



THE MERIT SYSTEM

Personnel Board of Jefferson County

MINUTES OF THE MEETING OF THE PERSONNEL BOARD OF JEFFERSON COUNTY

October 17, 2006

The Personnel Board of Jefferson County met on Tuesday October 17, 2006. Present at the meeting were Dr. Lita Clark, Chair; Ken Moore, Associate Member; Rev. Tommy Hagler, Associate Member; Lorren Oliver, Personnel Director; LaVette Lyas, PBJC General Counsel; Ken Simon (Christian & Small); Joi Scott (Christian & Small). Also in attendance were: Roger McCullough, PBJC Manager, HR Information & Technology Services; Guy Dewees, PBJC Manager, Workforce Development and Applicant Services; Ayla Russell, PBJC Data Management Specialist, Dr. William Sauser, Monitor and Barnett Wright (Birmingham News).

The Chair called the meeting to order at 1:10PM.

ACTION ITEMS

1. Board members reviewed and accepted the proposed agenda.
(Motion made-Hagler, Seconded-Moore)
2. The Board reviewed and approved the minutes for their meetings held on:
September 27, 2006. (Motion made-Hagler, Seconded-Moore)
September 28, 2006 (Motion made-Hagler, Seconded-Moore)
October 3, 2006. (Motion made-Hagler, Seconded-Moore)
October 10, 2006 (Motion made-Hagler, Seconded-Moore)
October 11, 2006 (Motion made-Hagler, Seconded-Moore)

The Board tabled the approval of the minutes from October 2, 2006, until the next scheduled business meeting. NOTE: The Administrative Hearing with the Health Department was postponed on a notice dated Sept. 28, 2006. The Administrative Hearing replaced the General meeting that was set for this date and was posted on September 21, 2006. There should not be any minutes for this date.

3. The Board approved a recommendation for a contract between Waldrep Stewart & Kendrick, LLC and the Jefferson County Sheriff Department in the amount of \$500,000.00. Contractor to provide legal services to the Office of the Sheriff as needed. The Sheriff is a constitutional and elected officer of the State of Alabama. As such, the interests of the Sheriff and the County Commission might differ from time to time. An attorney employed

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through the Merit System could be placed in a position to represent the Sheriff against the County Commission. Such a situation could jeopardize the employee's employment interest and/or affect the quality of representation since such attorney would be an employee of the jurisdiction of Jefferson County. Consequently, appointment by contract appears to be prudent in this case. (Motion made-Moore, Seconded-Hagler)

4. The Board approved a recommendation for a conditional contract between Kay Harrington and The Jefferson County Commission in the amount of \$20,000.00. Contractor to provide legal secretarial services on an "as needed" basis, approximately 700 hours annually. The Personnel Board will review utilization of contractor's services prior to renewal to assure that services are not being used to replace a regular merit system employee. (Motion made-Moore, Seconded-Hagler)
5. The Board approved a recommendation for a contract between the University of Alabama at Birmingham and The Jefferson County Commission in the amount of \$815,899.92. Contractor to provide coroner/medical examiner services to Jefferson County. Jefferson County is required to provide such services pursuant to Act No. 79-4554 of the Alabama Legislature of 1979. The University of Alabama has physicians and faculty qualified to provide the required service 24/7. Consequently, it appears that these services cannot be performed as well, practically, expeditiously, or economically by persons appointed or appointable under the Enabling Act as by contract. (Motion made-Hagler, Seconded-Moore)
6. The Board approved a recommendation for a six month contract extension between CARE Professionals, Inc. and the Jefferson County Commission (Cooper Green Hospital) in the amount of \$186,200.00. CARE Professionals, Inc. provides credit and collection services to Cooper Green Hospital (CGH). The original contract was executed without Board approval effective March 17, 2003 for a maximum of three years. CGH requested and the Board approved an extension for 90 days to allow this contract to be re-bid. This extension ended on September 30, 2006. Prior to March 17, 2003, CGH used Accounting Assistants in their Credit and Collections Department. Since outsourcing the function the County represents that their credit and collection-related expenses have decreased 36% from \$726,167 to \$412,737 while collections in excess of department costs have increased 113% from \$417,906 to \$891,267. This financial information was supplied to the Board by CGH in justification for contract renewal. Based on this information, the Board agreed that the CGH credit and collections activity could more economically be performed by a professional collections agency, such as CARE Professionals, Inc. Negotiations with perspective companies is ongoing, but a selection has not been made; consequently, Cooper Green is now asking for another extension until a vendor is selected. (Motion made-Moore, Seconded-Hagler)
7. The Board approved a recommendation for a contract between Jefferson Management, LLC & Engineering Services Associates, Inc. and the Jefferson County Commission in the amount of \$508,133.00. Contractor will provide conversion, storage, and retrieval services as part of development of the County's Sewer Infrastructure Management System. Specifically, contractor will convert video tapes to a digital format. The County does not presently have the computer hardware required for this conversion. This is phase 4 of a 4 phase project and is approximately 85% complete. The Board was not party to the original contract. (Motion made-Moore, Seconded-Hagler)

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8. The Board approved a recommendation for a contractual agreement between the PBJC and Technical Innovations in the amount of \$32,107.00 to provide service maintenance of the Board's audio-visual systems in the first floor lobby and the second floor testing and hearing room areas. (Motion made-Moore, Seconded-Hagler)
9. The Board approved a recommendation for agreements between the PBJC and the following three workshop facilitators with experience in training leaders and organizations to establish effective partnerships for serving a diverse community:
 - a. The National Conference for Community Justice (NCCJ) - \$250.00 honorarium for 2 NCCJ employees including class development, preparation and presentation. Title of the class is building Effective Community Partnerships: How Do We See Each Other. Presenters are Cathy Corley and Tonjala Eaton.
 - b. Hernan Prado - \$250.00 honorarium for presenting the topic, Understanding Your Immigrant Neighbors, including developing the training materials and providing an original of the training materials for reproduction in participant binders.
 - c. Diane English - \$250 honorarium for training onsite in Birmingham, AL, developing the training materials and providing an original of training materials to PBJC for reproduction in participant binders. (Motion made-Moore, Seconded-Hagler)
10. Jefferson County Health Department Reduction in Force- LaVette Lyas, PBJC General Counsel reported to the Board that supplemental information had been received from the Health Department. Included in the information were seniority calculations dated September 29, 2006, that the Health Department had provided to affected employees. Ms. Lyas indicated that no appeals had been received from RIF employees at PBJC and she was uncertain how RIF employees were served with the notices. Board members requested that Ms. Lyas confirm that the appeal time has been exhausted for the RIF employees. Ayla Russell, PBJC Data Management Specialist presented a general overview of the computations used to determine seniority calculations for Merit employees according to class and department. Ms. Russell stated that she had found several discrepancies in the seniority information provided by the Health Department that were inconsistent with her data. Ms. Russell expressed that some of the errors existed because the Health Department does not have access to seniority information for its employees based on class since these records are maintained solely at PBJC. Ken Simon, Esq. reported that the resolution regarding the Health Department RIF was drafted and the proposed agreement with the Health Department was not yet complete. The Board tabled these matters for consideration at the next scheduled meeting. (Motion made-Moore, Seconded-Hagler) Mr. Simon also stated that he had been contacted by David Maxey, attorney for the Health Department to schedule a possible meeting between Health Department Board members and PBJC Board members and staff about the reduction in force.
11. The Board tabled the case of the City of Birmingham Fire and Rescue v. Nathan Holmes (DA-2004-1512), to their next scheduled business meeting. (Motion made-Moore, Seconded-Hagler)
12. The Board tabled the case of City of Fairfield v. Betty Gamble (DA 2005-1525) to their next scheduled business meeting. (Motion made-Moore, Seconded-Hagler)
13. In the matter of Michael Jackson vs. City of Homewood Police Department, (GR-05-11122), the Board signed an order which adopted the Hearing officer's Report and Recommendation. (Motion made-Moore, Seconded-Hagler)

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14. In the matter of Jefferson County Sheriff's Department v. Larry Williams, (Administrative Leave without Pay Appeal, 0004) the Board moved the item to the action agenda. (Motion made-Moore, Seconded-Hagler) The Board signed an order which granted Mr. Williams Motion to Reinstate the Proceedings. (Motion made-Moore, Seconded-Hagler)

INFORMATION and DISCUSSION ITEMS

A. **Recruiting and Marketing Strategy**

Guy Dewees, PBJC Manager, Workforce Development and Applicant Services made a brief presentation of the 2006-2007 Recruiting and Marketing Strategy to Board members.

B. **Hearing Officer Roster**

LaVette Lyas, PBJC General Counsel presented Board members with the current roster of Hearing officers for their annual review.

C. **Disciplinary Guidelines**

LaVette Lyas, PBJC General Counsel requested that Board members review and approve the Disciplinary Guidelines that had been presented at a prior meeting.

D. **Correspondence items received for Board members**

The Board received correspondence items addressed to them since the time of their last business meeting.

E. **Advance Steps**

The Board received notification of all Advance Steps approved since the time of their last business meeting.

- F. Danielle Sanders- The Board members heard from Ms. Sanders regarding her request to be placed on the agenda. Ms. Sanders expressed her concerns about her termination from employment as a Public Safety Dispatcher with the City of Birmingham on May 27, 2005. Personnel Director Lorren Oliver acknowledged that Ms. Sanders had previously submitted information to Board staff regarding her situation to which he had responded in a letter dated March 14, 2006. However, there is no record that Ms. Sanders had filed a timely appeal of her termination within the ten days after receipt of notice as required under Personnel Board Rules and Regulations. Dr. Clark indicated that the Personnel Board was unable to assist Ms. Sanders further because her appeal was untimely. Ken Simon, Esq. stated that Ms. Sanders should consult with a private attorney regarding any claims that she wished to pursue about her former employment with the City of Birmingham.

- G. The Board received notice of a Resolution No. 3740 from the City of Hueytown granting a two percent (2%) pay increase to all eligible employees of the City of Hueytown effective October 10, 2006.

- H. The Board received notice of a Resolution No. 2006-99 from the City of Gardendale granting a three percent (3%) pay increase for all eligible employees of the City of Gardendale effective October 1, 2006.

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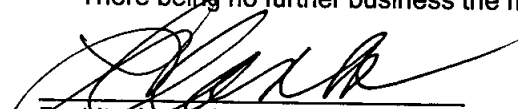
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- I. The Board received notice of a Resolution from the Jefferson County Commission granting a three percent (3%) salary adjustment increase to all eligible employees effective October 14, 2006.
- J. The Board received notice of a Resolution No. 06-119 from the City of Mountain Brook granting a three percent (3%) across the board salary increase effective October 3, 2006.
- K. Board members indicated availability for Closing Arguments on the following dates and times:
 - November 16, 2006 at 11:00AM
 - November 17, 2006 at 1:00PM
 - November 20, 2006 at 3:00PM

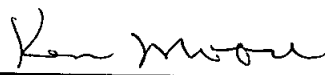
General Meetings of the Board will be scheduled for the following dates:
 November 13, 2006 at 3:00PM
 November 28, 2006 at 1:00PM

After a request from Ken Simon, Esq., the Board agreed to meet on November 8, 2006 at 1:00PM to consider the cost allocation with Appointing Authorities. Mr. Simon also notified the Board that some members of the State Legislature had requested to meet with the Board during the week of October 30, 2006 to discuss the Citizens Supervisory Commission. Mr. Simon said that Judge Gaines and Counsel for the Mayor's Association should also attend the proposed meeting. The Board stated that it would move the General Meeting to October 30, 2006 in the event that the meeting needed to occur on Oct. 31, 2006.

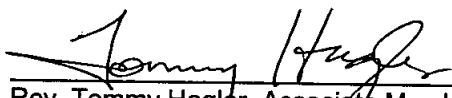
There being no further business the meeting adjourned at 3:10PM.



 Dr. Lita A. Clark, Chairwoman
 Personnel Board of Jefferson County



 Ken Moore, Associate Member
 Personnel Board of Jefferson County



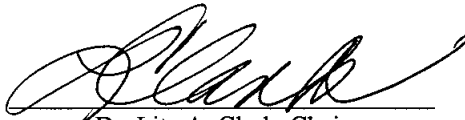
 Rev. Tommy Hagler, Associate Member
 Personnel Board of Jefferson County

Attested By:

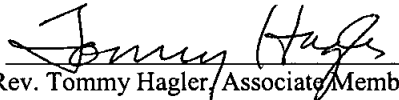
**MINUTES OF THE MEETING OF THE
PERSONNEL BOARD OF JEFFERSON COUNTY
OCTOBER 23, 2006**

The Personnel Board of Jefferson County met on October 23, 2006. Present for the meeting were Dr. Lita A. Clark, Chair; Rev. Tommy Hagler, Associate Member; and L. Kenneth Moore, Associate Member.

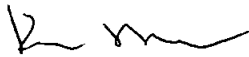
The Board convened on this date to review the audio recording of the August 25, 2006 hearing in *Ronnie Edwards vs. City of Birmingham Fire & Rescue Service*. Following their review of the evidence, on motion by Rev. Hagler (seconded by Judge Moore), the Board went into executive session to deliberate their decision. The Board will issue a written decision at a later time.



Dr. Lita A. Clark, Chair
Personnel Board of Jefferson County



Rev. Tommy Hagler, Associate Member
Personnel Board of Jefferson County



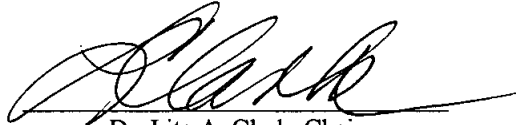
L. Kenneth Moore, Associate Member
Personnel Board of Jefferson County

Attested By:

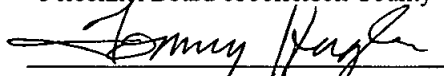

**MINUTES OF THE MEETING OF THE
PERSONNEL BOARD OF JEFFERSON COUNTY
OCTOBER 24, 2006**

The Personnel Board of Jefferson County met on October 24, 2006. Present for the meeting were Dr. Lita A. Clark, Chair; Rev. Tommy Hagler, Associate Member; and L. Kenneth Moore, Associate Member.

The Board conducted a hearing concerning the Settlement Agreement in *Jefferson Rehabilitation & Health Center vs. Debra T. Dilliard*. Present for the hearing were: Debra T. Dilliard, Complainant (pro se); Charles Wagner, attorney for Jefferson County; Kenneth O. Simon, attorney for the Personnel Board of Jefferson County; and Randall Fields, Personnel Board Employee Relations. The parties presented their positions concerning the appropriateness of the Settlement Agreement. Following the presentations, and upon Rev. Hagler's motion (seconded by Judge Moore), the Board adjourned the meeting.



Dr. Lita A. Clark, Chair
Personnel Board of Jefferson County


Rev. Tommy Hagler, Associate Member
Personnel Board of Jefferson County
L. Kenneth Moore, Associate Member
Personnel Board of Jefferson County

Attested By:
