



January 17, 2013

The Personnel Board was called to order by Janis Parks, Human Resources Director in a public hearing meeting held, Friday, January 11, 2103 at 5:04 PM in the Conference Room at Pelham City Hall.

Present were Board members Bobby Hayes, Jim Collins, and Greg Darnell.

This meeting was held for the purpose of hearing two appeals. One appeal for disciplinary action and one for termination. The Board agreed to hear the appeal from Police Officer Kevin McRee concerning his 15 day suspension. Officer McRee was sworn in by Janis Parks, and the testimony was taped. Mr. McRee concluded his statements and the Board asked questions concerning the incident (accident) that resulted in the suspension. The Board requested to hear from his supervisor, Sgt. Jeff Smith. Sgt. Smith was sworn in by Janis Parks, and the testimony continued to be taped. A copy of Officer McRee's dash-cam was made available for the Board's viewing. The CD is available with the taped testimony and is not required to be transcribed.

The Board concluded this hearing for Officer McRee at 5:10PM.

The Board then proceeded to the next appeal by Ricky Falkner. Mr. Falkner was appealing his termination by Mayor Waters on November 26, 2012. Mr. Falkner was sworn in by Janis Parks and the testimony was taped. Mr. Falkner's legal representative was Sonya Edwards and she addressed the Board.

At the conclusion of Mr. Falkner's statement, the Board proceeded with questions. The taped testimony is available and not required to be transcribed. Ms. Edwards stated that there had been no violation of Rules to warrant a termination.

The Board's questions to Mr. Falkner included, who hired him, was there a job posted for an open position in the Garage department, and how did he find out about a job opening. Mr. Falkner had stated that Jerry Nolen hired him. Mr. Falkner stated he had a conversation with Eddy Jowers concerning job openings and wished to be considered. On or about December 1, 2009, Mr. Falkner, Eddy Jowers-Public Works Director and Jerry Nolen-HR Director, met and Mr. Falkner was hired. His position was as the Garage Manager, and his entry pay was set as a Grade 5, Step 5 (Mechanic) pay.

The Board requested to hear testimony from Eddy Jowers, Public Works Director. Mr. Jowers was sworn in by Janis Parks and he proceeded with his statement of events to the hiring of Mr. Falkner. During Mr. Jowers' testimony, he advised that there had been

some problems within the Garage organization that needed to be addressed. Mr. Jowers also add testimony of Mr. Falkner's experience but did state the Human Resources informed him there was no vacancy in the Garage at that time.

The Board directed Ms. Karen Bragan to swear in Janis Parks for testimony. Ms. Parks was sworn in and the Board questioned her concerning any job/position openings at the Garage. Ms. Parks stated there were no openings as of December 1, 2009. The position in question was not available, as the employee was still employed pending litigation in a Worker's Comp lawsuit.

The Board questioned Mr. Falkner if he took a test for this job. Mr. Falkner state he did whatever HR had requested him to do, which included a Drug Screen. Mr. Jowers added testimony that Mr. Nolen had requested him to complete a job description for Garage Manager.

Mr. Jowers stated he was the one that told Mr. Falkner to come to Human Resources to see Jerry Nolen. Mr. Jowers also stated that Mr. Nolen had advised that the employee at the Garage was no longer employed.

At 5:30PM the Board requested a recess and asked that Jerry Nolen be contacted to appear at this hearing.

The Board reconvened at 5:45PM. Mr. Nolen was sworn in by Janis Parks and the Board began with their questions to Mr. Nolen. In Mr. Nolen's taped testimony he stated that Mayor Murphy had advised him that Mr. Falkner was being hired as the Garage Manager. Mr. Nolen advised that this was told to him in a meeting with Mayor Murphy, and Mr. Eddy Jowers was also present.

Board member Bobby Hayes asked Mr. Falkner who advised the Garage employees that he was their supervisor. Mr. Falkner stated it was Mayor Murphy and Eddy Jowers.

Ms. Edwards asked the Board if other employees who had been hired outside of the procedure was also terminated. The Board answered yes. The Board consistently referred to the Civil Service Law Rules and Regulations as the state law governing the employees, not only the employment process, but the consequences when the law is not followed.

The testimony was concluded and Mr. Falkner was excused. The Board requested to enter to Executive Session for the express purpose of discussion of pending litigation and final disposition of the public hearing action. All members agreed and the Board convened to Executive Session at 6:10PM.

The Board reconvened at 6:30PM with unanimous vote to uphold both the termination action on Mr. Falkner and the disciplinary action (15 day suspension) on Police Officer Kevin McRee.

The Board adjourned at 6:35PM.