

CIVIL SERVICE COMMISSION
SPECIAL MEETING
MONDAY, FEBRUARY 3, 2025

A special meeting of the City Civil Service Commission meeting was held on Monday, February 3, 2025, at the Mosquito and Termite Control Board, 2100 Leon C. Simon Drive, New Orleans, LA 70122. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Brittney Richardson, Vice-Chairperson John Korn, Commissioner Mark Surprenant, and Commissioner Andrew Monteverde. Commissioner Richardson convened the meeting at 10:09 a.m. and the Commission proceeded with the docket. At 10:50 a.m., on the motion of Commissioner Korn and the second of Commissioner Monteverde, the Commission voted unanimously to go into executive session.

At 11:19 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes for January 10, 2025. Commissioner Korn moved to approve the minutes. The motion was seconded by Commissioner Monteverde and approved unanimously.

Item #2 was the ratification of Public Integrity Bureau (PIB) extension requests. Amy Trepagnier, Personnel Director, informed the Commission that there were no extension requests. No action was required by the Commission.

Item #3a under Rule Amendments was a proposed addition of Rule VIII, Section 12 regarding working time for union business. Director Trepagnier stated that the item had been introduced at the December Commission meeting. The proposed amendment to the rule will allow union representatives to be considered as working when they are engaged in external union activities in City government. Director Trepagnier further noted that staff, the City, and the unions collaborated in developing the language for this rule, modeling it after federal provisions.

Amanda Fallis and Jamal Otis, representing the American Federation of State, County, and Municipal Employees (AFSCME) Local 2349, addressed the Commission to express their support for the amendment. Ms. Fallis emphasized that all AFSCME representatives are currently full-time employees of the City of New Orleans. With the approval of this amendment, representatives will be able to assist employees in disciplinary and grievance situations without having to use their

personal annual leave. Commissioner Monteverde recused himself. Commissioner Surprenant moved to approve the proposed addition. Commissioner Korn seconded the motion, and it was approved unanimously.

Item #3b was a proposed amendment to Rule VI, Section 3.5(d) relative to the 45-day limit for the certification of eligibles. Director Trepagnier stated that the proposed amendment will give the Appointing Authority an initial 60-day period to select and hire an eligible candidate from an eligibility list. During this period, a department must conduct interviews, choose candidate(s), conduct background checks and medical evaluations, and allow the employee to give notice to their current employer, if required, before making a hire. Staff expects the extended period to give agencies more flexibility to make a new hire. Commissioner Monteverde moved to approve the proposed rule amendment. The motion was seconded by Commissioner Surprenant and approved unanimously.

Item #3c was an introduction of a proposed amendment to Rule V, Section 2.5 regarding reducing the minimum time for examination announcements. Director Trepagnier stated that the proposed rule amendment is part of an ongoing working group initiative to identify efficiencies in the rules and increase flexibility. The current rule requires staff to post examination announcements a minimum of two weeks before an eligible list can be established. Approval of the amendment will allow an eligible list to be created in as little time as one week. Approval of the proposed amendment will be considered at the next Commission meeting.

Item #3d was an introduction of a proposed amendment to Rule VIII, Section 2.13(a) regarding sick and annual leave donation. Director Trepagnier stated that the rule came to the Commission as a request from the Sewerage and Water Board. Previously, the rules required new employees to work for six months before they could use annual leave. However, the Commission adopted a rule change that permits employees to use annual leave after just eight weeks of employment. Additionally, employees were formerly required to wait six months before becoming eligible to receive donated leave from other employees. This rule change will reduce that threshold to eight weeks. Approval of the proposed amendment will be considered at the next Commission meeting.

Director Trepagnier requested that the Commission return to the docket to address an item. Commissioner Korn moved to approve a return to the docket. The motion was seconded by Commissioner Surprenant and approved unanimously. The Commission returned to the docket at 11:27 a.m.

At 11:34 a.m., the Commission returned to the business portion of the meeting.

Item #4a under Classification and Compensation Matters was a request from the Municipal and Traffic Court for a new unclassified position under Rule III, Section 7.1. Monique Boissiere, Judicial Administrator of the Municipal and Traffic Court, addressed the Commission and stated that the seven judges of the Municipal and Traffic Court have voted to hire an Information Technology (IT) Director. This position will be part of the IT division and report directly to the seven judges. The person has no supervisor besides one of the seven judges. The selected candidate will be responsible for setting up and managing IT operations in seven court rooms and many offices. Currently, the Court has an unclassified employee performing IT duties, but it seeks to hire externally for a candidate who will supervise the current IT employee and another individual in a currently vacant position.

Director Trepagnier stated that there are three parts to Rule III Section 7.1 that are applied when considering a request for an unclassified position. The second part contains specific criteria, and the third part requires audits of continuing appropriateness. She then read the first part of the rule, Section 7.1(a) for the record and stated that in its analysis of Rule III Section 7.1(a) staff considers if a position is inappropriate for the classified service and if the duties should not be performed by a classified employee. The Rule is structured in this way because unclassified positions are exceptions to the default of positions being in the classified service. The first thing staff considers is if the duties and responsibilities have been previously performed or are currently being performed by a classified employee. This was one of the factors applied by staff in the often-cited unclassified Police Commander's case (*Orazio v. Department of Police* 2018). The requested position is new, so there is no current incumbent. Secondly, staff examines the duties and responsibilities to determine if they should not be performed by a classified employee. Staff considers if there is a need, based on the duties, for the employee to be politically aligned with the appointing authority. Does the position require political involvement? In performing his/her duties will decision making be based on political affiliation? Will the duties include partisan activity? Do the job duties involve participation in confidential political decision making or providing advice to elected officials to influence political strategy? She stated she wanted to hear more from the Court about how the position meets that criteria. Ms. Boissiere responded that the person can make limited decisions, it is not political advice, it is all IT. They can make limited decisions because our servers are under the City's

control. So, it is basically putting in place rules that would make us run better. A higher-level position is needed to make more executive decisions.

Commissioner Surprenant asked who the person reports to. Ms. Boissiere responded all seven judges. Ms. Carroll asked what political alignment there would be. Ms. Boissiere responded there is no political alignment that she sees. Commissioner Surprenant asked why the position can't be classified. Ms. Boissiere stated that the judges relayed to her that anyone reporting to the judges is unclassified. The only person with classified employees should be the person who reports to the Clerk of Court. Ms. Carroll asked if you made everyone report to the judges, would they all be unclassified. Ms. Boissiere responded yes, that is how the judges feel.

Commissioner Surprenant emphasized that unclassified positions are intended to be an exception. While everyone ultimately reports to the Court and to the judges, we cannot have a system where everyone is going to be unclassified. That is not the purpose of the rule. Unclassified is supposed to be the exception. The rule places the burden on the requestor to make the case for why the position cannot be classified. He further noted that any decision made will have a precedential effect; therefore, the Commission tries to be consistent.

Christina Carroll asked Director Trepagnier whether compensation was a factor in the Civil Service staff's consideration of approving the request. Director Trepagnier responded that compensation was not a factor, as there are IT positions in the classified service that pay six figures.

Commissioner Richardson requested additional context from Judge Robert Jones regarding why the request is for an unclassified position versus a classified position. Judge Jones cited Article X of the 1973 Louisiana Constitution, noting that it provided for employees assigned to the Clerk's Office of the Municipal and Traffic Courts of New Orleans to be part of the classified service. He clarified that this language was limited to the Clerk's Office. The Clerk's Office and the Court are not synonymous. The Clerk's Office is merely a department of the Court. Once you go beyond the Clerk's Office, my statutory staff, my probation officers, court reports, accounting staff, my administrative staff, my community court person, any employee who does not report to the Clerk and does not have a part in custodial record keeping is not classified. Judge Jones stated if the Commission wants to litigate this, he is your man.

Ms. Carroll stated that the Commission and the Court have previously litigated this to determine the classification of the Judicial Administrator. The litigation was later

dismissed after statutes were enacted in the Louisiana legislature, which stipulated that each judge was to receive four unclassified employees. The Court is asking the Commission to create an unclassified position under the Commission's authority. Judge Jones asked why he had to come before the Commission if he wants to hire an employee. Ms. Carroll responded that we have been proceeding under the statutes. If we want to say that the statutes are unconstitutional then the Clerk of Court should be classified. Judge Jones stated that no other Clerk's Office in the state is subject to these conditions. An IT Director is needed as the Court migrates back to the old courthouse. Ms. Carroll noted there are current classified IT positions that pay over \$100,000. Judge Jones stated the IT Director will not report to the Clerk of Court, it reports to him.

Ms. Carroll clarified that the IT Director would still be able to report to the Court's judges even if the position were within the classified service. Judge Jones said that is not true. Ms. Carroll stated her advice to the Commission is that simply reporting to the Judges does not make a position unclassified. Judge Jones stated let's litigate it again. She stated her advice to the Commission is to deny the request.

Commissioner Monteverde questioned Judge Jones on the need for the position to be a political appointment, when it is a highly technical position. Judge Jones stated he does not understand why every time he wants to make a hire he has to go before the Commission. It has gotten to the point that it is somewhat annoying. Commissioner Richardson suggested that the Commission defer the item if it was Judge Jones' wish to continue dialogue about the request. Judge Jones stated that if this is an issue that is going to constantly come up then let's go back to court and get clarification. Commissioner Surprenant moved to defer the item to the next Commission meeting. Commissioner Monteverde seconded the motion, and it was approved unanimously.

Item #4b was a request from the Fire Department for an amended Special Rate of Pay for emergency medical certifications for members assigned to the Airport. Aaron Mischler, President of the New Orleans Fire Fighter Association, addressed the Commission and explained that firefighters at the Airport operate at a higher level than those at City engine houses. The firefighters assigned to the Airport are able to perform Paramedic and Emergency Medical Technician duties, whereas City firefighters, who may have emergency medical certifications, are limited to first responder duties. The request aims to provide these firefighters with a special rate of pay for their additional competencies and to address the challenges the Fire

Department faces in staffing personnel for shifts at the Airport. Director Trepagnier stated that Mr. Mischler had previously requested that the Commission make the effective date the date of the Commission's approval. Commissioner Monteverde recused himself. Commissioner Surprenant moved to approve the request with the stipulation that it take effect on the date of the Commission's approval. The motion was seconded by Commissioner Korn and approved unanimously.

Item #4c was a request from the Fire Department to create the new job classification of Fire Training Technician and a new special rate of pay. Robert Hagmann, Personnel Administrator of the Classification and Compensation division stated the new Fire Training Technician position will be at the same level as a Fire Apparatus Operator. The intent is to get people to accept positions at the fire training academy. In conjunction with the new classification, a special rate of pay is recommended for employees in this class due to the change in their work schedule to a 40-hour work shift. The special rate of pay is designed to acknowledge the loss of overtime compensation that firefighters typically earn. Commissioner Monteverde recused himself. Commissioner Korn moved to approve the request. Commissioner Surprenant seconded the motion, and it was approved unanimously.

Item #4d was an amendment to the licensed notary special rate of pay. Mr. Hagmann stated that the notary special rate of pay is currently limited to non-exempt employees. The amendment would expand the certification to those below an executive level, increasing the number of classifications impacted by this special rate of pay. Commissioner Surprenant moved to approve the amendment. The motion was seconded by Commissioner Monteverde and approved unanimously.

Item #4e was an amendment to the professional certification special rate of pay. Mr. Hagmann indicated that the special rate of pay is currently restricted to exempt employees. The proposed amendment would allow the special rate of pay to be applicable to non-exempt employees.

Amanda Fallis, representing AFSCME, addressed the Commission to express that she was in favor of the proposed amendment. Commissioner Monteverde recused himself. Commissioner Korn moved to approve the request. The motion was seconded by Commissioner Surprenant and approved unanimously.

Item #5a under Recruitment and Selection Matters was a request for the approval of examination announcements. Commissioner Monteverde moved to approve examination announcements 11215-11223. Commissioner Korn seconded the motion, and it was approved unanimously.

Item #6 was a request from the Fire Department for sick leave advancement under Rule VIII, Section 2.12 for Fire Recruit Anthony Lalone. Tia Harrison, Personnel Administrator of the Classification and Compensation, stated that the New Orleans Fire Department requested sixty days of leave for Fire Recruit Anthony Lalone due to injuries he sustained on July 17, 2024 during training exercises. Commissioner Surprenant asked Ms. Harrison for staff's recommendation. Ms. Harrison stated that staff recommends approval of the request.

Director Trepagnier clarified that the rule allowing for sick leave advancement for public safety positions is structured this way because the training these employees undergo is physically rigorous. Commissioner Monteverde recused himself. Commissioner Surprenant moved to approve the request for sick leave advancement. The motion was seconded by Commissioner Korn and approved unanimously.

Item #7 was a request from the Fire Department for sick leave advancement under Rule VIII, Section 2.12 for Fire Recruit Kenny Hand. Ms. Harrison stated that the New Orleans Fire Department requested ten days of leave for injuries Fire Recruit Kenny Hand sustained on December 5, 2024 during training exercises. Commissioner Richardson asked Ms. Harrison for the recommendation of staff. Ms. Harrison stated that staff recommended approval of the request. Commissioner Monteverde recused himself. Commissioner Korn moved to approve the request for sick leave advancement. Commissioner Surprenant seconded the motion, and it was approved unanimously.

Director Trepagnier requested that an additional agenda item be taken up. Commissioner Korn moved to approve the item being added to the agenda. This motion was seconded by Commissioner Monteverde.

Director Trepagnier requested approval of the December 10, 2024, minutes. Commissioner Korn moved to approve the December 10, 2024 minutes. Commissioner Monteverde seconded the motion, and it was approved unanimously.

It was again requested that an additional agenda item be added to the business meeting for consideration. Commissioner Surprenant moved to approve the item being added to the agenda. Commissioner Monteverde seconded the motion, and it was approved unanimously.

The request was for an amendment to special rate of pay for extended Mardi Gras event hours. Director Trepagnier stated that the Commission previously approved a special rate of pay for extended Mardi Gras events to recognize employees who work

additional shifts at night during parade season. The special rate of pay can begin up to two weeks before Mardi Gras and ends on Mardi Gras Day. However, administrators of key departments involved in this effort are requesting that the special rate of pay be extended until Ash Wednesday each year, to accommodate employees working to clean up the City. Commissioner Korn moved to approve the request. The motion was seconded by Commissioner Monteverde and approved unanimously.

With no additional business to consider, Commissioner Monteverde moved for adjournment at 12:09 p.m. Commissioner Korn seconded the motion, and it was approved unanimously.



Brittney Richardson (Mar 19, 2025 20:25 CDT)

Brittney Richardson, Chairperson



John Korn, Vice-Chairperson

Mark C. Surprenant

Mark C. Surprenant (Mar 19, 2025 17:50 CDT)

Mark Surprenant, Commissioner



Andrew Monteverde (Mar 19, 2025 16:40 CDT)

Andrew Monteverde, Commissioner