Pelham

Personnel Board

March 30, 2012

The Personnel Board was called to order by Jerry Nolen, Human Resources Director, in a meeting held, Wednesday, March 28, 2012 at 1:00PM in the Conference Room at Pelham City Hall.

Present were Board members Jim Collins, Bobby Hayes and the newly appointed representative by the City Council, Greg Darnell; also present were Jerry Nolen, Human Resources Director and Janis Parks, Administrative Assistant.

Mr. Nolen read the announcement about the Board meeting and the items on the agenda then turned the meeting over to the Board.

Mr. Hayes asked Mr. Darnell about determining the third member to the Board stating Mr. Collins has been on the Board for a number of years and entered Mr. Collins as a nominee to continue to serve. Mr. Collins expressed an interest to continue and accepted the nomination.

Mr. Darnell requested information about the terms. Personnel Board members serve a four year term. He was not interested in how the past members were appointed or elected, but wants to continue forward. Mr. Hayes gave a brief explanation of how the third member is selected. Mr. Darnell questioned the provisions if they (Mr. Hayes and Mr. Darnell) don't agree. Then Mr. Collins would continue to serve until they unanimously agree on the third representative. Mr. Hayes advised that there is current case law supporting these type 'boards' stay in place until members are replaced.

Mayor Murphy interjected that this is not law. Mr. Darnell then asked who does determine legally. Mayor Murphy stated it would be the Attorney General. Mr. Hayes advised that the City Attorney and the League of Municipalities legal group had made a determination about boards and that determination was supported by Butch Ellis' office (City Attorney) and that an email had been forwarded to the City Clerk advising of the opinion.

Mr. Darnell added that keeping Mr. Collins on the Board has pros and cons. The pros being continuity especially with the upcoming action. Having the knowledge and experience is helpful. The con could be the pro taken to the extreme and that a new board member would create a new beginning and can move forward. Mr. Darnell advised that he and Jim do see things similarly and his decision would not be personal. Mr. Darnell just wants to do what's best for the Board and the City.

Before making any recommendations, Mr. Darnell asked what are the qualifications for serving on the Board. Suggestions were that the person be a citizen of Pelham, and have supervisory/personnel or employee/employer relations experience. While it was suggested possibly some government experience, that would limit the candidate pool. Mr. Nolen then stated the person needs experience about discipline and personnel. Mr. Darnell questioned about possibly an attorney or legal background. That person would also need personnel background.

Mr. Darnell then asked how Bobby came to the Board by the employees. Bobby explained the voting process and that the employees wanted someone who would follow the rules and the law as stated in the Civil Service Law. Mr. Darnell asked about the characteristics of the person to serve. Mr. Hayes stated the main rule is to follow the law as written. Mr. Darnell then asked Mr. Collins what did he possess that led him to be a member of the Board. Mr. Collins advised that he has been a residence of Pelham, with former background in Human Resources with BellSouth. He has served on this Board for twelve years. Prior elections did not offer up any other changes.

Mr. Darnell wants to make sure we follow a process. Mr. Darnell is not yet comfortable with voting on Jim Collins at this time. Mr. Darnell will look at the process and advise at the next meeting. The next meeting is scheduled for April 10, 2012. That meeting will present a promulgated rule to the employee body and then hear termination appeals.

At this time, Mr. Nolen distributed documents requested by the Board in connection with the upcoming appeal hearings. Mr. Nolen advised that the police investigative notes were not included as the City Attorney advised that the Board would need to contact him (Mr. Ellis) directly. Mr. Nolen stated he is in the middle of all this and that the police investigators can bring the notes to the hearing. The Board expressed a desire to hear all the facts which includes the internal investigation notes.

The Board then discussed that the meeting time for April 10th be changed to 12:00N in order to convene and immediately recess to Executive session with the police investigation group to discuss the investigation matter.

At this time Mayor Murphy stated that Butch (City Attorney) had said that Mr. Collins would have to recuse himself from the hearings because of the current lawsuit. Mr. Hayes didn't understand why that would be necessary, but would contact Butch to clarify.

Mr. Darnell asked about the voting process by the Board from the hearing. If Mr. Collins is not allowed to vote, then Mr. Hayes and Mr. Darnell are the majority and will render the decision. If it is not unanimous to uphold the terminations, then, Mr. Hayes stated that those employees would probably 'go back to work'. Mr. Collins then asked about the other four employees who were either suspended or demoted. He wants to look at all. Mr. Collins stated that he felt there were some inconsistencies in the disciplinary action in some of the organizations. Tthe disciplinary action is up to the Department Head and prior offenses from the employee, and the consistency issue would need to be handled through the city and not as part of the Board action.

The Board requested that the attorneys be notified about the change in the time for the April 10th meeting. Ms. Parks explained the 'housekeeping' rules of the hearing process and how the former employee will be asked to take an oath. The appeal sessions will also be recorded. There will be no notes or recording of the Executive session. Only the Board can invite participants to the Executive session.

Mr. Darnell expressed that he wants the Supervisor in the Executive session. The supervisor will be invited to the Executive session upon the completion of the police investigator attendance.

A motion to adjourn was made and seconded and the meeting adjourned at 2:23PM

Minutes prepared by: Janis Parks