

Item #1

CIVIL SERVICE COMMISSION REGULAR MONTHLY MEETING MONDAY, SEPTEMBER 22, 2014

The regular monthly meeting of the City Civil Service Commission was held on Monday, September 22, 2014 at 1340 Poydras Street, Suite 964. Present were Commission Chairman Kevin Wildes, S.J., and Commissioners, Michelle D. Craig, Edward P. Cohn and Ronald P. McClain. The Chairman convened the meeting at 10:01 a.m. and proceeded by sounding the Commission's docket. At 10:56 a.m., on motion of Commissioner Cohn and seconded by Commissioner Craig, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:38 a.m., the Commission reconvened and proceeded with the business portion of the meeting.

The first item on the agenda was the minutes of the August 15, August 25 and September 11, 2014 Commission meetings. The minutes of the meetings were approved unanimously on motion of Commissioner Cohn and seconded by Commissioner Craig.

Item #2 on the agenda was the election of the Commission Chairman and Vice-Chairman for the coming year. Chairman Wildes moved to nominate Commissioner Michelle Craig to serve as Chairman for the next year. The motion was seconded by Commissioner McClain and was approved unanimously. Chairman Wildes then moved to nominate Commissioner Cohn to serve as Vice-Chairman for the next year. The motion was seconded by Commissioner McClain and was approved unanimously.

Item #3 on the agenda was Classification and Compensation Matters. Item #3(a) was a response from the Chief Administrative Office (CAO) on the status of back pay related to Hurricane Katrina as requested by Mr. Robert Gebrian. Director Hudson updated the Commission on the nature of Mr. Gebrian's request. Mr. Gebrian addressed the Commission requesting that the Commission enforce their order to grant the back pay to exempt employees who worked in the months following Hurricane Katrina. This additional pay was approved by the Commission at its June 2010 meeting. Ms. Christy Harowski, Deputy City Attorney, addressed the Commission regarding this matter. She stated that the City Attorney's Office and the Chief Administrative Office believe there is no authority under the law to grant this back pay. Ms. Harowski stated that there is no FEMA

funding to cover this pay increase and that there are several Attorney General opinions that state that this type of retroactive pay is unconstitutional and violates Article 14, Section 7 of the Louisiana Constitution. She added that there is case law (McElvin vs Callahan) that specifically states that any salary increase must be for future work only. Commissioner McClain asked if any employees had already been granted back pay. Director Hudson stated that Police, Fire and EMS employees were all granted retroactive pay in 2007 based on work that was performed in 2005. Commissioner McClain moved to authorize staff to send a letter to the administration asking that the order be enforced. The motion was approved unanimously on second by Vice-Chairman Cohn.

Item #3(b) on the agenda was a request from CAO's Department of ITI to hire above the minimum for the IT Manager (Project Manager) position based upon superior qualifications as outlined in Rule IV, Section 2.7. Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation, informed the Commission that CAO's Department of ITI is in agreement with staff's recommendation to grant a hiring rate above the minimum based on extraordinary qualifications for Mr. Bruce France, IT Manager (Program Manager), of \$88,344, 25% above the minimum. On motion of Commissioner Wildes and seconded by Vice-Chairman Cohn, the hiring rate was approved unanimously.

Item #3(c) on the agenda was a request from Officer Stephen Lentz to reclassify his injury status from Worker's Compensation to Injured on Duty (IOD). Mr. Claude Schlesinger, attorney representing Officer Lentz, addressed the Commission requesting that Officer Lentz' injury be reclassified from Worker's Compensation to Injured on Duty (IOD) because Mr. Lentz was rear ended by another car while responding to a Code 2, which is an emergency call. Ms. Stolp stated that a Code 2 would qualify as IOD, but that the forms that were submitted by the Police Department did not state that Mr. Lentz' injury was the result of a Code 2 response. Ms. Stephanie Landry, Assistant Superintendent of Police, informed the Commission that the injury was classified as a Code 2 response. Vice-Chairman Cohn moved to reclassify the injury status to Injured on Duty (IOD). The motion was seconded by Commissioner McClain and was approved unanimously.

Item #3(d) was the presentation of Police Salary Recommendations. Mr. Robert Hagmann, Personnel Administrator, informed the Commission that staff met with relevant stakeholders, including police organizations and CAO representatives, to get their input on the survey. Mr. Hagmann presented the following six options to the Commission: Option 1 would be to set meeting regional salary survey minimums, Option 2 would be a 30% pay increase above the current rate, Option 3

would be a 20% pay increase above the current rate, Option 4 would be a 10% pay increase above the current rate, Option 5, which is staff's recommendation, would be a 20% pay increase that would be phased in over three years. There would be a 10% pay increase in the first year, a 5% increase in each of the second and third years, and Option 6 would be a 30% pay increase that would be phased in over five years. Mr. Hagmann informed the Commission that Option 5 is staff's recommendation. Mr. Donovan Livaccari, attorney representing the Fraternal Order of Police (FOP), expressed concern with manpower and suggested that Option 6 would have more of a positive impact on the retention of officers than Option 5. Ms. Carla Gendusa, Office of Inspector General's staff attorney, addressed the Commission requesting clarification on staff's salary survey. Staff was asked to look at the pension for the cities used in the survey. Director Hudson and Commissioner Wildes agreed that staff could look at the pension for those cities.

Item #3(e)(1) on the agenda was the Creation of a New Classification of Fire Division Chief. Mr. Hagmann explained that staff has been engaged in an ongoing job study with the Fire Department. Staff's first recommendation is the creation of a new job classification of Fire Division Chief, which would fulfill the Fire Department's need for the bureau chief position in its new administrative and technical divisions. This position would have a minimum salary of \$49,889, pay grade 80, which is the same level as the Deputy Fire Chief. Chief Timothy McConnell, Superintendent of the New Orleans Fire Department, explained that he met with staff and the New Orleans Association of Fire Chief's and that all parties are in agreement with staff's recommendation. On motion of Commissioner Wildes and seconded by Commissioner McClain, the creation of the Fire Division Chief classification was approved unanimously.

Item #3(e)(2) on the agenda was approval of retroactive temporary pay for Special Assignments. Mr. Hagmann explained that prior to the creation of the Fire Division Chief classification, several individuals performed managerial roles at this level. Since the position had not yet been created, staff recommended back pay of 10%, retroactive to August 19, 2013 for the following Fire District Chiefs: Terry Hardy, Charles Jonau, Joseph Wheeler, Stephen Schmitt, Ray Casey, and Dean Disalvo. On motion of Chairman Wildes and seconded by Chairman Craig, staff's recommendation was approved unanimously.

Item #3(e)(3) on the agenda was an Amendment of Special Rates of Pay for the Fire Department related to the Public Affairs Unit and EMS Certifications. Mr. Hagmann informed the Commission that the amendment related to the Public Affairs Unit would be deferred until the next meeting. He then recommended the

Commission's approval of a Pay Plan amendment to item seven under Special Rates of Pay. This amendment is to allow the new classified Fire Division Chief position to get a 5% increase over the normal rate of pay if they are certified as an Emergency Medical Technician (EMT). On motion of Commissioner McClain and seconded by Chairman Craig, the amendment was approved unanimously.

Item #3(f) on the agenda was an introduction of a New Civil Service Rule regarding Holiday Pay. Mr. Hagmann informed the Commission that staff was presenting a rule amendment that would clarify some of the operations of holiday pay. Currently, there is no Civil Service Rule that governs the application of holiday pay. This rule amendment is to ensure that employees get the ten paid holidays established by Council motion. The rule amendment would also provide clarity on leave status prior to and after a holiday. Mr. Hagmann explained that the rule is needed to provide uniformity across departments. The rule amendment also allows part-time employees to be paid for a portion of the holiday based on their daily work schedule. Chief Mr. Stephen Schmitt expressed concern with the new proposal as written because it could affect the salary compensation for some salaried employees in the Fire Department. He explained that removing the ten paid holidays from additional pay, would cause a five percent negative impact on their annual salary. He requested that their salary be increased by four steps if the rule amendment is approved. Director Hudson explained that the ten paid holidays are a part of an employee's total compensation and should not be in addition to their total compensation. Mr. Hagmann stated that staff was also introducing a change in the leave definition that would recognize the five day, 46 hour work schedule.

Item #3(g) was a request from Fire District Chief Stephen Schmitt regarding retroactive temporary rate of pay. Chief Schmitt expressed that he felt that his request had been addressed and that his only concern was that his retroactive pay be back dated to August 17, 2013 and not August 19, 2013 as stated by staff.

Item #4 on the agenda was Recruitment and Selection Matters. Item #4(a) was Examination Announcements #8960 through #8976. On motion of Commissioner Wildes and seconded by Chairman Craig, the announcements were approved unanimously.

Item #5 on the agenda was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Mr. Claude Schlesinger, attorney representing Officer Khalib Watson, requested that the Commission not approve the 60-day extension request on Officer Watson. He expressed that Officer Watson's case is relatively minor and should not warrant an extension. On motion of Vice-Chairman Cohn and

seconded by Chairman Craig, Officer Khalib Watson's 60-day extension request was denied. Commissioner Wildes then moved to approve the Hearing Officer's recommendations on the remaining extensions. On second by Vice-Chairman Cohn, the remaining 60-day extension requests were approved unanimously.

Item #6 on the agenda was Communications. Item #6(a) was an introduction of a Citywide Compensatory Time Policy. Director Hudson informed the Commission that staff was continuing to work on this item and that it would be introduced at the next Commission meeting.

Item #6(b) was an update on the status of the Fire Fighters Association's request regarding New Orleans Fire Department employees working out of class. Director Hudson informed the Commission that staff had not yet received the requested information from the Fire Department. The Fire Department was having some problems with providing the information in electronic format. Chief McConnell stated that the department is working on getting that information to Civil Service by the next meeting. Mr. Nicholas Felton, President of Fire Fighters Association, reminded the Commission that the matter was addressed at the December 2013 Commission meeting and expressed concern with getting the matter resolved as well as making sure that the individuals receive retroactive pay.

Item #6(c) was a report on the ADP Implementation process. Director Hudson informed the Commission that staff is continuing to have problems with the ADP system. Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation, expressed concern with ADP correcting only those issues related to an individual, and not correcting the issue itself, thus the problems are ongoing. Commissioner Wildes requested that Mr. Norman Foster and ADP representatives come to future Civil Service Commission meetings.

Item #7 on the agenda was New Business. Director Hudson stated, for the record, that the requests listed under new business were submitted to Civil Service after the published deadline for placing items on the agenda. Item #7(a) was a request for a new unclassified position for Service and Innovation. Mr. Eric Seling, Director of CAOs Service and Innovation team, addressed the Commission requesting approval of an additional unclassified position. He informed the Commission that it was his understanding that six positions were approved for the Service and Innovation team. He explained that he later learned that only five positions were approved. He further explained that Ms. Reagan Wainwright had been hired to work on the Service and Innovation team in what was thought to be the sixth position. He thanked the Civil Service Department for allowing Ms. Wainwright to continue working on the Service and Innovation team with the

understanding that an additional position must be approved by the Commission. Mr. Hagmann explained that a questionnaire was sent to the department for information on this new position. He requested additional time to review the information. Commissioner McClain moved to grant staff additional time to review the information on the position with the proviso that Ms. Wainwright is not negatively impacted during this time. The motion was seconded by Vice-Chairman Cohn and approved unanimously.

Item #7(b) was a request for an IT position for the New Orleans Police Department (NOPD). Director Hudson informed the Commission that staff is currently working on this matter. Ms. Amy Trepagnier, Personnel Administrator of Recruitment and Selection, explained that staff was waiting for NOPD to submit information for staff's review to ensure that the employee meets the minimum qualifications. On motion of Vice-Chairman Cohn and seconded by Commissioner Wildes, the appointment was approved unanimously pending the submittal of information on the employee.

Item #7(c) was a request from NORDC to approve the reallocation of all NORDC incumbents affected by the NORDC reclassification plan approved by the Commission on June 16, 2014. Director Hudson informed the Commission that NORDC requested that reallocations be approved provided the employees meet the minimum qualifications. Ms. Stolp recommended that the Commission approve the reallocations once staff has determined that the employees meet the minimum qualifications of the positions. Director Hudson explained that employees have the right to appeal their reallocation if they don't think that they were reclassified correctly. Mr. Victor Richard, Director of the New Orleans Recreation Development Commission (NORDC), expressed concern with challenges the department is facing with getting the reallocations done. He expressed his desire to get these reallocations done as soon as possible. Ms. Stolp explained that staff requested information from the department to be used in determining the proper reallocation of the employees and had not yet received this information. Ms. Maya Wyche stated that the information would be submitted to Civil Service by Wednesday, September 24, 2014. After more discussion on the reallocation process, Director Hudson asked the Commission to grant a stay on the new rule to complete job studies in seven days in order to allow staff time to focus on the NORDC reallocations. On motion of Commissioner Wildes and seconded by Commissioner McClain, the stay was approved unanimously.


Item #7(d) was a request for a new classification of Community Services Police Specialist. Director Hudson asked for additional time to review information on this item because staff only received this request on Thursday, September 18, 2014

and have not had time to review the information. Ms. Alexandra Norton, Service and Innovation Manager, informed the Commission that she was not seeking approval at the present time, but that she was requesting a timeline on responses from Civil Service. Mr. Donovan Livaccari, representing the Fraternal Order of Police (FOP), expressed that he was not ready to take a position on the matter. He further expressed some areas of concern that should be considered, including, the safety of the unarmed personnel and how they could affect the safety of commissioned personnel; the legality of some of the job duties; the type of impact this could have on police manpower as well as the financial impact this could have on the department. He felt that it was important to take time to consider these concerns. The parties agreed to continue to work on the matter and address the Commission again at the November meeting.

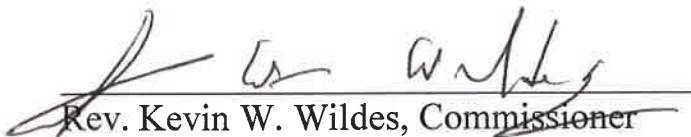
With no other communications to consider, on motion of Commissioner Wildes and seconded by Commissioner McClain, the meeting was adjourned at 1:03 p.m.



Michelle D. Craig, Chairman



Rabbi Edward Paul Cohn, Vice-Chairman



Rev. Kevin W. Wildes, Commissioner



Ronald P. McClain, Commissioner