

Alabama Board of Examiners of Assisted Living Administrators
Regular Board Meeting

Date: Tuesday, October 21, 2010
Time: 12:00 p.m.

Place: 5921 Carmichael Road
Montgomery, AL

Members Present: Mr. Tommy McKinnon
Ms. Vivian Readus
Ms. Dale Law
Mr. George Smith
Mr. Andy Clements
Ms. Sherry Stone
Dr. Regina Harrell
Ms. Cindy Lewis
Ms. Rita VanDyke

Members Absent: N/A

Others Present: Ms. Bettie Carmack, Attorney General Representative
Ms. Amy Findley, Executive Director

Call to Order: The called meeting of the Board was called to order at 12:00 p.m. by Chair, Tommy McKinnon.

Agenda: Regina Harrell motioned to approve the agenda as presented, Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

Board Elections: Pursuant to the statute requirement of annually electing a chair and vice chair at the first meeting of the Board held after October 1, Rita VanDyke motioned to re-elect Tommy McKinnon as Chair for a second term as well as Rita VanDyke continuing to serve as Vice-Chair for a second term, Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

Minutes from September 21, 2010: Regina Harrell motioned to approve the September 21, 2010 board meeting minutes with 2 changes, Andy Clements seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

BOE Budget: Amy Findley presented the Board with budget documents from the Finance Department. Ms. Findley also presented the Board with a breakdown of the budget comparing 2002 through 2009.

New Business: Ethics Requirement for the Executive Director: Amy Findley received a letter from the current auditor asking if the board has formal procedures in place to notify employees and applicants that the Alabama Ethics Law prohibits the following conditions at regulatory agencies:

- An employee is licensed by the agency and uses the license in association with a business regulated by the agency (unless specifically allowed by law)
- An employee either is or has a family member who is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of a business regulated by the agency.
- Reference: **Code of Alabama 1975**. Sections 36-25-9(a) and 36-25-1(2)

Ms. Findley responded to the letter stating the board did not have a “formal” procedure in place but that it would be an item on the agenda at the upcoming board meeting. Ms. Findley also stated in the letter that all of the current and previous employees have been in compliance with the law.

Discussion was held.

Andy Clements motioned to add the above ethics policy to the Executive Director contract, application for future employees as well as putting the policy on the BOEALA website, Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

Old Business: AF Sick/Vacation Leave: Amy Findley reported to the Board that the current auditor told her she was not entitled to the vacation/sick leave she has been earning since 2008. Ms. Findley did send the board an email regarding this when the auditor told her. Ms. Findley and Bettie Carmack met with Sherry Grabble at the State Personnel office on October 4, 2010 to determine what needed to be done to make the sick/vacation leave legit.

Amy Findley reported to the Board the information received from State Personnel. Currently AF is an un-classified hourly employee. In order to receive sick/vacation leave you have to work a minimum of 1500 hours in a year. Ms. Grabble stated Ms. Findley worked 1061 hours in 2009 and is on track to work about the same for 2010. Ms. Grabble stated the only way for AF to earn the sick/vacation leave is for the Board to change her to an un-classified salaried employee.

Discussion was held

Ms. Grabble also brought up that AF may be entitled to contributing to the Retirement Systems of Alabama as well, but the board would need to find out that information directly from them.

Discussion was held regarding the Retirement option. Amy Findley stated she called the RSA and was told that any half time employee who earns at least minimum wage is required to contribute a mandatory 5% into the RSA. Amy Findley also stated she was told that the employer’s portion would be around 1.898. Tommy McKinnon stated he would be available to meet with the RSA and Amy Findley if needed to get this going since it is mandatory. Ms. Findley stated she would start the process of getting the retirement set up with the proper channels so the board is in compliance.

Amy Findley’s job performance was also mentioned. Amy’s contract states that at the third regular board meeting of the year her performance will be reviewed. Discussion was held. Tommy McKinnon and Rita VanDyke stated they would be in charge of obtaining an evaluation tool for Amy’s job performance.

Cindy Lewis motioned to change Amy Findley’s status from an un-classified hourly employee to an un-classified salaried employee, Sherry Stone seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

Amy Findley's contract will have to be revised to show the above changes.

Vivian Readus motioned to allow Tommy McKinnon to approve Amy Findley's amended contract so a full board meeting will not have to occur, Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

Audit: Amy Findley reported that she and John Segrest met 2 weeks ago about the Sick/Vacation leave. Mr. Segrest asked that Amy Findley send him the board action from today's meeting regarding changing her pay status.

Amy Findley reported that the audit should be finished at the end of the month as well as the board is up for Sunset next year.

Discussion was held.

The board requested that a letter be sent to John Segrest and Calvin Cooper requesting the Board receive a notice before the exit interview so board members can attend.

Tommy McKinnon motioned to adjourn the board meeting at 12:50pm, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Andy Clements, Tommy McKinnon, Sherry Stone, Dale Law, Cindy Lewis, Rita VanDyke, Regina Harrell and George Smith.

Approved by: _____
Tommy McKinnon, Chair

Prepared by: _____
Amy Findley, Executive Director