

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, JULY 20, 2015

#1

The regular monthly meeting of the City Civil Service Commission was held on Monday, July 20, 2015 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of Management Services, called the roll. Present were Commission Chairperson, Michelle D. Craig, and Commissioners Tania Tetlow, Joseph S. Clark, representing a quorum. The Chairperson convened the meeting at 10:04 a.m. Commissioner Ronald P. McClain joined the meeting at 10:29 a.m. Commissioner Cordelia D. Tullous was absent. The Commission then proceeded by sounding the Commission's docket. At 11:12 a.m., on motion of Commission Chairperson Craig, seconded by Commissioner McClain, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:45 a.m., Commissioner McClain made a motion to come out of executive session, which was seconded by Commissioner Tetlow and approved unanimously. At this point, the Commission proceeded with the business portion of the meeting.

The first item on the agenda was the minutes of the June 15, 2015 Commission meeting. Commissioner Tetlow noted that she had missed the June meeting and would not be voting on this matter. Chairperson Craig moved approval of the minutes. This motion was seconded by Commissioner Clark and it passed when Chairperson Craig, Commissioners Clark and McClain all voted in favor of it.

Item #2 was a request from the City Council to create additional staff positions in the Council Utilities Regulatory Office (CURO). Personnel Director Lisa Hudson informed the Commission that Council Member Stacy Head wished to address this matter but was detained. Therefore, this matter was discussed later in the meeting.

Item #3 was a request for four additional unclassified Deputy Director positions in the Sewerage and Water Board. Presenting this proposal was Cedric Grant, Executive Director of the Sewerage and Water Board. Mr. Grant detailed for the Commission a number of changes and a massive increase in the capital budget for the Sewerage and Water Board. He made the case that these changes led to his request for the additional unclassified Deputy Director positions. Presenting for staff was Personnel Administrator Robert Hagmann. Mr. Hagmann relayed proposed duties and responsibilities for the new positions. He noted that staff has worked closely with Mr. Grant on this proposal and that all parties were in agreement on this request. Commissioner McClain moved approval of the request.

Commission Tetlow seconded the motion. Chairperson Craig, Commissioners McClain and Tetlow voted in favor of the motion, Commissioner Clark abstained, and the new unclassified positions were approved.

Item #4 was a request from the Police Association of New Orleans (PANO) for the development of a Police Captain's examination to promote Police Lieutenants to the classified position of Police Captain. Addressing this issue was Mr. Eric Hessler, Police Association of New Orleans (PANO) attorney. Mr. Hessler told the Commission that since 2010 approximately 25 NOPD Captains have left the force without being replaced. He noted that there currently is no list for this class from which to make promotions. Mr. Hessler also stated that this situation is demoralizing to those who are currently Lieutenants without chance of advancement in their careers. He added that those monitoring the Consent Decree have emphasized the importance of appropriate supervision. Mr. Hessler then asked that a competitive list for this job be established.

Director Hudson noted that the department has requested funding for Police Captain tests in the past, but these requests have been denied. In response to a question from Commissioner McClain, Assistant Superintendent of Police Stephanie Landry stated that the Superintendent of Police has asked to take this request under advisement. Commenting on this matter were Fraternal Order of Police (FOP) attorney, Mr. Donovan Livaccari, and the head of the Black Organization of Police (BOP), Captain Simon Hargrove. Mr. Livaccari supported PANO's request and added that the availability of additional steps in a career ladder can be seen as a recruitment tool. Captain Hargrove also supported the PANO request and further pointed out that competitive testing would allow employees a measure of control over their own careers.

Chairperson Craig asked how long it has been since this test was given. Richard Carter, Personnel Administrator, replied that the last test was given in 2004. He continued relaying a conversation that he had with former NOPD Superintendent Ronal Serpas in which it was indicated that there were no plans to promote to the Captain position. Commissioner McClain suggested that NOPD could be approached to fund this testing. Director Hudson pointed out that NOPD has requested to take this matter under advisement and added that the matter could be on the agenda for the next regular meeting of the Commission. Ms. Hudson indicated that longer term plans for police and fire promotional testing include filling additional staff positions so that these tests could occur on a more regular basis. She added that budget requests are due from departments soon and that she intended to request funding for this test

once again. Mr. Hessler indicated that he would discuss the matter with Superintendent Harrison. Chairperson Craig voiced her hope that these discussions would lead to clarity, if not unanimity.

Commenting on this discussion was the President of the New Orleans Firefighters Association (Local #632), Nicholas Felton. He added his support for additional funding for testing. Mr. Felton noted that the last Deputy Fire Chief exam was given in 2001 and that, by controlling funding, control is also exercised over promotions to top level police and fire supervisory positions. Mr. Aaron Delong, responding for the administration, indicated the administration's support for promotional opportunities for classified employees.

At this point, Council Member Head was in attendance and the Commission returned to Item #2 regarding the Council's request for additional positions. Council Member Head stated that the Council supports the Inspector General's recommendation to add in-house staff to perform utility regulatory duties. She noted that auditing and engineering functions, which are currently out-sourced, could potentially be brought in-house. Council Member Head stated that the Council was requesting both classified positions and an unclassified position to head a unit that would report to the Council's Utility Committee. The unclassified employee would lead efforts for filling the lower classified positions. Addressing the staff's position was Personnel Administrator Robert Hagmann. He indicated that staff was requesting the creation of a new classification of "Council Utility Regulatory Deputy Chief of Staff" to accommodate this request. A motion to approve the request for the unclassified position and new classification was made by Commissioner McClain, seconded by Commissioner Tetlow and approved unanimously.

Item #5 was proposed amendments to the Civil Service Rules. Item #5a was a request by PANO to amend Rule VI, Section 4.7 and Rule XII, Section 6.6 related to the reinstatement of longevity and leave benefits for reemployed law enforcement officers, and a proposal by staff for a definition of "Cumulative Service Date." Director Hudson informed the Commission that no additional changes to the proposals were needed to accommodate the City's payroll system, ADP. She indicated that the only remaining area of contention is a request that these Rules be applied retroactively. Mr. Hessler suggested that, in an effort towards compromise, current officers would be amenable to giving up claims for back pay, in exchange for receiving longevity pay and leave accrual based on cumulative service in future earnings. Commissioner McClain suggested that this part of the request may be dealt with at a future meeting and could be excluded

from the current discussion. Mr. Delong indicated that the administration was in agreement with the proposal, with the retroactive piece removed. Ms. Shelly Stolp, Personnel Administrator provided staff's comments. She noted that, while it seems that ADP could be made to be capable of handling this change, that it may not be immediately ready. Mr. Roy Guercio, Comptroller, indicated that ADP is currently capable of this change. With that information, Commissioner Tetlow moved that the proposal, without the retroactive piece, be approved effective August 1, 2015. Chairperson Craig seconded the motion and it carried unanimously. Mr. Hessler thanked the Commission. Director Hudson noted that this Rule change would need to be sent to the Council for their approval as well.

Item #5 (b) was a proposal to change Rule III, Section 4, regarding temporary work in a higher classification. Staff's position on this proposal was presented by Ms. Stolp. She noted that staff has worked closely with the administration. Problematic language regarding budgeted vacancies has been deleted from the proposal. Ms. Stolp went over the proposal in-depth. She noted that the staff disagrees with a proposal that the administration has made which would exclude specific Fire Department classifications from the workings of the Rule. Mr. Delong responded for the administration. He stated that the administration's proposal was designed to refer the reader to the dual assignment rule, which he said was more appropriate for those fire classes enumerated.

Mr. Delong stated that, in his conversations with Superintendent McConnell, neither of them could think of a situation in which temporary work in a higher classification would be more appropriate than use of the dual assignment rule. Commissioner Tetlow asked, given Mr. Delong's assessment that it would be unlikely to be used, what would then be the basis for the additional language, which seems unnecessary. Mr. Delong replied that this would make it clear that the dual rate rule would be the appropriate means of addressing such situations for the Fire Department. Ms. Stolp relayed her concern that over-reliance on the dual rate rule may obfuscate a working out-of-class situation that would appropriately be addressed by a permanent promotion to the higher classification.

At this point, Mr. Delong made the point that fire positions are different in that a vacancy in a particular function must be filled, or else the company would not be available to perform its function. Ms. Stolp agreed that this was the case, but noted that dual assignments are made at the Superintendent's discretion, whereas a permanent assignment to Fire Captain or Fire Apparatus Operator would be based on a competitive process. Thus, the dual rate rule would allow for circumvention

of the classified system. Mr. Delong opined that without this section excluding fire classes, which of the two rules should be applied would be unclear.

Commenting on this proposal were: Mr. Felton, Deputy Fire Chief Gary Savelle, the President of the New Orleans Association of Fire Chiefs, and Mr. Terry Hampton, Treasurer of the New Orleans Firefighters Association (Local #632). Mr. Felton noted that the language to exclude firefighters was new to him and he found it concerning. Chief Savelle's concern was that exempt employees be included in any plan to compensate employees working out of their class. Chief Savelle noted that District Chiefs are exempt employees who are regularly required to work as Deputy Fire Chiefs. He thinks that it is only appropriate that they be compensated for work performed in the higher class. Mr. Hampton followed up on that point by reminding the Commission that there was a District Chief who has acted as a Deputy Chief without appropriate compensation for 11 months. Commissioner Tetlow informed the commenters that exempt employees would be included in this proposal.

Much discussion followed. Ms. Stolp attempted to explain staff's concern that excluding fire classes from the proposed rule could lead to a situation in which filling permanent positions via the merit system is bypassed by use of dual-rated employees. Commissioner Tetlow tried to determine how the language of the temporary work in a higher class rule would remedy the using of the dual-rate rule to compensate employees rather than filling a permanent position. Director Hudson pointed out that the proposal regarding temporary work in a higher class can be initiated by the employee, and is not dependent on action by the appointing authority. She also noted that dual assignment pay is generally given based on timecard entry of recently performed duties. Whereas, the temporary work in a higher class rule could be used to remedy inappropriate pay retrospectively. NOFD Superintendent Timothy McConnell also spoke on the matter.

Commissioner McClain noted that there was agreement in all parts, except for the language which would exclude fire classes. Commissioner Tetlow noted her concern that the temporary work out-of-class proposal could be initiated by the employee and could, thus be a more effective backstop against inappropriate compensation than the dual-rate rule. Therefore, she made a motion that the rule be approved as written, except without the language which specifically excludes members of certain fire classes from the operation of the rule (section "h"). This motion was seconded by Chairperson Craig. Those two commissioners voted in favor of the motion; however, the other two commissioners present, Commissioner

McClain and Commissioner Clark, both abstained. Because a majority of those present did not approve the motion, other motions were entertained.

Commissioner McClain then moved that the proposed rule change be approved as written (including section "h"). This motion died for lack of a second.

Commissioner Clark moved that the proposal be taken under advisement. This motion also had no second; yet, those in attendance indicated that the matter should come before the Commission in future months' agendas. Chairperson Craig instructed staff to continue to try to clarify these issues in anticipation of a reconsideration of rule change proposals at future meetings.

Item #5 (c) was a proposed amendment to Rule IV, Section 2.2, related to Special Assignment Pay. Director Hudson indicated that all parties were in agreement. Ms. Stolp outlined the proposal. Commissioner Tetlow moved approval. The motion was seconded by Commissioner McClain and approved unanimously.

Item #5 (d) was a proposal to change Rule X, Section 1.3 related to Personnel, Payroll and Attendance Records. Ms. Stolp informed the Commission that all parties were in agreement with the proposal and explained the change contemplated. Commissioner Tetlow's motion for approval was seconded by Commissioner McClain and approved unanimously.

Item #5 (e) was the introduction of an amendment to Rule IV, Section 2.4, related to Extraordinary or Superior Qualifications, Experience, Credentials. Ms. Stolp outlined the proposal and its importance when hiring is done in classes that make up a job series, such as the clerical job series. This proposal was merely introduced and did not require a vote.

Item #5 (f) was a request from the Fraternal of Police to revise Rule VIII, Section 2.9 (a), to allow injured on duty leave for traffic investigations. Mr. Livaccari explained that this section of the Rules provides leave for police officers who are injured because of aspects of their job unique to law enforcement. Those investigating traffic accidents are not currently covered by the Rule; yet many are injured while performing these tasks. Assistant Superintendent Landry stated that the Police Administration was in support of the proposal. Director Hudson indicated that staff also supported the proposal. Commissioner McClain moved approval. This motion was seconded by Chairperson Craig and was passed unanimously.

Item #6 on the agenda was Classification and Compensation matters. Item #6 (a) was a request from the Health Department for new classifications to establish an EMS communications job series. Mr. Hagmann informed the Commission that there are currently Police Dispatchers, Fire Dispatchers, as well as EMS Dispatchers. However, there are not currently dedicated classifications for the EMS Dispatchers. Mr. Hagmann noted that the department and CAO were in agreement with staff's proposal. He then added that the proposed classes were tied to those in the Police Dispatcher series and would thus facilitate a merger of these series should that be contemplated in the future. Commissioner Clark moved approval of these four new classes. Commissioner McClain seconded that motion. The motion carried when Chairperson Craig, Commissioners McClain and Clark all voted in favor of it.

Items #6 (b), #6 (c), and #6 (d) were considered together at Commissioner McClain's suggestion. All were requests from the Safety & Permits Department. Item #6 (b) was a request for hiring rates for the Building Inspector Series and the creation of a "Building Inspector, Trainee" classification. Item # 6 (c) was a request for hiring rates for the Taxicab Investigator series. Item #6 (d) was a request for a new classification to be titled "Floodplain Program Manager, Assistant." Mr. Hagmann presented the proposals. The Director of Safety and Permits, Jared Munster, indicated his agreement with the proposals and offered to answer the Commissioners' questions. Commissioner McClain asked about the top level position in the Taxicab Bureau. Director Munster stated that this function would be filled by the top level classification to be created. Director Hudson added that this position is being proposed because the administration has stated that they no longer plan to fill this spot with an unclassified employee. Commissioner McClain moved approval of all three items. Commissioner Clark seconded that motion and it carried unanimously.

Items #6 (e) and #6 (f) were also addressed together. Both were requests from the Public Works Department. Item #6 (e) was a request for hiring rates on the classes in the Parking Control Officer series and the Auto Facility Specialist series. Item #6 (f) was a request for a title change from "Sign Painter" to "Sign Fabricator" and for a new classification of "Senior Sign Fabricator." Mr. Hagmann explained the proposals. Ms. Linda Copeland, Human Resources Officer for Public Works, represented the department, and relayed their agreement with the proposals. A motion to approve these items was made by Commissioner Tetlow and seconded by Commissioner McClain. The motion carried when Commissioners Tetlow, McClain and Clark all voted in favor of it.

Item #6 (g) was a series of changes related to the career job series for clerical employees. Mr. Hagmann noted that staff has received a number of job study requests from appointing authorities as employees reach the apex of their career series and lack opportunities for further advancement. He outlined: 1) new general clerical classes of "Principal Office Support Specialist" and "Project Office Support Specialist," 2) a new class of "Executive Secretary," 3) re-titled clerical classes in the Administrative Support series which would require supervision, 4) a special class for full-performance 311 operators, and 5) special rates of pay for those possessing proficiency in both keyboarding and a Microsoft Office software product (e.g., Word, Excel, and Access). He noted that, once these changes to the Pay Plan were made, staff would still need to adjust announcements and job specifications to reflect these changes. Mr. DeLong expressed the support of the administration for the proposals. Commissioner Clark moved approval. Commissioner Tetlow seconded that motion and it was approved unanimously.

Item #6 (h), #6 (i) and, #6 (j) were addressed together. All were requests from NOPD and related to their Consent Decree. Item #6 (h) was a request to change the title of "Public Integrity Bureau (PIB) Investigative Specialist" to "Police Investigative Specialist." Item #6 (i) was a request for civilian positions in NOPD's Public Information Division. Item #6 (j) was a request for the creation of Civilian Academy Instructor Classifications. Mr. Jay Ginsberg, Assistant Superintendent of the NOPD Compliance Bureau, represented the Police Department.

Mr. Hagmann explained the first two of these items. He began by noting that the first of these requests, Item #6 (h), was a title change designed to allow the broader use of civilian investigators. Investigators in this class could then work in other areas, such as the Special Victims Unit. The second request, Item #6 (i), was to create new civilian positions by establishing three classes in the Police Public Relations Analyst job series in Public Affairs Unit. Ms. Stolp addressed the third request, Item #6 (j), which would create three new civilian instructor classifications. Commissioner Tetlow moved for the approval of all three proposals, Items # 6 (h), (i), and (j). This motion was seconded by Commissioner McClain and approved unanimously.

Item #6 (k) was a request from the Police Department to grant retroactive temporary pay for Ms. Maria K. Chetta. Director Hudson informed the Commission that the request was before them only because it involved retroactive pay which requires their action. She noted that all parties were in agreement with

the proposal. Commissioner McClain's motion for approval was seconded by Commissioner Clark and approved unanimously.

Item #7 on the agenda was Recruitment and Selection Matters. Item #7 (a) was examination announcements. Announcements 9102 through 9159 were presented to the Commission. Commissioner Tetlow's motion for approval was seconded by Commissioner McClain and approved unanimously.

Item #8 was a progress report from the Compliance Division of the Police Department on the implementation of the NOPD Consent Decree. Presenting this report was Assistant Superintendent Ginsberg. He had earlier made available a bi-annual report on the subject. Assistant Superintendent Ginsberg asked if there were specific areas of concern for Commissioners. In response, Commissioner Tetlow informed him that they wanted to know if the Commission and its staff were doing all that was required for compliance with the Consent Decree. Commissioner McClain added that an additional concern was the overseeing judge's opinion regarding efforts to comply with this agreement. Assistant Superintendent Ginsberg replied that, based on a status conference that occurs every Thursday, there are no issues of timeliness of action by the Commission or its staff, and that the judge seems content with these efforts to comply with the Consent Decree.

Director Hudson and Chairperson Craig reminded the Commissioners that part of the reason for the request to hear a report on this topic was to find out about changes in the areas of NOPD performance appraisal and training efforts. Assistant Superintendent Ginsberg noted that the Consent Decree requires that particular areas of performance be assessed for all police officers. He added that a new performance appraisal instrument is being used, in conjunction with the official Civil Service rating form. Mr. Ginsberg stated that the monitors of this decree have had no comment one way or the other regarding the new performance appraisal efforts.

Chairperson Craig then asked about mandated police training efforts. Assistant Superintendent Ginsberg replied that Commander Richard Williams, who is in charge of the Police Academy, would be better positioned to respond to those inquiries. However, he did note that new procedures are being developed and that the new curriculum director for the academy, former NOPD Superintendent Duane Johnson, is working to develop new lesson plans.

Director Hudson asked Assistant Superintendent Ginsberg how his efforts to fill newly created unclassified positions in his unit were faring. He replied that they have identified people for three of the four internal auditor positions granted and that these individuals are undergoing a background check. He anticipates being able to fill all of these positions in the next 30 days.

Item #9 on the agenda was the Ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. There were no speakers on this item. Commissioner Tetlow moved that the recommendations of the hearing officer regarding 60-day extensions be approved. This motion was seconded by Commissioner McClain and approved unanimously.

Item #10 on the agenda was Communications. Item #10 (a) was a report on ADP ongoing issues. Speaking were Ms. Stolp, Mr. Guercio, and Director Hudson. Ms. Stolp noted that the new concept of Cumulative Service Time, needed further development, but there were no major current issues to report. She noted that the conversion of the personnel histories of employees from the old system to ADP was a potential future issue. Mr. Guercio stated that the ability to pay those working in dual assignments is being tested and should be in operation by the next meeting.

At this point, Director Hudson inquired about a proposed settlement agreement regarding back pay issues for Firefighters. She noted that proper pay amounts are normally determined by Civil Service staff and yet staff was unaware of the details of this agreement. Mr. DeLong stated that the administration did not see a role in the settlement negotiations for Civil Service staff. In response, Director Hudson noted that part of staff's role is to determine the eligibility of employees for back pay. Ms. Sharonda Williams, City Attorney, suggested that this matter may come up later in conjunction with Item #10 (d). Director Hudson expressed her concern that checks could be forthcoming through the ADP system without staff's approval, but agreed to discuss this later in the meeting.

Item #10 (b) was a report on the NEOGOV conversion. Addressing this item was Ms. Amy Trepagnier, Personnel Administrator. She noted that there are 72 postings of job openings currently in the new applicant tracking system. Ms. Trepagnier added that additional positions will be opening for the Office of the Inspector General, the Airport, and NORDC, which will continue to add to the number of positions for which applications will be accepted on-line.

Item #10 (c) was in regard to the status of the Fire Captain's examination. Director Hudson explained that staff had been waiting for additional information from NOFD that was recently received. Therefore, there was nothing to report on this item.

However, because this item concerned a major promotional Fire Department exam, more general concerns regarding this type of testing were also discussed. Chairperson Craig noted that, while there are genuine funding and staffing concerns, the length of time between promotions for positions such as Police Captain and Deputy Fire Chief, as discussed earlier in the meeting, is alarming. She asked if other jurisdictions have attempted on-line testing and what their experiences have been. Mr. Carter replied that, at Superintendent McConnell's suggestion, staff had inquired about other jurisdictions' experiences, if any, with on-line assessment centers. He reported that no other jurisdictions do testing in this way. The two issues that Mr. Carter related were: 1) test security concerns, and 2) an inability for the test raters to remove themselves from their normal work routine in order to devote the necessary time to scoring the assessment center exercises. Director Hudson noted that this issue had been investigated earlier and dropped. Commissioner McClain added that, from earlier discussions on the subject, he was made aware that the travel to New Orleans is a major incentive for those police and fire professionals that give up their time for this pursuit.

Chairperson Craig stated that, even if remote testing was not a possibility, the status quo was not acceptable. Mr. Felton noted that in other jurisdictions the funding for promotional testing is separated from other items and is, thus protected and more readily available. Director Hudson noted that budget requests will be due to the Chief Administrative Office soon and that she will be requesting money for both testing and staffing to create tests.

Item #10 (d) was the status of staff's investigation of an employee working out-of-class as a Deputy Fire Chief. Director Hudson noted that staff has asked Superintendent McConnell to request a provisional appointment for this employee, retroactive to the date that the working out-of-class began, so that employee can be properly compensated for this work. Mr. Delong noted that the Superintendent has not cleared asking for this provisional appointment through the Chief Administrative Office. Director Hudson responded that such an additional approval step is not needed, but if the Superintendent believes that he needs to request this, he may do so.

At this point, Ms. Sharonda Williams returned to the issue of the settlement negotiations regarding back pay for firefighters working out-of-class. She stated that the administration has calculated what they believe to be the amount of money owed and has forwarded this information to Mr. Felton. Ms. Williams continued, adding that Mr. Felton has asked for the data that supports the calculation that he received, which the administration has agreed to provide. Then she stated that Mr. Felton had concerns with provisions in the agreement, which Ms. Williams contends are required of all contracts by the City Code. She added that the administration is working on changes to the draft agreement in order to formulate a document that is acceptable to Mr. Felton and the Union's attorney.

Commissioner McClain then asked how many people would be affected and how much money would be involved. Ms. Williams stated that she did not have the number of people affected, but that the dollar figure was \$135,634.85 for people working out-of-class in 2013, 2014, and 2015.

Mr. Felton confirmed that they were given a dollar figure, but without the documentation as to the amount owed and to whom. Further, he agreed that he had issues with the language in the contract that the administration had presented. These issues include proposed language that seems to require the Union to: 1) agree not to seek redress under other statutes, 2) submit documents to the Inspector General, and 3) sign a non-solicitation agreement and a convicted felon statement. Mr. Felton suggested that a memo-of-understanding (M.O.U.) or some other simpler document should be all that is needed.

Director Hudson pointed out that the issue is that employees were not paid for the work that they did in accordance with Civil Service Rules. She noted that employees are not generally required to sign a settlement agreement to receive pay that was withheld from them inappropriately. Ms. Williams responded that this agreement was intended to settle a dispute regarding pay and such an agreement is a standard way for the City to settle such a dispute.

Commissioner McClain pointed out that Mr. Felton is not satisfied with the form of the agreement as presented and asked if the City would be making an attempt to work toward a satisfactory document. Ms. Williams stated that they would. Director Hudson then asked if, in signing this agreement, the right for Civil Service to verify that the payment made is appropriate would be nullified. Commissioner Tetlow opined that the Commission would need to approve the agreement. Further, she stated that the agreement could be such that the Union would not seek pay for work out-of-class prior to the agreed upon date. Commissioner Tetlow

then asked Mr. Felton how the Union would be bound to this agreement. Mr. Felton replied that the membership would have the final say regarding the agreement in the form of a vote.

Commissioner McClain contrasted this situation from prior pay disputes by pointing out that it occurs in an atmosphere of extensive litigation. Mr. Felton stated that nothing could be signed without the appropriate supporting data, which has not been provided. Director Hudson stated that staff would also need data to verify appropriate payment. In response to Chairperson Craig's inquiry, Mr. Delong stated that the data would be delivered to Mr. Felton that day, via e-mail.

With no other communications to consider, on motion of Commissioner McClain, seconded by Chairperson Craig, the Commission voted unanimously to go into executive session to discuss personnel matters related to the selection of the unclassified executive counsel at 2:16 p.m.

At 2:39 p.m., Commissioner McClain moved that the Commission come out of executive session. The motion was seconded by Commissioner Clark and approved unanimously. At this time, the meeting was adjourned.



Michelle D. Craig, Chairperson

Joseph S. Clark, Commissioner

Ronald P. McClain, Commissioner

Tania Tetlow, Commissioner