-Plensaut Grove-Tarrant-Trussville-Vestavia Hills-Warrior

2121 8th Avenue North, Suite 100, Birmingham, Alabama 35203-2387, Tel 205-279-3500, Fax 205-279-3501, Internet <http://www.Personnel Boardal.org>

Class Specs

Class Number: 2387

Class Title: Victim Services Coordinator

Grade: 17

Min: 1 Max: 10

Created: 1/11/2010

Revised: 12/17/2010

Reports To: Sheriff Sergeant or Sheriff Lieutenant

Job Summary:

Work involves the responsibility to assist the Sheriff Department by coordinating a response to a victim's questions, concerns, and needs on all aspects of the criminal justice system. Counsels violent crime victims about their role in an investigation and subsequent court proceedings. Employee exercises considerable independent judgment in performance of duties.

Essential Functions:

Contacts victims to insure they are safe and explains the process to obtain a warrant, the investigation, and the court system. Assists in tracking court cases and stays in contact with the victim to ensure they attend court and may attend with the victim. For misdemeanor cases, assists the victim in obtaining a warrant from the Magistrate. For domestic violence cases, assists the victim in obtaining the protection from abuse order and attends subsequent hearings as needed. Works closely with the District Attorney's office, attends pre-trial meetings and prepares the victim for testimony. Files claims with the Alabama Crime Victims Compensation Commission if a victim qualifies for assistance and assures they are approved. Gathers and submits required documentation such as incident reports and medical bills. Maintains relationships with agencies that can provide services to victims (e.g., Rape Response, YWCA, and Family Violence Center). Attends initial victim interviews as necessary. Updates and notifies the victim of any changes in the case. Ensures that victims contact all of the appropriate agencies, such as the Alabama Department of Correction and the Board of Pardons and Parole, in order to continue to monitor the offender. Occasionally part of the first responder team offering immediate assistance to the victim and the investigating officer(s). Assists the family at the scene and notify absent family members as requested. May refer the family to financial aid assistance agencies. May assist the victim in completing the Protection from Abuse paperwork. Victim qualifies.

Supervision Exercised:

None

Work Environment:

Work is generally performed in an office setting, meeting room, court room or residence and exposes employee to everyday risks or discomforts which require normal safety precautions.

Physical Demands:

Work is generally sedentary, however, walking, standing, bending, and carrying items weighing less than 15 pounds is required.

Knowledge-Skills:

Knowledge of the principles, practices, and techniques of social work as they apply to crisis intervention, counseling and victim rights. Knowledge of functions and resources of public and private social agencies. Skill in explaining court proceedings. Ability to work with law enforcement officers to relieve them of cases involving calls for social services. Ability to establish and maintain effective relationships with clients, family members, law enforcement and social services agency personnel. Ability to communicate effectively orally and in writing. Ability to prepare client records to identify problem, action taken, and disposition of case. Ability to analyze difficult situations and take reasonable action. Ability to drive an automobile.

Compensable Qualifications:

Possession of an Associate's Degree in Criminal Justice or related field and one year of work experience with victim advocacy or any combination of education and experience that demonstrates the above listed knowledge, skills, and abilities.

License/Certification Required:

Valid driver's license.



THE MERIT SYSTEM

Personnel Board of Jefferson County

January 18, 2011

Sheriff Mike Hale
Jefferson County Sheriff's Office
2200 Rev. Abraham Woods, Jr. Blvd.
Birmingham, AL 35203

RE: **Request for Extension of Administrative Leave With Pay**
Bruce Kevin Wilson, Deputy Sheriff – Jefferson County Sheriff's Office

Dear Sheriff Hale:

The Personnel Board is in receipt of your written request for an extension of Administrative Leave with Pay on the above named employee. This is *in addition* to the fifteen (15) days authorized by **Personnel Board Rule 13.20 Section (b-1, 2)**, acknowledged and approved November 30, 2010 pending the completion of an investigation and the fitness for duty evaluation.

According to our records, you have met the established criteria set forth in **Personnel Board Rule 13.20 ADMINISTRATIVE LEAVE Section (b-1, 2)** for the requested remainder of the thirty (30) days extension of Administrative Leave with Pay. **Approval is granted.**

As a reminder, the maximum time that a "Classified Employee" can be in Administrative Leave with Pay status is forty-five (45) days. By way of information, paid Administrative Leave is entered in the Lawson System by means of the PR36.1 screen designating such leave as "ADM."

Should you have any questions, please contact Carlos C. Kyle, Employee Relations Team Lead at (205) 279-3478.

Sincerely,

Lorren Oliver
Director, Personnel Board

cc: Chief Deputy Randy Christian

Raising the Standard Since 1935

Serving: Jefferson County • Jefferson County Department of Health • Jefferson County Emergency Management Agency
The Cities of Bessemer • Birmingham • Center Point • Fairfield • Fullondale • Gardendale • Graysville • Homewood • Hueytown • Irondale • Leeds • Midfield
Mountain Brook • Pleasant Grove • Tarrant • Trussville • Vestavia Hills • Warrior

2121 8th Avenue North, Suite 100, Birmingham, Alabama 35203-2387, Tel 205-279-3500, Fax 205-279-3501, Internet <http://www.pbjcal.org>

ALEX R. CHRISTIAN
Chief Deputy

PAUL "MIKE" LOGAN
Assistant Sheriff



MURRAY TANNER
Executive Assistant

[Handwritten signature]
12-21-10

MIKE HALE
SHERIFF OF JEFFERSON COUNTY
2200 REV. ABRAHAM WOODS, JR. BLVD. • BIRMINGHAM, ALABAMA 35203

December 20, 2010

Lorren Oliver, Director
Personnel Board of Jefferson County
2121 Rev. Abraham Wood Jr. Blvd. North
Birmingham, Alabama 35203

RE: Administrative Leave for Bruce Kevin Wilson

Dear Mr. Oliver

Deputy Bruce Kevin Wilson was placed on Administrative Leave with Pay on November 18, 2010 for the completion of an administrative investigation. An extension of 10 days was requested, and as the investigation and the fitness for duty evaluation is not complete, I respectfully request further time for the completion of these matters.

Sincerely,

Mike Hale

Mike Hale,
SHERIFF
ADMINISTRATION

2010 DEC 21 P 2:08

RECEIVED
PERSONNEL BOARD

RECEIVED
2010 DEC 21 P 2:57
EMPLOYEE RELATIONS



THE MERIT SYSTEM

Personnel Board of Jefferson County

November 30, 2010

Sheriff Mike Hale
Jefferson County Sheriff's Office
2200 Rev. Abraham Woods, Jr. Blvd
Birmingham, AL 35203

**RE: Bruce Kevin Wilson, Deputy Sheriff, Jefferson County Sheriff's Office
Request for Extended Administrative Leave With Pay**

Dear Sheriff Hale:

This is to acknowledge your request dated November 23, 2010, for the above named employee to be placed on Administrative Leave With Pay for an additional ten (10) days in accordance with the provisions of **Rule 13.20 (b)-1,2.**

Under the provisions of Section b, paragraph 2 of Personnel Board Rule 13.20 ADMINISTRATIVE LEAVE; an additional ten (10) working days is approved to assist you in your investigation. If you need additional time, please forward a written request to the Personnel Board. A request for an additional thirty (30) days will be presented to the Board for approval or denial. By way of information paid Administrative Leave is entered in the Lawson system by means of the PR36.1 screen designating such leave as "ADM."

Should you have any questions, please contact Carlos C. Kyle, Employee Relations Team Lead at (205) 279-3478.

Sincerely,

Lorren Oliver
Director

LO/CCK/kdm

cc: Chief Deputy Randy Christian

Raising the Standard Since 1935

Serving: Jefferson County • Jefferson County Department of Health • Jefferson County Emergency Management Agency
The Cities of Bessemer • Birmingham • Center Point • Fairfield • Fultondale • Gardendale • Graysville • Homewood • Hueytown • Irondale • Leeds • Midfield
Mountain Brook • Pleasant Grove • Tarrant • Trussville • Vestavia Hills • Warrior

2121 8th Avenue North, Suite 100, Birmingham, Alabama 35203-2387, Tel 205-279-3500, Fax 205-279-3501, Internet <http://www.pbjcal.org>

ALEX R. CHRISTIAN
Chief Deputy

PAUL "MIKE" LOGAN
Assistant Sheriff



→ ER
11-30-10
MURRAY TANNER
Executive Assistant

MIKE HALE
SHERIFF OF JEFFERSON COUNTY
2200 REV. ABRAHAM WOODS, JR. BLVD. • BIRMINGHAM, ALABAMA 35203

November 23, 2010

Lorren Oliver, Director
Personnel Board of Jefferson County
2121 8th Avenue North
Birmingham, Alabama 35203

RECEIVED
2010 NOV 30 A 10:47
POLICE RELATIONS

Dear Sir,

Deputy Bruce Kevin Wilson, soc 422-88-1231, was placed on Administrative Leave with pay on November 18, 2010 for the completion of an internal investigation. As the investigation will not be completed in the five days, I respectfully request an extension for the completion. If you have any questions you may reach the Internal Affairs Division at 325-5709. Your assistance will be greatly appreciated.

Sincerely,

Mike Hale
SHERIFF

Cc File

Rec'd 11/30/10
Admin. CR ROOM



THE MERIT SYSTEM

Personnel Board of Jefferson County

November 29, 2010

Sheriff Mike Hale
Jefferson County Sheriff's Office
2200 Rev. Abraham Woods, Jr. Blvd.
Birmingham, AL 35203

**RE: Bruce Kevin Wilson, Deputy Sheriff- Jefferson County Sheriff's Office
Request for Administrative Leave With Pay**

Dear Sheriff Hale:

This is to acknowledge your placing the above named employee on Administrative Leave With Pay in accordance with the provisions of **Rule 13.20 (b)-1**, for five (5) working days effective Thursday, November 18, 2010.

Under the provisions of Section b, paragraph 2 of Personnel Board Rule 13.20 ADMINISTRATIVE LEAVE; an additional ten (10) working days may be approved upon written request. By way of information, paid Administrative Leave is entered in the Lawson system by means of the PR36.1 screen designating such leave as "ADM."

Should you have any questions, please contact Carlos C. Kyle, Employee Relations Team Lead at (205) 279-3478.

Sincerely,

Lorren Oliver
Director

LO/CCK/kdm

cc: Chief Deputy Randy Christian

Raising the Standard Since 1935

Serving: Jefferson County • Jefferson County Department of Health • Jefferson County Emergency Management Agency
The Cities of Bessemer • Birmingham • Center Point • Fairfield • Fullondale • Gardendale • Graysville • Homewood • Hueytown • Irondale • Leeds • Midfield
Mountain Brook • Pleasant Grove • Tarrant • Trussville • Vestavia Hills • Warrior

2121 8th Avenue North, Suite 100, Birmingham, Alabama 35203-2387, Tel 205-279-3500, Fax 205-279-3501, Internet <http://www.pbjcal.org>

ALEX R. CHRISTIAN
Chief Deputy

PAUL "MIKE" LOGAN
Assistant Sheriff



MURRAY TANNER
Executive Assistant

MIKE HALE

SHERIFF OF JEFFERSON COUNTY

2200 REV. ABRAHAM WOODS, JR. BLVD. • BIRMINGHAM, ALABAMA 35203

November 18, 2010

TO: Deputy Bruce Kevin Wilson

FROM: Chief Deputy Randy Christian *RC*

SUBJECT: Assignment on Paid Administrative Leave

Effective this date, you are being placed on administrative leave with pay. If you have not already done so, you are to surrender your badge, commission, swipe card, and vehicle. Further you are not to engage in any secondary employment, or take any action as a Deputy Sheriff. You are specifically directed not to discuss this investigation with anyone except your legal counsel and you are directed to advise your selected legal counsel to protect your interests and not to disclose the information that you provide to him / her to other clients who may be Jefferson County Sheriff's Office employees in order to protect the integrity of this investigation. You will remain in Jefferson County or adjacent counties during the hours of 0800 hours through 1600 hours on Monday through Friday until you receive an additional directive from a Sheriff's Office representative. You will notify the Internal Affairs Division on each day regarding the phone number(s) of where you may be contacted while on the days of Administrative Leave so that you may receive an additional directive from a Sheriff's Office representative, if needed. You will advise personnel in the Internal Affairs Division, 325-5709, on Monday through Friday regarding the phone number or phone numbers where you may be reached should you need to be contacted during those hours.

RECEIVED
NOV 19 10 51 AM '10

RECEIVED
PERSONNEL BOARD
NOV 19 P 7 16
ADMINISTRATION

cc/ Sheriff Mike Hale
Deputy Chief Jim Roberson
Captain Ron Eddings
Internal Affairs
Birmingham Corrections Payroll
file

Ken Moore
L. Kenneth Moore, Chair
Personnel Board of Jefferson County

Ann Florie
Ann Florie, Associate Member
Personnel Board of Jefferson County

Lonnie Washington
Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested by:

Lorren Oliver
Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED
2011 JAN 19 P 1:32
PDUJ
EMPLOYEE RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2009-1730.1: Birmingham Police Department vs. Heath Boackle

(Interoffice Mail)

Mayor William A. Bell
Birmingham City Hall
3rd Floor
Birmingham, Alabama 35203

(E-mail)

Attorney Randy A. Dempsey
Dempsey, Steed, Stewart, Ritchey & Gache, LLP
Civic Center Professional Building
1122 22nd Street North
Birmingham, Alabama 35234
Dempsey@dempseysteed.com

(E-mail)

Attorney Michael K. Choy
Burr & Forman, LLP
420 20th Street North Suite 3400
Birmingham, Alabama 35203-5210
mchoy@burr.com
bshirley@burr.com

(E-mail)

Ms. Eva Bray
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
Eva.Bray@ci.birmingham.al.us

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(Certified Mail)

Mr. Heath Boackle
c/o Attorney Randy A. Dempsey
Civic Center Professional Building
1122 22nd Street North
Birmingham, Alabama 35234

(E-mail)

Chief A. C. Roper
Birmingham Police Department
1710 First Avenue North
Birmingham, Alabama 35203
acroper@ci.birmingham.al.us

(E-mail)

Ms. Peggy W. Polk
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
peggy.polk@ci.birmingham.al.us

(E-mail)

Ms. Wanda T. Hand
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Wanda.Hand@birminghamal.gov

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, PC
2501 20th Place South Suite 300
Birmingham, Alabama 35223-1702
lnettles@lgwmlaw.com

Of Counsel

RECEIVED
2011 JAN 19 P 1:33
EMPLOYMENT RELATIONS

BEFORE THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

CITY OF BIRMINGHAM POLICE)
DEPARTMENT)

Complainant)

v.)

THOMAS CLEVELAND)

Respondent.)

CASE NO. DA-2010-1730.4

ORDER

This cause comes before the Personnel Board of Jefferson County (hereinafter referred to as the "Board") on January 18, 2011 on the Motion to Lift the Stay filed by the Respondent, Thomas Cleveland on December 6, 2010, as grounds that Respondent Thomas Cleveland is not the subject of a federal probe, no federal charges are being pursued and no state charges are being pursued.

After a review and consideration of all of the information presented, it is the opinion and decision of the Board that the Respondent Thomas Cleveland's Motion to Lift Stay is due to be GRANTED. The Respondent is entitled to proceed with a disciplinary appeal hearing in said cause.

Done this the 18th day of January 2011.

PEBUC
EMPLOYEE RELATIONS

2011 JAN 18 P 3:43

RECEIVED

Ken Moore

L. Kenneth Moore, Chair
Personnel Board of Jefferson County

Ann Florie

Ann Florie, Associate Member
Personnel Board of Jefferson County

Lonnie Washington

Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested by:

Lorren Oliver

Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED
2011 JAN 18 P 3:43
PJJC
EMPLOYEE RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2009-1730.4: Birmingham Police Department vs. Thomas Cleveland

(Interoffice Mail)

Mayor William A. Bell
Birmingham City Hall
3rd Floor
Birmingham, Alabama 35203

(E-mail & Certified Mail)

Mr. Thomas Cleveland
P. O. Box 2884
Birmingham, Alabama 35202
bpdbadge@yahoo.com

(E-mail)

Attorney Timothy D. Donahue
Donahue & Associates, LLC
1020 22nd Street South
Birmingham, Alabama 35205
tpdonahue@aol.com

(E-mail)

Chief A. C. Roper
Birmingham Police Department
1710 First Avenue North
Birmingham, Alabama 35203
acroper@ci.birmingham.al.us

(E-mail)

Attorney Michael K. Choy
Burr & Forman, LLP
420 20th Street North Suite 3400
Birmingham, Alabama 35203-5210
mchoy@burr.com
bshirley@burr.com

(E-mail)

Ms. Peggy W. Polk
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
peggy.polk@ci.birmingham.al.us

(E-mail)

Ms. Eva Bray
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
Eva.Bray@ci.birmingham.al.us

(E-mail)

Ms. Wanda T. Hand
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Wanda.Hand@birminghamal.gov

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, PC
2501 20th Place South Suite 300
Birmingham, Alabama 35223-1702
lnettles@lgwmlaw.com

Of Counsel

RECEIVED
PBJC
EMPLOYEE RELATIONS

2011 JAN 18 P 3:43

RECEIVED

BEFORE THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

**CITY OF BIRMINGHAM POLICE
DEPARTMENT**

Complainant

v.

KENNETH PREVO

Respondent.

CASE NO. DA-2010-1730.5

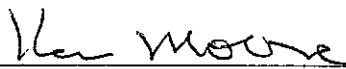
ORDER

This cause comes before the Personnel Board of Jefferson County (hereinafter referred to as the "Board") on January 18, 2011 on the Motion to Lift the Stay filed by the Respondent, Kenneth Prevo on December 3, 2010, as grounds that Respondent Kenneth Prevo is not the subject of a federal probe, no federal charges are being pursued and no state charges are being pursued.

After a review and consideration of all of the information presented, it is the opinion and decision of the Board that the Respondent Kenneth Prevo's Motion to Lift Stay is due to be GRANTED. The Respondent is entitled to proceed with a disciplinary appeal hearing in said cause.

Done this the 18th day of January 2011.


RECEIVED
2011 JAN 18 P 3:43
FBJC
EMPLOYEE RELATIONS



L. Kenneth Moore, Chair
Personnel Board of Jefferson County

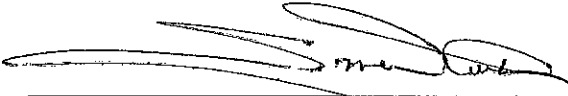


Ann Florie, Associate Member
Personnel Board of Jefferson County



Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested by:



Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED
2011 JAN 18 P 3:43
PDJG
EMPLOYEE RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2009-1730.5: Birmingham Police Department vs. Kenneth Prevo

(Interoffice Mail)

Mayor William A. Bell
Birmingham City Hall
3rd Floor
Birmingham, Alabama 35203

(E-mail)

Attorney Gayle H. Gear
2229 Morris Avenue Suite B
Birmingham, Alabama 35203
ghgear@bellsouth.net

(E-mail)

Attorney Michael K. Choy
Burr & Forman, LLP
420 20th Street North, Suite 3400
Birmingham, Alabama 35203-5210
mchoy@burr.com
bshirley@burr.com

(E-mail)

Ms. Eva Bray
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
Eva.Bray@ci.birmingham.al.us

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(Certified Mail)

Mr. Kenneth W. Prevo
c/o Attorney Gayle H. Gear
2229 Morris Avenue Suite B
Birmingham, Alabama 35203

(E-mail)

Chief A. C. Roper
Birmingham Police Department
1710 First Avenue North
Birmingham, Alabama 35203
acroper@ci.birmingham.al.us

(E-mail)

Ms. Peggy W. Polk
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
peggy.polk@ci.birmingham.al.us

(E-mail)

Ms. Wanda T. Hand
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Wanda.Hand@birminghamal.gov

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, PC
2501 20th Place South Suite 300
Birmingham, Alabama 35223-1702
lnettles@lgwmlaw.com

Of Counsel

RECEIVED
2011 JAN 18 P 3:43
PBJC
EMPLOYEE RELATIONS

BEFORE THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

**CITY OF BIRMINGHAM POLICE
DEPARTMENT**

Complainant

v.

BARRETT DEWITT

Respondent.

CASE NO. DA-2010-1730.2

ORDER

This cause comes before the Personnel Board of Jefferson County (hereinafter referred to as the "Board") on January 18, 2011 on the Motion to Lift the Stay filed by the Respondent, Barrett Dewitt on January 18, 2011, as grounds that Respondent Barrett Dewitt that a federal court jury acquitted Respondent of charges filed by the federal government.

After a review and consideration of all of the information presented, it is the opinion and decision of the Board that the Respondent Barrett Dewitt's Motion to Lift Stay is due to be GRANTED. The Respondent is entitled to proceed with a disciplinary appeal hearing in said cause.

Done this the 18th day of January 2011.

RECEIVED
2011 JAN 18 P 3:45
PERSONNEL RELATIONS

Ken Moore

L. Kenneth Moore, Chair
Personnel Board of Jefferson County

Ann Florie

Ann Florie, Associate Member
Personnel Board of Jefferson County

Lonnie Washington

Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested by:

Lorren Oliver

Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED
2011 JAN 18 P 3:45
PUBLIC
EMPLOYEE RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2009-1730.2 Birmingham Police Department vs. Barrett Dewitt

(Interoffice Mail)

Mayor William A. Bell
Birmingham City Hall
3rd Floor
Birmingham, Alabama 35203

(Certified Mail)

Mr. Barrett Dewitt
c/o Attorney Gayle H. Gear
2229 Morris Avenue Suite B
Birmingham, Alabama 35203

(E-mail)

Attorney Gayle H. Gear
2229 Morris Avenue Suite B
Birmingham, Alabama 35203
ghgear@bellsouth.net

(E-mail)

Chief A. C. Roper
Birmingham Police Department
1710 First Avenue North
Birmingham, Alabama 35203
acroper@ci.birmingham.al.us

(E-mail)

Attorney Michael K. Choy
Burr & Forman, LLP
420 20th Street North, Suite 3400
Birmingham, Alabama 35203-5210
mchoy@burr.com
bshirley@burr.com

(E-mail)

Ms. Peggy W. Polk
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
peggy.polk@ci.birmingham.al.us

(E-mail)

Ms. Eva Bray
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
Eva.Bray@ci.birmingham.al.us

(E-mail)

Ms. Wanda T. Hand
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Wanda.Hand@birminghamal.gov

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, PC
2501 20th Place South Suite 300
Birmingham, Alabama 35223-1702
lnettles@lgwmlaw.com

Of Counsel

2011 JAN 18 P 3:45
FBI
EMPLOYEE RELATIONS

RECEIVED

BEFORE THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

**CITY OF BIRMINGHAM POLICE
DEPARTMENT**

Complainant

v.

DAVID DORAN

Respondent.

CASE NO. DA-2010-1730.3

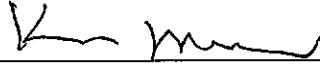
ORDER

This cause comes before the Personnel Board of Jefferson County (hereinafter referred to as the "Board") on January 18, 2011 on the Motion to Lift the Stay filed by the Respondent, David Doran on January 18, 2011, as grounds that Respondent David Doran that a federal court jury acquitted Respondent of charges filed by the federal government.

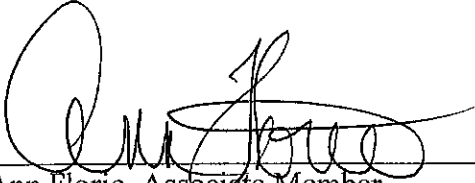
After a review and consideration of all of the information presented, it is the opinion and decision of the Board that the Respondent David Doran's Motion to Lift Stay is due to be GRANTED. The Respondent is entitled to proceed with a disciplinary appeal hearing in said cause.

Done this the 18th day of January 2011.

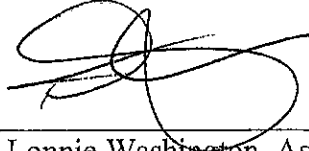
RECEIVED
2011 JAN 18 P 3:44
PB JC
EMPLOYEE RELATIONS



L. Kenneth Moore, Chair
Personnel Board of Jefferson County



Ann Florie, Associate Member
Personnel Board of Jefferson County



Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested by:



Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED

2011 JAN 18 P 3:44

PERSONNEL
EMPLOYEE RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2009-1730.3 Birmingham Police Department vs. David Doran

(Interoffice Mail)

Mayor William A. Bell
Birmingham City Hall
3rd Floor
Birmingham, Alabama 35203

(Certified Mail)

Mr. David Doran
c/o Attorney Gayle H. Gear
2229 Morris Avenue Suite B
Birmingham, Alabama 35203

(E-mail)

Attorney Gayle H. Gear
2229 Morris Avenue Suite B
Birmingham, Alabama 35203
ghgear@bellsouth.net

(E-mail)

Chief A. C. Roper
Birmingham Police Department
1710 First Avenue North
Birmingham, Alabama 35203
acroper@ci.birmingham.al.us

(E-mail)

Attorney Michael K. Choy
Burr & Forman, LLP
420 20th Street North, Suite 3400
Birmingham, Alabama 35203-5210
mchoy@burr.com
bshirley@burr.com

(E-mail)

Ms. Peggy W. Polk
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
peggy.polk@ci.birmingham.al.us

(E-mail)

Ms. Eva Bray
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
Eva.Bray@ci.birmingham.al.us

(E-mail)

Ms. Wanda T. Hand
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Wanda.Hand@birminghamal.gov

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, PC
2501 20th Place South Suite 300
Birmingham, Alabama 35223-1702
lnettles@lgwmlaw.com

Of Counsel

RECEIVED
2011 JAN 18 P 3:44
EMPLOYEE RELATIONS
P343

BEFORE THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

CITY OF BIRMINGHAM POLICE)
DEPARTMENT)
)
Complainant)
)
v.)
DEXTER CUNNINGHAM)
)
Respondent.)

CASE NO. DA-2009-1737

ORDER

This cause comes before the Personnel Board of Jefferson County (hereinafter referred to as the "Board") on January 18, 2011 on the Motion to Lift the Stay filed by the Respondent, Dexter Cunningham on December 9, 2010, as grounds that Respondent Dexter Cunningham, asserts the matter that the possible criminal prosecution is no longer operative or a concern.

After a review and consideration of all of the information presented, it is the opinion and decision of the Board that the Respondent Dexter Cunningham's Motion to Lift Stay is due to be GRANTED. The Respondent is entitled to proceed with a disciplinary appeal hearing in said cause.

Done this the 18th day of January 2011.

RECEIVED
2011 JAN 18 P 3:44
PBJC
EMPLOYEE RELATIONS

Ken Moore

L. Kenneth Moore, Chair
Personnel Board of Jefferson County

Ann Florie

Ann Florie, Associate Member
Personnel Board of Jefferson County

Lonnie Washington

Lonnie Washington, Associate Member
Personnel Board of Jefferson County

Attested by:

Lorren Oliver

Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED

2011 JAN 18 P 3:44

PBJC
EMPLOYEE RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2009-1737: Birmingham Police Department vs. Dexter Cunningham

(Interoffice Mail)

Mayor William A. Bell
Birmingham City Hall
3rd Floor
Birmingham, Alabama 35203

(E-mail)

Attorney William M. Dawson
2229 Morris Avenue Suite A
Birmingham, Alabama 35203
Bill@awsonwallacelaw.com

(E-mail)

Attorney Jeff P. Gilliam
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Jeffrey.gilliam@ci.birmingham.al.us

(E-mail)

Ms. Eva Bray
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
Eva.Bray@ci.birmingham.al.us

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(E-mail & Certified Mail)

Mr. Dexter Cunningham
c/o William M. Dawson
2229 Morris Avenue Suite A
Birmingham, Alabama 35203
Hardog67@yahoo.com

(E-mail)

Chief A. C. Roper
Birmingham Police Department
1710 First Avenue North
Birmingham, Alabama 35203
acroper@ci.birmingham.al.us

(E-mail)

Ms. Peggy W. Polk
Birmingham Office of Personnel
8th Floor Birmingham City Hall
Birmingham, Alabama 35203
peggy.polk@ci.birmingham.al.us

(E-mail)

Ms. Wanda T. Hand
Birmingham Law Department
Room 600 Birmingham City Hall
Birmingham, Alabama 35203
Wanda.Hand@birminghamal.gov

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, P
2501 20th Place South Suite 300
Birmingham, Alabama 35223-5702
lnettles@lgwmlaw.com

Of Counsel

RECEIVED
2011 JAN 18 P 3:44
POLICE RELATIONS

IN THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

CITY OF BESSEMER)
MUNICIPAL COURT)

Complainant)

v.)

CYNTHIA LEWIS)

Respondent.)

CASE NO.: DA-2010-1795

RECEIVED
2011 JAN 19 P 1:30
P330
EMPLOYEE RELATIONS

ORDER


This matter comes before the Personnel Board of Jefferson County (hereinafter referred to as the "Board") on January 11, 2011 on the Hearing Officer's Findings of Fact and Law and Recommended Decision filed on December 17, 2010 to approve the decision to terminate Respondent Cynthia Lewis. Respondent Cynthia Lewis is charged with violating Personnel Board Rules 12.2(c) Conduct unbecoming a Classified Employee and Rule; 12.2(e) Disorderly or immoral conduct; 12.2(h) Insubordination; 12.2(j) Neglect of Duty; Rule 12.2 (g) Incompetence or inefficiency, and Rule 12.2(p) Good Cause.

After a review of the Hearing Officer's Findings of Fact and Law and Recommended Decision, audio-recording of the hearing, exhibits and based on consideration of all of the evidence presented, it is the opinion and decision of the Board that the termination rendered by the City of Bessemer Municipal Court be AFFIRMED.

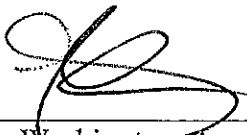
Accordingly, the Board ADOPTS the Hearing Officer's Findings of Fact and Recommended Decision which is attached hereto and marked as Exhibit A. In accordance with Rule 12.12, the Complainant, City of Bessemer Municipal Court, shall

provide written confirmation and compliance of this Order to the Personnel Board of Jefferson County, within ten (10) calendar days from the date of the Decision.

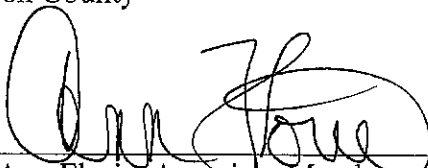
Done this the 18th day of January 2011.



L. Kenneth Moore, Chair
Personnel Board of Jefferson County

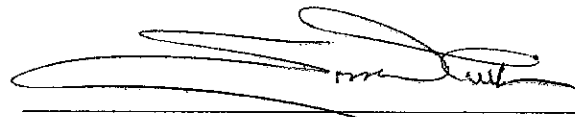


Lonnie Washington, Associate Member
Personnel Board of Jefferson County



Ann Florie, Associate Member
Personnel Board of Jefferson County

Attested by:



Lorren Oliver, Director
Personnel Board of Jefferson County

RECEIVED
2011 JAN 19 P 1:33
PERSONNEL
EMPLOYER RELATIONS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 18th day of January 2011.

DA-2010-1795: Bessemer Municipal Court vs. Cynthia Lewis

(E-mail)

The Honorable Roger A. Brown
1196 Bristol Way
Birmingham, Alabama 35242-5653
Brow8785@bellsouth.net

(Regular Mail)

Mayor Kenneth E. Gulley
Bessemer City Hall
1800 Third Avenue North
Bessemer, AL 35020

(E-mail)

Attorney Nicholas C. Laster
P. O. Box 610344
Birmingham, Alabama 35261-0344
famulaw@bellsouth.net

(E-mail)

Ms. Beverly Wheeler
Bessemer City Hall
1800 Third Avenue North
Bessemer, Alabama 35020
bwheeler@bessemeral.org

(E-mail)

Attorney Laura C. Nettles
Lloyd, Gray, Whitehead & Monroe, PC
2501 20th Place South Suite 300
Birmingham, Alabama 35223-1702
lnettles@lgwmlaw.com

(E-mail & Certified Mail)

Ms. Cynthia Lewis
913 Live Oak Circle
Fairfield, Alabama 35064
consultlewis@hotmail.com

(E-mail)

Attorney Ralph E. Coleman, Jr.
1813 ½ Third Avenue North
Bessemer, Alabama 35020
judgercoleman@gmail.com

(Regular)

Ms. CheRee Dudley
Chief Court Clerk
Bessemer Municipal Court
23 North 15th Street
Bessemer, Alabama 35020
Cdudley@bessemeral.org

(E-mail)

Mr. Roger McCullough
Personnel Board of Jefferson County
2121 8th Avenue North Suite 100
Birmingham, Alabama 35203
mcculloughr@pbjcal.org

(E-mail)

Attorney Robert S. Paden
Paden & Paden
5 Riverchase Ridge Suite 100
Birmingham, Alabama 35244-2893
spaden@padenlawyers.com

Of Counsel

RECEIVED
2011 JAN 19 P 1:33
EMPLOYEE RELATIONS

“EXHIBIT A”

RECEIVED

2011 JAN 19 P 1:33

EMPLOYEE RELATIONS

PERSONNEL BOARD OF JEFFERSON COUNTY

IN RE:

CITY OF BESSEMER, COMPLAINANT

Vs

CYNTHIA LEWIS, RESPONDENT

RECEIVED
2010 DEC 17 P 4: 57
EMPLOYEE RELATIONS
CASE NO. DA-2010-1795

REPORT AND RECOMMENDATION
OF HEARING OFFICER

RECEIVED
2011 JAN 19 P 1:30
EMPLOYEE RELATIONS

Respondent, Cynthia Lewis, was employed by the Complainant, City of Bessemer as a Court Clerk in December, 2008. Her employment was terminated effective August 17, 2010. She appeals to the PERSONNEL BOARD OF JEFFERSON COUNTY ("Board".)

Respondent was notified of contemplated disciplinary action on July 26, 2010. (Note that Complainant's Exhibit 1 ("CX 1") is dated July 19 and sets a hearing for July 26. Both parties agree that a second notice, identical in substance, was served on Respondent. It changed only the dates to July 26 and July 29 respectively.) The grounds for possible discipline were stated as:

1. Rule 12.2 (c) Conduct unbecoming a Classified Employee and Rule 12.2 (e) Disorderly or immoral conduct, to wit: On or about July 12, 2010 you cursed your immediate supervisor stating, "Fuck you!" (emphasis in original.) On July 14, 2010 you intentionally struck your immediate supervisor with your shoulder, and on or about June 14, 2010 you intentionally bumped the Chief Court Clerk in a forceful manner;

2. Rule 12.2 (h) Insubordination, to wit: On or about July 12, 2010 you refused to correct your Time-Off Request Form when told to do so by your supervisor. On July 13, 2010 you refused to participate in a disciplinary conference with the Chief Court Clerk. On April 28 and 29, 2010, you used an excessively loud tone and displayed an indignant attitude with the Chief Court Clerk during a correction conference.

3. Rule 12.2 (j) Neglect of Duty and Rule 12.2 (g) Incompetence or inefficiency, to wit: On or about May 3-21, 2010, you failed to complete a warrant verification assignment which led to the false arrest of a defendant, namely Traci Lee Johnson. On or about April 27, 2010 you failed to report to the Chief Court Clerk that the validity of Warrant # 09-3969 was in question, causing a state audit of all of the court's warrant files and those of the BPD Warrant Department.

4. Rule 12.2 (p) Good Cause, to wit: On or about July 12, 2010, you arrived at work over two (2) hours late; this was your third late arrival in less than two weeks. Additionally, you are habitually late to work and/or from lunch.

5. In addition to the specific rule violations enumerated above, evidence of your previous conduct, performance of assigned duties and responsibilities, and prior disciplinary actions will be used to determine the appropriate disciplinary action to be taken in this instance.

The notice of termination, Complainant's Exhibit 9 (CX 9) states, in pertinent part, that this action was taken after a "...determination hearing held on Thursday, July 29, 2010, regarding your violations of Rule 12.2 of the Personnel Board of Jefferson County Rules and Regulations enumerated in the Notice of Contemplated Disciplinary Action dated July 26, 2010...." It must be assumed from the language of the termination notice that the appointing authority concluded that Respondent had violated all of the provisions of Rule 12.2 listed in CX 1.

Complainant presented testimony of Ms. CheRee Dudley who has been the chief court clerk since February of 2007. She supervises ten employees including Respondent and Respondent's immediate supervisor, Ms. Angela Harris. Ms. Dudley related that problems with Respondent began in February of 2009. Respondent started arriving late for work. She explained that she was a single parent and had to see that her children got to where they needed to be which caused her tardiness. Presumably this involved school and extracurricular activities since Respondent was sometimes scheduled to work at night when court was held. Respondent also had a tax return preparation business which she worked

RECEIVED
 2010 DEC 14 4:57
 CLERK OF COURT
 JEFFERSON COUNTY
 MISSOURI

while off from the clerk's office. Ms. Dudley stated that Respondent was frequently on the phone with her tax clients during business hours. Additionally, according to Ms. Dudley, Respondent frequently used her computer to access the internet, mainly Facebook, when she should have been working. Ms. Dudley related that in April, 2010 a traffic stop by the Hoover Police Department resulted in the detention of someone on a Bessemer warrant which had been cleared. The Hearing Officer is left to surmise what this has to do with the charges against Respondent. Perhaps this was the incident complained of in charge 4 which caused a state audit. The Complainant's evidence was not clear on this point. In any event being subjected to a state audit is not, in the view of the Hearing Officer, a bad thing. To the contrary it should have been welcomed. Respondent also failed to show up for work as the 5:00 to 7:00 PM magistrate at some time which was not identified. There was no specific charge made for this claimed transgression. Ms. Dudley also described being pushed as Respondent "...charged through the door pushing me out of the way." She also related that the Respondent had cursed her, failed to complete her assigned warrant verification work, hit Ms. Harris with her shoulder and refused to correct a Tim-Off Request form. On that occasion Respondent was 2 hours and 23 minutes late arriving at work. Her form listed only 2 hours. She was instructed to amend it and refused, claiming that she was using her allotted 2 fifteen minute breaks to cover the other 23 minutes. She was told she couldn't do that. Admitted into evidence in addition to CX 1 and CX 9 were Exhibits 2 through 8, all dealing with prior discipline.

On cross-examination Respondent admitted into evidence Respondent's Exhibits 1 & 2 (hereinafter "RX".) They demonstrated that Respondent had been seen in the emergency room on June 14, 2010 and July 21, 2010. RX 3 was a letter to Ms. Dudley from Respondent dated June 16, 2010 complaining that Ms. Dudley had deliberately "bumped" Respondent. Respondent's attempts to discredit Ms. Dudley by reference to surrender of her license to practice law were not persuasive that her credibility was questionable.

Ms. Angela Harris has worked for the Bessemer Municipal Court since January of 2008. She testified that Respondent was late for work "everyday" and that she spent a lot of time on the internet. She also said she told Respondent on July 13, 2010 to change the aforementioned Time-Off Request form telling Respondent that she could not use her break time to compensate for the 23 minutes beyond the 2 hours. She also related being bumped by Respondent in the office on July 14, 2010.

Sergeant Jacqueline Pearson, a 17 year veteran of the Bessemer Police Department, testified about an occasion on February 13, 2010 when the 5:00 to 7:00 magistrate(Respondent) did not show up, causing the City to have to pay Sgt. Pearson needlessly.

RECEIVED
2010 DEC 1
EMPLOYEE RELATIONS
2011 JAN 19 P 1:33

On cross-examination Respondent established that during the December, 2009 through February, 2010 time period there were numerous instances of "no show" of the 5:00 to 7:00 magistrate. This tends to demonstrate that this was a fairly common practice and not restricted to Respondent. On Re-Direct Complainant introduced CE 10 to corroborate Sgt. Pearson's overtime for February 13, 2010.

Respondent testified to her background as Court Clerk describing her numerous duties. She acknowledged that she failed to appear on February 13, 2010, saying that she was out of town and had called someone (unidentified by choice of Respondent) to cover for her. She had a dead battery on July 12 which caused her 2 hour and 23 minute tardiness and agreeing that she refused to change the form because of her two 15 minute breaks. She claimed that Ms. Harris bumped her on July 14 and that on June 14 Ms. Dudley stood in the doorway "with her elbows out" and would not move. Physical contact occurred only because of that. She claimed that Ms. Dudley gave her far more warrant verification work than she gave the other employees so she couldn't complete it on time. She denied that Traci Lee Johnson was on her list. She also said she covered week-ends for Ms. Dudley 3 times a month. (Although this was not explained further the Hearing Officer assumes it refers to the 5:00 to 7:00 detail.) Respondent admitted directing the expletive at Ms. Dudley and acknowledged that she should not have. She said that she asked numerous time to meet with the City Clerk, Travis Brooks, on numerous occasions and introduce RX 4 & 5 to show two of those efforts. Mr. Brooks met with her once but ignored her further attempts. She also introduced RX 6 showing that she filed with the Board a grievance against Ms. Dudley on July 19, 2010. Notably this was the same date that the original CX 1 was served on her.

On cross-examination further exhibits were received in evidence: CX 11, 12, 13 & 14. Significantly CX 12 is a list of warrant verification work, receipt of which was acknowledged in writing by Respondent on "5/13/10." It lists the name of Traci Johnson. Respondent's defense to that was that because she had not been able to finish this work Ms. Dudley had removed it and given it to someone else.

That concluded the evidence.

Before addressing the charges and findings the Hearing Office wishes to make known to the Board what the Hearing Officer sees as a deficiency in the employee supervision process. When the dispute about Respondent attempting to use her break times to cover the 23 minute portion of her July 12 tardiness Ms. Dudley confirmed what Ms. Harris had told Respondent that she couldn't do that. The Hearing Officer asked if that was addressed in an employee handbook or procedures manual or other document. Ms. Dudley replied that "Bessemer doesn't do that." At least one of these problems would have been avoided if Bessemer did "do that."

FINDINGS

As to charge 1: Clearly Respondent hurled the identified expletive. Such conduct, regardless of the frustrations and/or reasons, cannot be tolerated in our system. The two physical contact complaints are disputed. The Complainant's evidence is more persuasive and the Hearing Officer finds that charge 1 is sustained.

As to charge 2: Refusal to correct the Time-Off Request Form is not sustained. Other than a contemporaneous "you can't do that" Complainant has offered no evidence that this policy was in effect, nor that the Respondent knew it if in fact it was in effect. The other two items in charge 2 are not sustained. The July 13 incident for the same reason as stated in the previous sentence. The evidence about the April 28 & 29 claim is at best not persuasive and virtually non-existent.

RECEIVED
2011 JAN 19 P 1:34
EMPLOYEE RELATIONS

As to charge 3: It is clear from the evidence, even though it is partially disputed by Respondent, that Respondent did fail to complete the warrant verification assignment resulting in the detention of an innocent citizen. Thus this charge is sustained. The audit was addressed previously and if Respondent "caused it" it is not seen as any violation.

As to charge 4: The testimony of Ms. Harris amply demonstrates that this is true. The Respondent herself offered no credible evidence to refute it. This charge is sustained.

RECEIVED
2011 FEB 17 P 4:58
EMPLOYEE RELATIONS

RECOMMENDATION

Respondent it seems is not readily susceptible to supervision. It also appears that the more she exhibited her reluctance to being supervised and corrected a conflict between her and Ms. Dudley festered. Some of Respondent's conduct is likely attributable to this conflict.

Unfortunate though it is that Mr. Brooks declined to intervene Respondent is an adult, an employee subject to supervision and required to perform her work in a timely and professional manner. The sustained charges are compelling evidence that she is unwilling to handle her job as she should. It is the recommendation that the termination decision rendered by the appointing authority was appropriate and should be upheld.

Respectfully submitted this 17th day of December, 2010

/S/ Roger A. Brown

Hearing Officer

RECEIVED

2010 DEC 17 P 14:58

EMPLOYEE RELATIONS

RECEIVED

2011 JAN 19 P 1:34

EMPLOYEE RELATIONS



THE MERIT SYSTEM

Personnel Board of Jefferson County

BOARD ITEM –ADVANCED STEP REQUEST FOR INFORMATIONAL PURPOSES

**DATE OF
REQUEST:** January 11, 2011

SUMMARY

Pursuant to Rule 8.2 (b) of the Rules and Regulations, appointing authorities may, at their discretion, appoint an employee up to Step four of an assigned salary range. Appointing an employee to a step higher than Step 4 requires review and approval by the Board. Determinative factors include: (1) Whether there is a lack of available candidates for recruitment at Step 4; (2) Whether a former, satisfactory employee is being reemployed into a classification formerly held; (3) Whether the position to be filled is that of a Department Head, Deputy Department Head, or other high-level professional or administrative employee, and/or (4) Whether the employee possesses education, experience, and/or other qualifications that justify placement above Step 4.

DISPOSITION OF REQUESTS

Williams, David. Fire Chief II. City of Hueytown requests to appoint at a Grade 31, Step 7. Candidate has 33 years of creditable experience. Approval recommended.

Raising the Standard Since 1935

Serving Jefferson County-Jefferson County Department of Health-Jefferson County Emergency Management Agency
The Cities of Bessemer-Birmingham-Centerpoint-Fairfield-Fultondale-Gardendale-Grynsville-Homewood-Hueytown-Irondale-Leeds
Midfield-Mountain Brook-Pleasant Grove-Tarrant-Trussville-Vestavia Hills-Warrior

2121 8th Avenue North, Suite 100, Birmingham, Alabama 35203-2387, Tel 205-279-3500, Fax 205-279-3501, Internet <http://www.Personnel Boardal.org>

**PERSONNEL BOARD
DECEMBER BI-MONTHLY
EXPENDITURE REPORT**

PERSONNEL BOARD OF JEFFERSON COUNTY
 BI-WEEKLY EXPENDITURE REPORT FOR THE CHAIRMAN OF THE BOARD
 DECEMBER 6, 2010 THROUGH DECEMBER 31, 2010

| VENDOR | BRIEF DESCRIPTION | AMOUNT OF INVOICE | WEEK SUBMITTED FOR PAYMENT |
|--|---|-------------------|----------------------------|
| 1 Freedom Reporting | Transcription Services - City of Birmingham Police Department vs. J. Hoole (DA-2009-1742) | 970.00 | December 10, 2010 |
| 2 Assessor Reimbursement Requests | Fifteen assessor reimbursement requests for November 2010 Graduate Assessment | 2,053.27 | December 10, 2010 |
| 3 Assessor Reimbursement Requests | Six assessor reimbursement requests for November 2010 Fire Battalion Chief Assessment | 1,547.34 | December 10, 2010 |
| 4 Lamar | Monthly billboard advertising and storage fee of four vinyls - December 2010 | 3,578.00 | December 10, 2010 |
| 5 The Birmingham News | CSC meeting notice advertised in newspaper - November 2010 | 173.25 | December 10, 2010 |
| 6 Lawson | Annual maintenance and support of the Board's automated employee records management system - Fiscal Year 2011 | 95,511.17 | December 17, 2010 |
| 7 AON | Monthly online legal subscription for legal research - November 2010 | 4,312.00 | December 17, 2010 |
| 8 Thomson West | Protective Services Profile scoring and reporting (Police Recruit Candidate Testing) for September & October 2010 | 555.12 | December 17, 2010 |
| 9 CSC Members | Legislative allowance for four members' attendance of Annual Meeting on November 16, 2010 | 40.00 | December 17, 2010 |
| 10 CSC Members | Legislative allowance for nine members' attendance of Special Call Meeting on December 7, 2010 | 90.00 | December 17, 2010 |
| 11 Adventure Travel | Airfare accommodations for the Board's volunteer Testing assessors - November 15 through November 21, 2010 | 510.80 | December 17, 2010 |
| 12 Thomson West | Subscription updates (Code of Alabama of 1975) November 2010 pamphlet | 13.50 | December 17, 2010 |
| 13 The Birmingham Times | Newspaper advertising of Merit System positions (Attorney/Chief Accountant) - December 2010 | 63.84 | December 17, 2010 |
| 14 Staples | Executive chair for new Testing Manager | 319.99 | December 17, 2010 |
| 15 Josh Gilliam | Attendance at professional lunch meeting (ASTD monthly meeting) on July 26th, August 23rd, October 25th & December 13th to discuss strategies | 60.00 | December 17, 2010 |
| 16 The Tutwiler Hotel | Hotel accommodations for volunteer Testing Assessors - December 5, 2010 through December 9, 2010 | 2,443.68 | December 17, 2010 |
| 17 Lloyd, Gray, Whitehead & Monroe, PC | General legal services for the Board - November 2010 | 4,451.26 | December 17, 2010 |
| 18 Zoe's Kitchen | Lunch/snack provided to sixteen volunteer Testing assessors for the November Graduate Assessment - November 19, 2010 | 238.43 | December 17, 2010 |
| 19 Steak Out | Lunch provided to sixteen volunteer Testing assessors for the November Graduate Assessment - November 20, 2010 | 196.15 | December 17, 2010 |
| 20 Steak Out | Breakfast/snack provided to four volunteer Testing assessors for the November Police Chief Development Assessment - November 10, 2010 | 34.44 | December 17, 2010 |
| 21 Steak Out | Lunch provided to six volunteer Testing assessors for the November Fire Battalion Chief Assessment - November 16, 2010 | 75.41 | December 17, 2010 |
| 22 Pete Blank | Mileage reimbursement for Board's Training Advisor for delivery of training plaques to graduates - December 2010 | 14.58 | December 17, 2010 |
| 23 Federal Express | Shipment of testing materials to scoring vendor - December 6, 2010 | 15.41 | December 17, 2010 |
| 24 Assessor Reimbursement Requests | Six assessor reimbursement requests for November 2010 Graduate Assessment and December 2010 Police Chief Assessment | 1,456.43 | December 17, 2010 |
| 25 Adventure Travel | Airfare accommodations for the Board's volunteer Testing assessors - December 6, 2010 through December 12, 2010 | 3,315.40 | December 17, 2010 |
| 26 Affiliated Computer Services | Lawson Hosting services for October & November 2010 | 33,220.00 | December 31, 2010 |
| 27 Affiliated Computer Services | Lawson Hosting services for December 2010 | 16,610.00 | December 31, 2010 |
| 28 High Ground Solutions | Annual maintenance and support of the Board's Interactive Voice Response System (IVR) - Fiscal Year 2011 | 2,495.00 | December 31, 2010 |
| 29 Adventure Travel | Airfare accommodations for the Board's volunteer Testing assessors - December 13, 2010 through December 19, 2010 | 1,956.60 | December 31, 2010 |
| 30 Software House International | Publisher Software for the Training Department | 21.41 | December 31, 2010 |
| 31 Federal Express | Shipment of testing materials to scoring vendor - December 16, 2010 | 15.46 | December 31, 2010 |
| 32 Willis of Alabama, Inc. | Renewal of the Board's Public Employment & Liability Insurance - Fiscal Year 2011 | 28,066.00 | December 31, 2010 |
| 33 Tamara R. Brown | Tuition reimbursement for Board employee (International Business class and Marketing Management) | 1,200.00 | December 31, 2010 |
| 34 Michael A. Anderson | Hearing officer expenses related to City of Birmingham Department of Public Works vs. D. Square - November 2010 | 750.00 | December 31, 2010 |
| 35 Implementation Services Group, Inc. | Lawson Software Consulting for September 2010 | 1,305.00 | December 31, 2010 |
| 36 Wall Street Deli | Breakfast provided to six volunteer Testing assessors for the December 2010 Police Chief Assessment - December 9, 2010 | 16.45 | December 31, 2010 |
| 37 Wall Street Deli | Breakfast/snack provided to six volunteer Testing assessors for the December 2010 Police Chief Assessment - December 8, 2010 | 56.82 | December 31, 2010 |
| 38 Wall Street Deli | Breakfast provided to six volunteer Testing assessors for the December 2010 Police Chief Assessment - December 6, 2010 | 26.35 | December 31, 2010 |
| 39 Wall Street Deli | Breakfast provided to six volunteer Testing assessors for the December 2010 Police Chief Assessment - December 7, 2010 | 26.35 | December 31, 2010 |
| 40 Wall Street Deli | Lunch provided to six volunteer Testing assessors for the December 2010 Police Chief Assessment - December 9, 2010 | 47.84 | December 31, 2010 |
| 41 Wall Street Deli | Lunch/snack provided to six volunteer Testing assessors for the December 2010 Police Chief Assessment - December 7, 2010 | 76.78 | December 31, 2010 |
| | TOTAL | 207,929.33 | |

1/18/11
Date

1-3-11
Date

Kenneth L. Moore
 Kenneth L. Moore, Chairperson
 Personnel Board of Jefferson County

Lorren Oliver
 Lorren Oliver, Director
 Personnel Board of Jefferson County