

11/14/16

DRAFT
Minutes
Meeting of the
Personnel Committee of the
Alabama Environmental Management Commission
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 21, 2016

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Convened: 10:00 a.m.

Adjourned: 10:12 a.m.

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Part A

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4 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

5 PERSONNEL COMMITTEE MEETING

6

7

8 ALABAMA DEPARTMENT OF ENVIRONMENTAL

9 MANAGEMENT

10 Alabama Room

11 1400 Coliseum Boulevard

12 Montgomery, Alabama 36110-2400

13

14 October 21, 2016

15 10:00 a.m.

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22 Taken by: April Sargent,

23 ACCR 579

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1 CHAIRMAN LAIER: Good morning,

2 everyone. My name is Jim Laier.

3 I'm the Committee Chair for the

4 Personnel Committee. There are two

5 other members here on our

6 committee, a committee of four:

7 Dr. Miller and Dr. Martin. The

8 three of us make the quorum.

9 I will call the meeting to

10 order, and I will ask for a motion

11 regarding the previous meeting that

12 was held on October 16, 2015,

13 regarding the minutes of that

14 meeting.

15 MR. MARTIN: Motion to approve

16 those minutes.

17 MR. MILLER: I second.

18 CHAIRMAN LAIER: Motion to

19 second. Any discussions?

20 (No response.)

21 CHAIRMAN LAIER: All in favor?

22 (Unanimous.)

23 CHAIRMAN LAIER: Opposed?

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1 * * * * *

2 APPEARANCES

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4 COMMITTEE MEMBERS PRESENT:

5 James E. Laier, Ph.D., P.E., Chair

6 Craig Martin, D.V.M.

7 Samuel L. Miller, M.D.

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10 ALSO PRESENT:

11 Robert Tambling, EMC Legal Counsel

12 Debi Thomas, EMC Executive Assistant

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Page 4

1 (No response.)

2 CHAIRMAN LAIER: We have three

3 items of real discussion here this

4 morning. Agenda item number one is

5 the discussion and consideration of

6 the Personnel Committee Draft

7 Summary of Written Comments

8 received from the members of the

9 Commission and the general public

10 at large on ADEM Director's Job

11 Performance Evaluation.

12 Some background information

13 relative to this that begins on the

14 June 17, 2016 Commission meeting

15 where Chair Brown, Chair of the

16 Commission, directed the Personnel

17 Committee to start a Job

18 Performance Evaluation for Director

19 LeFleur covering the period of

20 October 17, 2015, the day after the

21 Director's last performance

22 evaluation was completed, to the

23 future date of the meeting which

<p style="text-align: right;">Page 5</p> <p>1 the evaluation would extend from 2 the Committees, will be considered 3 and the assessments would also be 4 considered by the Commission. 5 Chair Brown noted that, as was 6 done in the 2015 evaluation, the 7 Committee should obtain feedback 8 from the Commissioners and the 9 general public at large regarding 10 the draft information for Director 11 LeFleur's performance evaluation. 12 And they would provide the 13 Commission with a consolidated list 14 of comments received by the 15 deadline set for the receipt of the 16 comments and the Committee's 17 recommendations related to the 18 Director's Job Performance 19 Evaluation during the period of the 20 evaluation. 21 On behalf of the Committee 22 Chair Brown, the Commission Chair 23 Brown, he requested through a memo</p>	<p style="text-align: right;">Page 7</p> <p>1 and they want help. But, you know, 2 there's only so much that the 3 Director and the Commission can do. 4 We have to follow the rules. And I 5 think that despite the fact that 6 the Director and the Department 7 have sort of bent over backwards to 8 try to help them, they're still 9 very frustrated, and I can 10 certainly understand that. 11 But I don't think that reflects 12 on the Director's job performance 13 accurately. So that would be my 14 comment. The vast majority were 15 from the Arrowhead Landfill area. 16 CHAIRMAN LAIER: Thank you, 17 Dr. Miller. 18 MR. MARTIN: I'll agree with 19 the comments. 20 CHAIRMAN LAIER: Any other 21 discussion? 22 (No response.) 23 CHAIRMAN LAIER: I would like</p>
<p style="text-align: right;">Page 6</p> <p>1 to the Commission and a notice to 2 the public at large that written 3 comments be submitted to the 4 Personnel Committee by 5 p.m. on 5 July 29, 2016. The notice to the 6 general public was posted on the 7 ADEM website and circulated to the 8 advanced notification of Commission 9 minutes, Commission meeting 10 minutes, which were already 11 supported and listed. 12 All right. Is there a 13 discussion by the Committee 14 regarding the Draft Summary of 15 Written Comments on ADEM Director 16 LeFleur's Job Performance 17 Evaluation? 18 MR. MILLER: Mr. Chairman, I 19 note that most of the comments come 20 from people who were affected or 21 consider themselves affected by the 22 Arrowhead Landfill. I mean, I 23 realize these people are frustrated</p>	<p style="text-align: right;">Page 8</p> <p>1 someone to entertain a motion from 2 the Committee regarding the Draft 3 Summary of Written Comments that 4 the Director has reflected in his 5 job performance. 6 MR. MILLER: I move that we 7 insert these comments into the 8 record. 9 MR. MARTIN: Second. 10 CHAIRMAN LAIER: We have a 11 motion to second. Any further 12 discussion? 13 (No response.) 14 CHAIRMAN LAIER: All in favor? 15 (Unanimous.) 16 CHAIRMAN LAIER: The aye's have 17 it. Item number three, Discussion 18 and consideration of 19 recommendations that the Personnel 20 Committee will present to the 21 Commission for consideration on the 22 ADEM Director's Job Performance 23 Evaluation.</p>

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1 The first order of discussion
2 will reflect on the Commissioner's
3 salary. It's important, as some
4 background information, to note
5 that Director LeFleur's performance
6 for this year's salary is
7 \$152,618.40, and he is currently in
8 pay grade 90, step 15.
9 In the ADEM business arena,
10 there are three steps -- step 16,
11 step 17, and step 18 -- remaining
12 in pay grade 90 for any further
13 value assessments for a salary
14 raise.
15 Two steps in the salary grade
16 can be applied for any employee in
17 pay grades 90, but no more than two
18 grades at one time; one grade or
19 two, but two is the top. It's
20 important to note that no salary
21 advance was given to Director
22 LeFleur after his last evaluation
23 was completed.

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1 us except Craig, is advancing a
2 little bit in years, and he's not
3 going to be here forever. And in
4 order for us to attract a competent
5 and energetic person to be the
6 Director, we have to make the
7 salary competitive enough that we
8 will attract the kind of candidate
9 that would be good for the
10 Department.
11 You know, I don't know, maybe
12 Robert or Debbie could provide the
13 information. I know we gave the
14 Director a raise two years ago, if
15 I'm correct: is that right?
16 MS. THOMAS: Yes, sir.
17 MR. MILLER: But the years
18 prior to that, I think he was sort
19 of where he had been; is that
20 correct too?
21 MS. THOMAS: I'm sorry?
22 MR. MILLER: Did he have any
23 other raises besides the one in --

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1 For information regarding our
2 committee, there are three options
3 for us to consider. One is that
4 there's no requirement that the
5 Commission apply a raise, or a
6 salary raise, for the Director at
7 this time. Should the -- should we
8 select and propose a salary raise,
9 there are two options for a
10 suitable salary raise so we don't
11 exceed the two-step level.
12 There's one salary raise at
13 step 16, pay grade 90. The amount
14 of that salary is \$156,492. Should
15 we decide to propose a two-step,
16 step raise in pay grade 90, the
17 amount of money involved is
18 \$160,440 and no cents. I'm looking
19 for a discussion.
20 MR. MILLER: Well, I think, as
21 we talked about last year, in my
22 opinion, we need to look past the
23 current Director, who, like all of

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1 MS. THOMAS: No. He had not
2 had a raise up to that point from
3 his starting salary when he was
4 hired.
5 MR. MILLER: So he's had one
6 raise in five or six years.
7 MS. THOMAS: Yes, sir.
8 MR. MILLER: I realize that
9 money is short and we are always
10 fighting the budget battle, but we
11 don't want to be penny-wise and
12 pound-foolish. I would say that we
13 should strongly consider doing the
14 two-step raise.
15 CHAIRMAN LAIER: Thank you.
16 MR. MILLER: That's just my
17 opinion.
18 MR. MARTIN: I agree. Last
19 year the finances of the State were
20 as they were, and I know that a pay
21 raise was not given at that time.
22 But I'm definitely in favor of a
23 one-step or a two-step.

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1 CHAIRMAN LAIER: Thank you.
2 From my perspective I support that,
3 and I believe that we are in a
4 financial position where we can
5 have the resources to accomplish a
6 two-step pay raise.
7 So can I have a motion? The
8 motion is to adopt a pay raise,
9 two-step.
10 MR. MILLER: Mr. Chairman, I
11 make a motion that we adopt the
12 two-step pay raise to step 17,
13 grade 90 for the Director's
14 position at ADEM.
15 MR. MARTIN: I'll second.
16 CHAIRMAN LAIER: We have a
17 motion and second. Any further
18 discussion?
19 MS. THOMAS: That would be to
20 recommend that --
21 MR. MARTIN: Recommend.
22 MR. MILLER: We would recommend
23 it to the Commission.

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1 regarding the evaluation.
2 MR. MILLER: Does that call for
3 a motion?
4 CHAIRMAN LAIER: Yes.
5 MR. MARTIN: I'll make the
6 motion.
7 MR. MILLER: Second.
8 CHAIRMAN LAIER: We have a
9 motion and a second.
10 Any further discussion?
11 (No response.)
12 CHAIRMAN LAIER: Those in favor
13 indicate by saying aye.
14 (Unanimous.)
15 CHAIRMAN LAIER: Opposed?
16 (No response.)
17 CHAIRMAN LAIER: The ayes have
18 it.
19 Do we have an order?
20 MS. THOMAS: Yes, sir. That
21 order takes care of all three
22 motions, yes, sir.
23 CHAIRMAN LAIER: The order will

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1 CHAIRMAN LAIER: Yeah, that is
2 recommended, exactly. Those in
3 favor indicate by saying aye.
4 (Unanimous.)
5 CHAIRMAN LAIER: Opposed?
6 (No response.)
7 CHAIRMAN LAIER: The aye's have
8 it.
9 The next item of discussion is
10 regarding the Commission's --
11 regarding the Commission's
12 authorization -- authorizing the
13 Personnel Committee Chair -- that
14 would be me -- to meet with the
15 Director regarding the Summary of
16 Written Comments on the ADEM
17 Director's Job Performance
18 Evaluation and actions taken by the
19 Commission relative to the
20 evaluation, and to execute the
21 verification of understanding of
22 the evaluation between the
23 Commission and the Director

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1 take care of all three motions for
2 our committee meeting today.
3 Is there any other business
4 before the board?
5 MS. THOMAS: No, sir.
6 CHAIRMAN LAIER: No other
7 business.
8 Is there any reason for any
9 additional meetings in the near
10 future that we know of?
11 MS. THOMAS: No, sir.
12 CHAIRMAN LAIER: I'd like a
13 motion to adjourn.
14 MR. MARTIN: So made.
15 MR. MILLER: Second.
16 CHAIRMAN LAIER: Motion
17 approved and seconded. All in
18 favor?
19 (Unanimous.)
20 CHAIRMAN LAIER: The ayes have
21 it. Thank you, gentlemen and
22 ladies.
23 (The proceeding ended at

1 10:12 a.m.)
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1 REPORTER'S CERTIFICATE
2
3 , April Sargent, Certified Court
4 hereby certify that I reported the
5 foregoing transcript, and that the
6 ein contain a true and accurate
7 tion of the proceedings.
8
9 further certify that I am neither
10 r of counsel to any of the parties
11 ause, nor in any manner interested
12 sults thereof.
13
14 his 3rd day of October, 2016.
15
16
17 RIL SARGENT, ACCR-579,
18 fied Court Reporter
18 XPIRATION: 9/30/17
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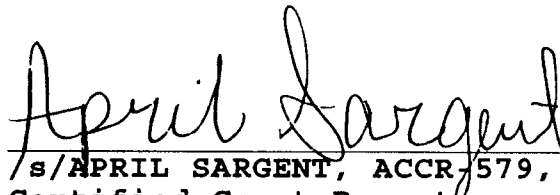
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REPORTER'S CERTIFICATE

I, April Sargent, Certified Court Reporter, hereby certify that I reported the above and foregoing transcript, and that the pages herein contain a true and accurate transcription of the proceedings.

I further certify that I am neither of kin nor of counsel to any of the parties to said cause, nor in any manner interested in the results thereof.

This 3rd day of October, 2016.



/s/APRIL SARGENT, ACCR 579,
Certified Court Reporter
CCR EXPIRATION: 9/30/17

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Part B

Attachment Index

Attachment 1

Agenda

Attachment 2

Order to: (1) Adopt the Draft Summary of Written Comments on ADEM Director Performance Evaluation; (2) Recommend that the Commission approve a salary advance for Director LeFleur of two steps to Step 17 in Pay Grade 90 (per year salary of \$160,440.00); (3) Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Summary of Written Comments on ADEM Director Job Performance Evaluation and recommendations of the Personnel Committee adopted by the Commission and to execute the verification of understanding between the Commission and the Director regarding the results of the performance evaluation. (Agenda Items 2 and 3)

Attachment 1

9/21/16

AGENDA*
MEETING OF THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 21, 2016

TIME: 10:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

ITEMS

1. Consideration of minutes of meeting of the Personnel Committee held on October 16, 2015**
2. Discussion and consideration of Personnel Committee Chair's draft summary of written comments received from the members of the Commission and the general public on the ADEM Director's job performance
3. Discussion and consideration of recommendations the Personnel Committee will present to the Commission for consideration on the ADEM Director Job Performance Evaluation
4. Other business
5. Future Personnel Committee meeting

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The minutes of this meeting will be available on the ADEM website under Environmental Management Commission.

Attachment 2

BEFORE THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

MOTIONS

1. Adopt the Draft Summary of Written Comments on ADEM Director Performance Evaluation.
2. Recommend that the Commission approve a salary advance for Director LeFleur of two steps to Step 17 in Pay Grade 90 (per year salary of \$160,440.00).
3. Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Summary of Written Comments on ADEM Director Job Performance Evaluation and action taken by the Commission regarding the evaluation and to execute the verification of understanding between the Commission and the Director regarding the evaluation.

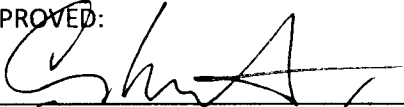
ORDER

This cause having come before the Personnel Committee pursuant to the above motions, and having considered the same, the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

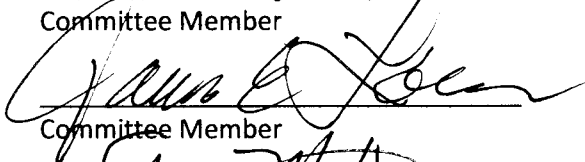
1. That the above motions are hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Issued this 21st day of October 2016


APPROVED:



Committee Member

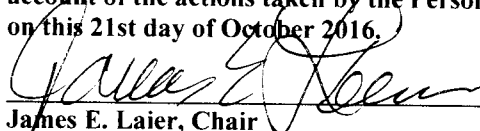


Committee Member



Committee Member

This is to certify that this Order is a true and accurate account of the actions taken by the Personnel Committee on this 21st day of October 2016.



James E. Laier, Chair
Personnel Committee

Certified this 21st day of October 2016