

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, April 16, 2018

The regular monthly meeting of the City Civil Service Commission was held on Monday, April 16, 2018 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig, Vice Chairperson Ronald McClain, Commissioner Clifton Moore, Jr. and Commissioner Tania Tetlow. Chairperson Craig convened the meeting at 10:03 a.m. At 11:27 a.m. on motion of Commissioner McClain and second of Commissioner Tetlow, the Commission voted unanimously to go into executive session.

At 12:27 p.m. the Commission completed its executive session and proceeded with the business portion of the meeting. Commissioner Craig then motioned to add an item to the agenda to extend the deadline to complete the Personnel Director's evaluation from April 1st to June 18th. The motion to add the item was seconded by Commissioner McClain and approved unanimously. Commissioner Tetlow then motioned to extend the deadline for the evaluation for Personnel Director from April 1st to June 18th. The motion was seconded by Commissioner McClain and approved unanimously.

Item #1 was the minutes from the March 19, 2018 meeting. Commissioner Tetlow moved to approve the minutes. Commissioner Moore seconded the motion and it was approved unanimously.

Item #2 was the Proposed Pay Plan Amendments based upon the SSA Compensation Study with a proposed schedule of implementation. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that since the study's completion, staff has been working with the Chief Administrative Office to develop an implementation strategy. Staff is recommending a phased in approach to address fiscal concerns. The recommendation is consistent with Rule IV Section 1.2 which requires a uniform pay plan. In this approach, the lowest paid classifications are addressed first. Phase I addresses job classifications at pay grade 50 and below which are largely administrative support personnel, Phase II includes trades and security classification. Phase III is health related, scientific, and inspectional classifications. Phase IV includes Fire, EMS, Recreation, and social services job classifications. Phase V includes administrative positions. Phase VI includes positions at the Inspector General's Office, Information

Technology positions, some additional adjustments, special rates of pay, the abolishment of old classifications and the addition of new classifications. Mr. Hagmann noted that the proposal includes several pay policies. Policy one ensures that employees receive a minimum of \$11.21 per hour, making the city a market leader in entry level salary. The policy guarantees 5% for lower paid positions as long as the salary does not exceed the midpoint. Mr. Hagmann noted that employees will not lose merit pay with the increase because, by rule, a hiring rate is in addition to merit pay. Policy two applies to Phases II to VI to raise the minimum for positions from step 01 to step 09, a 10% increase in the minimums. Those employees whose salary already exceeds the base by 10%, exclusive of merit pay, would be excluded from these increases. Mr. Hagmann stated that policy three adjusts the pay plan hiring rate steps by 1.25% annually in an effort to attract and maintain a high quality workforce. He noted that the MAG and SSA pay studies stated that the city has to keep the pay schedule current to do so. He stated that 1.25% is a minimal adjustment that is about half the cost of living index. Mr. Hagmann further noted that Policy IV is adjustments beyond 10% to target difficult to recruit or retain positions. Mr. Hagmann further noted that two new special rates of pay include educational incentive pay for non-exempt support classifications and pay for professional certifications. The Commission's recent adoptions for the Management Development series and other classification were also included in this proposal.

Additionally, Mr. Hagmann stated that after discussions with the administration and the Transition Director it was recommended that the Commission place a moratorium on further pay amendments until the pay plan has been adopted. He stated that staff is asking that the Commission approve the pay plan and adopt the changes in total along with the policies and phase in schedule with Phase I to be effective immediately and with the adoption of all phases by December 31, 2018. Personnel Director Lisa Hudson noted that any change to the order of the phases could result in inequity in the Pay Plan. She noted that the changes to the Analyst series previously approved by the Commission had been placed on hold by the City Council because the Council was concerned that Phase I should come first. Director Hudson then suggested moving to item #3 since it is related to the Pay Plan item.

Item #3 was a request to suspend merit pay in 2018 in lieu of adopting the 10% proposed pay plan and immediate implementation of Phase I which includes pay grade 50 and below pay increases. Robert Hagmann stated that the City could not afford to do both merit pay and the proposed pay increases.

The money set aside for merit pay can be used to support the increase for employees at pay grade 50 and below and associated job classified. Commissioner Moore then asked what happened to the 2018 merit pay granted under the Great Place to Work. Judy Reese-Morse, the Chief Administrative Officer, stated that the money budgeted for merit increases, 1.5 million dollars, would now be used to implement Phase I due to budget constraints. If the Commission did not approve Phase I, there would need to be discussion with the incoming administration on how the money would be spent. She stated she hoped the Commission would adopt the pay plan and focus in on Phase I. Cary Grant, an Assistant Chief Administrative Officer, stated that the Council voted for the \$1.5 million to go toward the first phase. He stated that the council wants employees to get the funding as soon as possible.

Commissioner Tetlow stated that she thought the excruciating decision of deciding between raising the pay of the lowest paid employees and doing merit pay are better made by elected officials rather than the Commission.

Commissioner Moore noted that the lowest paid employees may not be the most disparate. There may be employees above pay grade 50 who have a larger disparity in the market.

Commissioner McClain asked if the Commission passed the pay plan as is, what would stop the next administration from making different recommendations. He noted that he was concerned that if the Commission approved this phase now the others might go away. He stated he agreed with Commissioner Moore that there may be other positions with a real difference between where they are now and adequate compensation. He asked what guarantee did the Commission have that the next administration and Council would move forward with implementing the subsequent phases.

Courtney Bagneris, an Assistant Chief Administrative Officer, stated that in 2008 and 2009 the pay plan based on the southern regional average was implemented in a similar fashion. The phase in was done toward the end of 2009 which made it palatable for both the incoming and departing administrations. She noted that all phases were complete by December of 2009.

Commissioner McClain asked that when priorities are considered, that city employees be considered in high priority. He note that we are talking about

\$1.5 million out of a \$647 million dollar budget. Ms. Bagneris noted that it costs more than that. Director Hudson clarified that staff is recommending that the pay plan be adopted in its entirety with Phase I going into effect immediately. Staff would then come back before the Commission with a new schedule of implementation for adoption. Robert Hagmann noted that it would come before December 31st so if no action is taken, the Pay Plan would be adjusted. The only way it couldn't be adjusted is if the administration came back before the Commission and asked that it be rescinded.

Mabashir Maqbool, a Sewerage and Water Board employee, stated that with this administration shows their empty pockets when it comes to the civil servant. He stated that since 2008 until 2017, over \$324 million dollars have been spent on unclassified employees. He asked why the administration is crying broke when it comes to the civil servants. Unclassified employees of the Department of Public Works have been given 10% to 15% raises with no justification. These are the same employees who are not putting out projects from the \$2.4 billion dollar grant. Mr. Maqbool also stated that Sewerage and Water Board has hired an Engineer at \$300 per hour who has never operated a single thing in his life.

Donovan Livaccari, representing the Fraternal Order of Police, stated that merit raises have been one of the few positive aspects of the great place to work initiative. It is a shame to keep seeing the employees get the bad end of a Great Place to Work.

Commissioner Tetlow moved to approve the pay plan as presented. Commissioner McClain seconded the motion and it was approved unanimously.

Commissioner Tetlow moved to suspend the merit pay in 2018. She stated that she thinks the people elected by the citizens should be the ones making this decision. Commissioner McClain then asked Brendan Greene, the Commission's Executive Counsel, if this matter could be taken under advisement. Mr. Greene responded that it was an exception to the rule, so it could not be taken under advisement and discussed outside of a public meeting. Commissioner Tetlow asked what happens if the Commission does not approve this. Mr. Greene responded that if there is no exception to the rule, then the rule applies. The amendment to the pay plan would then go to the City Council and the Council would have to decide whether to fund the pay raises for the lowest paid employees. They do not have the discretion to

waive the merit rule. Commissioner Tetlow stated that assuming the budget constraints the Commission has been told are true, this would be a decision to forego the compensation study increase for the lowest paid employees. Commissioner McClain stated that his position is that the City Council can do both. Commissioner Tetlow stated that if the Commission binds the Council to the merit pay and they then have no money for anything else, then the Commission has made that choice. Commissioner McClain stated that he would think they would still have discretion. He stated that he suspected that the Council could make a decision as to how to allocate funding that could result in both merit and Phase I being funded. He stated that he does not think that the Council is bound by the decision the Commission makes because they ultimately make the decisions relative to compensation for city employees. Director Hudson clarified that the Council makes decisions with regard to funding and the Commission makes the decisions regarding what the appropriate rate should be. Commissioner Moore stated it appears that this is an attempt to shift the burden to the Commission. Commissioner McClain stated he did not think the Commission should be bound by a decision the Council may or may not make. Commissioner Tetlow stated that she was all for having the Council make the decision and asked if there was a way to phrase a motion to delegate that authority. Commissioner Moore stated that the Commission had done so by not adopting a motion. Mr. Greene then stated that the rules give the Chief Administrative Office the discretion to certify that there are insufficient funds to fund merit pay, so there will not be an increase. Commissioner Tetlow then asked Ms. Reese-Morse if she believed that the Chief Administrative Officer had the authority to defund merit pay regardless of how the Commission votes on item #3. Ms. Reese-Morse responded that she did. She stated that there is \$1.5 million dollars in the 2018 budget. If the Commission adopts the pay plan, it would be joining the Landrieu and Cantrell administrations and the City Council in implementing Phase I. In three weeks there will be a new administration that will weigh the budget against the challenges the city faces. She stated that her ask is for the Commission to adopt the pay plan and focus in on Phase I of that plan. Commissioner Tetlow then asked if the Commission did not vote to suspend merit pay, does that legally bind anyone to anything. Ms. Reese-Morse responded that the next administration would still have the authority.

No second was made and the motion failed.

Item #4 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene stated that the regular meetings formerly

held with S&WB leadership had been revived. A productive meeting had been held last week. This leadership has committed to open communication and a willingness to look into issues that are raised. He stated he wanted to get a true diagnosis for any staffing issue identified by Civil Service or S&WB and come to the Commission with a frank assessment about where things stand bearing in mind that the purpose of delegation was to expedite the hiring process. He suggested an assessment of what vacancies exist and what has to be done to onboard an individual. Commissioner McClain asked hasn't that been done in the last two years. Mr. Greene responded that during the first year of delegation there had been starts and fits with a lot of staff turnover and serious communication issues. For the first time we have a partner that is willing to discuss where the problems are. Mr. Greene suggested continuing to meet regularly and bring to the Commission a specific report at its next meeting regarding specific vacancies, obstacles and problem areas. Civil Service staff cannot be in a position to be the Human Resources Department for S&WB. Commissioner McClain stated the Commission has been asking these questions for two years now. Commissioner Moore stated that we were supposed to let S&WB have it, but Civil Service staff is doing the work anyway. Staff could spend their time doing what they were doing pre-delegation. It has been two years with no real end in sight.

Marina Kahn, S&WB interim Chief Financial Officer, asked for more time because there are new managers who have to learn the system. Commissioner McClain asked if S&WB still had the same Human Resources Director. Ms. Kahn responded that it does. Commissioner Craig asked what S&WB need more time to do. Ms. Kahn stated that during last week's meeting, keeping more registers open was discussed, as well as, making sure that everyone understands the job study process. Commissioner McClain noted that at times during delegation, there have been times where staff has been on a different page than the Human Resources Director. There is a whole record of some hires that we disagreed with that was not consistent with the process. He asked if a change could be expected. He stated that he was not advocating for a personnel change. Mr. Greene noted that there were some routine understandings that needed to be developed in a way that does not occupy so much of everyone's time. Commissioner McClain asked Mr. Greene if his assessment is consistent with that of the Civil Service Director and staff. Mr. Greene responded that he did not want to speak for the Director and her staff. Director Hudson stated that there had been a lot of direct communication with the interim team at S&WB. The issue has been more with the Human Resources staff at S&WB. Commissioner Craig again asked how much time

S&WB needs and for what purpose. Mr. Greene stated he would like to develop some concrete metrics from the Civil Service staff to say here's what we would view as effective delegation. Mr. Greene noted that the same thing is fair to ask of S&WB. This group is willing to do so; before I would have presented you with a one sided version. Commissioner Craig stated we should set a time period to see if the metrics are being met because that will determine if delegation is working or not. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, stated that S&WB has a lot of people on registers, so in that respect delegation has worked. It is very frustrating to hear that there are still vacancies. We have tried to do everything S&WB has asked for with our hands tied. There are people on the registers, why are they not hiring. It's the hiring side where we do not have authority. It's the Human Resources Department. Commissioner McClain suggested that one of the metrics from S&WB that would be helpful is the number of people on a register and a timeline for bringing them all on. Ms. Stolp stated that when delegation was granted two years ago, it was because S&WB said that they cannot hire and at that time we said there were registers for all but five of three hundred positions. Two years later, it is the same thing today. Director Hudson stated that another concern is the number of budgeted vacancies. We need to get a true number. Commissioner McClain asked if we can make sure that next month's report has an answer to the question of if there are so many people on the registers, why aren't they hired or when will they be hired. Commissioner Craig clarified that she wants specifics, not a summary.

Item #5(a) under Classification and Compensation Matters was a request from S&WB to utilize 311 job qualifications for the S&WB Call Center positions and to expand the 311 job series. Robert Hagmann stated that the Commission is being asked to approve two new job classifications of 311 Telecommunications Operator Principal as well as a Division Manager. These are specialized positions for those who work in a full time call center environment. Staff is also recommending the abolishment of 311 Telecommunications Operator Manager. Commissioner McClain moved to approve the request. Commissioner Tetlow seconded the motion and it was approved unanimously. Mr. Hagmann noted that this group will also be part of Phase I of the Pay Plan approved under item #2.

Item #5(b) was a request from Mr. Mabashir Maqbool for overtime compensation for performing work relative to Mardi Gras clean up. Robert Hagmann stated that an email was sent to all S&WB employees asking for volunteers to perform work related to Mardi Gras clean up. It was meant to

be for non-exempt employees, however Mr. Maqbool is in the exempt position of Principal Engineer. S&WB is asking for an exemption to Rule IV to compensate him retroactively for duties worked outside of his normal work schedule for three days in 2017. Mr. Hagmann stated that staff cautiously recommends that the Commission makes the exception to the rule. James Thompson, at Attorney for S&WB, stated that the matter is before the Commission due to the retroactivity issue. The S&WB is not opposed to it. Commissioner McClain moved to approve the request. Commissioner Moore seconded the motion and it was approved unanimously.

Item #5(c) was a request from Mr. Mabashir Maqbool to address several concerns relative to personnel related matters at the Sewerage and Water Board. Director Hudson reported that Mr. Maqbool had submitted a list of items. Item one is the deputing unclassified employees to classified positions, two is the disparity in pay between unclassified and classified employees doing comparable work, three the latest RFP for staff augmentation and duplication of classified positions, item four is the delay in promotion of classified employees, five nepotism and favoritism practices by current HR Deputy Director Sharon Judkins, six the illegal transfer of Muhammad Owusu to the Project Delivery Unit at S&WB, seven the hiring of Joe Sensebee (Arcadis Consulting Engineer) at \$300 per hour, and item eight is Katie Dignan City of New Orleans full time employee working with no written authority at S&WB of New Orleans. Director Hudson noted that S&WB had responded to each of the items. Staff is still investigating a lot of the items, so it does not have a report at this time. Mr. Maqbool stated that there are scores of people on the eligible lists, but they have not been hired because S&WB has a hidden agenda which is privatization. Last year S&WB tried to pass a bill in the legislature which would have taken all new and current S&WB employees out of Civil Service protection, but the legislator was gracious enough to pull that provision out of his bill. Later that fall, an RFP directed by the second floor of City Hall was floated. Katie Dignan was in charge of that RFP. She is not even an S&WB employee, but she acted as a de facto Executive Director. Commissioner McClain asked Mr. Maqbool if he had a specific ask of the Commission. Mr. Maqbool responded that the Commission is in place to protect the system. You cannot let the system be mutilated by a politician. He stated that we are seeking your help in stopping this. Under Civil Service Rules you are supposed to be proactive, not reactive. You have to stop this in its tracks. Mr. Maqbool then stated that Fred Tharp is an unclassified PDU administrator who is currently administering the Network Engineering Department. Civil Service rules say an unclassified

person cannot be doing the work of a classified person. These positions were created just to do FEMA grant projects. Commissioner Moore asked if Mr. Maqbool was asking the Commission to investigate possible Civil Service Rule violations. Mr. Maqbool responded that we was doing so.

Eddie Jordan, an Attorney, appeared on the behalf of Mr. Maqbool, and S&WB employees Daniel England and David Watkins and stated that this staff augmentation contract represents a grave danger to the employees of S&WB. He stated that they had brought suit against S&WB earlier in the month. If this contract is awarded to ECM the result will be the displacement of all of the individuals whose positions correspond to the positions in the RFP. They will be displaced because there is only one place for each of these positions. This has happened before. The litigation is at a point where we think the Commission is the most important body to address this. The court decided to allow the contract to go forward subject to the consideration of the Commission. The court would like to monitor these vacancies going forward. The Commission should move to stall this contract awarding process. We would like the Commission to move now before the train wreck occurs. Employees will be stripped of their Civil Service protections. Jade Brown-Russell, interim Special Counsel for S&WB, stated that the S&WB has no intention of privatizing. She stated that the staff augmentation is currently in litigation and S&WB is reviewing the decision of the judge in this matter. She noted that the Engineering Department has been instructed to ensure that all PDU employees only perform 100% PDU job responsibilities. Disciplinary action will be taken if that is not done. Mr. Maqbool then stated that Irving Carter was a PDU financial analyst, Mohmand Owusu has been transferred from HR to PDU to take over Irving Carter's position. FEMA fraud is being committed. This person is dedicated to do only FEMA grant projects, now he is in charge of the capital budget. Ms. Brown-Russell stated Mr. Owusu had submitted his resignation. Mr. Maqbool asked why does the PDU mingle invoicing with the budget which is supposed to be a classified job. He stated that the issue had been brought to Ms. Brown-Russell's attention in December, but the issue is still ongoing. Commissioner Craig then noted that Ms. Brown-Russell had indicated that there had been some changes in the unit that will solve some of these problems. Commissioner Craig stated that S&WB needs to be given an opportunity to do so going forward. S&WB had meet with staff and counsel last week and asked that they come in with their recommendations in regard to the PDU unit and its employees and to observe to be sure those individuals are performing 100% PDU duties.

Mr. Jordan stated that the positions identified in the RFP have not been approved by the Commission. This is not a privatization contract, but in this litigation S&WB Counsel has not said that classified employees will not be effected by this contract. He can't and won't say that. Ms. Russel-Brown discussed getting's staff assistance that the positions in the RFP are aligned with classified positions and that those registers are open for hires. S&WB has not taken further action on the RFP at this time. Mr. Maqbool gave an example of the wastewater treatment function at S&WB being given over to contractors twenty years ago. He gave Flint Michigan as an example of a contractor taking shortcuts to make money. There is a systematic chokehold on hiring. He asked why you wouldn't hire the 1500 qualified applicants. Commissioner McClain stated that we are not in a position to stop the contract. Mr. Maqbool stated that you cannot say that the litigation is ongoing when the judge has rendered his judgement. Mr. Jordan respectfully disagreed with Commissioner McClain's assertion that the Commission cannot stop a contract noting that the Commission has taken an action in the past. He gave the example of the Commission taking action in a privatization contract regarding the Cultural Center. The Supreme Court clearly stated that the Commission has to enjoin a privatization contract under certain circumstances. Commissioner Craig voiced concern over acting when an appeal may be pending. Mr. Jordan stated that he believes that the Commission's authority is broader with respect to these kinds of contracts. Commissioner Craig stated that the Commission does not have enough information. She offered to let Mr. Jordan brief that topic. Mr. Jordan stated that the case involved a contract that had been awarded. Commissioner Moore moved that the Commission investigation its role and authority in this matter. McClain seconded the motion and it was approved unanimously.

Item #5(d) was a request from the Fire Union to address the Commission relative to the SSA study. Aaron Mischler, President of New Orleans Fire Fighters Association, stated that the last pay increase that New Orleans firefighters have received was in October of 2008. Since 2008 manpower has been reduced by 22%. Call volume has increased by nearly 100% during that time period. Non-emergency duties have also increased dramatically, 14,500 smoke detectors have been installed, 7000 commercial inspections have been performed, hydrant inspections are conducted twice a year and flow tests are performed on 3000 hydrants per year. Firefighters provide emergency care. Response and treatment protocols are closer to that of an EMT. Since 2015 all new hires are required to obtain and maintain national, state and local EMT certification. NOFD is the leading city agency in severe weather events.

NOFD conducts water rescues during flooding events and staffs city logistics centers during emergency events. Mr. Mischler noted that all of these duties require additional trainings and certifications. Firefighter duties now crossover with numerous agencies like NOPD, EMS, S&WB, Code Enforcement, Red Cross and the SPCA. He noted that SSA suggested a 10% increase for all employees at the Commission's November meeting and at that meeting Commissioner Tetlow questioned how that was equitable. Mr. Mischler stated that SSA's report actually stated that firefighters were well over 20% behind in pay. Salaries are noticeably behind in the state, region and nationally. Call volume, hazards and difficulties specific to a city were not measured. Mr. Mischler stated that he had attempted to compare salary and work load by looking at call volume. This was a difficult analysis because cities measure call volume differently and item numbers differently. He used 20 cities from SSA's list. The average disparity between police and fire gross annual salary after one year of service was 10.21% with New Orleans Firefighters falling at 34.1% behind NOPD and 23.9% behind the average. New Orleans Firefighters and Police share many of the same challenges. Firefighters work 30% more hours per year and remain more than 34% below NOPD. Mr. Mischler stated that NOPD deserves everything they get and should be paid more. Firefighters are continually reminded about their state mandated longevity increases and how they are the only city employees who get them, however firefighters have been left out of citywide raises and exempted from things like merit pay. Firefighters have been pushed to the back of the line time and time again. Mr. Mischler then asked the Commission to approve a 25% increase for all members of the New Orleans Fire Department and grant firefighters the opportunity to make their case to the City Council. Commissioner McClain asked if there is any additional compensation to Firefighters that does not come from the city. Mr. Mischler responded that state supplemental pay is not factored in to the base hourly rate, but that Police Officers receive state supplemental pay as well. John Gallagher, representing the Fire Union, stated that we used the base hourly rate because Firefighters share the same millage and state pay as Police. Commissioner Tetlow noted that firefighters are paid to be at the station and sleeping whereas police, when they are working are not doing that; they are on duty doing work the whole time. That is why the overtime is calculated differently under federal law. Mr. Mischler stated that when a Firefighter leaves a call their work is not done. Commissioner Tetlow asked if when firefighters are at the fire station overnight if they are required to be awake. Mr. Mischler responded, no but in many instances they are. Paperwork has to be finished before 7 am the next morning no matter how many calls are made.

Commissioner Tetlow asked Mr. Mischler if he thought the federal over time is wrong. Mr. Mischler responded that the city uses the maximum allowable whereas other municipalities do not. Commissioner Moore noted that the whole of it is that firefighters are ready to be prepared to respond to fires and other emergencies. They are required to be away from families. It may not be a fair comparison to compare whether or not they are actively engaged at any one point in the day. John Gallagher stated that there is a commonality between police and fire in those target cities. It seemed like a more comprehensive comparison than just comparing salaries. Mr. Mischler noted that in some instance SSA used different cities.

Robert Hagmann stated that there is comparability between the job requirements for police and fire, but the issue is that with Police you need to cast a wider net due to recruitment issues. The relevant labor market is changing. You are recruiting for police nationwide as opposed to fire which is local. Historically these positions were very closely related. Mr. Gallagher stated that this is not aimed at saying Firefighters should make what Police Officers make, it is saying that there is a common disparity between police and fire and we are far off from that disparity. Mr. Mischler stated that fire recruits from across the country. He stated that he finds it disingenuous that we say we have so many people clamoring to get on the department, but we find it hard to fill a recruit class of 25 to 30 people. Mr. Hagmann stated that like other city positions, Fire is losing ground because even with longevity the salaries are not keeping up with inflation. The 10% that the Commission approved today is going to be a step in the right direction. Commissioner McClain asked if there a recommendation from staff. Director Hudson stated that this is the first time we have seen this proposal, so staff is not prepared to comment on this. Commissioner McClain asked what percentage of the Fire Department staff will receive the 10% in Phase I. Director Hudson stated that she does not believe that they are included in Phase I, but the Commission did pass the entire pay plan which includes them. Mr. Mischler stated that this is not based on getting into the 2018 budget, it is a preliminary step to get into the 2019 budget. He noted that just because phase one is the lowest paid, they may be in line with national averages. Director Hudson reminded the Commission that the administration and transition team have asked for a moratorium on adopting increases at this time until the new administration has an opportunity to weigh in on it.

Thomas Meagher, a 35 year Captain at NOFD, stated that his last city pay raise was in 2008 and his longevity stopped at year 23. He noted that regarding

the issues of sleeping on the job, most emergency calls come at night especially medical calls. It does not have to be a working fire. Your adrenalin gets elevated with each call and you cannot go back to sleep. That's one of the reasons firefighters are more likely to suffer from heart attacks. After 30 seconds you have to be up and dressed and going full speed with lights and sirens, even if it is a false alarm. We are there when you need us. Mr. Mischler added that Firefighters have increased rates of heart disease, lung disease and cancer. Andrew Monteverdi, a Firefighter, stated that there has been a 100% increase in call volume which also leads to more call outs during the night and more paperwork.

Commissioner McClain stated he wants to continue to advocate for increases with the Fire Department. He wants to work to be a part of budget deliberations. Mr. Mischler noted that the Superintendent of Fire had attended the Commission's November meeting to advocate for increases. Mr. Mischler then presented the Commission with information regarding a cost breakdown. Commissioner Tetlow asked the staff to look at this more closely. Mr. Mischler asked for an opportunity to address the Council. Commissioner Craig stated that she appreciates that Fire came this early in the budget process. Will do what we can to push the issue. Mr. Gallagher stated that we don't want to end up being part of phase IV and then close the door on this. That will not alleviate disparity. Commissioner McClain made a motion to direct the staff to work on some recommendations. Commissioner Moore seconded it. Commissioner Tetlow stated that the Commission does not need a motion to do so. Mr. Greene agreed with Commissioner Tetlow. Director Hudson stated she could do a review of the fire union's proposal relative to market. Commissioner McClain stated that he is not asking for that. This does not need to be vetted for accuracy. He stated he want staff to come up with some language and a process for the Commission to advocate for an increase for the Fire Department. Director Hudson stated that the advocacy could come from the Commissioners or staff meeting with the administration and letting them know that you support this. Commissioner McClain stated that's what he would like to do. Director Hudson asked if Commissioner McClain was saying he does not want staff to look at the proposal. Commissioner McClain responded that he certainly wants staff to look at it, but what he is asking for is an opportunity to advocate for it before the Council and the incoming administration. Director Hudson asked if the Commission would like to write a letter to the Council and administration. Commissioner McClain responded that it could be a part of it, but he also wants to address them personally. Mr. Hagmann noted that a pay policy in the current proposal

moves the pay plan by 1.25% every year which gives an emolument that did not previously exist. Commissioner McClain, stated that he thinks the fire union made a request for 25%. He clarified that he is not saying it should be 25%, but that is different from that step increase Mr. Hagmann is talking about. The point is to get additional compensation beyond the 10% that was proposed because we do not even know that is going to happen. It depends on the position of the new Council and administration. Commissioner Tetlow existed the meeting during item #5(d).

Item #5(e) was a request from Karen Fortuna, Gary Joseph II, and Michele Sigur to address the Commission regarding stagnation and unfair and unequal promotional opportunities. Director Hudson stated that the Finance Director, Beverly Gariepy sent an email stating that she and the Deputy Director of Finance were not available for the meeting and asked that the item be tabled. Director Hudson stated that her understating is the Ms. Gariepy wanted staff to consider using the salaries approved for the analyst series and consider the impact of overtime. Director Hudson noted that even if you propose something, the Council is not readily available to receive anything at this time. Romy Samuel, Revenue Collector, asked how that addresses the issue of turnover, recruiting and retention. Commissioner Craig stated that this is a pay issue and the Commission's hands are tied. She noted that the Analyst increases were not approved by the Council. Director Hudson stated that staff could continue to work on it. The document pending before the Council would then need to be amended once an agreement is reached. It would be during Phase V with the Analysts. Mr. Hagmann stated that staff is willing to recommend what has been recommended for the Analyst series. They will be going at the same time as the Analysts. Courtney Bagneris, Assistant Chief Administrative Officer, then stated that the group is waiting for the overtime issue to be settled. Director Hudson stated that staff had requested the information and was waiting for it. Mr. Hagmann stated that the staff provided data on how the original proposal was beneficial to employees, but Finance did not agree. They had a different interpretation and different data. Finance was going to submit that to staff. Ms. Samuel said that the proposal was for straight time, so there was no benefit. She stated she used the same numbers Mr. Hagmann did and felt that Mr. Hagmann could do his own calculations. Director Hudson stated that staff had asked to get the actual overtime earnings of the employees in that unit. Ms. Samuel stated that Finance had asked for a meeting. Commissioner McClain asked Ms. Samuel why Finance had not provided the requested information. Ms. Hudson noted that the increases to the Analyst series were more than staff had

recommended, so it should help with the overtime. Ms. Samuel stated that the information is available, but when they submit something Civil Service changes something. Ms. Bagneris stated that that information is already available. Commissioner McClain stated if the information is available and it should be given to staff so that a meeting can be set. Director Hudson stated that she has spoken with the Director of Finance who said that she realized after what had happened with the Analyst series that this could not be moved on now, so she was willing to defer it and work on it in the meantime.

Item #5(f) was the unauthorized transfer of Ms. Antoinette Bradstreet from the Bureau of Accounting to the Retirement Office. Director Hudson stated that the Director of Finance was not able to attend, but that she had an objection and would be at the next meeting to discuss the item. Ms. Antoinette Bradstreet stated that in October 2017 she was transferred to Retirement on an indefinite basis. She felt she was working below her classification and would be looked over for promotions. She noted that she was doing busy work as compared to what she was doing in the Accounting Division of Finance. In December she was notified by Civil Service that her classification was not allocated to Retirement and that she should return to her original assignment immediately. She stated that at that time Ms. Gariepy stated that she has the right to move staff around as she sees fit. She stated that she was concerned about retaliation and had received her worst performance evaluation ever in April of 2018 because she had brought the issue to the attention of Civil Service. Commissioner McClain asked Ms. Bradstreet what she was asking the Commission to do. Ms. Bradstreet responded that Principal Accountant is not awarded outside of the Accounting Bureau of Finance. Director Hudson stated that staff had reviewed Ms. Bradstreet's job duties against those of Principal Accountant and had agreed that she was working out of her job classification. Staff had recommended that she be returned to Principal Accountant in the Bureau of Accounting. That information has been provided to the Appointing Authority, Ms. Gariepy, who was unable to attend the Commission meeting. Commissioner Moore moved to accept the staff's recommendation to return Ms. Bradstreet to Principal Accountant in the Bureau of Accounting. The motion was seconded by Commissioner McClain and approved unanimously. The Commission and staff agreed that it should be done immediately.

Item #5(g) was the creation of the new classification of Court Evidence Clerk for Municipal and Traffic Court. Mr. Hagmann stated that the position would

be responsible for delivering evidence. Mr. Hagmann stated that the position would be at pay grade 53, step 09 with a rate of pay of \$28,173. Commissioner Craig then left the meeting and the Commission briefly lost a quorum. The Commission then skipped to item #5(k).

Item #5(k) was a request from Derrick Moore, Sewerage and Water Board Networks Planner Scheduler for an exception to Rule III, Section 4.1 to allow the extension of temporary pay beyond three months. Mr. Hagmann stated that the rule has a three month cap. The pay needs to be extended until S&WB can fill the position. Mr. Moore stated that he had been acting in the higher capacity since February 2nd. He noted he is on the eligible list for the position. Director Hudson noted that staff is in agreement. Commissioner Craig then rejoined the meeting. Commissioner McClain moved to approve the request. Commissioner Moore seconded the motion and it was approved unanimously. Mr. Moore asked how long the pay would continue. Commissioner McClain stated that if the rules cause the need for another extension it should be made at that time.

The Commission then returned to Item #5(g) the creation of the new classification of Court Evidence Clerk for Municipal and Traffic Court. Commissioner McClain moved to approve the request. Commissioner Moore seconded the motion and it was approved unanimously.

Item #5(h) was a request from the Recreation Department to grant a hiring rate for the Recreation Administrator II (Aquatics Director). Mr. Hagmann stated that the department had been working diligently to recruit people, but a salary adjustment was being requested. Commissioner McClain moved to approve the request. Commissioner Moore seconded the motion and it was approved unanimously.

Item #5(i) was a request from the Library to grant retroactive extraordinary qualifications pay based upon Rule IV, Section 2.7(d) to Emily Painton. Commissioner McClain moved to approve the request. Commissioner Moore seconded the motion and it was approved unanimously.

Item #5(j) was a request from the Library for an exception to Rule III, Section 4.1 to allow an extension of temporary pay beyond three months for Donise White-Smith. Commissioner Moore moved to approve the request. Commissioner McClain seconded the motion and it was approved unanimously.

Item #6(a) under Recruitment and Selection Matters was the approval of examination announcements 9855-9880. Commissioner McClain moved to approve the examination announcements. The motion was seconded by Commissioner Moore and approved unanimously.

Item #7 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Commissioner McClain called for public comment. There being no public comment, Commissioner McClain moved to approve the extensions. Commissioner Moore seconded the motion and it was approved unanimously.

Eric Melancon, Deputy Chief of Staff at NOPD, then requested to add the item of an unclassified Director of Communications at NOPD to the agenda. Mr. Melancon stated that the Superintendent had made the request, but there was a pause placed on it due to the transition. NOPD had since spoken to the Mayor-elect and she agrees with this proposal. Director Hudson confirmed that she had received an email from John Pourciau on the Mayor's transition team in support of the request. Commissioner McClain asked if the staff had a chance to review the proposal. Director Hudson stated that staff had not due to the pause on the item. Commissioner McClain moved to add an item to the agenda regarding the creation of an unclassified Director of Communications at NOPD to the agenda. Commissioner Moore seconded the motion to add the item and it was approved unanimously. Commissioner McClain then moved to take the item under advisement. Commissioner Moore seconded the motion. Mr. Melancon stated that the current director of communication is essentially on loan from the Mayor's staff. NOPD is trying to institutionalize the civilization effort. The position is similar to the position recently created by the Commission for the S&WB. Director Hudson asked Mr. Melancon why did NOPD wait until this point to request this. Mr. Melancon stated that he did not realize this until the PERFORM system came online. Commissioner McClain stated that wants to give staff time to vet it and make a recommendation.

Donovan Livaccari stated that he is opposed to any additional unclassified positions. He noted that NOPD had just added 16 to a position who historically had 5, now we are up to 20. He stated that Commission rules require that the position not be fit to be performed by classified employees. Public Affairs have historically been the function of a Police Officer. Also, the rules require that the position have considerable discretion in policy

making and authority which is not subject to further review or modification. It is disingenuous to insist that any person in a press capacity is going to have unreviewable policy making discretion. Mr. Melancon stated that NOPD has had this arrangement for the last four years. Mr. Hagmann stated that the position has not been vetted; staff needs to work to get a better assessment of it. Director Hudson asked Mr. Melancon if it is possible to work with NOPD on a classified job.

Mr. Hagmann noted the distinction with the S&WB position is that the S&WB does not report to the Mayor, they are an entity unto themselves. Director Hudson also noted that the position at S&WB is at the Deputy Director level. The position being requested by NOPD is not at that level. Mr. Melancon stated that NOPD believes that there are policy implications in regard to this position as in management over press policy and his management of the overall direction the Superintendent puts forward, so we are requesting an unclassified position. Mr. Livaccari stated that if this person is going to be working to push the Superintendent's agenda he doesn't think that he is going to be exercising his independent policy making authority to tell the Superintendent which direction he is going to go. Commissioner McClain stated that it must meet the two prongs of the test. He noted that the Commission will be waiting for the staff's recommendation. Mr. Livaccari stated that the fact that this may be justifiably an unclassified position in the Mayor's Office doesn't translate to the Police Department. Mr. Melancon noted that's the arrangement that has been under this administration. The next administration would like for that job duty to be transferred to the Police Department. The motion to take the matter under advisement was then approved unanimously.

Item #8(a) under Communications was a report on ADP ongoing issues. This item was deferred.

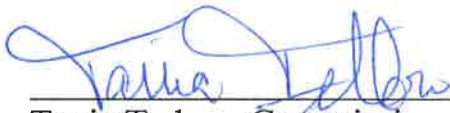
Item #8(b) was a report on Civil Service budget and staffing. Director Hudson stated that she had spoken to CAO Judy Reese-Morse and Ms. Reese-Morse said she would look into the space issue. Director Hudson asked for authorization from the Commission to use \$21k of the \$40k in funds earmarked to pay for outside counsel for Great Place to Work litigation to pay for space rental as an interim measure. Commissioner McClain stated that the Commission should think about strategies for getting more resources for staff including more compensation and space. Commissioner McClain moved to give Director Hudson permission to use funds from the outside counsel budget

for occupancy costs if necessary. Commissioner Moore seconded the motion and it was approved by all.

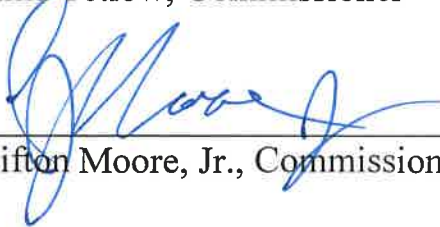
There being no additional business to consider, Commissioner Moore moved for adjournment at 3:53 p.m. The motion was seconded by Commissioner McClain and approved unanimously.



Ronald McClain, Vice Chairperson



Tania Tetlow, Commissioner



Clifton Moore, Jr., Commissioner