

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, March 20, 2017

The regular monthly meeting of the City Civil Service Commission was held on Monday, March 20, 2017 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Vice-Chairperson Ronald P. McClain and Commissioners Stephen Caputo and Tania Tetlow representing a quorum. Vice-Chairperson McClain convened the meeting at 11:11 a.m. The Commission then proceeded by sounding the Commission's docket. At 11:48 a.m. on motion of Commissioner Tetlow and second of Commissioner Caputo, the Commission voted unanimously to go into executive session.

At 12:14 p.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the February 20, 2017 meeting. Commissioner Tetlow moved to approve the minutes. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #2 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene, the Commission's Special Counsel, reported that at the February 20th meeting, the Commission had established a four week training schedule for Sewerage and Water Board (S&WB) employees in twenty, half-day increments. Three S&WB staff members have completed a portion of that training and training is ongoing contingent upon both the availability of real world assignments and the availability of S&WB staff. The online requisition training process has been completed by staff members meaning that S&WB can now submit requisitions electronically rather than rely on paper. He went on to state that he believes that at least three staff members have been trained on the navigation of Neogov, the online application system and on the screening of applicants to S&WB positions. Additionally, Mr. Greene reported that at the last Commission meeting, S&WB had expressed concern over the content of some of the training during which, their staff was being read to out of the delegation manual. Mr. Greene explained that the reading was done out of Civil Service staff's concern that not all of the material in the manual was being absorbed. Civil Service staff will now send S&WB assignments to be read from the delegation manual and

Neogov online exercises to be completed prior to the time the training starts, so that the material can be applied to actual real life S&WB concerns.

Mr. Greene also noted that during the past several weeks, staff has been receiving questions from S&WB employees regarding meetings the leadership of S&WB has been having with employees to discuss the option of not operating under local Civil Service authority. This would render delegation obsolete. Commissioner McClain stated that would stop delegation if it were to happen. Mr. Greene stated that based on a flyer sent out by Executive Director Cedric Grant and his staff to employees, they believe that the Civil Service system is too great of an obstacle to hiring highly qualified individuals. They are also concerned about the external competitiveness of the pay plan. Mr. Greene noted that the Commission and staff have recently taken steps to make the Civil Service review process more efficient. Delegation is one of those steps. Mr. Greene stated he believes that the Commission has reached the constitutional limit of what can be done with the delegation of its authority.

Commissioner McClain noted for the record that the Commission had received notice from the S&WB that they could not attend due to traveling, but that they had no report on delegation at this time.

Mr. Greene stated that S&WB is currently performing its own classification and compensation study to be completed around June 2017. This is also the timeline the City is aiming for with its classification and compensation study. He noted that at that time, there may be a request from the S&WB to adjust some salaries. Mr. Greene stated that the Commission should keep in mind that there is explicit precedent from the Louisiana Supreme Court with respect to selective implementation of certain adjustments to the pay plan. Commissioner McClain stated that the Commission would deal with that matter when it came before them.

Item #3 was a request to amend Rule II, Section 12.5 and 12.7 to allow a contractor to assist with the administration of the Civil Service Commission employee election. Personnel Director Lisa Hudson reported that beginning on March 24th, staff would be accepting nomination forms for the employee representative. Commissioner McClain asked who made the request for the rule change. Director Hudson responded that staff had proposed the rule change. Ms. Hudson continued that the nomination period would end on April 7th and the election process would then begin. Staff planned to use a vendor

to conduct the election. The current rule does not permit the use of a vendor. The rule assumes that the Civil Service staff will be conducting the election in house. Director Hudson reported that the Commission had allowed for an exception to the rule during the last election to allow for the use of a vendor. Commissioner McClain asked how many times the election had been conducted that way. Director Hudson responded that the last time was the first time. It had worked well, so staff was requesting a permanent change to the rule to allow for it as an option in the future. Alexandra Norton, representing the Administration, stated that the Administration had no objection to the change. Commissioner Tetlow moved to approve the amendment to the Rule. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #4(a) under Classification and Compensation Matters was a request to renew five unclassified Compliance Manager positions and three unclassified Auditor positions for the NOPD Compliance Division. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that this was a renewal of positions the Commission had authorized in 2014 and 2015. He stated that staff is recommending a 15 month extension based on the understanding that it is the City's goal to be in compliance with the Consent Decree by the end of the current administration. Commissioner Tetlow moved to approve the renewal. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #4(b) was a Library request for an exception to Rule III, Section 4 to provide temporary pay for working in a higher classification for Ms. Sara Jacobelli and Ms. Ruby Bengston. Robert Hagmann stated that the rule cannot be utilized if there is a current eligible list, however since the Library is moving toward filling the position, staff is supporting their request for an exception to the rule to grant temporary pay. Commissioner Tetlow moved to approve the request. Commissioner Caputo seconded the motion and it was approved unanimously.

Chairperson Craig joined the meeting at 12:25 p.m.

Item #4(c) was a request from the Fire Union to address working out of class claims and 5% EMS Certification Pay for recently promoted Fire Recruits. Nicholas Felton, representing the New Orleans Firefighter's Association, stated he would like employees to receive the acting pay for acting in a higher classification for more than six hours in a shift. Director Hudson stated that the

current special rate of pay requires a minimum of twelve hours of working out of class to receive payment. Mr. Felton stated that at the time the special rate of pay was considered, there was talk of using half of a day. In his opinion, that meant six hours because it is half of a twelve hour day. Timothy McConnell, Superintendent of Fire, stated he remembered talk of the twelve hour day, and that the intent was a twelve hour day. Mr. Felton stated we should go to a six hour threshold. Commissioner McClain stated that the rule, which has been in effect for over a year, says twelve hours. He continued by saying it's not like someone just discovered that a mistake was made.

Clifton Moore, representing the New Orleans Firefighter's Association, stated that a twelve hour shift gives the Department more latitude. He suggested that maybe we should go back to the tape of the meeting to determine intent. He further stated that what is happening is the potential for abuse or misuse to place people in those higher positions without compensation. Commissioner Craig clarified that what Mr. Moore was saying is that he wants a change and that he saw how the twelve hours worked and the alleged potential for abuse and now he wants a change.

Superintendent McConnell asked Mr. Moore if he was alleging there had been abuse. Mr. Moore stated that abuse might have been a bad term. He stated that people aren't being compensated if they act in a higher capacity for eight hours and that's why the Union had advocated for six hours. Mr. Felton stated that if you look at other municipalities, such as Baton Rouge, employees are compensated for any amount of time they work out of class.

Mr. Felton stated that the rule says employees cannot act in a higher classification unless all of the qualifications are met. He stated that he is being told of cases where people who don't have those qualifications are acting in a higher classification. Superintendent McConnell stated he had told Mr. Felton and Mr. Moore to provide him with the information and people will be disciplined, but they have not provided the information. Commissioner Craig asked why it had not been provided. Mr. Felton replied that people are afraid of retaliation. Mr. Moore noted that employees don't want to report it because they don't want to report their supervisors. Commissioner McClain stated that the issue cannot be solved today unless there is a specific complaint.

Mr. Felton the stated that in October, several Fire Recruits were hired who already had their EMT certification. He believes they should have already been compensated for possessing that certification at the time of hire.

Superintendent McConnell stated that Mr. Felton has a list of people he believes qualify for the pay. He stated that NOFD's verified list coincides with the Civil Service list. The individuals on that list have presented proof that they are on the national registry, state registry and have the City's permit. He stated Mr. Felton's list may contain two or three people who are missing one of these certifications. Mr. Felton stated the ordinance says that you receive the pay if you are an EMT. It did not say who you had to be registered with. Superintendent McConnell stated that there are many people on the list who have all three certifications and are being paid. Director Hudson stated that the pay has been approved and the employees should see it on their next check. It should be retroactive. Mr. Felton stated it should be retroactive to October when they were hired. Sam Stoute, of the Classification and Compensation Division, stated that once Civil Service receives documentation, the pay begins the first Sunday of the next month. Staff received it in February and instructed Fire to make the payroll entries effective March 5th. The entries have been made and updated. Superintendent McConnell stated that the employees became firefighters in January. Commissioner McClain asked Mr. Felton if he was saying the employees should receive the pay before they were firefighters. Mr. Felton responded affirmatively. He said it is a qualification on the job announcement for Fire Recruit. We are circumventing the intent of the pay.

Commissioner McClain asked if there was a process for receiving the documentation. Director Hudson stated that normally the department sends Civil Service notice. Superintendent McConnell stated that once the employees become Firefighter I's on January 2nd they became eligible for the pay. Director Hudson noted that the special rate of pay says it starts with the classification of Firefighter I and includes those certified as an EMT Basic, Intermediate or Paramedic.

Item #4(d) was a PANO request for retroactive pay, leave, seniority and probationary period for Officer Charles Rogoff due to a delay in the promotion process. Eric Hessler, representing PANO, stated Mr. Rogoff was a Police Recruit who graduated from Field Training, at which time he was supposed to be promoted to Police Officer I. There was a delay in his paperwork which was primarily his fault which delayed his promotion by almost a year. He stated he is requesting that Mr. Rogoff's promotion be retroactive to the day he was released from the Field Training Program and that his seniority, pay and probationary period be amended to reflect the original date he should have been promoted which he believes to be August 21, 2015. Robert Hagmann reported that the matter had been resolved. The only caveat is that Mr. Rogoff

will be provisional until he is appointed from the register. In terms of remuneration he will be made whole.

Item #4(e) was a request from the Department of Public Works for the creation of a new Construction Inspection Series. This item was deferred.

Item #5(a) under Recruitment and Selection Matters were examination announcements #9544 to #9572. Commissioner Tetlow moved to approve the announcements. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #5(b) was the extension of the Police Sergeant list for three months. Director Hudson stated that staff is working on a new Sergeant's exam that is expected to be complete in June. NOPD agrees with the extension. Commissioner Tetlow moved to approve the extension. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #6 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Chairperson Craig called for public comment. There being none, Commissioner Tetlow moved to approve the extensions. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #7 (a) under communications was a report on ADP ongoing issues. Robert Hagmann stated that the Mayor's summer program will be starting soon and staff will be working with Finance to get about 2,000 participants into the payroll system. He went on to note some key departures in the Finance Department including the Director and Payroll Supervisor, as well as the impending departure of the Comptroller. He noted a lot of institutional knowledge regarding ADP will be lost.

Item #7(b) was a report on Civil Service Budget and Staffing. Director Hudson reported that staff had been shown three spaces by Property Management for consideration for testing and office space. Staff had selected a space and Property Management is looking at the cost of changing the space and making repairs. The space is approximately 3929 square feet and costs \$52,000 annually. She stated she is not sure where the funding is coming from. Director Hudson further stated that she had selected space that would need the fewest amount of changes. The space is located on the 15th floor. She had asked about space on the 9th floor, but due to federal guidelines and the funding for the Office of Community Development space, Civil Service

was told it could not have the space. Alexandra Norton stated it was her understanding that the space on the 9th floor could be prorated and that the open area is available for \$21,000. The City would have to build out cubicles or turn it into a training room and turn the old training room into cubicles. Commissioner Tetlow asked who pays for the space. Mrs. Norton stated that right now the request is for the CAO to pay for it. She stated she is working on the most cost effective rate that meets Civil Service's needs. Director Hudson stated that Geoffrey Alston, of Property Management, had told her that the 9th floor was not possible.


Item #7 (c) was a report on the comprehensive classification and salary study. Alexandra Norton reported that the first kick off meeting of the advisory group was held on March 14th and that the group had gone over the Job Study Questionnaire. She stated the next meeting with consultant is on March 29th. Commissioner Caputo asked how long the study would take. Ms. Norton said six months to completion of the study and then an implementation plan would need to be developed. The study has already been delayed due to the contract taking so long. She committed to push hard on the pieces the City controls to make up time. Mr. Felton asked who participated in the meeting. Ms. Norton stated that the advisory group had approximately seven department head representatives and five people from the Civil Service department. Mr. Felton stated that the Fire Union was guaranteed that we would be part of this process, but the advisory group is looking at evaluating dollars and we haven't been involved. Ms. Norton stated that evaluating dollars had not been discussed yet. Ms. Norton stated that it would be helpful for the Fire Union to just work on fire issues because Fire is not similar to other departments. The same is true for Police. She promised to work directly with the Fire Union. Clifton Moore expressed concern that no one from Police or Fire is on the advisory board. He asked if it would make sense to include these departments in developing the questionnaire. Ms. Norton stated that the forms are standard, but that she would send the form to the department and the union. Director Hudson cautioned that doing so extends the timeline. Ms. Norton reiterated that the Fire Union would be at the table for all discussions related to fire.

Doddie Smith, a Civil Service employee, asked when the six month timeline started. Ms. Norton responded that it begins now.


There being no additional business to consider, Commissioner Tetlow moved for adjournment at 1:01 p.m. The motion was seconded by Commissioner Caputo and approved unanimously.



Commissioner



Commissioner



Commissioner