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.

Part A

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Part A
CHAIRMAN LAIER: Good morning, everyone. My name is Jim Laier. I'm the Committee Chair for the Personnel Committee. There are two other members here on our committee, a committee of four: Dr. Miller and Dr. Martin. The three of us make the quorum.

I will call the meeting to order, and I will ask for a motion regarding the previous meeting that was held on October 16, 2015, regarding the minutes of that meeting.

MR. MARTIN: Motion to approve those minutes.

MR. MILLER: I second.

CHAIRMAN LAIER: Motion to second. Any discussions?

(No response.)

CHAIRMAN LAIER: All in favor?

(UNANIMOUS.)

CHAIRMAN LAIER: Opposed?

APPEARANCES

COMMITTEE MEMBERS PRESENT:
James E. Laier, Ph.D., P.E., Chair
Craig Martin, D.V.M.
Samuel L. Miller, M.D.

ALSO PRESENT:
Robert Tambling, EMC Legal Counsel
Debi Thomas, EMC Executive Assistant

(No response.)

CHAIRMAN LAIER: We have three items of real discussion here this morning. Agenda item number one is the discussion and consideration of the Personnel Committee Draft Summary of Written Comments received from the members of the Commission and the general public at large on ADEM Director's Job Performance Evaluation.

Some background information relative to this that begins on the June 17, 2016 Commission meeting where Chair Brown, Chair of the Commission, directed the Personnel Committee to start a Job Performance Evaluation for Director LeFleur covering the period of October 17, 2015, the day after the Director's last performance evaluation was completed, to the future date of the meeting which
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

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

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

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.
The first order of discussion will reflect on the Commissioner's salary. It's important, as some background information, to note that Director LeFleur's performance for this year's salary is $152,618.40, and he is currently in pay grade 90, step 15.

In the ADEM business arena, there are three steps -- step 16, step 17, and step 18 -- remaining in pay grade 90 for any further value assessments for a salary raise.

Two steps in the salary grade can be applied for any employee in pay grades 90, but no more than two grades at one time; one grade or two, but two is the top. It's important to note that no salary advance was given to Director LeFleur after his last evaluation was completed.

For information regarding our committee, there are three options for us to consider. One is that there's no requirement that the Commission apply a raise, or a salary raise, for the Director at this time. Should the -- should we select and propose a salary raise, there are two options for a suitable salary raise so we don't exceed the two-step level.

There's one salary raise at step 16, pay grade 90. The amount of that salary is $156,492. Should we decide to propose a two-step, step raise in pay grade 90, the amount of money involved is $160,440 and no cents. I'm looking for a discussion.

MR. MILLER: Well, I think, as we talked about last year, in my opinion, we need to look past the current Director, who, like all of us except Craig, is advancing a little bit in years, and he's not going to be here forever. And in order for us to attract a competent and energetic person to be the Director, we have to make the salary competitive enough that we will attract the kind of candidate that would be good for the Department.

You know, I don't know, maybe Robert or Debbie could provide the information. I know we gave the Director a raise two years ago, if I'm correct; is that right?

MS. THOMAS: Yes, sir.

MR. MILLER: But the years prior to that, I think he was sort of where he had been; is that correct too?

MS. THOMAS: I'm sorry?

MR. MILLER: Did he have any other raises besides the one in --

MS. THOMAS: No. He had not had a raise up to that point from his starting salary when he was hired.

MR. MILLER: So he's had one raise in five or six years.

MS. THOMAS: Yes, sir.

MR. MILLER: I realize that money is short and we are always fighting the budget battle, but we don't want to be penny-wise and pound-foolish. I would say that we should strongly consider doing the two-step raise.

CHAIRMAN LAIER: Thank you.

MR. MILLER: That's just my opinion.

MR. MARTIN: I agree. Last year the finances of the State were as they were, and I know that a pay raise was not given at that time. But I'm definitely in favor of a one-step or a two-step.
1 CHAIRMAN LAIER: Thank you.
2 From my perspective I support that, and I believe that we are in a
3 financial position where we can
4 have the resources to accomplish a
5 two-step pay raise.
6 So can I have a motion? The
7 motion is to adopt a pay raise.
8 two-step.
9 MR. MILLER: Mr. Chairman, I
10 make a motion that we adopt the
11 two-step pay raise to step 17.
12 grade 90 for the Director's
13 position at ADEM.
14 MR. MARTIN: I'll second.
15 CHAIRMAN LAIER: We have a
16 motion and second. Any further
17 discussion?
18 MS. THOMAS: That would be to
19 recommend that --
20 MR. MARTIN: Recommend.
21 MR. MILLER: We would recommend
22 it to the Commission.

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

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
24 take care of all three motions for
25 our committee meeting today.
26 Is there any other business
27 before the board?
28 MS. THOMAS: No, sir.
29 CHAIRMAN LAIER: No other
30 business.
31 Is there any reason for any
32 additional meetings in the near
33 future that we know of?
34 MS. THOMAS: No, sir.
35 CHAIRMAN LAIER: I'd like a
36 motion to adjourn.
37 MR. MARTIN: So made.
38 MR. MILLER: Second.
39 CHAIRMAN LAIER: Motion
40 approved and seconded. All in
41 favor?
42 (Unanimous.)
43 CHAIRMAN LAIER: The ayes have
44 it. Thank you, gentlemen and
45 ladies.
46 (The proceeding ended at
10:12 a.m.)

REPORTER'S CERTIFICATE

April Sargent, Certified Court
hereby certify that I reported the
foregoing transcript, and that the
in contain a true and accurate
ction of the proceedings.

further certify that I am neither
counsel to any of the parties
use, nor in any manner interested
uits thereof.

his 3rd day of October, 2016.

RIL SARGENT, ACCR-579,
ified Court Reporter
XPIRATION: 9/30/17
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
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Part B
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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
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.
Personnel Committee Order
Page 2

Issued this 21st day of October 2016

APPROVED:

[Signature]
Committee Member
[Signature]
Committee Member
[Signature]
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