

CIVIL SERVICE COMMISSION  
SPECIAL MEETING  
Monday, January 27, 2020

The monthly meeting of the City Civil Service Commission was held on Monday, January 27, 2020 at 1300 Perdido Street, Council Chambers. Doddie Smith, Personnel Administrator, called the roll. Present were Chairperson Michelle Craig, Vice Chairperson Clifton Moore, Jr., Commissioner Brittney Richardson, and Commissioner John Korn. Chairperson Craig convened the meeting at 1:09 p.m. The Commission went into executive session at 3:36 p.m. On the motion of Commissioner Korn and the second of Commissioner Moore the Commission voted unanimously to return from executive session and begin the business meeting at 4:14 p.m.

Item #1 on the agenda was the minutes for November 5, 2019. Commissioner Moore moved to approve the minutes. The motion was seconded by Commissioner Korn and approved unanimously.

Item #2 was the approval of written waiver regarding the conflict of interest of the Commission's Executive Counsel. Commissioner Richardson motioned to defer this item. The motion was seconded by Commissioner Moore and the deferment was approved unanimously.

Item #3 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Christina Carroll, Executive Counsel for the Commission, reported that she had met with Jackie Hadley-Boatman from S&WB. Ms. Carroll noted that the cyber-attack had delayed staff's ability to provide additional information to S&WB about items flagged in staff's preliminary review of S&WB transactions. She noted S&WB would be providing staff with data on overtime usage.

Item #4 was featured jobs with the City of New Orleans. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, provided information regarding job postings for Grounds Patrol Supervisor, Senior Carpenter, and Library Programming Manager. She noted that staff had continued to accept applications during the cyber-attack.

Item #5(a) under Classification and Compensation Matters was a request from the Sewerage and Water Board to create the new job classification of Environmental Enforcement Technician Supervisor. This item was deferred.

Item #5(b) was a request on overtime for City Departments in accordance with Rule IV, Section 9.7(a). Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that there are overtime maximums of 416 hours and 750 hours in the Rules. There were nine departments who exceeded those hours. Mr. Hagmann reported that staff requested information from those nine departments regarding reasons for the overtime usage and selection methods for overtime recipients. Seven of the nine departments responded. Mr. Hagmann stated that on behalf of the administration, staff is requesting that the Commission grant an exception to the Rules for the seven responding departments. Commissioner Richardson motioned to approve the request. Commissioner Korn seconded the motion and it was approved by all Commissioners.

Item #5(c) was a request from the Fire Fighters Association for an equity adjustment for Firefighters relative to the recent Pay Plan implementation. Director Hudson stated that the Fire Fighters Association had requested to defer the item to the February meeting.

Item #5(d) was a request from the Fire Fighters Association for retroactive Emergency Pay for Tropical Storm Nate. Director Hudson stated that she believed that the Commission had taken the matter under advisement at the prior meeting and that the Fire Fighters Association was waiting on a decision. Commissioner Craig stated that the Commission was denying the request because there was no state of emergency at the time. Mr. Hagmann stated that a state of emergency had been called. The issue is the administration or appointing authority did not invoke the section of the Emergency Rule that allows exempt employees to earn overtime. He stated to grant overtime compensation for exempt employees would be inconsistent with the Rule. Commissioner Craig stated that the Rule tied the Commission's hands. Aaron Mischler, representing the Fire Fighters Association, stated that at the last Commission meeting, Louis Robein, the Fire Fighters Association's Counsel, had advised that to do so was within the Commission's jurisdiction. Commissioner Craig stated the administration's failure to invoke the Rule was important and that it is the reason the Commission is denying the request. Gary Savelle, President of the Fire Chief's Association, asked if the Commission was okay with the

Chiefs being called in for a declared emergency on their day off and not being compensated. Commissioner Craig stated it was not a fair characterization. Mr. Savelle responded that they were working alongside of people who were making double time and they were making half time. He stated he did not believe that was fair. Mr. Hagmann stated there are budgetary issues if you routinely grant overtime for exempt employees and the city does not receive reimbursement. Stephanie Hennings, representing the Chief Administrative Office, suggested a meeting with all parties to discuss the matter prior to the next meeting. The Commission agreed.

Item #5(e) was a request from the administration to extend performance evaluations until February 29<sup>th</sup>. Director Hudson stated the administration had requested an extension to the performance planning period due to the cyber-attack. The deadline is usually December 31<sup>st</sup>. It would be extended to February 29<sup>th</sup>. Commissioner Richardson motioned to approve the request. The motion was seconded by Commissioner Moore and approved unanimously.

Item #6(a) under Recruitment and Selection Matters was the approval of examination announcements. Commissioner Moore moved to approve announcements 10267-10279. Commissioner Richardson seconded the motion and it was approved unanimously.

Item #6(b) was the approval of provisional appointments in accordance with Rule VI section 5.3(a). Director Hudson stated staff routinely requests that provisional appointments be extended in January of each year to comply with Rule VI section 5.3(a). The provisional appointments are for positions where an eligible list does not currently exist or is not ever produced. There are four classifications for which lists are not produced: Fire Education Officer, Police Aide, Office Assistant Trainee, and School Crossing Guard. Director Hudson noted the list of current provisional employees is attached to the request. Commissioner Korn moved for approval. The motion was seconded by Commissioner Moore and approved unanimously.

Item #7 was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Commissioner Craig called for public comment. Peter Hansche, an NOPD Sergeant, requested that the extension be denied for his item. He stated he was not notified of the extension hearing so he was not able to attend. Simon Hargrove, representing PIB, stated the investigator in Sergeant's Hansche's case was out. He stated that the extension hearing was

held on December 17<sup>th</sup> and the extension was granted. Ms. Carroll stated she had granted the extension because the investigating officer could not access his records due to the cyber-attack. Donovan Livaccari, representing the Fraternal Order of Police, stated state law requires that the accused officer must be notified of the extension hearing in order for an extension to be granted. He noted that the former hearing officer routinely denied extension requests for that reason alone. Director Hudson stated NOPD was making its best effort at the time, but notification was difficult due to the cyber-attack. Captain Hargrove stated he could not prove what attempts were made to contact Sergeant Hansche because the investigator is not present. William Goforth, representing the City Attorney's Office, stated the Police Officer Bill of Rights states that notice has to be provided. It does not say notice has to be received. He stated if this goes forward and discipline is issued this challenge could be raised as part of the appeal. Mr. Hansche stated he disagreed with Mr. Goforth. Mr. Livaccari stated it is not NOPD's responsibility to notify the officers of the extension. The Commission then proceeded to the next item while Captain Hargrove attempted to contact the investigating officer.

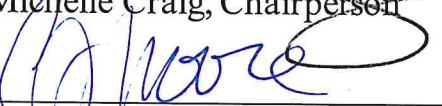
Item #8(a) under Communications was the Director's Report. Director Hudson stated that late last week there were approximately 15 employees in the department without access to computers. As of the meeting, all employees now have computer access. However, employees do not have access to emails prior to Jan 3<sup>rd</sup>, they have no printing abilities, and lack access to software like SPSS and the scanning software used to score the Police Recruit test. Staff is currently hand scoring Police Recruit tests which is time consuming. Staff cannot access Adobe, DocuShare, group files or databases including the appeals database. The department is unable to make regular purchases and pay vendors. All of this limits the department's ability to respond to requests quickly and efficiently. She noted that staff has continued to work the entire time. Neogov is cloud based so it was not impacted. Since the cyber-attack, staff has processed 139 requisitions and approximately 2600 applications. Staff had also continued to respond to job studies and temporary pay requests. Commissioner Craig stated that over the past few years, staff has done a great job in making the numbers go down in terms of responsiveness. She stated that she knows the city is working hard to recover and offered the Commission's help to Director Hudson.

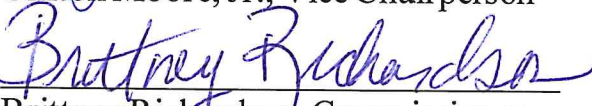
Director Hudson then noted that the Personnel Administrator over the Test Development Division had resigned. This would impact the ability to conduct Police and Fire promotional exams. She stated she plans to contract with an outside entity while working to find a replacement.

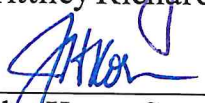
The Commission then returned to agenda item #7. Captain Hargrove stated he had determined the email to Sergeant Hansche went out on the same day as the cyber-attack, so he cannot say for sure if it was delivered. He stated it was unknown if a phone call was made. Commissioner Korn moved to approve all of the extensions. The motion was seconded by Commissioner Moore. Mr. Livaccari stated out of the 79 extension requests before the Commission only one had been denied by the hearing examiner and one was moot. It is statistically improbable that only one would show good cause for an extension. Ms. Carroll stated almost all officers requesting extensions expressed that they needed more time because they could not access their computer. Mr. Livaccari stated he understood, but it is routinely done. The Commission then approved the motion for extensions unanimously.

Commissioner Moore moved for adjournment at 5:03 p.m. The motion was seconded by Commissioner Richardson and approved unanimously.

  
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Michelle Craig, Chairperson

  
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Clifton Moore, Jr., Vice Chairperson

  
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Brittney Richardson, Commissioner

  
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John Korn, Commissioner