

CIVIL SERVICE COMMISSION  
REGULAR MONTHLY MEETING  
FRIDAY, JUNE 17, 2022

The regular monthly meeting of the City Civil Service Commission was held on Friday, June 17, 2022 in City Council Chambers, 1300 Perdido Street, New Orleans, LA 70112. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Brittney Richardson, Vice-Chairperson John Korn, Commissioner Mark Surprenant, and Commissioner Ruth White Davis. Commissioner Richardson convened the meeting at 10:05 a.m. The Commission then proceeded with the docket. At 11:10 a.m. on the motion of Commissioner Davis and the second of Commissioner Korn, the Commission voted unanimously to go into executive session. At 11:52 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the May 16, 2022 meeting. Commissioner Korn moved to approve the minutes. The motion was seconded by Commissioner Surprenant and approved unanimously.

Item #2 was the ratification of Public Integrity Bureau (PIB) extension requests. Commissioner Richardson called for public comment. There being none, Commissioner Davis motioned to approve the extension requests. Commissioner Korn seconded the motion, and it was approved unanimously.

Item #3a under Rule Amendments was the introduction of an amendment to Rule IV Section 8.1 to provide for a prospective 2% yearly longevity pay increase for commissioned Police Department employees from their third through twenty third year of service. Personnel Director Amy Trepagnier stated this proposal is the result of an ordinance sponsored by Councilmember Lesli Harris that directed staff to evaluate and provide recommendations to the Commission to implement an annual 2% pay increase for police officers. She noted the Commission had previously approved a retention pay plan put forward by the Administration and found to be permissible by the Attorney General. That plan is pending before the City Council. Director Trepagnier stated staff wants to review the 2% yearly longevity increases while also considering what other departments are doing in terms of pay that addresses both recruitment and retention. Staff wants to consider a step plan that moves both the base pay for positions and the salaries of individuals in those positions on a yearly basis. We think it would be good to convene a panel of stakeholders to look at different plans to assist with both recruitment and retention. This would include the Administration, City Council, Commission, and Police

Unions. Commissioner Richardson stated a committee of stakeholders is a step in the right direction. Director Trepagnier noted the need to proceed quickly as the City will be starting the budgeting process for 2023 shortly. She hoped to bring the Commission a recommendation at its next meeting. Commissioner Surprenant noted the Commission had received a correspondence from the Administration the day before the meeting indicating that funding was not available for merit pay. Director Trepagnier stated that is why it is important for the Administration to attend the committee meeting so they can make everyone aware of what the City can and cannot afford and what the timelines look like. Staff would like to see a well thought out plan that ensures consistent recruitment and retention of police officers.

Joshua Zuckerman, representing the Administration, stated the City is committed to working diligently over the next month to come up with solutions. The City is under significant budgetary constraints, but we are evaluating all options because we know this is critical for the success of our city. Donovan Livaccari, representing the Fraternal Order of Police, stated we must do something because this is not going to turn around on its own. Commissioner Surprenant motioned to convene a committee of stakeholders. The motion was seconded by Commissioner Korn and approved unanimously.

Item #4 was a notice from the Chief Administrative Office regarding Merit Pay for 2022. Director Trepagnier explained that the Civil Service Rules provide for merit-based pay for classified employees based on their yearly performance evaluations. The Merit Pay Rule is dependent upon the administration's declaration regarding the funding to award merit-based pay. Staff had received notice from the Chief Administrative Officer the day before declaring that the City does not possess sufficient funding to fund merit-based pay for 2022.

Joshua Zuckerman stated the CAO understands the importance of doing things for our employees that increase recruitment and retention. We would love to work with Civil Service staff to improve pay, but at this time we are unable to move forward with merit pay. Claude Shlesinger, representing the Fraternal Order of Police, stated police officers had received a 1.25% merit pay increase in 2015 and 2016 but no one has ever received the 3.75% for exceeding expectations, and every year after that the City submitted a letter stating they don't have the funding for merit pay. This was part of the Great Place to Work Initiative. The carrot has never been fully implemented. He stated he believes the City is being disingenuous when they say they do not have the money to do it. In 2017, 2018, and 2019 there were huge surpluses from year to year. The City received \$145 million dollars earlier this week. They could have funded merit pay raises. This is about recruitment and retention.

He noted discipline is a big part of what goes on at NOPD. At the same time merit pay has not been funded and there are no rewards for Police officers who do an excellent job. No one wants to come to work and always be under the pressure of being penalized and never being complimented for the good work that you do. Prior to COVID FOP had worked with Civil Service staff to amend this Rule to put a timeline for notification if the administration didn't have the money to pay and to put a revenue threshold they could not hide behind. Police Officers and all City employees need to be rewarded for the good work they do and that has not happened in many years. Mr. Schlesinger provided the Commission with a draft of a Rule change to be considered at a subsequent meeting.

Donnovan Livaccari stated this happened during the Great Place to Work Initiative and it has had the opposite effect than intended when it is not paid. Commissioner Surprenant stated we deal with lots of disciplinary actions; sometimes we uphold them and sometimes we don't, but we need to reward those excellent officers we have. We cannot always be hitting them over the head with discipline. It is important to reward the good officers and give them increases. I think we need to move forward with this and let the City Council decide. It would be a shame for the Commission not to advance this. Commissioner Davis verified that this pay is for all employees, not just the police. Commissioner Davis asked if there is an end of year meritorious award. Director Trepagnier stated there is not an end of the year award. Merit pay is to be paid out the first period after June 1<sup>st</sup>. Director Trepagnier suggested engaging with the Administration on if there is a way to structure the rule that makes it more palatable financially. Whether if it is to change the amounts awarded or a change to the timing of what is awarded.

Commissioner Surprenant clarified that the City is asking for merit pay not to be paid out. He asked if the City Council has taken the position that they want to take up funding merit pay. Director Trepagnier responded that staff had not received anything official from the Council in support of across-the-board merit pay. The Council would like us to take up Police pay increases from the third to twenty-third year of service. Commissioners Davis and Surprenant clarified that the notice received from the CAO states there is not funding for merit-based pay increases for anyone. Commissioner Surprenant asked for staff's recommendation. Director Trepagnier responded that the CAO has a better understanding of the City's financial situation than we do. We are disappointed. The City has lost a lot of employees this year and so the remaining employees who are left behind are being asked to do more and more to perform their jobs. Merit pay has not been funded since 2017. It is supposed to be a carrot for performance and that is reflected in our low response rate for performance evaluations this year. She noted she has a meeting scheduled with

the City's Chief Financial Officer regarding other options for increasing pay. Director Trepagnier stated we are disappointed, but she does not know that she can recommend that the Commission forego what the Rule says. While the City may have one time funding this year, they need to have the structural money to fund the increase every year into the future. We need to engage to see if there is anything we can do to make the Rule more palatable to get consistent funding for merit pay.

Commissioner Surprenant stated we would like to see merit pay increases and he would not want to kill it at this point. It would be better to have further discussion. This has been going on for years. He would rather defer a ruling as opposed to killing it. Commissioner Richardson stated she supports Commissioner Surprenant's sentiment and asked if there is a timeline for notifications. Director Trepagnier responded the Rule says merit pay is to be paid out the 1<sup>st</sup> pay period after June 1<sup>st</sup>. Commissioner Richardson stated she agrees that a conversation could benefit everyone. Mr. Schlesinger stated if the letter from the CAO only came in on June 16<sup>th</sup>, then it is too late. Commissioner Surprenant asked if Christina Carroll, Executive Council for the Commission, had looked at this issue. Ms. Carroll stated the Rule is supposed to be self-executing, so the City was supposed to inform the Commission if they could not pay it before it is executed.

Commissioner Surprenant asked for the administration's position. William Goforth, representing the Administration, stated the Rules says the rate of pay for any classified employee may be advanced by action of the appointing authority. The CAO's declaration would limit the appointing authorities' ability to implement merit pay. Even if there was not a CAO declaration it would still be within the responsibility of the appointing authority to implement or initiate merit increases. Commissioners Richardson and Surprenant proposed deferring the item to the July agenda to have follow-up conversations and meetings. Commissioner Surprenant stated he wanted to make sure the deferral does not cause any issues. We are in favor of trying to do something with merit increases, but if you don't have the money, you do not have the money. Commissioner Surprenant motioned to defer the item; Commissioner Korn seconded the motion. Commissioner Davis asked for clarification. Director Trepagnier noted the item would be deferred to look at if payment is compulsory based on the deadlines and to work with the City to determine if there is something that can be done for merit pay either now or in the future. The motion was approved by all.

Item #5a under Classification and Compensation Matters was a request to retitle the 311 Telecommunications Operator Job Series. Mr. Hagmann explained that the 311 function had been moved to the Orleans Parish Communications District, but the job

series is still being used. Staff would like to retitle the series to better reflect the full-time customer service work that is expected of positions in the job series. Commissioner Davis motioned to approve the new titles. The motion was seconded by Commissioner Korn and approved unanimously.

Item #5b was a request for new special rates of pay for the New Orleans Fire Department. Mr. Hagmann stated there are existing special rates of pay for employees who are permanently assigned to special squads at NOFD. This proposed special rate of pay would compensate employees who fill in these special assignments on a temporary basis. The second proposed special rate of pay is for dual assignment pay for employees assigned to the Public Information Office or Fire Training School on a temporary basis. This recognizes both a change in the work and a move from non-exempt to exempt status under the Fair Labor Standards Act. The third proposed special rate of pay extends the bilingual special rate of pay used by NOPD for use by NOFD. This special rate of pay compensates bilingual employees for performing the extra work of serving as translators. Commissioner Korn moved for approval, the motion was seconded by Commissioner Davis and approved unanimously.

Item #5c was a request from Sewerage and Water Board for an exception to Rule IV, Section 9.7(a) relative to individuals exceeding overtime limits for 2022. Director Trepagnier noted this would basically become a standing item on the agenda whereby S&WB provides information and requests exceptions to the overtime threshold in Rule IV. Commissioner Surprenant stated this is a good way to handle these requests going forward. Commissioner Surprenant moved to approve the overtime exceptions, Commissioner Davis seconded the motion, and it was approved unanimously.

Item #6a under Recruitment and Selection Matters was the approval of examination announcements 10631-10649. Commissioner Richardson motioned to accept the announcements. Commissioner Korn seconded the motion, and it was approved unanimously.

Item #7 was the consideration of a resolution from the City Council regarding the elimination of cannabis testing for City employees. Director Trepagnier explained that regular employees receive a preemployment drug test, reasonable suspicion and post-accident testing. A separate group of employees are categorized as being in safety or security positions. These employees do things like carry weapons or operate heavy equipment. They would be a danger to themselves or others if they were under the influence at work. These employees are subject to testing for

promotions, during the probationary period for those promotions, random testing, reasonable suspicion, and post-accident testing. Director Trepagnier noted the Council's motion calls for the removal of a positive cannabis testing as a basis for removal from employment. She stated the Commission's Rules do not require automatic removal for a positive substance abuse test. So, what is before the Commission for consideration is if we are going to forego pre-employment screenings for either all positions or just non-safety/security sensitive positions. She noted staff had sent out an email to the departments to request their feedback regarding the proposal. The Commission has been provided with those responses.

Mr. Zuckerman stated the position of the administration is to defer to the department heads. William Salmeron, Chief of EMS, asked the Commission to allow his department to continue to test for cannabis. We need to be able to determine if there is any level of intoxication for anything, legal or not. We continue to work as a group to identify where the issues are with the testing policy and where there needs to be work to refine it.

Fire Superintendent Roman Nelson stated the Fire Department is neutral regarding cannabis testing of regular City employees. He stated that cannabis testing for public safety and safety/security sensitive positions is still necessary because the testing is not there yet to determine if a person is intoxicated at work and it puts our supervisors in a terrible position to make that determination. The tests cannot tell when someone used cannabis. While the City Council has decriminalized marijuana, it is still illegal for the state and federal government. There is still a question of dangerous situations like operating a vehicle and handling heavy equipment, so we are opposed to removing it for first responders.

Commissioner Surprenant stated it seems like this is an evolving issue. It would be irresponsible to just remove it for the reasons stated. We may get to that point, but we are not there yet. Commissioner Richardson stated for reasons of public safety, reasonable suspicion, and post-accident testing are areas that can't be compromised. She suggested having on going conversations to determine where the issues lie regarding the other areas. Director Trepagnier stated that the administration is working on revisions of CAO Policy memo 89R governing substance abuse screening and the penalties for positive tests, so there may be some room for revision there. Commissioner Richardson suggested having additional conversations with the Council regarding the areas of expressed concern. Commissioner Surprenant moved for deferral. Commissioner Davis seconded the motion, and it was approved unanimously.




Commissioner Korn motioned to add an item to the agenda relative to EMS retention pay. Commissioner Surprenant seconded the motion to add the item and it was approved unanimously. William Salmeron requested to add the positions of Emergency Medical Coordinator and Emergency Medical Coordinator, Assistant to the list of classifications that would be eligible for retention pay. Director Trepagnier indicated staff's support for adding these positions to those eligible for EMS retention pay. Commissioner Surprenant moved for approval, the motion was seconded by Commissioner Davis, and it was approved unanimously.


Commissioner Davis motioned to add an item relative to a hiring rate for Physicians to the agenda. Commissioner Surprenant seconded the motion, and it was approved unanimously. Mr. Hagmann stated the Health Department is requesting a 20% increase to entry level pay for Physicians due to an issue with recruitment and retention. The pay would increase from \$145,205 to \$177,134. The proposed rate is the median rate for Louisiana. He noted that time is of the essence to satisfy the requirements of the Healthcare for the Homeless grant. Commissioner Korn motioned to approve the hiring rate, Commissioner Davis seconded the motion, and it was approved unanimously.

Commissioner Davis moved for adjournment at 1:19 p.m. The motion was seconded by Commissioner Korn and approved unanimously.

  
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Brittney Richardson, Chairperson

  
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John Korn, Vice-Chairperson

  
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Mark Surprenant, Commissioner

  
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Ruth White Davis, Commissioner