10/28/15

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 16, 2015

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Convened: 9:05 a.m.
Adjourned: 9:20 a.m.

Part A

Transcript
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Part A

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1 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
2 PERSONNEL COMMITTEE MEETING
3
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7
8
9 ALABAMA DEPARTMENT OF ENVIRONMENTAL
10 MANAGEMENT
11 Alabama Room
12 1400 Coliseum Boulevard
13 Montgomery, Alabama, 36110-2400
14 October 16, 2015
15 9:05 a.m.
16
17
18
19
20
21
22
23 Taken by: Victoria M. Castillo, CCR#17

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1 A P P E A R A N C E S
2
3 COMMITTEE MEMBERS:
4 James E. Laier, Ph.D., P.E., Chair
5 Samuel L. Miller, M.D.
6 Craig Martin, D.V.M.
7
8 ALSO PRESENT:
9 Robert Tambling, EMC Legal Counsel
10 Debi Thomas, EMC Executive Assistant
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1 CHAIRMAN LAIER: Good
2 morning, everyone. I will tell you that I
3 have had a little bit of a problem with my
4 eyesight the last week, and I'm going to do
5 my dead level best to give a good
6 presentation. But if I stumble along the
7 line, just count it up to my nerves and my
8 eyesight.
9 So we call the meeting to order.
10 Actually, we have a quorum today. We have
11 three members on our Committee, and all the
12 Committee members are here. And we have
13 three major issues to consider during the
14 course of our day this morning.
15 The first is a consideration of
16 the minutes for the meeting held on June
17 20th, 2014.
18 I'm asking for a motion with
19 regard to the minutes of June 2014.
20 DR. MARTIN: Make a motion
21 that we adopt the minutes from June 2014.
22 DR. MILLER: Second.
23 CHAIRMAN LAIER: All in

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1 favor?
2 (All Committee members
3 signify "aye.")
4 CHAIRMAN LAIER: Opposed?
5 (No response)
6 CHAIRMAN LAIER: Agenda Item
7 No. 2: Discussion and consideration of the
8 Personnel Committee's Draft Summary of the
9 Written Comments Received from the Members
10 of the Commission and the General Public at
11 Large Regarding the Director's Work
12 Performance.
13 During the regular Commission
14 meeting on June 19, 2015, Chairman Brown
15 directed our Committee to initiate a job
16 performance evaluation of Director LeFleur
17 beginning on June 21st, 2014, the day
18 following Director LeFleur's previous
19 evaluation.
20 Chair Brown noted that, as was
21 done in the 2014 evaluation, our Committee
22 should obtain feedback from the Commission
23 and from the general public regarding the

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1 Director's job performance.
2 Chairman Brown noted that on
3 behalf of the Committee, he requested,
4 through a memo to the Commissioners and a
5 note to the public at large, that the
6 written comments needed to be submitted to
7 our Committee by 5 p.m. on July 31st, 2015.
8 The notice of the publications
9 by the public -- presentations by the
10 public, was posted for the ADEM Commission
11 and for the general public on ADEM's Web
12 page, and for the Commissioners especially,
13 it was posted on the ADEM Notification
14 Board presented by -- delivered to the
15 Commissioners by a mail list process.
16 Is there any discussion by the
17 Committee regarding this matter?
18 DR. MILLER: You're talking
19 about the written comments?
20 CHAIRMAN LAIER: The written
21 comments.
22 DR. MILLER: Well, I thought
23 they were fairly representative and pretty

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1 easy for you to tell where they came from.
2 But overall, I mean, I think that they were
3 all reasonably positive and --
4 DR. MARTIN: I agree.
5 CHAIRMAN LAIER: Well,
6 likewise, I agree.
7 Are you prepared to offer a
8 motion?
9 DR. MILLER: The motion
10 being that we accept the written comments?
11 CHAIRMAN LAIER: Yes.
12 DR. MILLER: I'll make that
13 motion.
14 DR. MARTIN: Second.
15 CHAIRMAN LAIER: All in
16 favor?
17 (All Committee members
18 signify "aye.")
19 CHAIRMAN LAIER: Opposed?
20 (No response)
21 CHAIRMAN LAIER: The motion
22 is approved.
23 Agenda Item No. 3: Discussion

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1 and consideration of recommendations by
2 this Committee for presentation to the
3 Commission for consideration of a period --
4 for consideration presented to ADEM
5 Director LeFleur's job performance.
6 The Committee noted that the
7 performance of Director LeFleur was
8 exceptional. I suggest that the Commission
9 consider that I, as the Chair of our
10 Committee, be assigned to meet with
11 Director LeFleur to discuss with him the
12 summaries of his written comments as they
13 pertain to his job performance and to
14 discuss, as a Committee, the proposed
15 adopted -- the proposed items adopted by
16 the Commission and to execute the
17 Verification of Understanding between the
18 Commission and Director LeFleur with
19 respect to his job performance.
20 So the first item of business
21 would be to decide whether or not it would
22 be appropriate and purposeful for me to
23 represent us in discussing with Director

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1 LeFleur his job performance, as it was
2 presented in writing, and to follow up with
3 the Verification of Understanding.
4 The second item that we
5 discussed, and that pertains to the
6 Director's salary, Director LeFleur
7 currently has a salary of $152,618.40. And
8 he is being paid at a grade 90, step 15.
9 According to the system, there
10 are three more steps available remaining
11 for a pay advancement. It's regulation
12 that no more than two steps can be advanced
13 at any one time. So if there is an
14 interest in proposing a pay raise or a pay
15 adjustment for the Director, the limit is a
16 two-step raise.
17 So I would like now to open the
18 floor for us to discuss Step No. 1 and also
19 the possibility of our making a
20 recommendation for a pay adjustment to the
21 Director.
22 DR. MILLER: Mr. Chairman, I
23 think it's an excellent idea, and really

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1 part of our responsibility, to discuss with
2 Director LeFleur the comments that came in.
3 They were small in number, but I still
4 think that we need to discuss it with him.
5 And I think you would be the ideal
6 candidate to do that.
7 DR. MARTIN: I agree.
8 CHAIRMAN LAIER: Well, thank
9 you.
10 Do we have a motion on that?
11 DR. MILLER: I make a motion
12 that we ask Chairman Laier to discuss the
13 written comments with Director LeFleur.
14 DR. MARTIN: Second.
15 CHAIRMAN LAIER: Second?
16 Any discussion?
17 (No response)
18 CHAIRMAN LAIER: Can I have
19 a motion? We have -- all in favor?
20 (All Committee members
21 signify "aye.")
22 CHAIRMAN LAIER: Opposed?
23 (No response)

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1 CHAIRMAN LAIER: All right.
2 And I will take on that task.
3 Now, with respect to Director
4 LeFleur's salary, do we have any discussion
5 with respect to his salary and how we feel?
6 DR. MILLER: Mr. Chairman, I
7 would like to see us do the two-step pay
8 raise for a couple of reasons. I think
9 that Director LeFleur has done a great job
10 in balancing between the environmental
11 community and the business community, and
12 it will be hard to replace Director LeFleur
13 in that role.
14 I also think that, as we talked
15 about before, that we need to look to the
16 future when Director LeFleur would retire,
17 and we need to make this an enticing
18 position for his replacement, which I hope
19 is a long time in coming.
20 So I would make a move that we
21 do the two-step pay raise.
22 DR. MARTIN: I'm going to --
23 I'm going to just voice a different

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1 opinion, and it's -- because it has really
2 nothing to do with the job performance
3 reviews that have been sent in. Although
4 they're glowing reports, you know, I've
5 thought about this a lot. Just based on
6 the fiscal status of our state and of ADEM,
7 I don't see where it will be prudent to
8 give a pay raise at this time.
9 Although, he's -- you know, he's
10 done a good job, got good reports, you
11 know, we have basically zero funding from
12 the State, and I don't know what kind of
13 message we're sending to the employees of
14 ADEM if the Director gets a raise and
15 others don't.
16 DR. MILLER: Well, I think
17 that, to put that in context, we did give
18 Director LeFleur a raise last year, but
19 that was the first one in five years.
20 CHAIRMAN LAIER: Exactly,
21 that's --
22 DR. MILLER: And, you know,
23 we -- I just think it -- personally, I just

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1 think that we need to make this as good a
2 position as we can, both with Director
3 LeFleur and for his eventual replacement,
4 and go on the -- you know, overly reactive,
5 I guess I should say, to our flat budget.
6 CHAIRMAN LAIER: From my
7 perspective, having come on a few years
8 back when ADEM was a leader in the country
9 in the processes of our daily work and we
10 had the least budget available to us in the
11 country, that I was impressed significantly
12 by Director LeFleur's dedication and
13 performance, without consideration for a
14 pay adjustment.
15 He was pretty much driven by the
16 fact that it was something that he had a
17 commitment to do. Over time, as I got to
18 know him better, I felt that he -- he was
19 doing an exceptional job and was being
20 shortchanged by not having a pay
21 adjustment. And so I was campaigning
22 heavily for the pay adjustment last year.
23 I now feel the same. I feel

that he has done an exceptional job and continues to do that at a deficit level of pay and that we need to improve his position. And when he gets ready to move on, we want to be able to hire someone with equal or similar credentials to carry us forward on the uprise. So that's where I am -- fall into the picture.

DR. MILLER: Right.

CHAIRMAN LAIER: Any other comments?

(No response)

CHAIRMAN LAIER: Okay. Can I have a motion?

DR. MILLER: I move that we elevate his salary to -- just a second, I've got to find it -- the two-step rate 17 and pay grade 90 to $160,440.

CHAIRMAN LAIER: Second?

(No response)

CHAIRMAN LAIER: Can I second?

MR. TAMBLING: Yes.

CHAIRMAN LAIER: Well, then I second.

All in favor?

(Chairman Laier and Dr. Miller signify "aye.")

CHAIRMAN LAIER: Opposed?

(Dr. Martin signifies "aye.")

CHAIRMAN LAIER: We have a motion for a two-level pay raise.

Is there any other business to come before our Committee?

MR. TAMBLING: Yes, you have, I believe, one more --

CHAIRMAN LAIER: Didn't we --

MR. TAMBLING: -- one more option.

CHAIRMAN LAIER: Didn't we cover that, where I would be the person that covers --

MR. TAMBLING: Yes, you did. Yes, you did. You did.

CHAIRMAN LAIER: Okay.

DR. MILLER: Do we -- Robert, do we need to wait until Chairman Brown, or whoever the Chairman is next year, tells us to meet again, or do we need to set a meeting date for next year?

MR. TAMBLING: I think, you know, once you report your recommendation to the Commission, I think your work is done until you're asked to --

DR. MILLER: Okay.

MR. TAMBLING: -- You know, move forward again on the evaluation.

DR. MILLER: So we will just wait to ask to work again.

CHAIRMAN LAIER: All right. Do I have a motion to adjourn?

DR. MARTIN: So moved.

DR. MILLER: So moved.

CHAIRMAN LAIER: Okay. Second.

We are adjourned. Thank you, gentlemen.

(The meeting concluded at 9:20 a.m.)

****

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2 COUNTY OF MONTGOMERY)
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$160,440 (1)
13:18

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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

9/16/15

AGENDA*
MEETING OF THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: October 16, 2015
TIME: 9:00 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 June 20, 2014**

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 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.

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 16th day of October 2015

APPROVED:

Committee Member

Committee Member

Committee Member

DISAPPROVED:

This is to certify that this Order is a true and accurate account of the actions taken by the Personnel Committee on this 16th day of October 2015.

James E. Lafer, Chair
Personnel Committee
Certified this 16th day of October 2015