

CIVIL SERVICE COMMISSION  
SPECIAL MEETING  
WEDNESDAY, JUNE 26, 2024

A special meeting of the City Civil Service Commission was held on Wednesday, June 26, 2024 in the City Council Chambers, 1300 Perdido Street, New Orleans, LA 70112. Amy Trepagnier, Personnel Director of the Civil Service Department, 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 1:30 p.m. and the Commission proceeded with the business portion of the meeting.

Item #1 was a request from the Chief Administrative Officer for an exception to merit pay requirements for the 2023 observation period.

Gilbert Montaña, Chief Administrative Officer, expressed his gratitude to the Commission and Director Trepagnier for arranging the meeting on short notice. He explained that he was there to advocate for the city's employees and address any challenges, misconceptions, or misunderstandings regarding deadlines and the requested exception. He noted that this was the first-year merit pay was financially supported, which, while not an excuse for past missed deadlines by supervisors and directors, represented a significant change for all. He emphasized that the availability of funding for merit pay was a significant investment by the administration, supported by the City Council, for employees who exceeded normal expectations. Mr. Montaña acknowledged that throughout the performance goal planning and evaluation year, some deadlines were missed by supervisors and directors. He reiterated his request for grace and a reset to avoid penalizing employees who rely on this funding and deserve it for their hard work and dedication. He apologized and assured the Commission that moving forward, his office and department heads would improve their performance now that merit pay is a funded operational incentive.

Commissioner Surprenant stated that according to the Civil Service Rules, a supervisor who receives an 'Exceeds Expectations' rating but fails to comply with the Commission's Rules regarding goal setting and performance evaluations for their subordinates would receive a 'Does Not Meet Expectations' rating. Commissioner Surprenant asked Mr. Montaña if his request for a reset implied that he wants supervisors who may receive a 'Does Not Meet Expectations' rating for their

inaction to keep their original ratings and be eligible for merit pay. Mr. Montaña responded affirmatively. Commissioner Surprenant stated that the Civil Service Commission and Department are trying to create an environment of excellence. He asked if we would be condoning negligence if we allowed for a complete reset. He asked what kind of message that sends to the community and to other employees and supervisors who followed the rules. Mr. Montaña responded it would give grace to employees who would not qualify through no fault of their own. He stated on any given day employees are outmatched with what they deal with. These are our best employees that we are advocating for. The message we want to send is that our supervisors will do better.

Commissioner Surprenant questioned why Mr. Montaña and department heads waited nearly seventeen months to address the Commission regarding the missed deadline from January 31, 2023. Mr. Montaña explained that his office received communication from departments heads only after an email sent this year indicated that some employees would no longer qualify for merit pay. Commissioner Surprenant then inquired about the steps the Chief Administrative Office took to ensure supervisors adhered to the Commission's rules in a timely manner. Mr. Montaña admitted that sufficient steps were not taken and said that while he aims to speak knowledgeably on the matter, he would defer to Assistant Chief Administrative Officer Christina Hamilton to articulate the circumstances that led to this situation. Ms. Hamilton acknowledged that while the office did send reminder emails to directors, several departments faced various challenges with completing goal planning and performance evaluations. She conceded that there was no excuse for the oversight but assured the Commission that the office recognizes the need for improvement and is committed to doing better.

Commissioner Monteverde expressed understanding of Mr. Montaña's position and emphasized the importance that the blame for this situation is not misdirected and put on the hardworking staff of the Civil Service Department or the Commission. He clarified that regardless of the outcome, Civil Service staff advice is based on a consistent reading of the rules, and employees should understand that the Civil Service Department and Commission are being asked to rectify a situation caused by others.

The following directors then spoke in support of the request Dr. Jennifer Avegno, Director of the Health Department, Dr. Megan Marino, Director and Medical Director of Emergency Medical Services (EMS), Anne Kirkpatrick, Superintendent

of Police, Kim DeLarge, Assistant Chief Administrative Officer, Romy Samuels, Director of Finance, Deputy Independent Police Monitor, Kirschelle McGowan, Rick Hathaway, Director of the Department of Public Works, Emily Painton, Executive Director of the New Orleans Public Library Fabian Barbarin, Deputy Director for the Office of Police Secondary Employment Roman Nelson, Superintendent of Fire, Howard “Trey” Nobles, Director of Property Management, Robert Rivers, Director of the City Planning Commission, Matt Tori, Director of the Department of Sanitation, Dichelle Williams, Director of the Juvenile Justice Intervention Center, Michael Karam, Director of the Department of Parks and Parkways, and K.C. Guidry, the Interim Executive Director of the French Market Corporation.

The following employees then spoke in support of the request Kristopher Dass, Marlene Cooper, Daniel Rokos, Rebecca Gubert, Ivy Molloy, Ben Quimby, Willie Jenkins, representing the Louisiana Fraternal Order of Police (LAFOP), Timothy Walls, Aaron Mischler representing the New Orleans Fire Fighters Association, Darrin Smith, Christian Jamal, and Victor Pizzaro.

Commissioner Richardson noted that after hearing from many individuals in various positions, she found the request challenging from a human resources perspective. She emphasized that the Commission aims to attract, retain, and reward exemplary employees and expressed her support for Personnel Director Trepagnier and her fellow Commissioners, affirming that their application of the rules is correct. Commissioner Richardson stressed the importance of accountability. She stated that as an HR professional, she strongly believes that demonstrating respect for an individual’s hard work is as important. She acknowledged the unfairness of denying merit pay to exemplary employees due to administrative oversights.

Director Trepagnier stated that Civil Service system is often blamed for the lack of a performance culture in City government. However, the Commission and staff have consistently demonstrated that they are committed to high performance in City government. That is why the Commission changed the merit pay rule in 2022.

Commissioner Monteverde emphasized the thorough assistance provided by the Department of Civil Service. He noted that the office provides detailed, illustrated timelines and procedures regarding goal setting and planning, and offers walk-in appointments and training courses on how to use the PERFORM system.

Director Trepagnier stated that staff could review the rules to determine if there was room for interpreting the rules of the performance evaluation system in terms of

completion. Commissioner Surprenant asked if there is a way to revise the rule retroactively. He stated that all employees received the notices regarding the evaluations, so there is responsibility there, he also understands that it is difficult sometimes to go to your supervisor about what they have not done. He stated it was troubling him that the employees are taking the hit if they did what they were supposed to do. We are trying to do the right thing and send the proper message. The Commission needs to have rules and enforce the rules so there is clarity.

Executive Counsel, Christina Carroll, advised against amending the current rules to allow for incomplete planning. She stated that however the rule is applied regarding this matter, it will need to be applied similarly in the future. Commissioner Monteverde asked if it would be possible to amend the rule retrospectively to grant a deadline extension and add a stipulation within that amendment. Commissioner Surprenant asked Director Trepagnier if she thought amending the rule retroactively would be appropriate or if it would create more problems. Director Trepagnier responded it would be appropriate if the Commission decided to interpret what “completed the evaluation process” means. You could say that completion means that a person had goals set and a rating rendered before today’s meeting. Commissioner Surprenant stated that the Commission wants to reward employees who meet expectations and that he was one of the biggest advocates for doing so, but that he is also an advocate for sticking to the rules. He stated he thinks this might be the way to come to an agreement. He is trying to come up with a reasonable approach. Ms. Carroll agreed that it would be acceptable for the Commission to interpret completion of the process as the employee doing everything he or she was required to do, even if it was not done on time.

Commissioner Monteverde asked if it would address the rule-based concerns to state that the Commission would enforce Rule XI, Section 1.2(c) 1.3(c) 1.5(h), and Rule IV, Section 2.5(d), while exercising their ability to interpret the rules. This interpretation would allow the employees who have been adversely impacted to be rewarded while still enforcing the rules that are clear. This would mean that subordinates who are not at fault for their incomplete goal setting and evaluation ratings would still qualify, whereas supervisors who failed to meet the deadlines would be penalized.

Mr. Montaña stated he wanted to advocate for the classified supervisors as well. He explained that if the first-level supervisor signed off on the approval during goal planning at the very last minute of the deadline, it would disadvantage the second-

level supervisor in signing their approval on time. Director Trepagnier stated that in such instances, the second-level supervisor would not be held accountable for the missed deadline.

Commissioner Surprenant recommended that Mr. Montaña and Director Trepagnier work together to create a joint recommendation of who meets the criteria. Mr. Montaña again advocated for supervisors to be included. He recommended that the requirement for a second-level supervisor's approval be removed. Commissioner Surprenant acknowledged Mr. Montaña's position, but stated he was not in favor of a total reset and that he wants to hold supervisors accountable.

Commissioner Richardson asked if the first-level supervisors, in certain lower-level classifications or those or do not bear full administrative responsibilities, could be included. Mr. Montaña asked if pay scale could be a factor of consideration, for anyone over or under a certain salary. Director Trepagnier responded that this may be an issue with uniformity and would also be a matter of changing the rules.

Commissioner Richardson asked if the Commission could make a ruling today that base-level employees would be eligible for merit pay if they completed their responsibilities in the performance evaluation system on time. This ruling would have a contingency that the working group determines who was at fault at the supervisory level for not completing the entire process. Director Trepagnier stated that the supervisor is the employee responsible for initiating the goal setting and performance evaluation processes. However, if the employee received a notification to complete their step shortly before the deadline, they would not be considered at fault.

Commissioner Korn asked if it would be possible to interpret that the performance evaluation process is considered complete when an employee has finished their portion of the evaluation process. Director Trepagnier stated that this would be the recommendation. Commissioner Korn then recommended that the Commission interpret completion of the performance evaluation process as the employee having completed their portion of the evaluation process.

For clarification, Mr. Montaña reiterated the Commission's recommendations that non-supervisory employees who received 'Exceed Expectations' ratings will receive merit payment; he and Director Trepagnier will work together to find wherein lies the fault as to why supervisors who received 'Exceed Expectations' ratings were not included in the revised eligibility list.

Commissioner Surprenant confirmed the recommendation and added that if any of the supervisors meet some exceptional circumstance that would justify them not receiving a 'Does Not Meet Expectations' rating, he would recommend that their situations also be considered when creating the new list of employees to receive merit pay.

Commissioner Surprenant moved to approve the request with the aforementioned recommendation. Commissioner Monteverde seconded the motion, and it was approved unanimously.

Agnes Ellis, an employee of the Department of Public Work's Parking Division, spoke to the Commission regarding the rating she received.

At 4:33 pm on the motion of Commissioner Monteverde and the second of Commissioner Richardson, the Commission the meeting was adjourned.



[Brittney Richardson \(Oct 18, 2024 05:15 CDT\)](#)

Brittney Richardson, Chairperson



John Korn, Vice-Chairperson

*Mark C. Surprenant*

[Mark C. Surprenant \(Oct 15, 2024 18:44 EDT\)](#)

Mark Surprenant, Commissioner



[Andrew Monteverde \(Oct 15, 2024 16:45 CDT\)](#)

Andrew Monteverde, Commissioner