

Shelby County Law Enforcement Personnel Board
Special Meeting
October 18, 2013, 8:00 a.m.

The purpose of the special meeting was to discuss and clarify the pay treatment for the Sheriff's Office employees, and to discuss promotional testing for the department.

Chairman Donaldson called the meeting to order in the Community Room at the County Services Building in Pelham and welcomed the guests. Mr. Morris was asked to give the invocation.

Members and staff present were Mr. Donaldson, Mr. Brasher, Mr. Martin, Mr. Morris, Mr. Weatherford, and secretary Lucy Womac. Guests present were Commissioners Elwin Bearden and Robbie Hayes, Chief Samaniego, and reporter Martin Reed from The Birmingham News.

The Board was presented with figures from Commission Accounting showing the two percent per employee totaling \$247,200.00, and \$1,200.00 per employee totaling \$224,908.95. The floor was opened for discussion. Mr. Weatherford said he had made the motion September 26 to approve for the Sheriff's Office employees a Cost-Of-Living Adjustment of up to two percent (2%), not exceeding the \$1,200.00 per person the county was offering, for the purpose of giving the employees something to build upon for the future. Mr. Brasher had seconded that motion. The members agreed that the wording of the vote had been interpreted in various ways. Chairman Donaldson understood everyone's base pay would increase with a COLA, making the department competitive. Some members were of the opinion that the motion gave the \$1,200.00 to employees earning more than \$60,000.00 annually, which would be less than two percent, and those earning less than \$60,000.00 would receive two percent, or less than \$1,200.00.

The key, in Mr. Morris's opinion, was that this was for a one-time lump-sum payment; whether the Board chose to do this as a percentage or as a COLA, it was only going to be for this year. He thought if the pay scale changes, the Sheriff has to come up with the money in future budgets no matter what the county funded, and that number is going to be exceeded because they were looking at base pay without incentives included. Chairman Donaldson his interpretation was that they would look at the aggregate total of every employee, bump them to up to two percent as a group based on that total dollar amount, and he thought it would be less than two percent, increasing everybody's base pay from now on by that amount. His biggest concern is that if the Board doesn't move the pay scales over time and tries to keep a market-based compensation package, then has salary studies done as the Board and Commission have done in the past, the results will be out of kilter. He said dollars have been hard to come by the past few years, and if the Sheriff's Office wants to hire the best employees and pay them at a competitive rate but has not been making adjustments all along, they will not be able to keep those rates. Mr. Donaldson thought the members were all in agreement to give the employees an increase but needed to clarify their thoughts, and clarify what was put into the minutes of the last meeting so the county can move forward.

Chief Samaniego was recognized and replied that the Sheriff will come up with the money and budget according to what the LEPB approves. Mr. Morris reiterated that he wants to avoid providing a bridge to litigation. Chairman Donaldson said the Board is to determine the pay treatment, and every year stands on its own merit. Mr. Weatherford asked for Mr. Morris's opinion on the County Commission's letter to the LEPB members. Mr. Morris stated that last year he vigorously defended granting the one-time payment of \$1,500.00 per employee. He interpreted their letter as saying the Commission has already funded what it is going to fund, and if the Board does not change the COLA for the Sheriff's Office, if it ever votes to do something different from what was approved in the budget, it would create a shortfall the next year with no guarantee the money would be there. Mr. Morris thought the Sheriff's memo indicated he wants the budget amended to include the money so it is there perpetually, that he wants the

Commission to remove the verbiage saying it is a one-time thing. Mr. Donaldson said the role of the LEPB is to determine wages and benefits for the employees, and the funding has nothing to do with the Board. Mr. Martin said the Board always tries to work with the Commission and the Sheriff, and he thought it would come down to another motion. He asked for the Commissioners' thoughts.

Commissioner Bearden told the group he doesn't like controversy, and a lot of commissions fight Sheriffs. He said the Gulf oil spill windfall mostly went to the Sheriff's budget for patrol cars, but the Commission has to take care of all the departments, roads, bridges with the budget they have on paper, and they're just guessing; there is a possibility they won't have the money to take care of everything. Commissioner Hayes said the Commission approved its employees a one-time payment, and if it is turned into a COLA it puts them into a difficult position by making it a raise. Mr. Donaldson reiterated that the LEPB's rules do not limit it to what the Commission gives its employees; the Board was set up in the 70's as a way to separate the Sheriff's Office from other organizations. He said his background is in human resources compensation and he looks at it from a personnel standpoint instead of a budget standpoint. He felt the Board has to grant more than lump-sum payments – it needs wage and salary surveys to increase the pay scale periodically. Otherwise, he is concerned the agency won't be able to fill positions with qualified people. It was noted that the Sheriff is funding AUM's current salary survey.

After discussion, Mr. Brasher withdrew his second to the original motion. Mr. Morris now moved to give a one-time payment of \$1,200.00 to each Sheriff's Office employee, effective November 1, and that the Board take on ownership to make decisions concerning pay treatments earlier in the fiscal year, coming to a consensus and notifying all parties involved. Mr. Brasher moved to reconsider the original motion. Mr. Martin seconded the motion to reconsider and it carried. Mr. Martin then seconded Mr. Morris's motion to give each employee \$1,200.00, and it passed, with Mr. Weatherford voting no.

In another matter of business, the Sheriff's Office had requested that the LEPB hold promotional examinations as soon as feasible. Chief Samaniego informed the Board that the lists of eligibles needed to be refreshed. He stressed that reading lists need to be obtained so candidates would have adequate preparation time. Chief said no one wants to go back to pre-AUM testing, but he understands it is expensive to use AUM. He confirmed the promotional testing/assessment process has continued every two years. Mr. Morris requested that the matter be looked into, and it was tabled for future discussion.

There being no further business, the meeting was adjourned by motion of Mr. Martin.

Minutes approved by:

Randall W. Donaldson, Board Chairman

Bill M. Martin, Board Secretary

Teddy R. Brasher

Bruce P. Weatherford

Kevin W. Morris