

Personnel Board of Jefferson County

The Foundation of Your Merit System Career

MINUTES OF MEETING OF THE PERSONNEL BOARD OF JEFFERSON COUNTY September 13, 2016

The Personnel Board of Jefferson County met on Tuesday, September 13, 2016. Present at the meeting were L. Kenneth Moore, Chairman; Ann Florie, Associate Member; and Lonnie Washington, Associate Member. Present from the Personnel Board were Lorren Oliver, Personnel Director; Jeff Crenshaw, Deputy Personnel Director; Guy Dewees, Applicant Services; Brian Bellenger, Employment Testing; Kim Kinder, Employee Services; Cynthia Holiness, Business Office; Robert Groce, Information Services; Pete Blank, Training and Development; Leslie Coyne, Counsel for the Personnel Board; and Personnel Board staff.

I. OPENING REMARKS BY L. KENNETH MOORE, CHAIR

Chairman L. Kenneth Moore called the meeting to order and announced that the regular meeting would be preceded by a public hearing on proposed rule changes. The Chairman then turned the proceeding over to the Deputy Director, Jeff Crenshaw. Dr. Crenshaw invited individuals to address the Board with comments regarding the proposed changes. Following comments, the Board adopted the proposed changes to Personnel Board Rules 1.3; 10.3 and 10.4.

After adjournment of the public hearing, the general meeting was called to order. Departmental updates were waived, with the exception of the report from the Personnel Director, Lorren Oliver.

II. OPERATIONAL UPDATES

Personnel Director – Mr. Oliver reported that in August 2016, the Personnel Board conducted ongoing recruitment for thirty-seven (37) Merit System job classes and received one thousand twenty (1,020) applications. The Board placed two thousand two hundred seventy-seven (2,277) individuals on registers. The Board released twenty-four (24) new registers with a total of two thousand two hundred seventeen (2,217) qualified individuals for employment consideration within the jurisdictions. Another sixty (60) qualified applicants were placed on ten (10) registers for difficult to recruit for job classes. Registers released in August 2016 included Deputy Coroner, Clinical Nurse Practitioner, Court Clerk and Medical Clerk. The Board received one hundred two

(102) new requests to fill a total of one hundred eighty-six (186) vacancies in the Merit System. Ninety-seven (97) of these requests (95%) were processed immediately, and the remaining five (5) requests (5%) were sent to Employment Testing and are at varied stages of the register development process. One hundred twenty-three (123) certifications were issued in August 2016 to provide qualified personnel to fill vacancies in sixty-five (65) Merit System job classes.

In August 2016, the business systems function processed one thousand, four hundred forty-three (1,443) personnel actions (e.g., Hires, Promotions, Separations, Transfers, Merit Increases, and Premiums). Year-to-date five thousand six hundred ninety-three (5,693) personnel actions have been processed. The Board processed seventeen thousand four hundred fourteen (17,414) payroll records in August 2016, bringing the year-to-date total to one hundred two thousand three hundred seventy-seven (102,377). The Board also conducts audits of payroll records, and in August 2016, audited two thousand nine hundred ninety-seven (2,997) individual payroll records. Year to date, twenty-three thousand eight hundred forty-two (23,842) payroll records have been audited.

In August 2016, the Personnel Board delivered training to four hundred sixty-nine (469) Merit System employees in a variety of courses ranging from business software to supervisory skills. So far this year, three thousand one hundred seventy-nine (3,179) employees have attended training at the Board.

III. ACTION ITEMS

In one vote, the Board approved items **a-c** and **e-h**. (Motion made by L. Washington and Seconded by A. Florie)

- a) The Board approved the minutes for the meeting held on August 16, 2016.
- b) The Board approved Personnel Board Policy No. 6.4 – Vacation and Sick Leave Usage. Regular, predictable attendance is a key element to ensuring appropriate staffing levels for the completion of work and supporting the Personnel Board’s customers. This policy intends to promote effective organizational performance through appropriate management of employee leave accrual and usage.
- c) The Board approved Personnel Board Policy No. 12.1 – Progressive Discipline. The Personnel Board aspires to high standards of performance and behavior by its employees. The purpose of this progressive discipline policy is to address the remedy of situations

where an employee demonstrates unacceptable conduct and/or performance.

- d) The Board approved a request from the Jefferson County Health Department to create a new job class of Health Services Manager. The purpose of this new class is to develop and implement policies, procedures, and operating standards that ensure the proper and efficient operation and management of multiple clinics providing specialized clinical services and Disease Control Programs including matters pertaining to staffing, personnel management, fiscal management, patient scheduling, and patient relations. Market data for a Health Services Manager suggests an average rate of pay of \$90,208. The new class, Job Code 7630, Health Services Manager, was approved with a pay grade of G-32 and a salary range for Jefferson County Department of Health of \$70,532 - \$109,449. (Motion made by L. Washington and Seconded by A. Florie)
- e) The Board approved an amendment to the contract between the Personnel Board of Jefferson County and Siena Consulting. This contract results from Jefferson County's request for Bid No. 66-15. The contract is amended to increase the maximum compensation from \$25,000 to \$28,000 for fiscal year 2016. All other terms and conditions of the original contract remain the same.
- f) The Board approved the contract between the Personnel Board of Jefferson County and International Concepts to perform carpet and upholstery cleaning services. The contractual agreement results from the Jefferson County's Invitation to Bid No. 79-16R, dated June 29, 2016, as it relates to the Code of Alabama 1975 Article 2 – State Bid Law. The lowest response from a bidder was \$.090 per square foot. The services are for carpet cleaning on the first, second, ninth and tenth floors. It also includes upholstery cleaning of the new sofas and chairs in The Spark Learning Center on the tenth floor of the 2121 building. The areas to be cleaned under this contract have not been cleaned in many years and are areas that receive heavy visitation from customers, candidates for employment in the Merit System, and other members of the general public. The contract is effective upon execution and the completion date of all cleaning services under this contract is thirty-six (36) months from the effective date.
- g) The Board approved the contract for the Personnel Board of Jefferson County to rent space in the Alabama Sports Hall of Fame at the rate of \$250 for the activities related to the

Personnel Board's scheduled in-service day. On October 10, 2016, the Personnel Board has scheduled its annual in-service day. This event is held annually on Columbus Day. The morning session for this year's in-service day, which will include a guest speaker and various team-building activities, is scheduled at the Alabama Sports Hall of Fame. The rental cost for the room in this facility is \$250 and includes admission for all staff, room setup and breakdown, and use of the room for a half day.

- h) The Board approved the renewal of a contract between the Personnel Board of Jefferson County and IBM for technical support of SPSS. SPSS is a statistical software package that is used frequently by the Employment Testing Department to conduct various statistical analyses. These analyses include test score calculations, questionnaire/survey analyses, adverse impact calculations, significance testing of group differences, item analyses, reliability and interrater agreement analyses, and analyses to support test development (e.g., factor analysis). Without this software the PBJC would be unable to create tests according to accepted professional and legal standards. The existing technical support will expire on September 30, 2016. The SPSS maintenance agreement cost is \$15,174.52 for the period October 1, 2016 through September 30, 2017. There is a \$3,499.56 increase from the previous year due to the purchase of additional SPSS Advance Statistics User Licenses.

IV. JURISDICTION CONTRACTS

- a) The Board conditionally approved a proposed contract between the City of Birmingham (Public Works) and contractor TBD to provide Dumpster Pickup. The vendor will provide dumpster waste collection services using Front Loading Garbage Trucks at several facilities owned by the City of Birmingham. Additionally, the vendor will provide various sized waste receptacles at each of these facilities. The contract term is one (1) year from execution at a cost of \$32,000.00, with the option of month-to-month extensions of up to twenty-four (24) months. (Motion made by L. Washington and Seconded by A. Florie)
- b) The Board approved a contract between the City of Birmingham (Public Works) and Volkert, Inc. Volkert will prepare an engineering report that identifies the causes of the City of Birmingham's noncompliance with the Alabama Department of Environmental Management's (ADEM) regulations at the Eastern Area Landfill and will summarize the

- changes necessary for the City to achieve and maintain compliance with its ADEM Municipal Solid Waste Permit. Volkert will also assist with preparation of a Request for Proposal to secure a contractor to implement the recommended changes and provide project management services during construction. This contract was previously submitted to the Board as an amendment to an existing contract at the June 14, 2016 meeting, at which time the Board requested a new contract rather than an Amendment (see attached email). The contract term is eighteen (18) months from execution at a cost of \$68,800. Approval was based on the specialized knowledge required to perform the services and the temporary nature of the work. (Motion made by L. Washington and Seconded by A. Florie)
- c) The Board approved a contract between the City of Birmingham (Planning, Engineering, and Permits) and the United States Geological Survey (USGS) for stream gauge monitoring. USGS is the Nation's largest water, earth, and biological science and civilian mapping agency. USGS will continue to provide the City with continuous stream flow, water quality monitoring, maintenance and rainfall gaging systems on Village Creek. This contract also allows for the required maintenance of the gauging systems by the USGS. The City desires for USGS to continue to operate and maintain the existing stream gaging stations, as well as two newly added stations through FY2017. These stations will assist with the water quality and quantity monitoring efforts related to storm events. The total contract amount is \$114,450.00 and under the Joint Funding Agreement, the City will pay \$93,272 and USGS will pay \$21,178. A one-year contract with USGS for the same services was approved by the Board in 2014 (see attached). The contract was approved based on: the required specialization and scientific knowledge of the services provided; the fact that the services are customarily performed by contractors; and the fact that the equipment is owned and operated by USGS. (Motion made by A. Florie and Seconded by L. Washington)
- d) **THIS ITEM WAS WITHDRAWN** - A contract between the City of Birmingham (Planning, Engineering, Permits) and the United States Geological Survey (USGS). This contract involved the construction, installation, and instrumentation of two new stream gaging stations at Valley Creek.
- e) The Board approved a contract between the City of Birmingham (Fire and Rescue Service)

and EMS Management and Consulting, Inc. EMS will provide billing, bill processing and fee collection services for the Birmingham Fire transport services. These services include preparing claims and bills, performing collection efforts, issuing statements and referring past due accounts to a collection agency. EMS will also provide quality assurance, compliance, audit and legal requirements pursuant to the new Medicare/Medicaid regulations that become effective October 1, 2016. The City has estimated that to perform the work in-house would cost at least \$709,020/year in salary and benefits. The contract cost is \$297,000/year (estimated based on 4.95% of collections) and the term is three (3) years. Based on the fact that it is more cost effective to contract the services and the fact that the work is generally contracted, the contract was approved. (Motion made by L. Washington and Seconded by A. Florie)

- f) The Board approved a contract between the Jefferson County Sheriff's Office and Blount Linen, Inc. The Jefferson County Sheriff's Office (JCSO) requests approval to enter into a contract with Blount Linen Service, Inc. to provide inmate laundry services. Blount shall provide the following services: Pick up soiled items five (5) days a week and seven (7) if requested by the customer; launder, sort/fold/press and deliver cleaned five (5) days a week and seven (7) if requested by the customer. The contract term is three (3) years, with a total cost of \$861,120.00. A thorough review of operational costs for the County's Central Laundry was conducted in 2013 during the anticipated sale of the facility and subsequent RIF of laundry staff. At that time the County indicated that the annual cost to run the facility was \$799,500 per year (or \$2,398,500 over a three-year period). If contracted, JCSO would pay Blount Linen a total of \$861,120 for the contract term of three years. By contracting these services, the JCSO would save an estimated \$1,537,380 over this three-year period. The contract was approved based on the cost savings to be gained by outsourcing these services. (Motion made by L. Washington and Seconded by A. Florie)

V. ADMINISTRATIVE LEAVE WITH PAY

In one vote, the Board approved items *a-b*, requests for extended leave with pay for:

- a) LaRita Hardy, City of Birmingham Police Department
- b) Lakisha Hampton, Jefferson County Sheriff's Office

(Motion made by A. Florie and Seconded by L. Washington)

VI. CONTESTED ITEMS - Appeal of Disciplinary Actions (Suspension, Demotion, Termination, etc.)

- a) Gabriel Kinderknecht vs. the City of Bessemer (Police Department) – (DA-2016-2068-BS) - Hearing Officer’s Report and Recommendation. Thomas Huseman, Counsel for Complainant Kinderknecht; Mr. Gabriel Kinderknecht; and Roderick Evans, Counsel for Respondent City of Bessemer, appeared before the Board. Upon due consideration of all relevant parts of the record, the Board AFFIRMS the Hearing Officer’s recommendation. (Motion made by L. K Moore and Seconded by A. Florie; L. Washington - Opposed)
- b) Request from the City of Birmingham to amend a 2014 Board order – City of Birmingham vs. Keith Collins (DA-2014-1980). Upon due consideration, the Board **MODIFIES** its November 18, 2014 order to reflect a period of suspension from May 16, 2014 to June 14, 2014. All other provisions of the November 18, 2014 order remain unchanged. (Motion made by L. Washington and Seconded by A. Florie)

VII. INFORMATION AND DISCUSSION ITEMS

- a) The Board acknowledged the Jefferson County Board of Health’s resolution granting a 2% Cost of Living Adjustment effective October 1, 2016. Section 12 of the Enabling Act of the State of Alabama grants an appointing authority the discretion, by way of resolution of the governing body, to raise or lower the jurisdiction’s salary schedule by a fixed amount. §12 “...provided that the governing body of each county and municipality affected hereby may raise or lower such schedule by applying the same percentage increase or decrease to the entire schedule, provided however that no governing body shall raise such entire schedule within 12 months after the adoption of a new salary schedule nor within 12 months immediately preceding any primary or general elections in which members of the said governing body are to be elected, except upon the approval of the Personnel board, provided...” There is no election at the Health Department this year; consequently, the resolution was presented for acknowledgement only.

b) Provisional Appointments

1. Bobby Bulloch	Jefferson County	Bldg Insp Officer	Approved
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c) Advance Steps

1. Chapman, Marilyn	Prin Accountant	Birmingham	Approved
2. Bibby, Matthew	Skilled Laborer	Health Dept.	Approved
3. Diliberto, Mildred	Minute Clerk	Jefferson Co.	Approved
4. Washington, Anglelyn	Staff Nurse	Jefferson Co.	Approved

5. Tolbert, Riley Const Equip Oper Jefferson Co. Approved

d) July/August Board Bi-monthly Expenditure Report(s)

VIII. EXECUTIVE SESSION

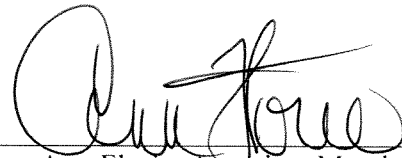
There being no further business, the meeting was adjourned at 3:06 p.m.



L. Kenneth Moore, Chairman
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:



Jeff Crenshaw, Deputy Director
Personnel Board of Jefferson County

Proposed Changes to Personnel Board Rules & Regulations

The yellow highlighted sentence in Rule 1.3 (definition of Good Standing) has been removed and replaced with the definition in red font on the proposed revision rule.

CURRENT RULE 1.3 – DEFINITION OF GOOD STANDING

1.3 Definitions

Good Standing. Not subject to any ongoing discipline, or suspension, or investigation into alleged misconduct.

PROPOSED REVISION TO RULE 1.3 – DEFINITION OF GOOD STANDING

1.3 Definitions

Good Standing. Employee or former employee is not subject to any impending or ongoing discipline, suspension, or investigation into alleged misconduct or other behavior outlined in Rule 12.2 and has a demonstrated satisfactory employment record.

The yellow highlighted sentence in Rule 10.3 referencing placement on the bottom of the Eligibility List has been removed and replaced with the sentence presented in red font in the proposed revision rule.

CURRENT RULE 10.3

10.3 REINSTATEMENT TO ELIGIBILITY LIST

Any former Regular Employee separated from the Classified Service in Good Standing may, within two (2) years from the date of separation, apply to the Director to have his or her name placed on the Eligibility List for the Class the employee held at the time of separation. In order to qualify for reinstatement under this Rule 10.3, the applicant must meet any established minimum qualifications for the Class existing at the time of the application for reinstatement. Such request shall be made in writing to the Director, who shall submit his or her recommendation to the Board for review and final approval. Upon review and approval by the Board, the name of the former employee shall be placed at the bottom of the appropriate Eligibility List for the duration of such list. Any person subsequently appointed after being reinstated to an Eligibility List under this Rule 10.3 shall not be deemed a Regular Employee until completion of the Probationary Period. Nothing in this Rule 10.3 shall be construed to interfere with any reinstatement rights under state or federal law, and to the extent this Rule is The Rules & Regulations of the Personnel Board of Jefferson County Revised: November 13, 2012 Page 30 inconsistent with such state or federal laws, the provisions regarding reinstatement in such laws shall control.

PROPOSED REVISION TO RULE 10.3

10.3 REINSTATEMENT TO ELIGIBILITY LIST

Any former Regular Employee separated from the Classified Service in Good Standing may, within two (2) years from the date of separation, apply to the Director to have his or her name placed on the Eligibility List for the Class the employee held at the time of separation. In order to qualify for reinstatement under this Rule 10.3, the applicant must meet any established minimum qualifications for the Class existing at the time of the application for reinstatement. Such request shall be made in writing to the Director, who shall submit his or her recommendation to the Board for review and final approval. Upon reinstatement, the name of the former employee shall be added to the active Eligibility List and certified for employment consideration in accordance with Rule 10.4 for the duration of the Eligibility List. Any former employee reinstated to an Eligibility List may not seek reinstatement to a future Eligibility List for the same job if that job has been posted for application after the employee has been reinstated. Any person subsequently appointed after being reinstated to an Eligibility List under this Rule 10.3 shall not be deemed a Regular Employee until completion of the Probationary Period. Nothing in this Rule 10.3 shall be construed to interfere with any reinstatement rights under state or federal law, and to the extent this Rule is inconsistent with such state or federal laws, the provisions regarding reinstatement in such laws shall control.

The yellow highlighted sentence in Rule 10.4-a-3 referencing open-promotional has been removed and replaced with the Rule 10.4-a-3 presented in red font in the proposed revision rule. Section a-5 presented in red font on the proposed revision rule has been added to Rule 10.4 to reflect a change in certification process for reinstatements.

CURRENT RULE 10.4

10.4 CERTIFICATION

a. Based on the receipt of an authorized requisition from an Appointing Authority, the Director shall select for Certification the names of Eligible Candidates from the appropriate Eligibility Lists in the following priority:

1. If a Layoff List exists for the Class to be filled, which contains the name of at least one former Regular Employee from the Appointing Authority submitting the requisition, then the highest ranking name on that Layoff List shall be certified, and none other. If a Layoff List exists for the Class to be filled, which contains the names of former Regular Employees from other Appointing Authorities, the Director shall certify up to 10 names from that list, in order of Seniority in Class. If fewer than ten names are thus certified, then the Director shall certify the difference in accordance with paragraphs (2), (3), and (4), below.

2. If a promotional list exists:

A. Eligible Candidates presently employed by the Appointing Authority in which the vacancy exists, in rank order, then

B. Eligible Candidates presently employed by other Appointing Authorities, in rank order.

3. If an open-promotional list exists, Eligible Candidates from the openpromotional list, in rank order; and

4. If an open-competitive list exists, Eligible Candidates from the opencompetitive list, in rank order.

b. Rule of Ten Ranks. In general, all positions shall be filled by the rule of ten (10) ranks, with one additional rank for each vacancy past the first vacancy (for example, if there are two vacancies, the Board shall certify 11 ranks). In accordance with Rule 9.9, a "rank" shall include the name or names of all applicants from an Eligibility List having the same final score.

c. Optional: Rule of Five Eligible Candidates. If the requested Certificate is for the entry-level position of Police Officer, Deputy Sheriff, or Firefighter, the Appointing Authority may request the Certification of the names of five (5) Eligible Candidates for each vacancy in lieu of 10 ranks. If so requested, the Personnel Director shall certify the number of ranks sufficient to include a minimum of five Eligible Candidates for each vacancy requested. An Appointing Authority desiring to invoke this option must so state in writing in the initial request for Certification.

d. Where the Appointing Authority requesting the Certificate has distinct organizational departments, in no case will an Eligible Candidate be certified to a department for which he or she has rejected an offer of employment in the same Class.

e. Upon request of the Appointing Authority, the Director shall add to a Certificate of Eligibles any candidate who is certified by the Alabama Department of Rehabilitation Services or by the United States Department of Veteran Affairs Vocational Rehabilitation and Employment Service as being significantly disabled and eligible for rehabilitation services, who either:

1. Meets the minimum qualifications for the Class and has achieved at least the minimum qualifying score on any examinations administered by the Director for the Class, or
2. Has demonstrated, during a period of temporary appointment approved by the Director, the ability to successfully perform the essential duties of the position to which appointed.

Such Eligible Candidate shall be added without regard to his or her relative ranking on the Eligibility List. The Director shall not flag, segregate, or otherwise identify eligible candidates whose names have been added to Certificates of Eligibles pursuant to this Rule 10.4(e).

PROPOSED REVISION TO RULE 10.4

10.4 CERTIFICATION

a. Based on the receipt of an authorized requisition from an Appointing Authority, the Director shall select for Certification the names of Eligible Candidates from the appropriate Eligibility Lists in the following priority:

1. If a Layoff List exists for the Class to be filled, which contains the name of at least one former Regular Employee from the Appointing Authority submitting the requisition, then the highest ranking name on that Layoff List shall be certified, and none other. If a Layoff List exists for the Class to be filled, which contains the names of former Regular Employees from other Appointing Authorities, the Director shall certify up to 10 names from that list, in order of Seniority in Class. If fewer than ten names are thus certified, then the Director shall certify the difference in accordance with paragraphs (2), (3), and (4), and (5) below.

2. If a promotional list exists:

- A. Eligible Candidates presently employed by the Appointing Authority in which the vacancy exists, in rank order, then

- B. Eligible Candidates presently employed by other Appointing Authorities, in rank order.

3. If an open-promotional list exists:

A. Eligible Candidates presently employed by the Appointing Authority in which the vacancy exists, in rank order, then

B. Eligible Candidates not employed by the Appointing Authority in which the vacancy exists, in rank order.

4. If an open competitive list exists, Eligible Candidates from the open competitive list, in rank order.

5. If individuals who have been reinstated in accordance with Rule 10.3 exist on the Eligibility List, then such individuals shall be added to the Certificate of Eligibles generated in accordance with paragraphs (2), (3), and (4) above.

b. Rule of Ten Ranks. In general, all positions shall be filled by the rule of ten (10) ranks, with one additional rank for each vacancy past the first vacancy (for example, if there are two vacancies, the Board shall certify 11 ranks). In accordance with Rule 9.9, a "rank" shall include the name or names of all applicants from an Eligibility List having the same final score.

c. Optional: Rule of Five Eligible Candidates. If the requested Certificate is for the entry-level position of Police Officer, Deputy Sheriff, or Firefighter, the Appointing Authority may request the Certification of the names of five (5) Eligible Candidates for each vacancy in lieu of 10 ranks. If so requested, the Personnel Director shall certify the number of ranks sufficient to include a minimum of five Eligible Candidates for each vacancy requested. An Appointing Authority desiring to invoke this option must so state in writing in the initial request for Certification.

d. Where the Appointing Authority requesting the Certificate has distinct organizational departments, in no case will an Eligible Candidate be certified to a department for which he or she has rejected an offer of employment in the same Class.

e. Upon request of the Appointing Authority, the Director shall add to a Certificate of Eligibles any candidate who is certified by the Alabama Department of Rehabilitation Services or by the United States Department of Veteran Affairs Vocational Rehabilitation and Employment Service as being significantly disabled and eligible for rehabilitation services, who either:

1. Meets the minimum qualifications for the Class and has achieved at least the minimum qualifying score on any examinations administered by the Director for the Class, or

2. Has demonstrated, during a period of temporary appointment approved by the Director, the ability to successfully perform the essential duties of the position to which appointed.

Such Eligible Candidate shall be added without regard to his or her relative ranking on the Eligibility List. The Director shall not flag, segregate, or otherwise identify eligible candidates whose names have been added to Certificates of Eligibles pursuant to this Rule 10.4(e).