

**City of Montevallo Personnel Board
Grievance Hearing
July 25, 2018
2:30 p.m.
City Hall**

Attendees: Board Members Bill Glosson, Bart Ferguson and Billy Lee; Mayor Hollie Cost; City Clerk Herman Lehman; Revenue Officer Debby Raymond; City Attorney Claire Martin; and Anthony Michael, attorney for Ms. Raymond. Also in attendance were the following:

PERSONNEL BOARD HEARING 7/25/18
SIGNS IN SHEET

NAME

CLAIRE MARTIN
Katie Howard
Steve Seaw
H. G. M. = G. M. G. M.
Walt Gersh
Jason Peterson
Ronald H. Hughes

Board Chairperson Bill Glosson called the meeting to order at 2:30 p.m. and presented the following guidelines for the hearing:

Hearing Guidelines

1. Designate person to take notes for official minutes.
2. Recording of hearing is permitted.
3. Introduction of parties present
4. Review list of documents requested by The Board.
5. Review list of speakers and confirm presence of each.
6. Hearing Procedure:
 - **Reading of Board statement** explaining purpose of hearing.
 - **Presentation** of actions or charges against the employee including documentation and speaker statements. The employee and her counsel as well as The Personnel Board may also question the speakers.
 - **Presentation** of the employee's grievance and answer to the charges by the employee or her representative, including documentation and statements by employee's witnesses. The parties and the Personnel Board may also question these speakers.
 - **Summation** by the parties, if they wish.

Findings and Decisions. Based on evidence, and oral statements The Board will deliberate and reach a conclusion of their findings.

The Board will issue a written opinion on the grievance to the employee and the City Council as outlined in the City's Personnel Handbook.

Mr. Glosson asked the City Clerk to take notes and informed everyone that copies of the Minutes from the Hearing will be made available through the City Clerk's Office. He then continued to review the guidelines as presented.

Mr. Glosson reminded everyone that the board has been asked to hear a grievance filed with the Clerk's Office by a city employee, Debby Raymond. Her grievance notice is as follows:



541 Main Street
Montevallo, AL 35115
205-665-2555
205-665-9203 Fax
www.cityofmontevallo.com

Hollie C. Cost, Ph.D. - Mayor
Herman Lehman - City Clerk
Jeremy Littleton - Chief of Police
Bill Reid - Fire Chief

Council Members
Tiffany Bunt
Willie Goldsmith
Rusty Nix
Jason Peterson
Matt Walker

Received with 14th
2

June 13, 2018

Hollie Cost
City of Montevallo, Mayor

Herman Lehman
City of Montevallo, City Clerk/Treasurer

Re: Grievance

Per Article 8 – Section 3 of the current City of Montevallo Employee Handbook, this letter serves as my grievance.

On Monday, June 11, 2018. I was called to the mayor's office and told that an employee of 8 months made a claim of harassment, I was shown no documentation

To that effect but was sent home with a meeting set for the following morning at 8:00. At this meeting I was told that my whole job structure and position on the organizational chart was changing but it would be portrayed as a group decision, obviously that was not the case as payroll was intercepted by someone other yesterday and I didn't even know it arrived.

This harassment claim came from a conversation where she and I raised our voice when she refused to adhere to our current purchase policy approved by the Mayor and Council and proceeded to tell me I was picking on the department her ex-husband works in.

I spoke with Lisa and her response was that she was sorry, she loved me to death and forget it and go on.....no one makes those comments and says just forget it to a true "Harassment". But, my position in the office, City etc remains upside down as punishment for trying to do my job and make my department accountable and the best it can be for the City.

This compares to accusing someone of a crime then recanting your story after the fact. Everyone watches as you are humiliated and punished unjustly,...well, the damage was already done for the accused and there are no recourse for the accuser.

This sets a precedence for the future for any person who gets reprimanded to cry wolf and even a stellar employee's life will be turned upside down.

Debbie Raymond
06/13/2018

Mr. Glosson then invited Mayor Cost to respond to the grievance.

Mayor Cost explained that, as clearly described in her staff memorandum of June 14, 2018 (inserted below), there was no disciplinary action taken against Ms. Raymond. The managerial changes she made were in the best interest of the city and were intended to improve efficiencies within that office, as well as lighten the burdensome workload on Ms. Raymond. In fact, they were no different than organizational changes she recently made at the Fire Department, where she felt it made better management sense to have the Fire Marshal report to the Fire Chief instead of the Mayor.



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Rusty Nix

Jason Peterson

Matt Walker

HC

Date: June 14, 2018

To: Herman Lehman, Debby Raymond, Lisa Terrill, Karen Evans, Sandy Byrd Ivy Krukowski, Courtney Bennett and Katie Howard

From: Hollie Cost, Mayor

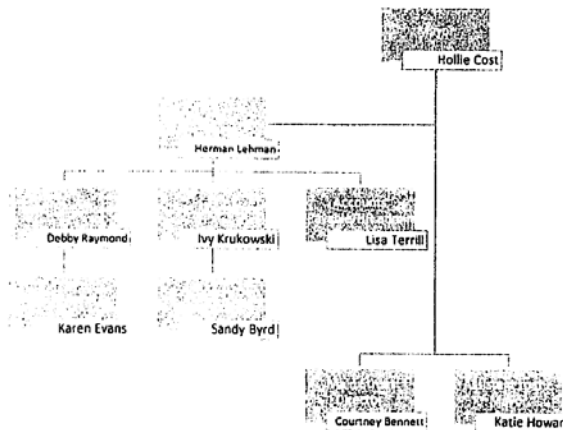
Re: A New Path Forward

Everyone at the City of Montevallo is dedicated to ensuring that our work environment is productive, efficient, effective, safe, and conflict free. We are all here to do an important job for the citizens of Montevallo, but we also value and respect one another as fellow public servants. It is important to me that we work together peacefully and to the greatest extent possible we enjoy our work. To that end, we must all treat one another respectfully and be willing to lend a helping hand in order to accomplish tasks which, at times, may seem overwhelming. While we may falter in that endeavor from time to time, every now and then we must regroup, reorganize, reinvigorate ourselves or do whatever else is necessary to continue to serve our community to best of our ability.

In an effort to more appropriately distribute the work that comes our way and enhance our work environment, I've been consulting with Debby and Herman to restructure the city hall duties a bit. Based on their input, I'm proposing some changes which we hope will put us on a new and more productive path forward. While this is the direction I feel is appropriate, as always I'm still very open to suggestions from each of you. Specifically I'd like to understand if there are still tasks which could be completed more efficiently and effectively and if you all have suggestions regarding how to improve the overall climate at city hall. Following are my changes based on Debby and Herman's input.

- 1) Debby will concentrate exclusively on business licenses and other revenue related functions in fulfillment of her critical role as Revenue Officer.
- 2) Karen will continue to assist Debby in that effort.
- 3) Starting with the current payroll, Debby will expeditiously and fully train Lisa and set-up system permissions to allow her to handle the full range of payroll related functions as detailed in her job description. Herman will be in the loop on this, as well.
- 4) Lisa will develop a step-by-step manual to ensure that, in the event of her absence another employee can effectively enter payroll.
- 5) Debby and Lisa will provide all department heads with permissions to fully access and view their own budgets. This could be a training session at a department head meeting.
- 6) Herman will assume the role as the city's official HR Director. Debby will bring him up to speed on the HR issues and train him as necessary. Herman will also attend relevant state-level training in HR through the League of Municipalities or other appropriate organizations.

- 7) Lisa will coordinate her HR-related efforts with Herman and assist him as needed – especially with maintaining files (no offense Herman).
- 8) In addition to her revenue-related duties, Karen will be responsible for updating and maintaining our asset inventory.
- 9) Karen and Katie will also train with Sandy to provide back-up at the front desk in case of absences or emergencies.
- 10) Lisa will work with Herman to make all of the non-revenue related journal entries. Debby will train both Lisa and Herman in that area of responsibility.
- 11) Lisa will immediately schedule a meeting with Alabaster to learn how they upload their payroll information into InCode, and determine whether or not this will require an update in our software system.
- 12) Sandy will continue to assist all office staff as needed.
- 13) Due to Courtney's position directing an independent board, her responsibilities to city hall operation are and will continue to be limited to remaining a part of the team. This entails understanding the operations of the city especially as related to business licenses and other important business issues.
- 14) Our organizational structure will change as follows:



- 15) We will remain open to the suggestions of everyone at City Hall and do our best to adapt and implement any changes which will help us do your jobs more efficiently and effectively, better serve our community, and make our time together more enjoyable.
- 16) We will also keep the lines of communication and dialogue open and cordial in an effort to amicably resolve issues as they arise, continuously better ourselves and our organization, build the strongest and most productive team possible, and foster an environment where we all enjoy coming to work. If there is an issue that arises that becomes problematic between two

city employees, either Herman or I should be contacted to work toward a resolution.

I want to stress how valuable each and every one of you are to our organization, to our community, and to me, as Mayor. What we do day-in and day-out here at City Hall often goes unappreciated and unrecognized. Nevertheless, I want you all to know that I understand how difficult your jobs can be and that I deeply appreciate everything you do. Thank you for all of your candor and your tireless efforts to serve others.

I look forward to this new day and new path forward.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Hollie C. Cost". The signature is fluid and cursive, with the first name "Hollie" being the most prominent.

Hollie C. Cost, Mayor

That being said, the Mayor noted this restructuring, although planned for quite some time, was accelerated because of a reported incident involving Ms. Raymond and one of her subordinates. After investigating the incident, no fault was found with regard to either party. However, Mayor Cost said it was obvious to her that structural changes needed to be made at City Hall sooner rather than later. Therefore, she, in consultation with the City Clerk and Ms. Raymond, discussed these proposed changes at City Hall, which Ms. Raymond ultimately disagreed with.

The Mayor stressed that Ms. Raymond does a good job for the city and has simply been asked to handle far too many duties. As such, this new structure frees Ms. Raymond to concentrate on her primary responsibility as Revenue Officer. It was not a demotion and did not result in a loss of pay or grade. Nevertheless, the Mayor acknowledged that, based on Ms. Raymond's statements in her grievance letter, she obviously felt humiliated by these changes.

Mr. Glosson noted that the City recently established a new job classification and paygrade system. He said Ms. Raymond's position is listed as a Grade 18 and asked if the Mayor's organizational changes affected that grade or pay status in any way. Mayor Cost said it did not.

Mr. Glosson asked if there would be any future changes in her pay. Mayor Cost said: "yes, she will receive a 3% step increase in October."

Anthony Michael, attorney for Ms. Raymond, then presented her position. He said Ms. Raymond simply wants to make the city better and help address issues of concern. She has been employed at the city for 13 years. He said he appreciated the Mayor saying there was no finding of fault related to her actions. He said for Ms. Raymond this isn't about money. She took on those additional responsibilities because she cares about the city.

He said after meeting with the Mayor on Monday, Ms. Raymond was asked to go home for the day - that made her feel less than valued. At the meeting the following day, she learned there would be a restructuring at City Hall. He suggested that you do not institute an immediate restructuring plan unless it is in response to an immediate problem. Because of this action, Ms. Raymond is now the only Department Head which does not report directly to the Mayor. He said this looks bad and made Ms. Raymond feel her value was taken away. He also suggested that the Mayor's action was not expressed as a demotion in an effort to avoid other options which would have otherwise been available to Ms. Raymond in accordance with the city's personnel policies and procedures. Therefore, he asked the Personnel Board to restore Ms. Raymond to her previous duties and allow there to be a transition which takes place in a proper manner.

Mr. Michael continued, noting that the Mayor's letter of June 14th addresses a number of changes – half of which directly affect Ms. Raymond. He said that Ms. Raymond did not want this done. He then stressed again that he thinks this was a demotion, not a transition. He pointed out that the Mayor's most recent evaluation of Ms. Raymond on the 27th was critical of Ms. Raymond and was evidence of retaliation against her.

Once again, he stressed that Ms. Raymond is simply asking to be restored to her previous duties and responsibilities.

Bart Ferguson noted that there was clearly never a question about Ms. Raymond's job performance. The only concern was the report of raised voices. Other than that, this appears to be purely a management issue.

Mayor Cost responded to the comments made by Mr. Michael. She pointed out again that she has made similar organizational changes at the Fire Department. In addition, when we hired our new personnel, it was always our plan to take these responsibilities off of Ms. Raymond's shoulders. Moreover, the letter she provided to the staff did not state that these changes were in response to any incident or event involving Ms. Raymond. Certainly, no one outside of City Hall would have ever known any differently. These changes were intended to make things easier on Ms. Raymond so that she didn't need to work late and over the weekend. Others in our office had the extra time to take on these responsibilities. It simply made sense from a management standpoint.

Mayor Cost also stressed that as Mayor of Montevallo, she needs to be able to manage and organize the departments under her direction in the manner she deems most appropriate and in the best interest of our city. Otherwise, there really isn't any point of her being mayor.

Lastly, the Mayor said she cares about Ms. Raymond, as she does all of our employees.

Mr. Michael noted again there was no fault found here. The Fire Marshal is part-time. A part-time employee reporting to another makes more sense. Once again, he asked the Board to restore Ms. Raymond to her position and let her do her job, and transition in the right way.

Mr. Ferguson noted that other department heads in the past have reported to persons other than the Mayor. These things have changed repeatedly over time.

Ms. Raymond noted that the previous Revenue Officer, John Abercrombie, reported directly to the Mayor.

Mr. Glosson pointed out that a February 2017 version of the city's organizational chart depicts the Revenue Officer reporting to the City Clerk. Then, in May of 2018, the chart depicts the Revenue Officer reporting to the Mayor.

Ms. Raymond pointed out that the City Council appoints the Revenue Officer every four years. As an appointed official, she feels she should report directly to the Mayor.

Mr. Ferguson asked Ms. Raymond what other duties she had in addition to serving as Revenue Officer. She said human resources, business licenses and other revenue. Mr. Ferguson noted that HR involves a lot of duties. He also pointed out that if employee evaluations were not being done on a regular basis, as was mentioned earlier, it is the responsibility of the HR director to follow-up with department heads to ensure they get done. HR involves a lot of work.

Ms. Raymond pointed out that the city only hired one new employee to assist her with revenue. The other new employee filed a vacancy in an existing position.

The Mayor said there were two new hires – that was her point.

Mr. Glosson asked about the description of Deputy Clerk / Revenue Officer listed in the classification chart. The City Clerk explained that was his attempt to somehow recognize that Ms. Raymond's position involved far more than just Revenue.

Mr. Glosson asked about a formal chain of command at City Hall – who people report to in the absence of the Mayor or City Clerk.

The City Clerk explained that while he and Ms. Raymond, as the office's most senior employees, work together to cover each other when we are sick or on vacation or otherwise out of the office, in our municipal government, the Mayor Pro-Tem is in charge of the city's affairs in the prolonged absence of the Mayor. Other than routine things, none of us make important decisions independently of the Mayor.

Mr. Michael noted that the organizational chart now depicts Ms. Raymond and those she formally supervised as being equals on the chart. He said the real problem is the way Mayor Cost went about all of this.

Ms. Martin, attorney for the city, asked if what was being requested by Ms. Raymond was that the Personnel Board reverse the executive decision of the mayor. Mr. Michael said: "yes."

Mayor Cost said she appreciated many of the comments brought forth as a result of this process. However, she reiterated that her decision was in the best interest of the city. She said she is heartbroken by the thought that Ms. Raymond felt humiliated by her decision. However, the timing of the transition is what it is. This is how she, as Mayor, wanted things to proceed. If she didn't make decisions like these she would not be doing her job as Mayor.

Mr. Glosson said he has put hours of thought into this situation and can see how this situation came about. However, in his mind, the big question is: Does the mayor, as the chief executive officer of the city, have the right to make organizational changes in the departments under her control? Also, does the Personnel Board have the right to suggest that the Mayor act differently? He said he agreed that the

Mayor's timing probably wasn't the best. However, he did not know how the Board can challenge the authority of a Mayor which is prescribed under the laws of the State of Alabama.

On the other hand, there is still the question of the Revenue Officer being appointed by the City Council. Can the Mayor change something that was approved by the Council?

Mayor Cost noted that the city's organizational chart has always been under the control of the Mayor. There was no change in Ms. Raymond's duties or responsibilities as Revenue Officer. Ms. Martin agreed that was correct.

Mr. Michael reiterated that his position remains that this action was actually a demotion and should have been handled under a different section of the city's handbook.

The City Clerk noted that Ms. Raymond submitted her grievance letter to him and that everything was carried out in accordance with the handbook. If Ms. Raymond felt another section of the policies and procedures should have applied, she should have detailed that in her grievance.

Mr. Michael said this was the only choice of action she had available to her under the policies.

The Personnel Board then discussed the grievance amongst themselves (but remaining in the public meeting).

Ms. Martin noted that Ms. Raymond has asked the Board to restore her to her old duties. So the issue before the Board is to either recommend that the council uphold the Mayor's decisions, or that Mr. Raymond's old duties be restored.

Mr. Ferguson commented that there could be a third choice: Recommending a reinstatement while working toward the transition.

Ms. Raymond said that was the original plan.

Ms. Martin noted that is fundamentally where we are now.

Mayor Cost pointed out that her memo addresses the need for a transition. Our accounts payable / payroll clerk has experience in these areas, as does our City Clerk.

Mr. Lee asked what facilitated this situation.

Mayor Cost explained that each of the employees said different things, which is essentially why the Mayor did not take any disciplinary action. It was more an issue of perspective than assigning blame to any one party. The original complaint expressed to us amounted to an allegation of harassment. However, I found no definitive basis for that claim.

Mr. Lee asked if the Mayor took Ms. Raymond's longevity and service into account.

Mayor Cost said she absolutely did, which is another reason it didn't go any further.

Ms. Raymond disagreed, saying she felt this was an action against her. She claimed that her subordinate was the first person to raise her voice.

Ms. Martin said that because the other employee is not here to answer this allegation, this is not something the Board needs to get into.

Mr. Michael said Ms. Raymond would be willing to work with an acceptable transition period.

Mr. Lee said this sounded like a "Catch 22" to him and suggested that the Board simply let the City Council rule on this grievance.

Ms. Martin said this is something the Personnel Board needs to rule on before it goes to the Council.

Mr. Ferguson suggested that the organizational chart could be revised to require Ms. Raymond to report to the Mayor and still denote her position as a department head. Who controls the city's organizational chart is an issue the Council can decide. Therefore, Mr. Ferguson made a motion to recommend that the City Council uphold the Mayor's decision in this matter.

Mr. Lee again suggested they let the City Council decide this issue.

Mr. Glosson noted there is a motion on the floor to recommend that the City Council uphold the Mayor's decision in this matter. He said he felt the Mayor's decision was made in haste but, under State Law, the Mayor has the authority do as she wishes with regard to restructuring a department's organizational chart. As such, he felt the Board has no authority to rule otherwise. Therefore, he seconded the motion and called for a vote. The following votes were recorded: Bill Glosson - AYE, Bart Ferguson - AYE and Billy Lee – AYE. The vote was unanimous.

There being no further business before the Board, Mr. Ferguson made a motion to adjourn. Mr. Lee seconded. ALL AYES . . . MEETING ADJOURNED at 3:39 p.m.

Submitted by:

Herman Lehman
City Clerk