

11/01/21

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 8, 2021

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Meeting of the
Personnel Committee of the
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October 8, 2021

Convened: 10:10 a.m.
Adjourned: 10:21 a.m.

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Part A

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Personnel Committee Meeting on 10/08/2021

1 ALABAMA ENVIRONMENTAL MANAGEMENT
2 COMMISSION
3 *PERSONNEL COMMITTEE MEETING*

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10 ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
11 Alabama Room (Main Conference Room)
12 1400 Coliseum Boulevard
13 Montgomery, Alabama 36110-2400
14 October 8, 2021
15 10:10 a.m.

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25 Taken by: Victoria M. Castillo, ACCR No. 17

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Personnel Committee Meeting on 10/08/2021

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 COMMITTEE MEMBERS PRESENT:</p> <p>4 Ruby L. Perry, D.V.M.</p> <p>5 Thomas P. Walters, P.E., Chairman</p> <p>6</p> <p>7 COMMITTEE MEMBER NOT PRESENT:</p> <p>8 Kevin McKinstry</p> <p>9</p> <p>10 ALSO PRESENT:</p> <p>11 Robert D. Tambling, AEMC Legal Counsel</p> <p>12 Debi Thomas, AEMC Executive Assistant</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Agenda item number 2 is a discussion</p> <p>2 and consideration of the Personnel Committee</p> <p>3 Chair's Draft Compilation of Written Comments for</p> <p>4 the ADEM Director's Job Performance Evaluation.</p> <p>5 So at the June 11th, 2021 meeting of the</p> <p>6 Commission, Commission Chair Miller directed this</p> <p>7 Personnel Committee to start a job performance</p> <p>8 evaluation for Director LeFleur covering the</p> <p>9 period of October 10, 2020, which was the day</p> <p>10 after the Director's last evaluation was</p> <p>11 completed, to the date of the meeting -- a</p> <p>12 recommendation from the Committee regarding</p> <p>13 evaluation is considered by the Commission.</p> <p>14 So Chair Miller noted that, as was</p> <p>15 done in the 2020 evaluation, the Committee should</p> <p>16 obtain feedback from Commissioners and the</p> <p>17 general public regarding the Director's job</p> <p>18 performance and provide the Commission with a</p> <p>19 compilation of the comments received by the</p> <p>20 deadline set for receipt of comments and the</p> <p>21 Committee's recommendation relative to the</p> <p>22 Director's job performance for the evaluation</p> <p>23 period.</p> <p>24 So on behalf of the Committee, I</p> <p>25 requested through a memo to the Commissioners and</p>
Page 3	Page 5
<p>1 (WHEREUPON, proceedings began at</p> <p>2 10:10 a.m.)</p> <p>3 MR. WALTERS: We'll go ahead and</p> <p>4 get started. This is the 2021 Personnel</p> <p>5 Committee meeting of the Environmental Management</p> <p>6 Commission. I'm going to call the meeting to</p> <p>7 order since we have a quorum of two out of three.</p> <p>8 McKinstry couldn't be here today.</p> <p>9 Agenda item number 1 is</p> <p>10 consideration of the minutes of the meeting held</p> <p>11 on October 9th, 2020. So we'll consider those</p> <p>12 minutes at this time and entertain a motion from</p> <p>13 the Committee regarding those.</p> <p>14 DR. PERRY: Mr. Chairman, I move</p> <p>15 to adopt the minutes of October 9th, 2020, as the</p> <p>16 Committee meeting minutes have been distributed.</p> <p>17 MR. WALTERS: I will second that</p> <p>18 motion.</p> <p>19 Any discussion?</p> <p>20 (No response.)</p> <p>21 MR. WALTERS: All in favor of</p> <p>22 accepting the minutes, please signify by raising</p> <p>23 your right hand and say "aye."</p> <p>24 (All Committee members affirm.)</p> <p>25 MR. WALTERS: Motion carries.</p>	<p>1 a notice to the public that written comments be</p> <p>2 submitted to the Personnel Committee by 5 p.m.,</p> <p>3 July 30th, 2021. Notice to the general public</p> <p>4 was posted on the ADEM website and circulated to</p> <p>5 the advance notice of Commission meetings mailing</p> <p>6 list.</p> <p>7 So at this time, I will call for a</p> <p>8 discussion by the Committee regarding the Draft</p> <p>9 Compilation of Written Comments for the ADEM</p> <p>10 Director Job Performance Evaluation, which has</p> <p>11 been compiled and provided to the Committee</p> <p>12 members, the other Commission members not on the</p> <p>13 Committee, and to Director LeFleur.</p> <p>14 So any discussion, comments, or --</p> <p>15 you don't have any comments?</p> <p>16 DR. PERRY: Based on the</p> <p>17 comments of -- obviously, we didn't receive as</p> <p>18 many as the year before. Seems to be overall</p> <p>19 positive and support the work of the Director.</p> <p>20 MR. WALTERS: Okay. I will then</p> <p>21 entertain a motion from the Committee regarding</p> <p>22 the Draft Compilation of Written Comments for</p> <p>23 ADEM Director Job Performance Evaluation.</p> <p>24 DR. PERRY: Mr. Chairman, I move</p> <p>25 to adopt the Draft Compilation of Written</p>

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Personnel Committee Meeting on 10/08/2021

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1 Comments for ADEM Director Job Performance
2 Evaluation.
3 MR. WALTERS: I will then second
4 that motion.
5 Any further discussion?
6 (No response.)
7 MR. WALTERS: We will call for
8 the question. All in favor of the motion
9 presented, signify by raising your right hand.
10 (All Committee members affirm.)
11 MR. WALTERS: Motion carries.
12 The next agenda item is item number
13 3, which is the discussion and consideration of
14 recommendation on the ADEM Director Job
15 Performance Evaluation the Personnel Committee
16 will present to the Commission for consideration
17 at the meeting coming up here shortly. So we
18 will now discuss the recommendation we want to
19 present to the Commission for consideration on
20 the ADEM Director Job Performance.
21 The current salary provided to
22 Director LeFleur is \$176,191.20 annually. He's
23 at a pay grade 90, step 18, which is the last
24 step in the pay grade 90.
25 As we have done in previous Director

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1 evaluations, the Committee has recommended that
2 the Commission authorize the Personnel Committee
3 Chair to meet with Director LeFleur regarding the
4 Compilation of Written Comments on the Job
5 Evaluation and to execute the Verification of
6 Understanding of the Evaluation between the
7 Commission and the Director.
8 So at this time, I will call for any
9 discussion by the Committee regarding the
10 Committee's recommendation.
11 DR. PERRY: I have no further
12 comments.
13 MR. WALTERS: Okay. I think
14 it's appropriate then that we recommend to the
15 Commission that our Director be retained for the
16 ensuing year, incoming year and upcoming year in
17 continuing to serve as our ADEM Director. And we
18 will make that recommendation to the Committee.
19 So at this time, I will entertain a
20 motion from the Committee regarding the
21 Committee's recommendation to the Commission for
22 consideration for the Director's evaluation.
23 DR. PERRY: Mr. Chairman, I move
24 to recommend that the Commission authorize the
25 Personnel Committee Chair to meet with Director

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1 LeFleur regarding the Compilation of Written
2 Comments for ADEM Director Job Performance
3 Evaluation and to execute the Verification of
4 Understanding between the Committee and the
5 Director regarding the evaluation.
6 MR. WALTERS: I second that
7 motion.
8 Any further discussion?
9 DR. PERRY: I have no further
10 discussion.
11 MR. WALTERS: All in favor,
12 signify by raising your right hand.
13 (All Committee members affirm.)
14 MR. WALTERS: Motion carries.
15 We've got to execute that?
16 MS. THOMAS: Yes, sir.
17 MR. WALTERS: Thank you.
18 Ruby, do you have any other
19 business?
20 DR. PERRY: I do not.
21 MR. WALTERS: I do, as a matter
22 of fact.
23 DR. PERRY: Okay.
24 MR. WALTERS: I think it was two
25 years ago at our Personnel Committee meeting we

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1 discussed looking forward -- that we, you know,
2 at some point in time we will be bringing on a
3 new Director. And so we thought it was
4 appropriate that we look at adding some
5 flexibility to the salary range for the ADEM
6 Director position.
7 So we have looked -- I have looked
8 into that and looked into that. And, actually,
9 September 29th, myself, Robert Tambling, and Sam
10 Miller, Chair of the Commission, met with the
11 State Personnel Director and discussed our
12 concerns and interest in adding some flexibility
13 to the salary range for the ADEM Director
14 position.
15 And as a result of that meeting, as
16 we have discussed, the current salary range is at
17 pay grade 90. And there is a scale for the pay
18 grade 91.
19 Based on discussions with the State
20 Personnel Director, if we want to pursue raising
21 the -- or changing the ADEM Director position to
22 a pay grade 91, that the Commission needs to send
23 a letter in writing to the Personnel Board
24 requesting that change. So that will increase to
25 give us some flexibility. And this is all about

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Personnel Committee Meeting on 10/08/2021

Pages 10..13

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1 trying to hopefully attract the best possible
2 candidate as our next Director. So this will
3 give us a little bit of flexibility on the upper
4 end of the salary grade.
5 So I think, and I'd like to make
6 that motion, that we recommend to the Commission
7 that we authorize the Chair to send a letter to
8 the Personnel Board asking to change the ADEM
9 Director position to a pay grade 91.
10 DR. PERRY: I support that,
11 Mr. Chair.
12 MR. WALTERS: Do you second that
13 motion?
14 DR. PERRY: So second.
15 MR. WALTERS: Any further
16 discussions?
17 MR. TAMBLING: Mr. Chair.
18 MR. WALTERS: Yes.
19 MR. TAMBLING: I just also want
20 to note that I also believe that the State
21 Personnel Director had recommended, if the
22 Commission was going to do that, that they send a
23 letter not just to Personnel but also to the
24 State Finance Director.
25 MR. WALTERS: That's correct.

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1 That's correct.
2 MR. TAMBLING: I just wanted to
3 make sure that you covered that.
4 DR. PERRY: So then we need to
5 do a friendly amendment to your motion then?
6 MR. TAMBLING: Just, you might
7 want to amend it just to say you send a letter to
8 whoever you need to send it to.
9 DR. PERRY: That we amend it.
10 MR. WALTERS: I amend the motion
11 to say that we make a motion to the Commission
12 that the Chair send a letter to both the
13 Personnel Board and to the Finance Director
14 asking to increase the ADEM Director or change
15 the ADEM Director position to a pay grade 91.
16 DR. PERRY: And I support the
17 amendment.
18 MR. WALTERS: Very good. Any
19 further discussion?
20 (No response.)
21 MR. WALTERS: All those in
22 favor, signify by raising your right hand.
23 (All Committee members affirm.)
24 MR. WALTERS: Very good. Motion
25 carries.

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1 Anything else?
2 (No response.)
3 MR. WALTERS: Item number 5 then
4 is the future Personnel Committee meeting. I
5 don't know that there's anything we need to meet
6 again about --
7 DR. PERRY: Not that I know.
8 MR. WALTERS: -- at this time,
9 so no other meetings will be set.
10 I will then entertain a motion to
11 adjourn.
12 DR. PERRY: I move to adjourn.
13 MR. WALTERS: I second. All
14 those in favor, raise your right hand.
15 (All Committee members affirm.)
16 MR. WALTERS: Meeting is
17 adjourned. Thank you.
18 (Proceedings concluded at
19 10:21 a.m.)
20 *****
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1 STATE OF ALABAMA)
2 COUNTY OF ELMORE)
3
4
5 I hereby certify that the above
6 proceedings were taken down by me and transcribed
7 by me using computer-aided transcription and that
8 the above is a true and accurate transcript of
9 said proceedings taken down by me and transcribed
10 by me.
11 I further certify that I am neither
12 of kin nor of counsel to any of the parties nor
13 in anyway financially interested in the outcome
14 of this case.
15 I further certify that I am duly
16 licensed by the Alabama Board of Court Reporting
17 as a Certified Court Reporter as evidenced by the
18 ACCR number following my name found below.
19
20
21
22
23
24
25

Victoria Castillo
VICTORIA CASTILLO, ACCR #17, 9/30/22
FREELANCE COURT REPORTER

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Personnel Committee Meeting on 10/08/2020 Index: \$176,191.20..Committee

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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Personnel Committee Meeting on 10/08/2021

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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Part B

Attachment Index

Attachment 1

Agenda

Attachment 2

**Order to: (1) Adopt the Draft Compilation of Written Comments for ADEM Director Job Performance Evaluation and (2) Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Compilation of Written Comments for ADEM Director Job Performance Evaluation and to execute the verification of understanding between the Commission and the Director regarding the evaluation.
(Agenda Items 2 and 3)**

Attachment 1

9/8/21

AGENDA*
MEETING OF THE
PERSONNEL COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 8, 2021

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 9, 2020**
2. Discussion and consideration of Personnel Committee Chair's Draft Compilation of Written Comments for the ADEM Director Job Performance Evaluation
3. Discussion and consideration of recommendation on the ADEM Director Job Performance Evaluation the Personnel Committee will present to the Commission for consideration
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

MOTION

1. Adopt the Draft Compilation of Written Comments for ADEM Director Job Performance Evaluation.
2. Recommend that the Commission authorize the Personnel Committee Chair to meet with Director LeFleur regarding the Compilation of Written Comments for ADEM Director Job Performance Evaluation and to execute the verification of understanding between the Commission and the Director regarding the evaluation.

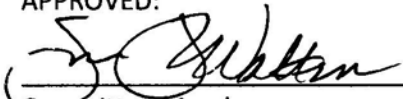
ORDER

This cause having come before the Personnel Committee pursuant to the above motion, and having considered the same, the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is 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 8th day of October 2021

APPROVED:



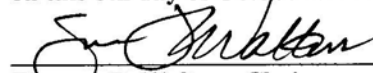
Committee Member



Committee Member

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 8th day of October 2021.



Thomas P. Walters, Chair
Personnel Committee
Certified this 8th day of October 2021