



Personnel Board of Jefferson County

The Foundation of Your Merit System Career

MEETING MINUTES FOR THE PERSONNEL BOARD OF JEFFERSON COUNTY

December 14, 2021

The Personnel Board of Jefferson County met on Tuesday, December 14, 2021. Present at the meeting were: L. Kenneth Moore, Chair; Jacqueline Smoke, Associate Member; and Guin Robinson, Associate Member. Present from the Personnel Board were: Jeff Crenshaw, Acting Director; Pete Blank, Training; and Leslie Coyne, Legal Counsel for the Personnel Board. Attending virtually were Cynthia Holiness, Business Office; Kim Kinder, Employee Services; Brian Bellenger, Testing; Guy Dewees, Applicant Services; Robert Groce, IT; and other Personnel Board staff.

I. OPENING REMARKS BY L. KENNETH MOORE, CHAIR

Chair Moore called the meeting to order at 1:33 p.m. Chair Moore welcomed everyone to the meeting. He then proceeded to the Action items.

II. ACTION ITEMS

- a) The Board approved the Board Minutes for the meeting held on November 9, 2021. (Motion made by J. Smoke; Seconded by G. Robinson)
- b) The Board approved revised PBJC policies and procedures. Dr. Crenshaw explained that all internal policy and procedure changes are presented to the Board for review and approval. A thorough review of all of these policies and procedures was done and minor updates and edits were made to the policies. Dr. Crenshaw stated that these changes only apply to internal PBJC policies and procedures and not to broader Merit System policies. Therefore, these edits were presented to the Board for review and approval. (Motion made by J. Smoke; Seconded by G. Robinson)
- c) The Board approved a contract renewal between the PBJC and Falls Facility, who will provide professional custodial services to all Personnel Board offices within the 2121 Building. The contract is effective January 15, 2022 – January 14, 2023, at an annual cost of \$32,388 (same cost as last year) and an additional \$1,150 per deep cleaning. The

Board approved this contract renewal. (Motion made by J. Smoke; Seconded by G. Robinson)

- d) The Board approved the allocation of Personnel Board expenditures for Fiscal Year 2021 billable expenditures. Dr. Crenshaw reported that the annual expenses for the operation of the PBJC is tracked by Jefferson County and a summary of these expenditures was submitted to the Board. The expenses are then allocated to the jurisdictions based on the number of employees. This year's total expenditures were approximately \$9.1 million, which was over \$900,000 lower than budget. However, since there was a decrease of 3.4% in the total number of merit system employees overall, jurisdictions may see a slight increase in their Personnel Board expenses. Chair Moore asked Dr. Crenshaw to explain how the jurisdictions are notified of these expenses. Dr. Crenshaw explained that the agencies are notified by letter once the Board has approved the expenses and they are informed what their specific amount will be. The invoices for the allocations are sent out by Jefferson County. (Motion made by J. Smoke; Seconded by G. Robinson)

- e) New Position: Compliance Programs Coordinator Grade 24

The Board approved a Jefferson County request to create the new position of Compliance Programs Coordinator, that will be responsible for ensuring that state and federal standards and guidelines are being followed at the Youth Detention Center, by overseeing facility compliance, contracts, and training of staff. Market data suggests a salary range of \$44,776 - \$79,238. It is recommended that the new position, Compliance Programs Coordinator (#02241), be created with a pay grade of 24 and a salary range of \$52,603 - \$81,598, for Jefferson County. (Motion made by J. Smoke; Seconded by G. Robinson)

- f) The Board approved the Director's Reinstatement decisions pursuant to Rule 10.3 of the Rules and Regulations. (Motion made by J. Smoke; Seconded by G. Robinson)

III. JURISDICTION CONTRACTS

Dr. Crenshaw asked if he could present Jurisdiction Contracts Items A – D, at one time for approval since they were all for the Jefferson County Dept. of Health. Member Robinson stated that he would have questions regarding some of the late submittals. Dr. Crenshaw stated that he was aware that three (3) of the four (4) contracts were not submitted prior to execution and that he has addressed this issue with Rodney Holmes, Director of Finance and Administration, and he and his staff are working to correct this issue. One of the primary reasons provided for the late submissions is that the JCDH has a new employee working the

process and, after learning more about the process, they are identifying some contracts that should have previously been sent for PBJC approval that we previously thought to be exempt from PBJC review. Member Robinson asked if it was the JCDH that previously submitted late contracts with the reason being there was a new employee. Dr. Crenshaw stated that he did not think so but that he could not say for sure. Member Robinson asked if the cameras have already been purchased. Dr. Crenshaw stated that he was not sure if the purchase and installation of the cameras had been done. He stated that he would discuss each contract and the Board was welcome to ask any further questions.

- a) The Board approved a new contract between Jefferson County Department of Health - Finance and Administration/General Services and 1 Point USA, who will provide and install security cameras in the Guy M. Tate Building, the Annex, and the Eastern Health Center. This is a one (1) year contract effective August 1, 2021 – August 1, 2022, with no extension option, and at a rate of \$30,000. Dr. Crenshaw reported that the JCDH did not realize this equipment purchase needed PBJC approval which resulting in the late contract submittal; however, it was explained that there is a staffing element that did require approval. Based on the fact that these staffing services are temporary and sporadic, this contract was approved.
- b) The Board approved a new contract between Jefferson County Department of Health – Finance and Administration/General Services and ADCO Companies, LTD, who will service two (2) boilers. This is a one (1) year contract effective October 14, 2021 – October 14, 2022, with no extension option and at a rate of \$27,889. The explanation from the JCDH regarding this late submittal was that one of the boilers failed creating an emergency need to take immediate action. Based on the fact that services required specialized experience and will be performed only temporarily, this contract was approved.
- c) The Board approved a new contract between Jefferson County Department of Health – Disease Control and UAB Board of Trustees, who will provide consultative services to the Health Department by providing at least one-hundred twenty (120) half-days of direct clinical care to patients being treated for sexually transmitted infections, provide training and attend meetings. This is a one (1) year contract effective October 1, 2021 – September 30, 2022, with no extension option and at a rate of \$62,000. The rationale of the JCDH regarding this last submission is based on the majority of this work is performed by physician services which is exempt from Board approval under the Enabling Act. However, after further review, it was determined that there were some classified services involved (e.g., nursing services) that need Board approval. Although these services have

been performed for years without Board approval, this issue has been corrected and JCDH staff will be submitting all future contracts to the Board for approval. Based on the fact that a significant portion of the services under this contract include providing specialized physicians who are exempted from the Classified Service, and the sporadic nature of the remaining staffing services, this contract was approved.

- d) The Board approved a new contract between Jefferson County Department of Health – Finance and Administration/General Services and Standard Heating and Air Conditioning Co., who will inspect HVAC systems for each of the nine (9) air monitoring stations twice per year, including condenser cleaning and reporting of any deficiencies and recommended corrective actions. This is a one (1) year contract effective December 20, 2021 – December 20, 2022, with no extension option and at a rate of \$3,168 (\$176 per visit, twice per year to each of the nine (9) stations). Based on the sporadic nature of the services provided under this contract, this contract was approved.

Dr. Crenshaw summarized that there were three (3) late contract submissions, but he has been working with the HR Director and Director of Finance and Administration, and they are cooperative and committed to correcting these late contract submission issues in the future. Chair Moore stated the Board is concerned about contracts being continuously submitted after the execution date. He asked if there was anything in writing to the JCDH that addresses the adverse position of the Board having to rule on contracts after the fact. Dr. Crenshaw stated that multiple times in the past the PBJC has generated written communications regarding contract issues to the JCDH; although, not on these specific contracts. Also, the PBJC Classification and Compensation Manager, Greg Gravlee, had been working diligently with the jurisdiction to reiterate the rules and submission deadlines in an effort to resolve these contract issues.

Member Robinson asked what good does it do to approve a contract that has already been initiated. Dr. Crenshaw stated that should the Board deny a contract that has already been initiated, then the services should immediately cease and any costs from that point forward would become an individual liability of the Appointing Authority. He also stated that should the Board simply avoid approving, as opposed to denying the contract, the services could continue as the Enabling Act itself does not require Board approval on these contracts. If the Board believes the contract does not meet the outlined requirements, then a denial would be necessary to require the JCDH to halt services. The Rules state that contracts should be submitted in advance of execution so the Board is not put in a position of having to halt services if the contract fails to meet the requirements

under the Act. These contracts meet the criteria for approval, but were simply submitted after execution. The only problematic issue is the lateness of the submission. Member Robinson respectfully requested that if there are any further late contract submissions, he wanted a JCDH representative to appear before the Board to explain why their contracts are being submitted after the effective date or he would not approve them. Dr. Crenshaw stated that he meets monthly with the JCDH and he would request the Director of Finance and Administration, Rodney Holmes, to be present to address any future contract issues.

After addressing all of the Board's concerns, in one vote, the Board approved Jurisdiction Contracts Items A – D. (Motion made by J. Smoke; Seconded by G. Robinson)

- e) The Board approved a new contract between Jefferson County - Economic Development and Alabama Technology Network, who will provide to Jefferson County (the administrator for the Central Alabama Partnership for Training and Employment CAPTE) training to manufacturing business entities in the CAPTE service area on behalf of CAPTE. Unlike the previous CAPTE agreements, this contract offers training to individuals who are already employed. The specifics of the training will be determined based upon the needs of the business to keep pace with changes and requirements of the manufacturing industry (e.g. industry standards, software, and equipment). This is a one (1) year contract to be executed upon approval with no extension option at a rate not to exceed \$100,000. Based on the fact that this work is not allowed to be performed by the County, serving as the Work Development Board, this contract was approved. (Motion made by J. Smoke; Seconded by Chair Moore; G. Robinson recused himself.)

In one vote, the Board approved Jurisdiction Contracts F and G. (Motion made by J. Smoke; Seconded by G. Robinson)

- f) The Board approved a new contract between Jefferson County – General Services and ATIS Elevator Inspections, who will continue to ensure County elevators are compliant with ASME Codes, report any deficiencies, and submit an annual certification inspection report to the State of Alabama Labor Department, Elevator Division. This is a three (3) year contract to be executed upon approval with no extension option and at a rate of \$62,370 (\$20,790 per year). Based on the sporadic nature of the services, this contract was approved.
- g) The Board conditionally approved new contracts between Jefferson County – Roads and Transportation-Administration and four (4) on-call certified testing firms (Building and

Earth Sciences, Inc., Bhate Geosciences Corporation, ECS Southeast, LLP, and Terracon Consultants, Inc.), who are to perform specific construction materials laboratory tests of samples and results reporting for various construction projects in accordance with American Association of State Highway and Transportation Officials (AASHTO) and ASTM International specifications. This is a one (1) year contract to be executed upon approval with a two (2) year extension option, and at a rate not to exceed \$100,000 (four fee-based contracts, all of which are set at a “not to exceed” amount of \$25,000). Based on the fact that the services require specialized testing capabilities requiring equipment the County does not possess, and will be performed on a sporadic basis, this contract was conditionally approved. This approval is for the current contract year conditioned on any renewal or amendment to extend the contract being resubmitted with a detailed staffing and equipment analysis.

IV. ADMINISTRATIVE LEAVE WITH PAY

In one vote, the Board approved Administrative Leave with Pay Items A and B. (Motion made by J. Smoke; Seconded by G. Robinson)

- a) Erwin Jones, City of Leeds Police Department - (30-Day Extension of Leave)
- b) Shannon Giles, Jefferson County Sheriff's Office - (30-Day Extension of Leave)

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

- a) Matthew Welch vs. City of Tarrant (Police Department) - Case No. DA-2021-2360-TC (Termination) - Hearing Officer's Report & Recommendation – Appearing before the Board were Matthew Welch, Attorney Timothy Donahue, Sr., Legal Counsel for Mr. Welch; and Attorney Michael Casey, Legal Counsel for the City of Tarrant. Based upon a review of the record, the Board finds the Hearing Officer's recommendation should be AFFIRMED. Accordingly, Welch is to be reinstated and receive all pay and benefits to which he would have been entitled had he not been terminated. (Motion made by J. Smoke; Seconded by G. Robinson)
- b) Tameika Phillips vs. City of Birmingham (Police Department) - (Termination) - Case No. DA-2021-2344-BH - Joint Motion to Dismiss Appeal & Settlement Agreement - Upon review, the Board finds the terms of the Settlement Agreement consistent with the Rules and Regulations of the Personnel Board of Jefferson County. This appeal is hereby DISMISSED. (Motion made by J. Smoke; Seconded by G. Robinson)

- c) Shanta Bolden vs. City of Birmingham (Communications Department) - Case No DA-2021-2363-BH - (Demotion) - Hearing Officer's Report & Recommendation – Appearing before the Board was Attorney Nannie Reed, Legal Counsel for the City of Birmingham; and appearing virtually was Attorney Scott Morro, Legal Counsel for Ms. Bolden. Based upon a review of the record, the Board finds the Hearing Officer's recommendation should be AFFIRMED. Accordingly, Borden shall be reinstated to the position of Public Safety Dispatch Supervisor and shall be suspended for fourteen (14) working days without pay. (Motion made by J. Smoke; Seconded by G. Robinson)
- d) Edward Smith vs. City of Birmingham (Fire & Rescue Service) - Case No. DA-2021-2365-BH (Suspension – 30 Days) - Hearing Officer's Report & Recommendation – Appearing before the Board was Attorney Nannie Reed, Legal Counsel for the City of Birmingham. Based upon a review of the record, the Board finds the Hearing Officer's recommendation should be AFFIRMED. Accordingly, Mr. Smith shall be suspended for thirty (30) days from September 1, 2021 through October 1, 2021. (Motion made by J. Smoke; Seconded by G. Robinson)
- e) Cedrick Thomas vs. Jefferson County Sheriff's Office – Case No. DA-2018-2179-JC (Termination) - Hearing Officer's Report & Recommendation – Appearing before the Board was Attorney LaTarnishia Hunter, Legal Counsel for Jefferson County; and appearing virtually was Attorney Scott Morro, Legal Counsel for Mr. Thomas. Based upon a review of the record, the Board finds the Hearing Officer's recommendation should be AFFIRMED. Accordingly, Thomas' employment with the Office of Sheriff shall be terminated effective July 16, 2018. (Motion made by J. Smoke; Seconded by G. Robinson)
- f) Quincy Coleman vs. City of Birmingham (Human Resources Department) – Case No. 2018-2135-BH (Termination) Request to Lift Stay - This matter has been stayed due to criminal proceedings since February 2018. The Board has been made aware that the criminal cases leading to the stay were resolved in May 2021. ACCORDINGLY, the stay is lifted and this matter shall proceed in accordance with the Board's Administrative Appeal Procedures. (Motion made by J. Smoke; Seconded by G. Robinson)

VI. APPEAL OF DIRECTOR'S DETERMINATION

- a) Silas E. Lindsey, Jr., City of Birmingham – Appeal of Director's Determination (Grievance) – Appearing before the Board was Attorney Liz Young, Legal Counsel for Mr. Lindsey. Mr. Lindsey timely filed a grievance against the City of Birmingham alleging that the City is requiring him to maintain his Paramedic license in his position of Fire Lieutenant. He

requested to downgrade his EMT-Paramedic License and his request was denied by the Fire Chief. Mr. Lindsey feels that the City is inconsistently applying their internal policy pertaining to professional license/certification requirement as outlined in Birmingham Fire and Rescue Service Policy 300.06, as it pertains to EMT-Paramedic license. Pursuant to Rule 15, a substantial term or condition of employment must be adversely affected. Mr. Lindsey failed to outline any substantial term or condition of employment that has been adversely affected within his current position of Fire Lieutenant as his paramedic license has not lapsed and the City of Birmingham has not taken any disciplinary action. After a review of all information presented, the Board voted to UPHOLD the Director's determination that the matter is not grievable under Rule 15 of the Personnel Board Rules & Regulations. (Motion made by J. Smoke; Seconded by G. Robinson)

- b) Charles Hayes - Appeal to Overturn Director's Disqualification Based on Past Merit System Employment Record – Appearing before the Board were Charles Hayes and Attorney Liz Young, Legal Counsel for Mr. Hayes. Mr. Hayes appealed the Director's determination to disqualify his application for the job of Police Officer based on the past employment record on file with the Personnel Board. After a review of all information presented, the Three-Member Board voted to UPHOLD the Director's determination to disqualify Mr. Hayes' application based on the rehire eligibility determination and the past employment record on file with the Personnel Board. (Motion made by J. Smoke; Seconded by G. Robinson)

VII. INFORMATION AND DISCUSSION ITEMS


- a) The Board acknowledged an administratively approved amendment of a previously Board-approved contract between Jefferson County-Information Services and Gartner, Inc. (Cogsdale Sewer Billing System implementation.)
- b) The Board acknowledged Resolution #2021-09-02 from the City of Leeds granting a six percent (6%) Cost of Living Adjustment, effective September 7, 2021. Based on the fact that this request is not within the twelve (12) months of an applicable election, approval of the Board is not required. Thus, this information is provided for acknowledgement.
- c) The Board acknowledged Resolution # 2021-10 from the City of Warrior granting a twenty-eight percent (28%) Cost of Living Adjustment, effective November 1, 2021. Based on the fact that this request is not within the twelve (12) months of an applicable election, approval of the Board is not required. Thus, this information is provided for acknowledgement.

- d) The Board acknowledged the PBJC's intent to engage in contract agreements with law enforcement officers to serve as assessors for police/sheriff promotional exams.
- e) The Board acknowledged the list of Advanced Steps.
- f) The Board acknowledged the following Expenditure Reports:
 - 1. October 16, 2021 – October 31, 2021
 - 2. November 1, 2021 – November 12, 2021


V. EXECUTIVE SESSION

Leslie Coyne, Legal Counsel for the PBJC called for an Executive Session. This session began at 3:05 p.m. and concluded at 3:14 p.m.


There being no further business, the meeting adjourned at 3:15 p.m.



L. Kenneth Moore, Chairman
Personnel Board of Jefferson County




Jacqueline Smoke, Associate Member
Personnel Board of Jefferson County



Guin Robinson, Associate Member
Personnel Board of Jefferson County

Attested By:



Jeff Crenshaw, Acting Director
Personnel Board of Jefferson County