

## COUNTY OF BALDWIN

Personnel Board met at 5:05 pm.  
Council Chambers  
161 N Section Street, Fairhope, AL 36532  
Thursday, August 17, 2017

### **Present were:**

Members: Diane Thomas, Chairman, Lorenzo Howard, Scherry Douglas, Rob Stankoski, Genie Frazer, Kevin Boone, City Council Liaison, Marcus McDowell and Leslie Green, Human Resources Coordinator.

The meeting was called to order at 5:05 p.m.

Minutes from the June 22 meeting were approved by the Board.

Diane Thomas, Chairman, began by stating that the purpose of this meeting was to discuss the email that Pandora Heathcoe, Human Resources Administrator, sent to the Personnel Board stating that she (Pandora) and Leslie Green, Human Resources Co-ordinator, had swapped places per Mayor Wilson. The main issue of this meeting is to decide which classification level of employee is eligible to appeal according to the Personnel Handbook.

Ms. Thomas quoted page 3 of the Employee Handbook (1.04) "Department Heads are subject to dismissal by the Mayor in his or her sole discretion and do not have access to the *Pre-Determination Review and Hearing* procedure under the Personnel Rules Section 9.03. The issue is whether Pandora is a department head.

Scherry Douglas stated that based on the legal review submitted by Fairhope City Attorneys Marcus McDowell and "Tut" Wynne, she felt that Ms. Heathcoe is eligible for the Pre-Determination Review and Hearing procedure. Lorenzo Howard agreed that the Personnel Board should move forward with the hearing. Rob Stankoski was interested in the Mayor's position on this issue.

Diane asked which classification has the right to the appeal process. According to the Employee Handbook (page 3), Department Heads, including Superintendents and Directors, cannot use the process, but everyone else is entitled to do so. Pandora chose to use the title of Director, but was not a Department Head or Director. Rob Stankoski asked if a supervisor was grade 26 or above. The question was asked if there was an offer letter in her file.

Rob asked if the Board was making the determination on eligibility only for the hearing on Ms. Heathcoe or for all employees. The group decided that this decision was just for Ms. Heathcoe at the present time. Diane again stated that the present issue was the determination of which job classifications were eligible for pre-disciplinary hearings.

Marcus McDowell joined the meeting and briefly recapped the memo he had sent to Diane Thomas earlier. He said that Ms. Heathcoe is not paid at the level of a superintendent or director. They are usually at grade 28 or above. She does not supervise or direct anyone. In addition, Lorenzo stated that Ms. Heathcoe does not make independent decisions to change and lead.

Scherry Douglas made a motion that Ms. Heathcoe should be able to appeal her demotion. The motion was second and approved.

Diane stated that the next issue is to determine which types of demotions are eligible for appeal. There are three types of demotions: Performance, Disciplinary, or Punitive (or retaliatory).

Scherry stated that if it is a decrease in salary, it is punitive. Rob stated that we have to see the evidence as to why the Mayor initiated. Sherry agreed. Since the pre-disciplinary appeal will go forward, the Board asked Leslie Green to help the Mayor put together a package stating her reasons for the decision to demote Pandora. Diane Thomas wanted to see if this was a progressive disciplinary step for Pandora. Scherry asked why the demotion happened before the other matter of a complaint between Pandora and Mayor Wilson was determined. Diane stated that the requested package from the Mayor would explain the decision for the demotion. She then referred to Section 1 (1.01) - Purpose and Scope of the Personnel Board as stated in the Employee Handbook. Scherry stated the need to be prudent in employee decisions so as to not seem retaliatory. Lorenzo stated that the Mayor needed to address these concerns, be fair and consistent in her actions, and do what is best for the City.

The question was asked as to when the previous situation that had occurred with Mayor Wilson and Ms. Heathcoe would be resolved. Rob stated that there are many types of claims. Kevin Boone stated that Ms. Heathcoe does have a claim, but that does not mean it was filed, and the process can take a long time.

Lorenzo stated that the issue on the table was how to approach the Mayor with the type of information she needed to provide in a pre-disciplinary hearing. Everyone agreed that the appeal needed to proceed as soon as practicable. Diane stated that she would give Leslie a packet that outlined the steps for the disciplinary hearing.

Diane stated that she was happy to have Leslie Green on board and that Leslie was well qualified and had arrived during a sticky situation.

Lorenzo addressed the topic of performance evaluations. He stated that the Board had the options of working with a consultant, giving it to Leslie to work on, or the Board's undertaking the task.

The RFQ for hiring a consultant to update the Classification and Compensation system was again discussed. It was suggested that the Personnel Board work with Leslie and come up with a presentation. The Board had given a figure of \$50,000 for a study but the actual cost should be much less. Leslie and Genie spoke of the importance of updating job descriptions to ensure the evaluation process was correct.

There being no further business, the meeting was adjourned at 6:05 pm.

Respectfully submitted,

Leslie Green  
Acting Secretary