

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, MARCH 17, 2014

The regular monthly meeting of the City Civil Service Commission was held on Monday, March 17, 2014 at 1340 Poydras Street, Suite 900. Present were Chairman Kevin W. Wildes, S.J., Commissioners Joseph S. Clark, Michelle D. Craig, and Edward P. Cohn. The Chairman convened the meeting at 10:03 a.m. and proceeded by sounding the Commission's docket. Commissioner Ronald P. McClain joined the meeting at 10:07 a.m. At this time, Mr. Donovan Livaccari, representing the Fraternal Order of Police (FOP), addressed the Commission regarding the status of delayed employee appeals. He urged the Commission to hire a Hearing Officer in order to get back on track with the more than 100 employee appeals that are pending. Ms. Elizabeth Robins of the City Attorney's Office addressed the Commission explaining that City Attorney, Sharonda Williams wanted to speak on the matter but was unable to attend the docket portion of the meeting. Ms. Robins submitted a copy of the City's response to the letter that was submitted by the Fraternal Order of Police (FOP). Ms. Robins stated that she disagreed with the number of pending appeals that were stated in FOP's letter. After further discussion on the matter, Commissioner Craig moved to table the discussion and address it again in the 11:00 business meeting. The motion was seconded by Commissioner Clark and approved unanimously. Mr. Jonathan Raymond then addressed the Commission regarding the status of his delayed appeal. Mr. Raymond explained that he was terminated in September 2013 and would like to have his appeal heard as soon as possible. Ms. Germaine Bartholomew, Personnel Administrator of Management Services, informed the Commission that priority would be given to scheduling hearings on terminations. At 10:27 a.m., on motion of Chairman Wildes and seconded by Commissioner Cohn, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:29 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

The first item on the agenda was the minutes of the February 17, 2014 Commission meeting. The minutes were approved unanimously on motion of Commissioner Craig and seconded by Commissioner Clark.

Next, the Commission requested that the agenda be amended to allow Ms. Sharonda Williams, City Attorney, to address them regarding the Commission's

Request For Proposal (RFP) process. On motion of Chairman Wildes and seconded by Commissioner Clark, the agenda was amended to allow Ms. Williams to address the Commission regarding its RFP process. Ms. Williams then addressed the Commission regarding Mr. Livaccari's letter which she stated suggested that the administration had been hampering the efforts to hire a hearing officer. She reminded the Commission that when staff recommended two interim hearing officers (Mr. Victor Papai and Mr. Jim Mulally), she felt that there were ethical conflicts with hiring these individuals. Due to this conflict, she stated that she presented a couple of alternatives to hiring hearing officers so that hearings could begin without any further delay. Ms. Williams informed the Commission that she was aware that the State Ethics Board reviewed the matter and its opinion was that there was no conflict with Mr. Papai and Mr. Mulally serving as interim hearing officers. She also informed the Commission that the contract department had reviewed the alternative procurement process and that they should be prepared to meet with Director Hudson by the end of the week. On motion of Commissioner McClain and seconded by Commissioner Cohn, the Commission voted unanimously to approve the hiring of two interim hearing officers while the RFP process was being prepared. At the request of Director Hudson, the Commission agreed to allow Mr. Papai and Mr. Mulally to be hired as interim hearing officers.

Item #2 on the agenda was a request from FOP to address the Commission regarding Police Officer Pay Increases. Item #3 on the agenda was a request from the Police Association of New Orleans (PANO) to investigate and recommend a salary increase for NOPD Commissioned Officers. Mr. Claude Schlesinger, representing FOP, expressed that New Orleans Police Officers are among the lowest paid for a major city. He requested that Civil Service conduct a pay plan study so that, if and when funds are available, it will be known what an appropriate salary should be for commissioned officers. Mr. Eric Hessler, representing PANO, informed the Commission that PANO filed a petition in February 2014 to investigate salary plan changes and the City filed an opposition to that request. Ms. Robins stated that the City did file a motion to strike the PANO petition because it is duplicative of the litigation in the Powers case as well as other cases including the Orazio and Gremillion cases. She expressed that it is improper for PANO to seek relief from the Commission relative to matters that are actively being litigated. She asked that the Commission defer an investigation while that litigation is still active. After further discussion on the matter, Commissioner Craig moved for an investigation of a pay plan study. The motion was seconded by Commissioner Clark and approved unanimously. Director Hudson will present a report on the investigation at the May Commission meeting. Ms. Robins asked that she be given a copy of the report at least two weeks prior to the meeting.

Item #4(a) on the agenda was a review of the Office of Inspector General's unclassified School Construction Fraud positions. Chairman Wildes recused himself from voting on this matter. Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation, gave some background information on these positions. She informed the Commission that the positions were initially approved to work on a cooperative endeavor agreement with the school recovery district and that they were also approved based on the temporary nature of the work. She explained that subsequent to that agreement, the Office of Inspector General moved the positions to the airport and asked that the positions be renamed. Ms. Stolp informed the Commission that staff was in agreement with approving the First Assistant General for School Construction position and renaming it to First Assistant General for Construction. She stated that based on Rule III, Section 2, staff determined that the other two positions should be returned to the classified service. Mr. Edouard Quatrevaux, Inspector General, asked that the Commission approve the three positions as unclassified due to the temporary nature of the positions. He explained that the project has a completion date of May 2017 and that they have a cooperative endeavor agreement for one year and may be renewed for an additional three years. Director Hudson explained that staff is proposing a new rule that would allow for limited term positions in the classified service and that it may bring about a compromise for these positions in the Inspector General's Office. She explained that if the Commission approves the new rule, staff would work with the Inspector General on utilizing the rule for the two positions. Ms. Suzanne Wisdom, attorney for the Office of Inspector General, stated that they would be happy to work with staff and defer the request for a month. On motion of Commissioner Cohn and seconded by Commissioner McClain, the motion was approved with four votes. Commissioners Clark, Craig, Cohn and McClain voted in favor of the matter and Chairman Wildes recused himself.

Item #4(b) on the agenda was the Emergency Overtime Pay Rule Change Proposals. Mr. Robert Hagmann, Personnel Administrator, addressed the Commission by reviewing the differences between the Administration's proposal and staff's proposal. He explained that staff worked closely with the administration and that the only difference in the two proposals is whether or not to allow highly compensated individuals (those individuals who make over \$100,000) to receive overtime. Director Hudson informed the Commission that staff's proposal would not allow highly compensated individuals to receive emergency overtime pay, but that they would still get emergency pay. Ms. Alexandra Norton, Service and Innovation Manager, expressed that the administration was still considering the proposals, but did not have a position either way. On motion of Commissioner Cohn and seconded by Commissioner Clark, the Commission voted

unanimously to accept staff's recommendation. The rule change proposals would lie over for a month and would be voted on at next month's Commission meeting.

Item #4(c) on the agenda was a report on the request from PANO regarding Integrity Control Officers (ICOs) within the Police Department. Director Hudson reminded the Commission that at the last Commission meeting, the City presented a response to staff's report on the ICOs and that staff did not have time to review the report. Director Hudson asked for additional time to review the report and prepare a response. She informed the Commission that staff presented its response to the Law Department on March 3 and the Law Department responded with a motion and a supplemental motion to strike staff's ICO report. Ms. Robins confirmed Director Hudson's statement regarding receiving staff's response and filing a motion to strike staff's report and a supplemental response the following day. She stated that the City's primary issue is that the investigation addressed issues that were the subject of other Civil Service cases that are ongoing as well as federal litigation. After further discussion, Commissioner Cohn moved to take the matter under advisement. The motion was seconded by Commissioner McClain and approved unanimously.

Chairman Wildes left the meeting at 12:58 p.m.

Next, Commissioner McClain moved to address item #4(e) out of order. With no objections the motion was approved unanimously.

Item #4(e) on the agenda was a request from NOPD to create five new unclassified positions in the Compliance Division. Mr. Jay Ginsberg, Deputy Superintendent of the Police Department's Compliance Bureau, addressed the Commission requesting up to five unclassified positions in the Urban Policy Planner series. He stated that the positions had already been approved by the City Council, they were temporary positions that are tied to the consent decree and that they posed no threat to the classified service. Superintendent Serpas addressed the Commission by giving his support for these positions. He stated that the positions had been put in the Police Department's budget and were approved by the Chief Administrative Office, the mayor and the council. Mr. Robert Hagmann explained to the Commission that staff's position was that the duties and responsibilities of these positions are consistent with work that should be performed in the classified service. Ms. Stolp explained that Civil Service Rule III, Section 7.1(b) states that unclassified positions must be of a sensitive nature and have considerable discretion and policy-making authority. She explained that staff did not think the lower level positions met the policy making authority requirement. Commissioner McClain made a motion to approve the positions with a sunset of three years and

with the proviso that they are advertised and the criteria for selection is made clear. The motion was seconded by Commissioner Cohn and approved unanimously.

The Commission then returned to item #4(d). Item #4(d) on the agenda was a request from Capital Projects for the creation of a new temporary Disaster Recovery Classification Series and an Amendment to Rule VI, Section 5.2 on limited term positions. Mr. Hagmann informed the Commission that this item was held over from last month's meeting. He explained that staff was proposing a new Disaster Recovery Program Assistant series that would be temporary in nature. Because of the temporary nature of the positions, they would be limited to a three year maximum term. He also explained that staff was proposing an amendment to the limited term rule, Rule VI, Section 5.2, to go along with this new series. Mr. Hagmann then reviewed some of the provisions of the new rule. On motion of Commissioner McClain and seconded by Commissioner Cohn, item #4(d) was approved unanimously.

Item #4(f) on the agenda was a request from NOPD for a hiring rate on the Police Academy Curriculum Director position. Ms. Stolp reminded the Commission that the classification of Police Academy Curriculum Director was created and approved for the consent decree. She informed the Commission that staff was recommending a 10% hiring rate to address the Police Department's recruitment difficulties. The current salary of \$55,102 would receive a hiring salary of \$60,859. On motion of Commissioner Craig and seconded by Commissioner McClain the hiring rate was approved unanimously.

Item #4(g) on the agenda was a request from the Library to re-title the Duplicating Room Supervisor classification to that of Graphic Designer. Ms. Stolp informed the Commission that the Library upgraded the Duplicating Room Supervisor position and asked that it be retitled to that of Graphic Designer while maintaining the same salary. Ms. Stolp stated that staff was in agreement with the retitling of this position. On motion of Commissioner Cohn and seconded by Commissioner McClain, the motion was approved with three votes. Commissioners Craig, Cohn and McClain voted in favor of the matter, Commissioner Clark recused himself and Chairman Wildes was not present for the vote.

Item #4(h) on the agenda was a request from Officer Jeffrey Roach for a special educational leave of absence with pay. Mr. Donovan Livaccari spoke on behalf of Officer Roach informing the Commission that he was withdrawing the request.

Item#5 on the agenda was Examination Announcements #8907 through #8914. On motion of Commissioner Clark and seconded by Commissioner Cohn, the announcements were approved unanimously.

Item #6 on the agenda was the Ratification of Public Integrity Bureau (PIB) 60-day extension requests. The Hearing Officer's recommendations on these requests were approved unanimously on motion of Commissioner Clark and seconded by Commissioner Cohn.

Item #7 on the agenda was a report on the NEOGOV Letter of Agreement between Civil Service and ITI. Director Hudson informed the Commission that the two parties came to an agreement and are working on an implementation schedule. She informed them that staff is working with the administration on preparing a report to address the matter before the City Council.

Item #8 on the agenda was Communications. Item #8(a) was an update on the status of establishing a Citywide Compensatory Time Policy. Director Hudson informed the Commission that staff received a request to meet with the Fire Union on the matter and is in the process of scheduling a meeting with them.

Item #8(b) on the agenda was an update on the status of Fire Fighters Association request regarding New Orleans Fire Department employees working out of class. Director Hudson informed the Commission that staff had received a lot of information from the Fire Department and needs more time to review that information.

Mr. Terrell Hampton, Secretary-Treasurer of the New Orleans Fire Fighters Association Local 632, informed the Commission that Firefighters have been working out of their job classes for many years and suggested that they be paid retroactively for working out of class. Director Hudson informed the Commission that staff is reviewing all of the information that was received by the Fire Department and will make a determination once they have completed the review. Mr. Richard Hampton, President of the New Orleans Association of Fire Chiefs, informed the Commission that there are also members of his association who are working out of class and requested that all fire classifications be included in this request.

Item #8(c) on the agenda was an investigation of Fire Department pay practices as it relates to Holiday Pay and Leave Accrual. Director Hudson informed the Commission that staff is still investigating that matter.

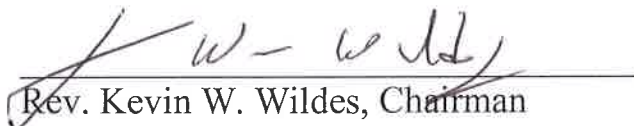
Item #8(d) on the agenda was an update on the status of CAO Policy regarding ban the box and on training for HR Managers. Director Hudson informed the Commission that Sewerage & Water Board (S&WB) has established a separate policy from the City and that staff is still working with both parties on how to handle the differences in the policies.

Item #8(e) on the agenda was a report on the ADP implementation. Ms. Stolp informed the Commission that staff, the administration and ITI have been working closely with ADP to resolve some outstanding issues before going live. Next Mr. Timothy McConnell, Superintendent of the Fire Department, asked to address the Commission. Commissioner McClain moved to amend the agenda to allow Chief McConnell to address the Commission. The motion was seconded by Commissioner Cohn and approved unanimously.

Chief McConnell then addressed the Commission requesting a temporary rate of pay for several Fire Department Division Heads. Director Hudson stated that staff needed time to review the matter and suggested that a request be made to place the matter on the agenda for the April meeting.

Chief McConnell then asked the Commission to grant a provisional appointment to Fire District Chief, Gary Haydel, to the position of Fire Deputy Chief. He stated that District Chief Haydel has been acting in the capacity of Fire Deputy Chief for over two years. He further explained that a request for a provisional appointment was made some time ago and was denied because District Chief Haydel did not have the degree that is now needed to take the test. Chief McConnell requested that District Chief Haydel either be granted a provisional appointment to the Deputy Chief position or that he be granted a temporary rate of pay until an exam can be given. Director Hudson suggested that a request be made to place this matter on the agenda for next month's Commission meeting.

With no other communications to consider, on motion of Commissioner Craig and seconded by Commissioner McClain, the meeting was adjourned at 2:08 p.m.


Rev. Kevin W. Wildes, Chairman


Joseph S. Clark, Commissioner



Michelle D. Craig, Commissioner



Rabbi Edward Paul Cohn, Commissioner



Ronald P. McClain, Commissioner