CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, SEPTEMBER 16, 2013

The regular monthly meeting of the City Civil Service Commission was held on Monday, September 16, 2013 at 1340 Poydras Street, Suite 900. Present were Chairman Kevin W. Wildes, S.J., Commissioners Joseph S. Clark, Michele D. Craig and Coleman D. Ridley, Jr. The Chairman convened the meeting at 10:05 a.m. and began by administering the oath to the new commissioner, Ms. Michelle D. Craig, Dillard University's representative. The Commission completed the Docket portion of the meeting at 11:55 a.m. and began their recess. The Business Meeting convened at 12:15 p.m.

The first item on the agenda was the minutes of the June 17, 2013 meeting. The minutes were approved unanimously on motion of Commissioner Clark and seconded by Commissioner Ridley.

Item #2 on the agenda was the election of Commission Chairman and Vice Chairman for the coming year. Commissioner Ridley moved to nominate Rev. Kevin W. Wildes as Chairman. The motion was seconded by Commissioner Clark and was approved unanimously. Next Commissioner Clark moved to nominate Commissioner Ridley to serve as Vice-Chairman. The motion was seconded by Chairman Wildes and was approved unanimously.

Item #3 on the agenda was Classification and Compensation matters. Item #3(a) on the agenda was a request from the New Orleans Police Department (NOPD) to reinstate the unclassified position of Deputy Superintendent to handle the responsibilities overseeing the consent decree compliance and policies. Mr. Robert Hagmann, Personnel Administrator addressed the Commission on this matter. He explained that the Police Chief was requesting the restoration of an unclassified position in order to address the consent decree requirements for a dedicated position. Mr. Hagmann stated that staff was in support of this request and asked for the Commission's approval. Mr. Raymond Burkhart , representative of the Fraternal Order of Police (FOP), informed the Commission that they were opposed to the reinstatement of this unclassified position. He explained that FOP felt that the unclassified position was not needed and could be filled within the classified service. In addition, Mr. James Gallagher, also representing FOP, spoke in opposition to the reinstatement of the unclassified Deputy Superintendent position. Mr. Burkhart asked that the matter be deferred to allow FOP to work with the Police Chief and Civil Service to see if they can reach an agreement on what is best for the citizens of New Orleans as well as what is necessary to be in compliance with the consent decree. Chief Serpas addressed the Commission requesting their support for this position and expressing that it is his opinion that this position is necessary in order for the Police Department to be in compliance with the consent decree. Vice-Chairman Ridley moved to defer the issue to give Civil Service time to re-consider the issue with the assistance of FOP. Vice-Chairman Ridley then called for a special meeting within the next three weeks to vote on the matter. The motion was seconded by Commissioner Clark and approved unanimously.

Item #3(b) on the agenda was a review of the Office of Inspector General's unclassified School Construction Fraud positions. Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation, informed the Commission that in 2011, the Office of Inspector General asked the Commission for the approval of four unclassified positions relative to a cooperative endeavor agreement with the Recovery School District. The Commission authorized the four temporary unclassified positions to be limited to three years. The school construction program ended prematurely and the Office of Inspector General then repurposed these positions to review construction activities at the New Orleans Airport. Ms. Stolp informed the Commission that staff plans to conduct a review of the work to determine if the positions meet the criteria of the unclassified service and give a report at the next Commission meeting. Mr. Edouard Quatrevaux, Inspector General, stated that the City Council approved the deletion of the word "school" from the job title and that the construction of both the airport and the school district is about the same. Ms. Stolp explained that the positions are like new positions because they were approved as being temporary, and as part of a cooperative endeavor agreement with a non-city agency. Since Aviation is a city agency, staff would like time to review the job duties of the positions to ensure they are not responsibilities that are already mandated by the Office of Inspector General and that they meet the criteria for being in the unclassified service. Ms. Stolp will give a report on her findings at the October Commission meeting.

At the request of Mr. Quatrevaux, the Commission approved taking the items out of order and addressing item #4(b) next. Item #4(b) on the agenda was an appeal of the minimum qualifications for the Office of Inspector General Criminal Investigator Positions. Mr. Quatrevaux introduced Mr. Howard Schwartz, First Inspector General for Criminal Investigations, to the Commission and gave some background information on Mr, Schwartz' work experience. Mr. Quatrevaux then informed the Commission that he would like to allow Mr. Schwartz to decide on the minimum qualifications for the Criminal Investigator positions and the kind of experience that is required to determine if someone would be considered to be a good investigator. Mr. Quatrevaux stated that his office would like to open the requirements in order to attract more qualified applicants. Mr. Howard Schwartz then introduced himself and gave the Commission information on his previous investigative experience. Ms. Amy Trepagnier, Personnel Administrator of Recruitment and Selection, informed the Commission that the current salary for this position is based on candidates having previous experience in an Office of Inspector General. She stated that in order to amend the requirements, staff would have to look at relationships between these positions and equivalent positions in the Police and Fire Departments. Ms. Trepagnier expressed that the current minimum qualifications should be maintained to preserve the equity between the investigator positions in the Office of Inspector General and those in the Police and Fire Departments. Mr. James Gallagher and Mr. Raymond Burkhart spoke on the matter. Mr. Schwartz expressed that the OIG does not have any positions available and that he is thinking ahead to determine the best way to increase their potential pool of applicants. He also expressed that the OIG is not reducing or lowering the standards of the position. Chairman Wildes asked that Civil Service staff and the Office of Inspector General meet and try to agree on a set of minimum qualifications and then come back to the Commission with the outcome.

Item #3(c) on the agenda was a request for the creation of a Mediation Coordinator position for the Police Monitor's Office. Ms. Shelly Stolp informed the Commission that staff was proposing the creation of a new job classification titled Mediation Coordinator at the request of the Police Monitor. This new classification would have a minimum salary of $57,471. Ms. Stolp informed the Commission that the Police Monitor is in agreement with staff's proposal. Mr. Raymond Burkhart addressed the Commission stating that he did not think there was a need for the position at this time because currently there is no mediation process in place. Mr. James Gallagher also spoke on the matter. With no one from the Police Monitor's Office present to address the matter, Rev. Wildes stated that it was too soon to act on the matter and suggested that the Police Monitor make a presentation to the Commission to justify the need for the position.

Item #3(d) on the agenda was the emergency overtime pay rule change proposals. This item was deferred to the October 2013 Commission meeting. Ms. Courtney Bagneris, Assistant Chief Administrative Officer, informed the Commission that Mr. Andrew Kopplin, Chief Administrative Officer, asked that this matter be postponed to the next Commission meeting.

Item #3(e) on the agenda was a request from the Police Association of New Orleans (PANO) to investigate violations of Civil Service rules relative to the establishment of rates of pay for the Office of Police Secondary Employment (OPSE). Mr. Eric Hessler, representative of the Police Association of New Orleans (PANO), addressed the Commission stating that a petition was filed requesting that the Commission intervene, investigate and prohibit the Office of Police Secondary Employment from operating in violation of the Louisiana Constitution, the Home Rule Charter, and Civil Service rules. The petition states that the OPSE is in violation of Rule III, Section 6.1 and 6.2, titled Contracts; Rule IV, Section 1, titled The Pay Plan, and Rule IV, Section 9.1, titled Overtime. Ms. Sharonda Williams, City Attorney, responded to this petition informing the Commission that she has submitted an opposition to the petition for intervention. She informed the Commission that PANO, in a federal court proceeding, raised the same concerns and moved that the court intervene in the matter. She informed the Commission that the motion to intervene was denied in federal court. Ms. Williams stated that the terms of the consent decree mandate that the OPSE has to be implemented by January 11, 2014.

Mr. Hessler expressed that the implementation of this office must be done without violating Civil Service rules and state laws. Mr. Raymond Burkhart (FOP), Mr. Donovan Livaccari (FOP), Mr. Claude Schlesinger (FOP), and Mr. James Gallagher (FOP) spoke on the matter. Mr. Bill Neilson and James Washington also spoke on the matter regarding tax issues. Gilbert Buras, Civil Service counsel advised the Commission to take the matter under advisement. Mr. Hessler asked that the matter be placed on the agenda for the special meeting. Vice-Chairman Ridley agreed to place the matter on the agenda for the special meeting and asked that the City, PANO and any of the speakers who were interested, submit a briefing on the issue. He informed them that a deadline would be set and that Director Hudson would email this deadline to them.

Item #3(f) on the agenda was the establishment of payroll codes for payment through the City's payroll system for police detail work. Director Hudson informed the Commission that the City requested that Police Officers be paid through the City's payroll system for police detail work. Director Hudson cited Civil Service Rule X, Section 1.3, "No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified service of the City until after certification by the Director that such payment is authorized and is in conformity with these Rules. The Director's approval of records relating to personnel transactions shall constitute certification within the meaning of this Rule." Director Hudson stated that since the Police Officers would not be acting as city employees, she was not clear on whether or not this request would be allowed within the rules. Mr. Gilbert Buras stated that he would address the matter in an opinion letter. Ms. Sharonda Williams asked if the City would be allowed to continue using the provisional payroll code that Director Hudson granted until a final ruling has been made. Mr. Gallagher, Mr. Hessler, Mr. Burkhart, Mr. Livaccari and Mr. Schlesinger all spoke in opposition to the matter. Mr. Nielson and Mr. Washington also spoke on the matter. Chairman Wildes approved the continued use of the provisional payroll codes and asked that the matter be taken under advisement.

Item #3(g) on the agenda was a request from the Health Department for hiring rates on Health Department related job classifications. Ms. Shelly Stolp informed the Commission that the Health Department was having some retention and recruitment concerns with some of their positions and based on those concerns, staff reviewed several of their job classifications and made the following recommendations to amend the pay plan: Staff proposed the retitling of Dental Assistant I, C5062, and increasing the annual minimum salary to $21,436 and creating a new job classification of Dental Assistant II, C5063, with an annual minimum salary of $23,094 and also creating a new job classification of Dental Assistant III, C5064, with an annual minimum salary of $24,882. Staff also proposed the retitling of the classification of Dental Hygienist I, C5072, and increasing the salary to $47,471 and the creation of a new job classification of Dental Hygienist II, C 5073, with an annual salary of $55,102. Staff also proposed step increases for the following licensed medical professionals: Physician, C5020, increased from range/step 116/01 to 116/15, $145,205; Emergency Medical Services, Director, C5508; Physician (Program Director), C5505; Dentist (Program Director), C5507, all increased from 116/01 to 118/15, $152, 602; and Dentist, C5055 increased from 112/01 to 112/15, $131,468. Staff also recommended a hiring rate of $88,344 for the position of Nurse Practitioner, C5515. After hearing staff's recommendations, Vice-Chairman Ridley moved to approve the pay plan amendments. The motion was seconded by Commissioner Clark and approved unanimously.

Chairman Wildes left the meeting at 1:43 p.m.

Item #3(h) was a request from the Health Department to hire above the minimum for the Public Health Nursing Clinic Supervisor position based upon superior qualifications as outlined in Rule IV, Section 2.7. Ms. Shelly Stolp informed the Commission that the Health Department is in agreement with staff's recommendation to grant a hiring rate above the minimum based on extraordinary qualifications for Ms. Rita Chapman, Public Health Nursing Clinic Supervisor, of $75,172, 18.75% above the minimum. On motion of Commissioner Clark and seconded by Vice-Chairman Ridley, the hiring rate was approved unanimously.

Item #3(i) was a request from Sewerage and Water Board to create new Meter Reading classifications. Mr. Robert Hagmann informed the Commission that staff received a request from the Sewerage and Water Board to create a specialty supervisory series for the Meter Reading Division of Sewerage and Water Board. In response to this request, Mr. Hagmann stated that staff created three new classifications that would provide an opportunity for employees in the Water Service Inspector series to compete for middle management positions. The new positions are as follows: Utilities Meter Services Supervisor, Assistant, C3151, $32,702; Utilities Meter Services Supervisor, C3152, $35,232; and Utilities Meter Services Manager, C3153, $37,959. Mr. Hagmann stated that the Sewerage and Water Board is in agreement with the proposal and asked for Commission approval. On motion of Vice-Chairman Ridley and seconded by Commissioner Clark, the creation of the new meter reading classifications was approved unanimously.

Item #3(j) was the introduction of a special rate of pay for bilingual skills. Mr. Robert Hagmann addressed the Commission informing them that staff was introducing a new special rate of pay that would grant a five percent increase to individuals who are bi-lingual and who are designated by their appointing authority as requiring the regular use of a second language in contact with the public. He stated that the special rate of pay was only being introduced and that Civil Service would like to get feedback from departments. Mr. James Gallagher and Mr. Erdwin Fuentes, Personnel Division Chief of Parkways and Parks Commission, had questions regarding this special rate of pay. Director Hudson stated that the matter would be on the agenda at next month's Commission meeting.

Item #3(k) was a request from Aviation to address the Commission on the status of the Airport Senior Services Manager (Accounting) position and Master Electrician position. Director Hudson informed the Commission that Civil Service staff and the Director of Aviation were planning to meet on the matter. In light of this meeting, Director Hudson requested that the matter be withdrawn at this time.

Item #4 on the agenda was Recruitment and Selection matters. Item #4(a) was Examination Announcements #8844 through #8874. On motion of Commissioner Clark and seconded by Vice-Chairman Ridley, the announcements were approved unanimously.

Item #4(b) on the agenda was an appeal of minimum qualifications for the Office of Inspector General Criminal Investigator Positions and was addressed after item #3(b).

Item #4(c) on the agenda was the proposed Police Sergeant Announcement. Ms. Amy Trepagnier addressed the Commission informing them that Civil Service worked with the Police Department in developing the requirements on this announcement and that they were in agreement. She then reviewed the minimum qualifications with the Commission. On motion of Commissioner Clark and seconded by Vice-Chairman Ridley, the announcement was approved unanimously.

Item #4(d) on the agenda was a request from Officer Robert Hamilton to address the Commission regarding the rejection of his Police Sergeant application. Mr. Donovan Livaccari addressed the Commission, explained that Officer Hamilton was requesting an exception to the requirement of having permanent status as a Police Officer I, II, III, or IV in order to apply for the Police Sergeant examination. He explained that Officer Hamilton had previously worked for the New Orleans Police Department and left to work for U.S. Customs. After working with U.S. Customs for twenty-three years, he returned to the New Orleans Police Department and was re-hired with probationary status. Mr. Livaccari expressed that this is the first Police Sergeant exam to be given in seven years and that Officer Hamilton was only a couple weeks short of gaining permanent status and will have met the qualifications before the exam is given. Ms. Amy Trepagnier explained that Officer Hamilton was more than a couple weeks short of gaining permanent status and that applicants must have met the minimum qualifications by the close of the application period. Mr. Hamilton explained that there were some issues that came about during the hiring process and that someone in Civil Service told him that he would be allowed to take the test. Mr. James Gallagher also spoke in favor of allowing the exception, stating that Officer Hamilton previously held permanent status with the Police Department for thirteen years. Ms. Trepagnier then informed the Commission that an employee who returned to the City after twenty-three years would not be reinstated with permanent status and would have to serve a probationary period. Vice-Chairman Ridley asked that the matter be taken under advisement and deferred until the next meeting. Director Hudson stated that the item would be placed on the agenda for the special meeting to be held in three weeks.

Item #5(a) on the agenda was the introduction of a proposed amendment to Rule IX related to disciplinary action and letters of reprimand. Mr. Richard Carter, Personnel Administrator, gave an introduction of the changes that were being proposed to the rule.

Item #5(b) on the agenda was the introduction of a proposed amendment to Rule VIII related to leave without pay (LWOP). Mr. Richard Carter also gave an introduction of the changes that were being proposed to this rule.

Director Hudson explained that the proposed amendments were being introduced and that Civil Service will accept input from departments and will address any concerns.

Item #6 on the agenda was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Mr. Donovan Livaccari expressed concern with Commissioners granting extensions on investigations after the initial 60 day period has passed. Ms. Elizabeth Robins, Attorney for the City's Law Department, asked that the matter be deferred to allow her to review and addressed the matter.

Item #7(a) on the agenda was a status update on a request from the Police Association of New Orleans regarding the Integrity Control Officers within the Police Department. Director Hudson informed the Commission that staff met with the officers in August and plans to meet with the superintendent on the matter. She stated that she expects to close the investigation once she has had a chance to meet with the superintendent.

Item #7(b) on the agenda was an update on the status of establishing a Citywide Compensatory Time Policy. Director Hudson reminded the Commission of their request to work with the administration and the Office of Inspector General (OIG) to see if they could establish a service wide policy. She informed them that she had prepared a policy and shared it with the OIG and the administration and that they are in the process of reviewing the draft policy. Director Hudson stated that she had received some feedback and will present the policy to the Commission. Mr. James Gallagher and a representative from the Sewerage and Water Board asked that they be included in those conversations that would also include Commission counsel.

Item #7(c) on the agenda was an update on ADP Payroll/Human Resources conversion and outsourcing project. Director Hudson informed the Commission that she did not have any updates to report on this item.

On motion of Commissionner Clark and seconded by Vice-Chairman Ridley, the Commission voted unanimously to go into executive session at 2:35 p.m. to discuss a response to concerns with the PIB 60 day extension requests.

On motion of Vice-Chairman Ridley and seconded by Commissiomer Clark, the Commission reconvened the Business Meeting at 2:43 p.m.

Vice-Chairman Ridley moved to approve item #6, the ratification of PIB 60 day extension requests. On second of Commissioner Clark, the requests were approved unanimously.

Director Hudson noted that there were no other communications to consider. On motion of Commissioner Craig and seconded by Commisioner Clark, the meeting was adjourned at 2:44 p.m.

Kevin Wildes

Rev. Kevin W. Wildes, Chairman

Joseph S. Clark

Joseph S. Clark, Commissioner

Michelle D. Craig, Commissioner