

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
FRIDAY, AUGUST 15, 2014

The regular monthly meeting of the City Civil Service Commission was held on Friday, August 15, 2014 at 1340 Poydras Street, Suite 964. Present were Commission Chairman Kevin Wildes, S.J., and Commissioners Joseph S. Clark, Michelle D. Craig, Edward P. Cohn and Ronald P. McClain. The Chairman convened the meeting at 10:02 a.m. and proceeded by sounding the Commission's docket. At 10:53 a.m., on motion of Commissioner Clark, with no opposition, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. The Commission then moved to the City Council Chambers, First Floor, City Hall. At 12:15 p.m., the Commission reconvened and proceeded with the business portion of the meeting.

Director Hudson provided the audience with a little background information. She announced that at the June 16, 2014 meeting, the Civil Service Commission provided instructions for turning in responses to the Great Place to Work Initiative (GPTWI). The Commission set a deadline of July 7, 2014 for the Civil Service Department to provide a response to the administration's June 12, 2014 proposal. All other groups and organizations had until July 14, 2014 to submit their responses to the Civil Service Department. She informed the Commission that responses were received from the following groups: Fraternal Order of Police (FOP), Police Association of New Orleans (PANO), New Orleans Fire Fighters Association (NOFFA), Concerned Classified City Employees (CCCE), New Orleans Convention and Visitor's Bureau, Laitram, Business Council of New Orleans and the River Region, Urban League and the Black Organization of Police (BOP), who turned theirs in after the deadline. She expressed that a response had not been turned in from the administration.

The first item on the agenda was the minutes of the June 12 and June 16, 2014 Commission meetings. The minutes of the meetings were approved unanimously on motion of Commissioner Clark and seconded by Commissioner Cohn.

Item #2 on the agenda was the Great Place to Work Initiative. Members of the Civil Service staff gave a presentation in response to the administration's June 12, 2014 proposal. Ms. Amy Trepagnier, Personnel Administrator of the Recruitment and Selection Division, addressed the Commission informing them that her

presentation was to provide some information on the rule of three, the flexibilities that are already in place in the Civil Service system and the importance of using valid examinations for selection. In her presentation, she referred to Article X of the State Constitution and Civil Service Rule VI, Section 3.1 regarding the rule of three. Ms. Trepagnier explained that the rule of three was to help prevent political patronage and illegal discrimination by giving a firm basis for selection based on performance and not subjective criteria. She further explained that the Commission adopted “banding” as a method to increase management flexibility. She explained that banding is used in conjunction with the rule of three and provides more candidates to an appointing authority to be used in the selection process.

Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation, addressed the Commission regarding the harm in abolishing the rule of three. Ms. Stolp addressed the administration’s statement that the rule of three leads to adverse impact. Ms. Stolp provided information on actual examinations showing that the rule of three has not lead to adverse impact. Ms. Stolp concluded that there is more harm in abolishing the rule of three than in keeping it and that the administration’s recommended rule makes the hiring and promotional process non-competitive for all Civil Service appointments.

Mr. Robert Hagmann, Personnel Administrator, addressed the Commission informing them that staff met with members of the administration relative to the proposed rule changes. He explained that staff agreed with some of the changes, could not agree with others and was able to reach a compromise with others. Mr. Hagmann gave highlights of alternative rules that staff could recommend regarding pay.

Chairman Wildes asked for an electronic copy of all information that was presented at the meeting.

Next, Ms. Alexandra Norton, Service and Innovation Manager, addressed the Commission informing them that the administration met with all of the employee unions in regards to the rule proposals. She introduced Mr. Bill Rouselle of Bright Moments and explained that he was asked to help conduct a number of fair and productive meetings and that he was present to report on his observations. Mr. Rouselle then gave a handout to the Commissioners and informed them that he had met with the following groups: Police Association of New Orleans (PANO), Fraternal Order of Police (FOP), Black Organization of Police (BOP), Firefighters Association and Fire Chief’s Association, Black Association of Firefighters (BANOFF), Service Employees International Union (SEIU), Concerned Classified

City Employees (CCCE) and the Civil Service Staff. Mr. Rouselle shared some of the observations that were made during these meetings. Those observations included the following: that there is a high level of distrust among city workers about giving department heads and supervisors too much power to hire, fire, promote and discipline employees; the rule of three boils down to a disagreement on the interpretation of the state constitution and may have to be settled through litigation; employee groups support increases in pay and more transparent promotion policies, but have concerns about fairness in making those decisions. Bright Moments presented the Commission with some recommendations, which included the following: Identifying resources to adequately train department heads and supervisors on Civil Service policy and procedures; developing an anonymous evaluation procedure for employees to evaluate their supervisors; removing the “rule of three” and replacing it with a transparent procedure that would require the department heads to provide a job related reason for not selecting a person on the list of qualified employees beginning at the top of the list; developing policies and procedures that will allow for “special pay” for exceptional employees and candidates that conform to the Uniform Pay Plan; building the trust of employees; and continuing to move forward with effective and transparent reform in the civil service system while providing oversight and evaluation of rule changes and their impact on workers and the administration. Ms. Norton informed the Commission that the administration is taking Bright Moments’ recommendations under advisement.

Next, the Commission heard comments from speakers, both for and against the Great Place to Work Initiative. Commissioner McClain asked Ms. Norton for the administration’s position on addressing each rule independently. Ms. Norton expressed that the administration would prefer for the rules to be passed in a group because some of the rules are contingent upon another. Chairman Wildes asked that the administration group the rules interdependently. Commissioner Craig addressed the audience expressing her appreciation for everyone’s comments. She then asked anyone who had case law to support their interpretation of the rule of three to forward it to the Commission so that they can be guided by those principles.

Item #3 on the agenda was Classification and Compensation matters. Item #3(a) was the Civil Service staff report on ICOs within the Police Department. This item was deferred while the Commission is awaiting its attorney’s opinion regarding the matter. Director Hudson stated that this matter had been taken under advisement at a previous meeting while the Commission was awaiting a response from its attorney regarding the report from the Personnel Director and the report from the Law Department. Chairman Wildes responded to this matter informing everyone

that the Commission has directed the Personnel Director to reallocate the positions occupied by the persons discharging the job duties of ICOs in a classification within the pay and classification plan encompassing those job duties to create a new classification at a pay rate appropriate to the same job duties. He further stated that the Police Department's motion to strike was denied to the extent that the pleadings can be read and the Police Department's motion to stay was denied.

Item #3(b) 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. At the last Commission meeting, the Commission asked that someone from the administration give a report on its determination in this matter. The administration requested that this item be deferred.

Item #3(c) was the establishment of minimum qualifications, job specifications and allocations for several specific Job Classifications within the New Orleans Recreation Development Commission (NORDC). Director Hudson informed the Commission that several new job classifications and salaries were approved at the last meeting. She informed the Commission that staff and members of NORDC had been meeting to establish minimum qualifications for these positions. Director Hudson informed the Commission that staff and NORDC have come to an agreement on the minimum qualifications for the new positions and are asking for the Commission's approval. Ms. Stolp confirmed that she worked with representatives of NORDC on twenty-two job classifications and that they were in agreement with the minimum qualifications for these positions. On motion of Commissioner McClain and seconded by Commissioner Craig, the Commission voted unanimously to approve the minimum qualifications, job specifications and allocations for these positions.

Item #3(d) was a request from the CAO's Department of ITI to hire above the minimum for the IT Specialist III (Project Manager) position based upon superior qualifications as outlined in Rule IV, Section 2.7. Ms. Shelly Stolp 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. Kent Westmoreland, IT Specialist III (Project Manager), of \$69,771, 18.75% above the minimum. On motion of Commissioner McClain and seconded by Commissioner Clark, the hiring rate was approved unanimously.

Item #3(e) was a request from CAO's Department of ITI to hire above the minimum for the IT Supervisor position based upon superior qualifications as outlined in Rule IV, Section 2.7. Ms. Stolp 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. Theadore Nass, IT Supervisor, of \$77,061, 18.75% above the minimum. On motion of Commissioner Cohn and seconded by Commissioner McClain, the hiring rate was approved unanimously.

Item #3(f) was an introduction of the 2014 Commissioned Police Salary Survey. Mr. Robert Hagmann, Personnel Administrator, addressed the Commission reminding them that staff was asked to review police compensation for its commissioned personnel. Mr. Hagmann gave a brief overview of staff's findings. Staff collected pay practices and pay data on police benchmark classifications including Police Recruit, Police Officer I, Police Officer IV, Police Sergeant, Police Lieutenant and Police Captain. Both local, as well as, regional organizations participated in this study. Mr. Hagmann informed the Commission that staff will meet with stakeholders in September and will present recommendations to the Commission at the September Commission meeting. Mr. Hessler addressed the Commission and spoke in favor of the police study in order to increase police pay. Mr. Livaccari also addressed the Commission stressing the constant decline in police manpower and the need for the study to attract potential police officers. Ms. Karen Sepco, resident and downtown business owner; Mr. John Casbon, founder of the New Police and Justice Foundation, and Mr. Simon Hargrove, representative of the Black Organization of Police (BOP), spoke in favor of the salary survey and ultimately paying an increased wage to New Orleans police officers.

Item #3(g) was a request from NOFD for conversion of sick leave relative to Rule VIII, Section 2.5 (c) on deceased Firefighter Michael O'Neill. New Orleans Fire District Chief Roman Nelson addressed the Commission requesting that Firefighter O'Neill's unused sick leave be paid at 100% in accordance with Civil Service Rule VIII, Section 2.5 (c). He stated that Firefighter O'Neill's death was due to a heart related disease that was determined to be connected with his employment. He further noted that Mr. O'Neill's death meets the requirement of the Louisiana Firefighter Heart and Lung Law, which states that "Any disease or infirmity of the heart or lungs which develops during a period of employment in the classified fire service in the state of Louisiana shall be classified as a disease or infirmity connected with employment. The employee affected, or his survivors, shall be entitled to all rights and benefits as granted by the laws of the state of Louisiana to which one suffering an occupational disease is entitled as service connected in the line of duty, regardless of whether the fireman is on duty at the time he is stricken with the disease or infirmity. Such disease or infirmity shall be presumed, prima facie, to have developed during employment and shall be presumed, prima facie, to have been caused by or to have resulted from the nature of the work performed

whenever same is manifested at any time after the first five years of employment.” Ms. Shelly Stolp explained that the Civil Service Rule VIII, Section 2.5 (c) states that the employee had to die either as the result of an on-the-job accident or from injuries which can be unequivocally traced to an on-the-job accident. The staff was not sure if Mr. O’Neill’s circumstance met the criteria outlined by the Rule and advised the Commission to seek an attorney’s opinion. Ms. Bonnie Wiley, attorney on behalf of Firefighter O’Neill’s family, addressed the Commission in support of the matter. After hearing further discussion on the matter and Ms. Wiley’s comments, Commissioner McClain moved to approve the request. The motion was seconded by Commissioner Cohn and was approved unanimously.

Item #4 on the agenda was Recruitment and Selection Matters. Item #4(a) was Examination Announcements #8946 through #8959. On motion of Commissioner McClain and seconded by Commissioner Clark, the announcements were approved unanimously.

Item #5 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 McClain and seconded by Commissioner Clark.


Item #6a on the agenda was an update on status of establishing a Citywide Compensatory Time Policy. Director Hudson explained that staff was still getting feedback regarding this item.

Item #6b on the agenda 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 explained that staff was still waiting for the Fire Department to provide information that was requested by staff. Mr. Terry Hardy, Fire District Chief and Mr. Stephen Schmitt, Fire District Chief, addressed the Commission regarding their requests to be retroactively granted a temporary rate of pay for working out of their job class. Mr. Nicholas Felton, President of the Fire Fighters Association, also addressed the Commission on the matter. Director Hudson informed the Commission that staff is preparing to make a recommendation at the September meeting that should resolve the matter.

Item #6c on the agenda was an update on the Investigation of Fire Department pay practices as it relates to Holiday Pay and Leave Accrual. Director Hudson informed the Commission that a part of staff’s recommendations for the September Commission meeting regarding item #6(b) will also address this item.

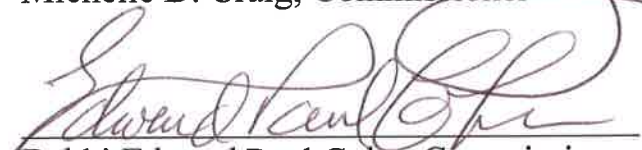
Item #6d on the agenda was a report on the ADP Implementation process. Ms. Shelly Stolp expressed that staff is continuing to have problems with the ADP payroll system. She stated that some of those problems include position control, data entry errors and employees not being paid. Mr. Norman Foster, Director of Finance, Mr. Jeremy Stockwell, ADP Director, and Mr. Ed Kerkow, Deputy Chief Information Officer, were present to address the issues with ADP. Commissioner McClain asked for an explanation and a timeframe for when the problems with the system may be resolved. Mr. Stockwell informed the commission that he was working with ADP and Civil Service to address the issues that Civil Service has brought to their attention. Mr. Foster informed the Commission that a Payroll HR governance council was formed and that they are working through these issues. Mr. Kerkow addressed the Commission informing them that the Governance Council has a mechanism in place to prioritize these issues and to address them in order of priority. After more discussion on the implementation process, Director Hudson informed the Commission that staff is waiting for ITI to get back with staff in order to move on the NEOGOV project.


With no other communications to consider, on motion of Commissioner McClain and seconded by Commissioner Craig, the meeting was adjourned at 3:14 p.m.


Rev. Kevin W. Wildes, Chairman


Joseph S. Clark, Commissioner


Michelle D. Craig, Commissioner


Rabbi Edward Paul Cohn, Commissioner


Ronald P. McClain, Commissioner