

CIVIL SERVICE COMMISSION
SPECIAL MEETING
MONDAY, NOVEMBER 30, 2015

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A special meeting of the City Civil Service Commission was held on Monday, November 30, 2015 at 1340 Poydras Street, Suite 964. Personnel Director Lisa Hudson called the roll. Present were Commission Chairperson Michelle D. Craig, Vice-Chairperson Ronald P. McClain, Commissioners Joseph S. Clark, Cordelia D. Tullous, and Tania Tetlow, representing a quorum. At 3:35 p.m. the Commission proceeded with the business portion of the meeting.

The first item on the agenda was a request from NOPD to create a temporary unclassified Director of Analytics in the Field Operations Bureau. Representing NOPD on this matter were Mr. Andrew Kopplin, Chief Administrative Officer, Deputy Chief of Staff Jonathan Wisbey and Assistant Superintendent Stephanie Landry. Personnel Administrator Robert Hagmann addressed staff's concerns. Police Association of New Orleans (PANO) President, Police Captain Michael Glasser, and PANO Attorney Eric Hessler, also commented on this matter.

Mr. Hagmann began by giving staff's recommendation that an unclassified position be approved for this job on a temporary, six-month, basis. He noted that NOPD requested a salary range for this position between \$70,643 and \$110,482 per year. Mr. Hagmann informed the Commission that the staff's original recommendation, based on the stated duties, responsibilities and qualifications, was for a classified position allocated at the Management Development Specialist II level. This position would begin at \$46,000 per year. He noted that this is consistent with other jurisdictions which use such a position. Mr. Hagmann relayed the Police Superintendent's position that he would be unable to recruit someone with the requisite statistical training and skills at this pay range. He continued, noting that current City employees in the Management Development Specialist II class handle such duties on a daily basis.

In response to questioning from Vice-Chairperson McClain, Mr. Hagmann reiterated staff's recommendation for a temporary unclassified position for these duties. He added that the temporary nature of the recommendation was a compromise reached in order to allow time for further study into the pay of the current comparable classified position. Vice-Chairperson McClain then asked Mr. Kopplin if, given staff's approval of an unclassified position, there was agreement on this matter. Mr. Kopplin replied that he liked the proposal but that this was the first time that the administration had heard it. He added that the administration's

position, as described at the last regular meeting of the Commission, was that whether the position was classified or unclassified was immaterial, as long as the level and the pay of the position were high enough to attract the right candidate.

Mr. Kopplin then voiced his apprehension that the proposed temporary nature of the unclassified position would make it harder to recruit a candidate concerned about career stability. Vice-Chairperson McClain addressed Mr. Kopplin's concern, assuring him that the position, as well as the salary of that position, is not in jeopardy by the proposal presented by staff. Director Hudson stated that this position would be subject to reevaluation, to determine if the position could later become classified and to revisit the salary recommendation. Vice-Chairperson McClain assured Mr. Kopplin that the results of the proposed review would come back before the Commission.

Captain Glasser commented, outlining PANO's opposition to the creation and funding of the proposed position. He noted that this position is envisioned as a means to further a data-driven strategy within NOPD. Captain Glasser added that this strategy has been largely unsuccessful in the last six years and that a community oriented approach to policing should be tried. He also noted the inequity that results from having fewer street-level officers responding to calls, while continuing to add to the upper-ranks. To support this position, Captain Glasser pointed to recently created management-level positions of Compliance Bureau Chief, Deputy Chief of Staff, and the new proposed position discussed, while overall staffing levels remain inadequate.

Captain Glasser then addressed Mr. Kopplin's stated concern about the permanence of the position. He charged that the administration has been dedicated to removing civil service protections throughout City employment, most recently from 80 positions in NOPD's Communications Division. He suggested that the concern over the permanence of one employee is misplaced given the 80 employees slated to become at-will workers. Captain Glasser recommended that staff review best practices to see if the position is necessary, or if the funding for this job could be dedicated to other purposes.

Commissioner Tetlow addressed Captain Glasser's comments. She noted that the administration was accepting of this position as a classified position, if there were an appropriate job class for a statistician. Commissioner Tetlow added that it is not in the Commission's purview to second-guess the policing strategies of NOPD. Mr. Kopplin stated that the administration has made efforts to improve staffing of commissioned officers by a recent 15% increase in pay and an increase in the

recruitment bonus offered to officers. He also noted that it is the administration's belief that the statistician to be hired would assist in deployment and in decreasing response times.

Mr. Hessler then spoke. He stated that the administration has systematically attacked the civil service protections of, not just Police employees, but of all classified employees. Mr. Hessler opined that, based on his discussions with officers, this attack on civil service protections has contributed to the turnover problem that faces NOPD. He cited two examples of actions affecting NOPD retention: 1. officers scoring well on tests but being skipped over for promotion; and 2. the "Great Place to Work" Rule changes, which he characterized as a "back-door" around civil service protections. Mr. Hessler offered that, if the appropriate statistician position does not exist in the pay plan, the Commission has the ability to recreate a new classified position, rather than fill this job with an at-will appointee. He also cited his concern regarding this use of NOPD funds and his belief that current NOPD employees could perform this job.

Commissioner Tetlow then moved for the approval of the requested unclassified position on a temporary, six-month, basis that could be revisited, if needed. Commissioner Clark seconded that motion and it was approved unanimously.

Item #2 was a request from NOPD to grant a 10% special rate of pay to Academy instructors. Mr. Kopplin presented this request. He noted that the Academy instructor will shape all of the officers in the department. Assistant Superintendent Landry added that the proposal was for an additional 10% in pay, like the premium paid to officers working in the Public Integrity Bureau (PIB), to address recruitment and retention concerns.

Mr. Hagmann voiced staff's concerns with this proposal. He began by noting that staff received the administration's proposal on 11-19-2015 and did not have the opportunity to fully evaluate this request. Mr. Hagmann brought attention to the loss of two instructors, supporting the need for this request. He then added that a major impetus behind the proposal was NOPD's federal consent decree and the desire to offer an incentive to officers chosen for this duty. Mr. Hagmann pointed out that there are other areas of NOPD, such as Sex Crimes, which may also experience recruitment and retention problems. Vice-Chairperson McClain noted that the only request before the Commission concerned Academy staffing. Mr. Hagmann replied by voicing staff's concern that, in solving the Academy's recruitment and retention issue, Commission action could exacerbate other NOPD issues. One of the concerns noted by Mr. Hagmann was the size of the proposed

pay increase. As the 10% proposed is greater than that guaranteed by a promotion, a Sergeant at the Academy could earn a higher salary than a Platoon Lieutenant. He noted that a 5% increase may be more appropriate, although he added that this was yet unknown.

First, Vice-Chairperson McClain interjected, asking about the average tenure for instructors. Mr. Hagmann responded that the average tenure was unknown, but that would be something that staff could consider, given time. Then, Commissioner Tetlow interposed, asking the number of Academy staffers to be affected by this proposal. Mr. Hagmann replied that there were nine instructors currently, but that NOPD intended to add back two recently lost positions, and then build up to 11 or 12 instructors. Assistant Superintendent Landry chose this opportunity to respond to the points Mr. Hagmann had made up to this point in his presentation. She noted that the proposed 10% increase was the same as that offered to those in PIB, that this was a priority concern of those monitoring the NOPD consent decree. She then added that detectives working in Sex Crimes should also be considered for a pay premium.

Mr. Hagmann continued his presentation. He offered that, as PIB positions are the most difficult to fill, the 10% proposed for Academy instructors may cause other issues if it proves to make PIB positions less appealing, relatively speaking. He noted that PIB is the most morally taxing assignment in NOPD. Mr. Hagmann then noted that a Field Training Officer (FTO) receives only \$1,500 annually in additional pay for this responsibility, which pales in comparison with the proposal before the Commission. Next, he stated that the 10% proposed may not be consistent with best pay practices. Mr. Hagmann opined that the fact that no other jurisdictions feel the need to offer this premium pay could raise a "red flag" for those looking into pay practices. Vice-Chairperson McClain asked if other jurisdictions were under federal consent decrees. Mr. Hagmann replied that there are others that have this burden as well. He then provided staff's recommendation that this special rate of pay be approved; however, he added that it should be investigated by staff over the next six months to understand if there are other repercussions.

Speaking on this matter was Fraternal Order of Police (FOP) Attorney Claude A. Schlesinger. He began with FOP's endorsement of the proposal. Mr. Schlesinger then added FOP's concern with inconsistencies in police special rates of pay. He asked that the Commission look into the fairness of these premium pays. Mr. Schlesinger noted that some special rates of pay are based on a flat rate, while others are percentage based. He added that those who are temporarily assigned to

a duty may be ineligible for extra pay, even if that duty would merit a special rate of pay for those holding the same assignment on a permanent basis. Mr. Schlesinger cited as examples those assigned to the Mounted Division during Mardi Gras, or assigned to a motorcycle unit during a presidential visit. Mr. Schlesinger suggested a unified approach to special rates of pay, rather than a piecemeal reaction to urgent needs. During this presentation, Vice-Chairman McClain voiced his support for the concept described, but added that he did not know how it could be accomplished. Commissioner Tetlow responded to this by noting that a comprehensive pay plan review is in the works. She added that it was her appreciation that the special rates of pay were not so much used as a reward, but to correct for a disincentive.

Next, Captain Glasser addressed this issue. He began by passing out a plan for increasing the pay for detectives. Captain Glasser noted that he would not normally oppose higher pay for police. However, he urged the Commission to consider whether the proposal before them would accomplish the goal of the consent decree of better training. Captain Glasser noted that retention of instructors had not historically been an NOPD issue. He posited that this was because the position has much to be said for it – there is a controlled work environment and predictable hours, there is a low probability of danger, injury, and of receiving a citizen complaint. Captain Glasser proffered that the retention issue at the Academy was not related to working conditions or the job itself. Chairperson Craig asked for his take on the cause of the retention issue. Captain Glasser replied that the requirements of the consent decree are such that the assignment is now undesirable. Commissioner Tetlow told Captain Glasser that his was a “straw man” argument – that is, no one was contending that there was a retention issue at the Academy.

Captain Glasser further opined that the special rate of pay for PIB is not comparable. He pointed out that those in PIB have to investigate co-workers and friends, which is distasteful to most officers. While the PIB special rate of pay seemed logical to him, Captain Glasser stated that the current proposal is not. He noted that no one has asked those who left the Academy why they choose to leave.

Vice-Chairperson McClain asked for a response from NOPD representatives. Mr. Kopplin began, stating that he disagreed with Captain Glasser’s contention that an Academy assignment was a comfortable one. He said that, with what was being required of them, it should not be considered comfortable at this point. Mr. Kopplin added that the instructors should be feeling pressure to improve the product of the Academy. Mr. Wisbey opined that he thought that this was to

address a long-term problem. He added that, in reading essays written by potential Police Recruits regarding why they want to join NOPD, none has cited the desire to become an Academy instructor.

Commissioner Tetlow addressed Captain Glasser. She stated she agreed that the instructor position does not have the disincentives found at PIB. However, she argued that the administration's position was the department needs to "up the ante" to reach good officers who would rather be on the streets addressing crime than in the Academy. Captain Glasser noted that, with nearly 1,100 officers, it should not be that difficult to find 12 to serve as instructors. He added that throwing money at this problem may not achieve the desired results. Captain Glasser then suggested that Civil Service staff look into the reasons that instructors are leaving this assignment to then propose the most appropriate solution. At this point, Commissioner Tetlow stated that, since academy staff retention was not the issue at hand, Captain Glasser's suggestion was inappropriate. She added that she agreed with Captain Glasser that additional consideration should be given to those officers performing the functions of a detective.


Mr. Hessler spoke next. He noted that he was not opposed to greater pay for officers. However, Mr. Hessler stated that, as a quasi-military organization, NOPD has the capability to fill positions by ordering officers to an assignment. Both Assistant Superintendent Landry and Commissioner Tetlow took exception with this observation. Assistant Superintendent Landry voiced her opinion that it was overly simplistic. Mr. Hessler then asked what criteria would be used for filling the instructor positions. Vice-Chairperson McClain asked that Assistant Superintendent Landry explain the best practices for this task. She stated that there is a requirement for a Bachelor's Degree, but that NOPD is looking at those with advanced degrees. Mr. Kopplin granted that reassignment is a possibility with NOPD, but that to get the "best" instructors, an incentive is needed.

Commissioner Tetlow moved for the approval of this request. Vice-Chairperson McClain seconded that motion and it was approved unanimously.

On motion of Commissioner Tetlow and seconded by Commissioner Clark, the Commission voted unanimously to adjourn the meeting at 4:26 p.m.



Michelle D. Craig, Chairperson



Ronald P. McClain, Vice-Chairperson



Tania Tetlow, Commissioner