

NINE HUNDRED EIGHTY-NINTH
MEETING
OF THE
STATE PERSONNEL BOARD

May 22 and 23, 2018

The State Personnel Board met in regular session at the Capital City Club, 201 Monroe Street, Montgomery, Alabama 36104, at 9:00 a.m. on May 22, 2018, and at the office of the State Personnel Department, 64 North Union Street, Montgomery, Alabama 36104, at 9:00 a.m. on May 23, 2018.

Members Present

Ms. Faye Nelson, Acting Board Chairman
Ms. Liane Kelly
Mr. Myron Penn
Mr. Evan M. Thornton

Member Absent

Mr. Joe N. Dickson, Chairman

Others Present

Jackie Graham, Personnel Director
Alice Ann Byrne, Deputy Personnel Director
Tara Hetzel, General Counsel
Peter Gulia, Fiduciary Guidance Counsel and RFP Advisor
SPD Staff and Representatives from other Departments

- I. Board Chairman Faye Nelson opened the meeting.
- II. Jackie Graham, Personnel Director, welcomed everyone to the meeting. She introduced Peter Gulia who is the Fiduciary Guidance Counsel and Request-for-Proposals (RFP) Advisor for the Deferred Compensation Plan.
- III. STATE OF ALABAMA DEFERRED COMPENSATION PLAN

Tuesday's session was focused solely on the needs of the State of Alabama Deferred Compensation Plan. The Board considered proposals from various companies to serve as the Plan's recordkeeper and as the Plan's stable-value investment provider. After publicizing Request-for-Proposals, receiving proposals, hearing and seeing finalists' presentations, and hearing information and observations presented by RFP Advisor Peter Gulia and the State Personnel Director and her staff, and after discussion among the members, the Board:

RESOLVED, that Empower Retirement is selected as the Plan's recordkeeper, and Empower Retirement is selected as the Plan's stable-value investment provider, each for terms to begin January 1, 2019. The Plan's counsel, Peter Gulia, is directed to prepare the service agreement, trust agreement, and other contracts to follow the proposals (including promises during the preceding day's finalist interviews), allowing and including optional services. The State Personnel Director is authorized and directed to execute all contracts. Motion made by Liane Kelly, seconded by Myron Penn.

Jackie Graham and the Board members thanked Mr. Gulia for his guidance during the RFP process.

IV. At 5:40 p.m. Tuesday, May 22, 2018, the meeting was recessed on motion by Myron Penn, seconded by Evan M. Thornton.

V. Chairman Faye Nelson reconvened the meeting at 9:00 a.m. on Wednesday, May 23, 2018.

VI. On motion of Myron Penn seconded by Liane Kelly, the minutes of the April meeting were approved.

VII. Board dates for part of the fourth quarter of Fiscal Year 2018 were set as follows:

Wednesday, July 18

Wednesday, August 15

VIII. CLASSIFICATION AND PAY ISSUES

A. At the request of the Alabama Forestry Commission, the Board increased the salary of Forestry Division Director, class code 70442, from range 83 (\$64,077.60 - \$97,766.40) to range 84 (\$69,098.40 - \$105,403.20). Motion made by Liane Kelly, seconded by Evan M. Thornton.

B. At the request of the Alabama Medicaid Agency, the Board established the classification of Managed Care Analytics Director, class code 11114, at range 86 (\$80,287.20 - \$122,232.00). Motion made by Myron Penn, seconded by Liane Kelly.

IX. SPECIAL PAY ISSUES

A. At the request of the Department of Corrections, the Board took the following actions:

- 1) Authorized a two-step (5%) pay differential, effective July 1, 2018, for APOST employees in the classifications listed below who are assigned to Bibb, Bullock, Easterling, Elmore, Fountain, Hamilton A&I, Staton, and Ventress prisons.
- 2) Authorized a four-step (10%) pay differential, effective July 1, 2018, for APOST employees in the classifications listed below who are assigned to Donaldson, Holman, Kilby, Limestone, St. Clair, and Tutwiler prisons.

Currently, APOST employees assigned to Donaldson and Tutwiler receive a two-step (5%) differential. This action will increase that amount by two steps (5%), for a total of a four-step (10%) differential.

The classifications eligible to receive the differentials are as follows:

<u>Class Code</u>	<u>Class Title</u>
60710	Correctional Officer Trainee
60711	Correctional Officer
60712	Correctional Sergeant
60714	Correctional Lieutenant
60715	Correctional Captain
60742	Correctional Warden I
60762	Correctional Warden II
60763	Correctional Warden III
60620	Corrections Canine Assistant Handler
60621	Corrections Canine Handler
60622	Corrections Canine Handler Supervisor

Employees who transfer to another facility not designated with a differential or with a lower approved differential will lose the differential or be assigned to the lower differential. Only incumbents in the classifications listed above who are assigned to, and work full time, in an approved facility will be eligible for these differentials.

While the State Personnel Board authorized these differentials, members conveyed that this piecemeal approach does not appear to be the most effective process in determining the appropriate compensation for these jobs. In the future, classification and/or pay changes should include a comprehensive plan and involve the appropriate State Personnel staff. Additionally, the State Personnel Board requested that Corrections provide this agency with the results from the recent employee survey.

Motion made by Myron Penn, seconded by Liane Kelly.

- B. At the request of the Social Work Examiners Board, the Board approved a salary of \$59,517.60 (to be paid at the semi-monthly arrears rate of \$2,479.90) for Elizabeth (Rachel) Dickinson who is being appointed as Executive Director. Motion made by Myron Penn, seconded by Evan M. Thornton.

X. ISSUES CONCERNING OVERTIME PAYMENTS

- A. At the request of the Department of Conservation and Natural Resources, the Board approved an extension of authorization to pay overtime to FLSA non-exempt employees who work additional hours in the State Parks and Lodges. These employees are assigned to maintenance, housekeeping, coffee shops, banquets, kitchen areas, reservations, front desk, and steward activities. It is also requested that the seasonal employees working at state parks who meet the FLSA Recreational Employee Exemption be paid at a straight time rate for overtime worked. Hours will be monitored closely to keep overtime to a minimum. Classifications involved in these overtime situations include:

<u>Class Code</u>	<u>Class Title</u>
70610	Parks Worker
70620	Resort Worker
80303	Waiter/Waitress

Overtime costs should not exceed \$115,000.00 and is requested from June 1, 2018 through September 30, 2018. Motion made by Liane Kelly, seconded by Myron Penn.

- B. At the request of the Emergency Management Agency, the Board approved a one-year extension of authorization to pay overtime to FLSA non-exempt employees who are required to work extra hours in connection with state or nationally declared emergencies. Emergency Management is the lead coordinating state agency in all major emergency events making it necessary for personnel to work overtime hours and it is extremely difficult for the agency to schedule time off for the hours worked. Classes eligible for overtime include:

<u>Class Code</u>	<u>Class Title</u>
10145	Executive Secretary
10196	Administrative Support Assistant I
10197	Administrative Support Assistant II
10198	Administrative Support Assistant III
10525	IT Systems Technician
10526	IT Systems Technician, Senior
10605	Accounting Technician
10611	Accountant

10612	Staff Accountant
10832	Personnel Assistant III
10930	Inventory Control Officer
10948	Departmental Procurement Officer I
11903	Retired State Employee
11978	Departmental Operations Specialist
21121	Police Communications Officer I
21122	Police Communications Officer II
60101	EM Disaster Assistance Worker
60149	EM Specialist
60150	EM Specialist, Senior
60106	EM Associate
80111	Building Custodian I
90101	Laborer
90445	Equipment Mechanic
90503	Plant Maintenance Worker

Authorization to pay overtime is requested from June 1, 2018 to May 31, 2019. Costs for this authorization are not expected to exceed \$100,000.00 but could vary based on the number of declared emergencies. Most of these funds are reimbursed by the federal government. Motion made by Liane Kelly, seconded by Myron Penn.

XI. ALABAMA SECURITIES COMMISSION UPDATE

The Alabama Securities Commission regulates the securities industry in Alabama. Joe Borg, Director of the Alabama Securities Commission, gave an overview of the Commission and its accomplishments.

XII. ORAL ARGUMENTS

The Board heard oral arguments in the dismissal appeal of James W. Henry, Jeffery L. Huff, and Daniel S.H. Simone from the Department of Corrections.

XIII. EXECUTIVE SESSION MOTION

Liane Kelly moved that the State Personnel Board go into Executive Session to consider the discipline or dismissal of a public employee and to deliberate and discuss evidence or testimony presented during a public or contested case hearing, and to discuss the general reputation and character of an individual and for the purpose of discussions with the Board's attorney concerning the options for, the ramifications of, pending or potential, litigation, mediation, and arbitration in accordance with Sections 7(a)(1), (2), (3) and (9) of the Open Meetings Act.

Tara Hetzel, a licensed attorney for the State of Alabama, certified that the reasons as stated in the motion are true and correct and are what will be discussed in Executive Session.

Myron Penn seconded the motion. Liane Kelly, Myron Penn, Evan M. Thornton, and Faye Nelson voted in favor to have executive session.

Before convening to Executive Session, Chairman Faye Nelson announced the Board would reconvene in open session in approximately ten minutes.


XIV. BOARD ORDERS

The following actions were taken on pending cases:

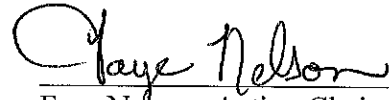
1. James W. Henry, Department of Corrections: Reinstate with appropriate back pay and benefits, reduced by any interim earnings. Motion made by Myron Penn, seconded by Evan M. Thornton.
2. Jeffery L. Huff, Department of Corrections: Reinstate with appropriate back pay and benefits, reduced by any interim earnings. Motion made by Myron Penn, seconded by Evan M. Thornton.
3. Daniel S.H. Simone, Department of Corrections: Reinstate with appropriate back pay and benefits reduced by any interim earnings. Motion made by Myron Penn, seconded by Evan M. Thornton.
4. Melvin V. Green, Department of Corrections: Reinstate with appropriate back pay and benefits, reduced by any interim earnings. Motion made by Liane Kelly, seconded by Myron Penn.
5. Ronnie W. Petty, Department of Corrections: Reinstate with appropriate back pay and benefits, reduced by any interim earnings. Motion made by Liane Kelly, seconded by Myron Penn.
6. Jerry L. Todd, Onsite Wastewater Board: Dismissed upheld. Motion made by Evan M. Thornton, seconded by Myron Penn. Liane Kelly recused.
7. Richard D. Cole III, Department of Transportation: Dismissed with prejudice pursuant to Employee's request for dismissal of appeal. Motion made by Myron Penn, seconded by Liane Kelly.

It was announced that the next scheduled meeting of the State Personnel Board will be June 20, 2018 at 10:00 a.m.

There being no further business, at 10:38 a.m. on May 23, 2018, the meeting was adjourned on motion made by Myron Penn, seconded by Liane Kelly.


Secretary


Joe N. Dickson, Chairman



Faye Nelson, Acting Chairman



Liane Kelly



Myron Penn



Evan M. Thornton